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Overview

The Third Committee considered the situation of human rights defenders under agenda item 70(b).¹ This year members of the Third Committee were clearly divided in their responses to the report and presentation by the Special Representative of the Secretary-General (SRSG) on Human Rights Defenders, Ms Hina Jilani. The confrontational atmosphere of the interactive dialogue saw States belonging to the Western European and Others Group (WEOG) strongly in support of her mandate and report, while members of the Non-Aligned Movement (NAM) questioned her impartiality and debated whether she was overreaching her mandate.

This split between WEOG and NAM States carried over into the negotiations on the biennial resolution on human rights defenders, which was again sponsored by Norway.² Norway managed to retain much of the text from previous years and as a result of intense negotiation, largely avoided attempts to insert new language that would have undermined the intent of the resolution. However, the strength of the criticism of the SRSG from NAM States, particularly Iran, did result in a weakening of the language in the resolution regarding her report, which was 'noted with appreciation', rather than welcomed, as had been the case last year. The resolution also included an indirect reference to the Code of Conduct recently adopted by the Human Rights Council (HRC). By inserting this new language, States appeared to single out the SRSG for excessive control.

¹ Agenda item 70: Promotion and protection of human rights (b) Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms.

² A/C.3/62/L.33/Rev.1. The resolution's full title is 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.'

No other General Assembly (GA) resolutions mentioning the mandates of the special procedures included such a reference.

Despite the level of hostility towards the SRSG, there were also important positive signs about the importance that the GA attaches to her role and the work she is doing. Not least of these is the fact that the resolution received more sponsors than in previous years and was adopted by consensus in both the Third Committee and the GA. These are positive indicators for the renewal of her mandate by the HRC in 2008.

Further, the harassment, persecution and intimidation that many human rights defenders have experienced in the last year were also addressed in the four country-specific resolutions adopted by the GA.³ The resolutions relating to the human rights situation in Myanmar⁴, the Islamic Republic of Iran⁵, Democratic People's Republic of Korea⁶ (DPRK) and Belarus⁷ each expressed 'deep' or 'serious concern' at the manner in which governments were targeting human rights defenders and actively seeking to restrict or remove their rights to freedom of expression, association and movement. In each resolution the various governments were 'urged' or 'called upon' to stop these violations and in the case of Belarus, to hold the perpetrators accountable.

The General Assembly also considered reports by Special Rapporteurs on the situation of human rights in the Sudan⁸ and Myanmar⁹ that drew particular attention to the 'severe restrictions' on fundamental freedoms as well as the human rights violations that human rights defenders are subjected to. In both cases the special procedures called on the governments to uphold their human rights obligations by ending these restrictions and violations. These reports and country-specific resolutions are evidence of the need for the SRSG's mandate and served to reinforce the concerns and recommendations she brought to the Third Committee.

Separate to the meeting of the Third Committee, Norway co-hosted a side-event at the U.N. with a group of New York-based human rights NGOs on the theme of *Women Human Rights Defenders*.¹⁰ Held on 24 October 2007, the side-event attracted a large audience¹¹ and provided an opportunity to launch and discuss a new manual entitled *Claiming Rights, Claiming Justice: A Guidebook on Women Human Rights Defenders*.¹²

³ These resolutions were dealt with under agenda item 70(c) of the Third Committee which is entitled: Promotion and protection of human rights (c) Human rights situations and reports of special rapporteurs and representatives. They are analysed in more detail in the *New York Update* on country specific matters that is available from our website: <http://www.ishr.ch>

⁴ See A/C.3/62/L.41: OP2(b) which expresses 'grave concern' at the 'continuing high number of political prisoners', including human rights defenders; and OP5(g) which 'calls upon the Government' to allow human rights defenders to pursue their activities unhindered and to ensure their safety, security and freedom of movement in that pursuit.' Available at: <http://www.un.org/ga/third/62/propolist.shtml>

⁵ See A/C.3/62/L.43: OP2(e), which expresses 'very serious concern' at the targeting of women human rights defenders through methods of intimidation and violent repression; OP2(f) which expresses 'very serious concern' at the increasing discrimination of religious or ethnic minorities and their defenders; OP2(g), which expresses 'very serious concern' at the increasing harassment, intimidation and persecution of human rights defenders; and OP3(h) which 'calls upon the Government' to end the harassment, intimidation and persecution of human rights defenders. Available at <http://www.un.org/ga/third/62/propolist.shtml>

⁶ See A/C.3/62/L.37/Rev.1: OP1(b)(iii) concerned with the restriction of freedoms of expression, peaceful assembly, and persecution of individuals exercising their freedom of opinion and expression. Available at: <http://www.un.org/ga/third/62/propolist.shtml>

⁷ See A/C.3/62/L.51: OP1(a) which expresses 'deep concern' over the silencing of human rights defenders through a lack of due process and arbitrary detention; OP1(c) which expresses 'deep concern' at Belarus' failure to meet international standards governing the treatment of human rights defenders; OP2(b) which 'urges' the government to cease the harassment and intimidation of human rights defenders; and OP2(g) which urges the government to prosecute those who have violated the rights of human rights defenders. Available at: <http://www.un.org/ga/third/62/propolist.shtml>

⁸ A/62/354: Executive Summary and paragraphs 5 and 87(i)(h). Available at <http://www.un.org/ga/third/62/docslst.shtml>

⁹ See A/62/223: Executive Summary and paragraphs 27, 32 and 67(d). Available at <http://www.un.org/ga/third/62/docslst.shtml>

¹⁰ The Human Rights NGOs co-hosting the event were: Human Rights First, International Service for Human Rights, and the Centre for Women's Global Leadership.

¹¹ Among the States represented at the meeting were: Norway, the Ambassador to the U.N. from Brazil, Nigeria and Indonesia.

¹² The project that developed the manual was coordinated by the Asia Pacific Forum on Women, Law and Development, and involved many other human rights NGOs from around the world. The manual is available at: <http://www.defendingwomen-defendingrights.org/pdf2007/book3Neo.pdf>

The authors of the manual acknowledge Hilina Jilani in her capacity as the SRSG as the inspiration 'for us all to stand in defence of our rights as defenders and to initiate the campaign on women human rights defenders.'

Report of the Special Representative of the Secretary-General on the situation of human rights defenders¹³

The SRSG's report to the General Assembly¹⁴ is the seventh report to focus on the situation of human rights defenders. The first section of the report concentrates on the legal framework and monitoring mechanisms to protect the right to protest at both the international and regional levels. The second section of the report examines the SRSG's work in relation to the right to protest, paying particular regard to how States should give effect to this right when vulnerable groups of human rights defenders seek to exercise it, including women human rights defenders. Finally, the report recommends that States take an active role in strengthening and tolerating the freedom to protest coupled with the enforcement of a code of conduct on law enforcement officials. The SRSG requests that States address the protection gaps outlined in her report, in particular, the most vulnerable subset of human rights defenders, women.

Presentation of the report of the Special Representative of the Secretary-General on the situation of human rights defenders

The SRSG addressed the Third Committee on 25 October 2007, stating that her present report focused on the right to peaceful protest as a legitimate manifestation of the fundamental freedom of expression, assembly and movement. Ms. Jilani said a symptom of the absence of democratic freedom is the denial of the right to assembly. She referred to particular groups of human rights defenders that currently face gaps in protection and are vulnerable to human rights violations, including women defenders, student activists, trade unionists, the anti-globalisation movement, as well as defenders working on lesbian, gay, bisexual and transgender (LGBT) rights and land rights. The forms of retribution and repression experience by these groups include excessive use of violence, arbitrary arrest and detention, and in some cases, death.

Other trends of concern to the SRSG included:

- governments' use of counter-terrorism measures in the post-September 11 period as a pretext to restrict the right to protest and freedom of assembly. Anti-war and peace groups are subject to harassment and intimidation because of intrusive surveillance of their activities by government agencies; and
- the criminalisation of unauthorised peaceful demonstrations, which has an intimidatory effect on the broader society.

The SRSG called attention to the situation in Myanmar, which is of grave concern and the most glaring illustration of the suppression of the freedom to protest.

She concluded by emphasising to States that an individual's ability to exercise their right to protest impacts on people's ability to promote and protect their human rights more generally. As her recommendations suggest, the increasing suppression of this fundamental right needs to be addressed by State law enforcement agencies, the judiciary and civil society organisations, to ensure that human rights defenders can go about their work.

Interactive Dialogue

¹³ The mandate was established by the Commission on Human Rights in 2000 (*Resolution 2000/61*) and renewed in 2003 (*Resolution 2003/64*) for a period of three years. In *Decision 1/102*, the HRC extended all mandates and mandate holders of the CHR exceptionally for one year. The mandate will therefore be considered again by the HRC at its 7th session in March 2008.

¹⁴ A/62/225. Available at: <http://daccessdds.un.org/doc/UNDOC/GEN/N07/457/26/PDF/N0745726.pdf?OpenElement>

Twelve States took part in the interactive dialogue with the SRSG¹⁵ which was more hostile towards the mandate holder than in previous years. This was despite the fact that most States expressed support for the work of the SRSG, especially the WEOG States. Portugal (on behalf of the E.U.), Norway, the Netherlands, Canada, Finland and the U.S.A. expressed support for the SRSG's work and many asked her how they could better protect human rights defenders, especially those defending the rights of lesbian, gay, bisexual and transsexual people. Concern was also expressed about the need to protect women human rights defenders, given the serious retribution and gender-based violence many face as a result of their work. Canada asked the SRSG to provide advice on what assistance the international community could provide to peaceful protesters in Zimbabwe who had been arbitrarily detained after calling for free and fair elections.

In contrast, the NAM States were overtly hostile towards the SRSG and accused her of exceeding her mandate. Iran, Chile, Myanmar and the Russian Federation disagreed with or in the case of Iran, expressed contempt for the SRSG's work and her mandate. The delegate from Iran asked the SRSG to elaborate on the source of a valid international authority for a right to protest. Further, he stated the report did not include safeguards for Member States to ensure stability and security. Lastly, he stated the SRSG was performing well beyond her mandate and that the Human Rights Council should replace her mandate with a 'high priority issue'.

The Russian Federation concurred with Iran's view that the SRSG overstepped her mandate in the latest report, and had produced a 'dubious' set of recommendations. The Russian delegate went on to query Ms. Jilani about what punishment should be imposed by the State if a human rights defender exceeds his or her function. Echoing this question, Cuba called on the SRSG to provide an analysis of the duties of individuals and groups to operate legally in carrying out their activities in her next report.

The representative of Myanmar agreed that what happened in his country was tragic, but disputed that it was a peaceful protest. He requested the Third Committee to stop referring to it in that way, explaining that the recent protests were a result of 'a complex political transition'.

The delegate from Chile claimed that the report included serious inaccuracies with respect to their penal code that covers protests in his country. He added that the Government of Chile rejects the use of violence to settle disputes.

In response to the questions and statements, the SRSG stressed that her report focused on the right to peaceful protest, which fully integrates the right to peaceful assembly. She referred delegates to paragraph 12 of the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognised Rights and Fundamental Freedoms (the Declaration on Human Rights Defenders) as the basis for her work to elaborate on the right to peaceful protest against violations of human rights and fundamental freedoms, and how this legitimate right applies to human rights defenders.¹⁶

Answering questions about the SRSG's dealings with regional bodies and their work on freedom of assembly, Ms. Jilani said that she cooperates very closely with intergovernmental bodies and regional bodies. She indicated that as the mandate holder, she had created mechanisms and processes to facilitate better cooperation and the sharing of best practice models between these bodies and the U.N. human rights system. The SRSG made specific mention of the creation of the Special Rapporteur of Human Rights Defenders by the African Commission and the development of the Inter-American Commission on Human Rights.

¹⁵ Portugal (on behalf of the E.U.), Cuba, Norway, Indonesia, Iran, Netherlands, Chile, Canada, Finland, USA, Myanmar and the Russian Federation.

¹⁶ Article 12 of the Declaration states that everyone has the right to participate in peaceful protest against violations of human rights and fundamental freedoms, and sets out the obligations of the State to ensure that anyone exercising this legitimate right is not threatened, subject to violence or discrimination, or other forms of arbitrary action.

Responding to Iran and Cuba's questions, she pointed to the Declaration on Human Rights Defenders as the legal basis of her mandate and the instrument governments should use to tailor their laws to protect human rights defenders. She went on to advise the Third Committee that she was well aware of the parameters of her mandate and maintained the appropriate boundaries.

In response to a question by Norway, the SRSG agreed that in many regions of the world it is the largely the denial of economic and social rights that results in protests by human rights defenders. In response, many States commit violations of their citizens' civil and political rights. Although the SRSG acknowledged the need for States to maintain stability, she pointed out that most concerns of abuse by the State emanated from a disproportionate use of force, well beyond the limits stipulated in domestic law. She emphasised the need for law enforcement training to ensure that officials firstly, understand the difference between peaceful protests and threats to public order, and secondly, know what constitutes appropriate treatment of women and children protesters at a peaceful public action. She concluded by expressing her hope that the guidelines on peaceful protest would be further developed and more widely adopted around the world.

General Discussion

The agenda of the Third Committee provided an opportunity for States to hold a general discussion of human rights matters of concern.¹⁷ Several States used this opportunity to raise the situation facing human rights defenders or related topics mentioned by the SRSG during the presentation of her report to the Committee.¹⁸ In addition to the countries that were the subject of a country-specific resolution before the current session of the General Assembly,¹⁹ concerns were also repeatedly raised about the treatment of human rights defenders in Zimbabwe, the Sudan (Dafur), Syria and Cuba. In most instances, the States who were the subject of criticism took advantage of the right of reply to refute the criticism, defend their human rights record, and point out where the accusing State's own human rights record was lacking.

In its statement, Portugal (on behalf of the E.U.) outlined its many concerns about human rights situations in every region of the world, which often related to the relative ability of human rights defenders to exercise their fundamental rights. Specific concerns were listed in relation to the protections afforded human rights defenders in Sri Lanka, Iran, Eritrea, Somalia and Uzbekistan, and Portugal went on to list several countries where it regarded the situation faced by human rights defenders as 'disturbing'.²⁰ In closing, Portugal reminded the Committee that the protection of human rights defenders had always been, and remained, a priority for the E.U.

As one of the countries included in Portugal's list of States with a 'disturbing' record on their treatment of human rights defenders, Indonesia responded in subsequent days by rejecting the accusation outright. The Indonesian representative explained that the people of his country have persevered to put in place the building blocks of democracy and by definition are themselves human rights defenders. They would find the E.U.'s criticism of their country baffling, especially given that the E.U. had recently praised Indonesia's record in other fora. Indonesia also welcomed the SRSG's visit in June 2007.

The Canadian Ambassador decried the fact that all too often, human rights defenders are falling victim to the very injustices they are striving to end, such as arbitrary arrest and detention, torture, and extrajudicial killings. The Ambassador referred to several examples of positive steps taken by governments and individuals

¹⁷ These discussions were primarily held over two days: 30 and 31 October 2007, but also included statements made in the Third Committee on 24 and 25 October 2007.

¹⁸ Norway, Portugal (on behalf of the E.U.), Indonesia, Colombia, Australia, Malaysia, USA and Canada contributed to discussions about human rights defenders.

¹⁹ These States are Belarus, DPRK, Iran and Myanmar.

²⁰ The countries included: Nepal, Guatemala, Columbia, Yemen, Syria, Cuba, Indonesia, China, Russia, Belarus, Myanmar and Zimbabwe.

to promote or protect the human rights defenders.²¹ However, he also expressed particular concern about the dangers faced by human rights defenders in a number of countries including Iran, Syria and Zimbabwe.²² He concluded by emphasising the urgent need for the work of human rights defenders to be allowed to continue to expose, address and combat human rights violations.

As part of its general remarks on the *Universal Declaration of Human Rights*, the USA emphasised that the ability of citizens to exercise their basic rights is instrumental to the creation of a successful society. Referring briefly to where such progress was evident, the USA went on to list those States where 'sobering realities' confronted civil society (though not referring specifically to human rights defenders), including Zimbabwe, Cuba, North Korea, Myanmar, Belarus, Syria, Russia and China. In conclusion, the USA stated that these realities warranted the adoption of country-specific resolutions in the Third Committee, the maintenance of special mandates, and ongoing international attention on the plight of democracy and human rights defenders.

The representative of Australia noted his country's grave concern about the human rights situation in Myanmar and urged the regime to release all political prisoners immediately. Australia also expressed grave concern about the suppression of freedom of expression, religion and opinion in the DPRK, growing concern about the intimidation and persecution of human rights defenders in Iran, and the contempt shown by the Zimbabwean Government for basic democratic principles. The continuing intimidation of opponents and critics of the military regime in Fiji was also raised by Australia, who called on the interim Government of Fiji to hold credible elections.

Columbia advised the Third Committee that his country's advancements in democratic security and human rights have positively impacted on the situation of human rights defenders. The attacks on human rights defenders in his country were caused by illegal armed groups that operated with extreme cruelty towards their victims. Progress had been made to reduce impunity, including through the allocation of greater resources to investigate the murder of hundreds of union leaders. Columbia advised that recent massive demobilization efforts and the strengthening of its national institutions will further improve the situation.

The delegate for Malaysia stated his country's belief in the right to freedom of opinion and expression but maintained the need for responsible exercise of this right, particularly in a globalised world with the easy spread of information.

Norway's Ambassador stated that the right to freedom of expression, freedom of assembly and association are pillars of democracy and that citizens should be able to question or criticise without fear of reprisal.

Iran stated that 'self-proclaimed human rights defenders' should respect other legal and political systems.

OUTCOME

Draft resolution on the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms²³

The Resolution provides that the General Assembly:

²¹ Named in his statement were: the Government of Ghana; Mr, Boukounta Diallo (Senegal); the Attorney-General of Colombia; the Human Rights Commission of Afghanistan; Sri Lankan human rights defenders, Rajan Hoole, Kopalasingham Sritharan; Nepalese human rights defenders; Egypt for banning female genital mutilation; Adrian Long (an advocate for human rights in the DPRK); and Cuba for the release of political prisoners (although Canada expressed ongoing concern at the limitation on freedom of expression there).

²² The representative of Canada also raised concerns about human rights defenders in Vietnam, Myanmar, the DPRK, and Belarus.

²³ See A/C.3/62/L.33/Rev.1. Available at: <http://www.un.org/ga/third/62/propolist.shtml>

- Is gravely concerned* by the high level of human rights violations committed against those promoting and defending human rights and by the persistent impunity for threats, attacks and acts of intimidation in many countries in all regions;²⁴
- Emphasises* the important role that individuals, civil society, and groups play in promoting and protecting human rights and fundamental freedoms and *recognises* their substantial role in strengthening peace and development;²⁵
- Takes note with appreciation* the report of the SRSB and her contribution to the promotion of the Declaration;²⁶
- Condemns* all human rights violations committed against persons promoting and defending human rights and *urges* States to eliminate such violations;²⁷
- Calls upon* States to take all necessary measures to ensure the protection of human rights defenders, and to ensure, protect and respect their right to freedom of expression and association;²⁸
- Urges* States to ensure that any measures to combat terrorism and preserve national security comply with their obligations under international law and do not hinder the work of human rights defenders;²⁹
- Urges* States to address the issue of impunity surrounding human rights defenders;³⁰ and
- Decides to consider* the question at its 64th session.³¹

Norway was the main sponsor of the biennial draft resolution, which enjoyed a record high of 87 co-sponsors when it came before the Third Committee for adoption. Norway chaired the informal consultations on the resolution, which opened on 24 October 2007. Throughout the informal meetings, Norway reminded delegates that its main goal was to retain and build on agreed language from the most recent resolutions on human rights defenders in the General Assembly³² and the Commission on Human Rights.³³ During these meetings, the debate was primarily between NAM States³⁴ and WEOG States,³⁵ although some members of NAM took on a more constructive role as negotiations progressed.³⁶ In contrast, Iran became less willing to negotiate as the informal meetings progressed, and Venezuela put forward divisive proposals.³⁷ Ultimately the language was found to accommodate most of the key concerns the States held, and although some States qualified their decision to join the consensus, no State disassociated itself from the resolution.

One of the major sticking points was the requirement by NAM States that the resolution refer to both the HRC's institution-building package (HRC *Resolution 5/1*) and the Code of Conduct for Special Procedures (HRC *Resolution 5/2*). Norway's preference was to refer only to *Resolution 5/1* as the Third Committee was still considering the HRC's report, and it was unclear whether or how that resolution would refer to *Resolution 5/2*. A further reason for countries like Iran, China and Russia wanting to incorporate a reference to *Resolution 5/2* was their conviction that the SRSB had over-stepped her mandate. Iran went even further, advocating that all references to the SRSB be removed from the text. Once it became known that the

²⁴ PP6 of A/C.3/62/L.33/Rev.1.

²⁵ PP8 of A/C.3/62/L.33/Rev.1.

²⁶ OP2 of A/C.3/62/L.33/Rev.1.

²⁷ OP3 of A/C.3/62/L.33/Rev.1.

²⁸ OP4 and 5 of A/C.3/62/L.33/Rev.1.

²⁹ OP6 of A/C.3/62/L.33/Rev.1.

³⁰ OP7 of A/C.3/62/L.33/Rev.1.

³¹ OP17 of A/C.3/62/L.33/Rev.1.

³² *Resolution 60/161* which was adopted on 16 December, 2005.

³³ *Resolution 2005/67* which was adopted on 20 April, 2005.

³⁴ Pakistan, China, the Russian Federation, the Islamic Republic of Iran, Cuba, Venezuela, Egypt, Colombia, and South Africa were the main NAM contributors in the informal consultation.

³⁵ These mostly included Norway, France, on behalf of the E.U., the US, Canada, Australia, and Switzerland.

³⁶ The representatives of China and the Russian Federation proposed constructive alternatives and sought to work with the Chair to achieve consensus outcomes when negotiations became polarized.

³⁷ Venezuela formally submitted an amendment to the text (A/C.3/62/L.88) which it later withdrew. Available at <http://www.un.org/ga/third/62/proplist.shtml>

resolution regarding the HRC report would 'take note of' *Resolutions 5/1 and 5/2*, the same consensus language was incorporated into the human rights defenders resolution.³⁸

Another point of contention during the informal negotiations was Venezuela's proposal to include a specific reference to article 29 of the *Universal Declaration of Human Rights* and article 18 of the Declaration on Human Rights Defenders in the pre-ambular section of the resolution.³⁹ Many Western States were concerned that inclusion of these articles would create an imbalance in the resolution and they argued that selective quoting from human rights instruments in resolutions was generally to be avoided. In addition these countries argued that the issues Venezuela sought to raise were already addressed elsewhere in the resolution. These arguments allowed the Chair to delete this proposed amendment from the final draft, and Venezuela subsequently withdrew the amendment.

For similar reasons, the E.U.'s proposal to include a reference to the individual complaints mechanism provided in the Declaration on Human Rights Defenders⁴⁰ was denied by the Chair.

Debate also ensued over whether to 'welcome' or 'acknowledge' the significant work of the SRSG in preambular paragraph eleven. Opinions were evenly split between NAM States, who were only prepared to acknowledge her work, versus WEOG States who wanted to welcome her work. The Chair stressed that Norway found it very difficult to weaken the reference in the paragraph from 'welcoming the significant work' of the SRSG, to just 'acknowledging' it.

The Chair also drew States' attention to the fact that the proposed compromise text in operative paragraph 2 would be the first time ever that the GA is contemplating to only 'take note with appreciation', rather than 'welcome' the reports of the SRSG. This acknowledgement prompted France (on behalf of the E.U.) to express its disappointment that the Chair would even propose this weaker language, particularly given Norway's strong advocacy for human rights defenders in the past. Sweden echoed this criticism, and went further, suggesting that it was tantamount to disavowing the whole body of work of the SRSG as the paragraph refers not only to her latest report but also her 'contribution to the effective promotion of the Declaration and the improvement of the protection of human rights defenders worldwide.' A number of other States were less critical and said they would have preferred to be able to welcome the reports, but would live with the consensus text proposed.⁴¹ Iran and the Russian Federation welcomed the Chair's proposal and reiterated their staunch criticisms of the SRSG.

Another hotly contested issue was whether and how frequently the term 'human rights defenders' could be included in the resolution. Iran was adamant in informal meetings that this term should not appear anywhere in the resolution as the appropriate language was reflected in the title of the Declaration. As the informal meetings drew to a close, the Chair explained that in seeking to address Iran's concerns, he had referred to 'persons, individuals and organs engaged in protecting and defending human rights' in four paragraphs of the resolution.⁴² Norway also reminded delegates that the title of the resolution had been contentious since 1999. Cuba supported Iran's position, arguing that when translated into Spanish, the term 'human rights defenders' only refers to individuals, thereby excluding human rights defenders who are an organisation or group. Other States were of a different view entirely,⁴³ arguing that the title of the mandate of the SRSG and the title of her report to the General Assembly both refer to human rights defenders and this should be reflected in the resolution. Ultimately the resolution's title and four of its paragraphs refer to the language from the Declaration, but most paragraphs refer to human rights defenders.

³⁸ This language was inserted into PP3 of A/C.3/62/L.33/Rev.1.

³⁹ Both articles of these instruments provide that '[e]veryone has duties to the community in which alone the free and full development of his personality is possible.'

⁴⁰ See Article 9 (3)(a) of the Declaration. Available at: <http://www2.ohchr.org/english/law/freedom.htm>

⁴¹ These States included Venezuela, Canada, New Zealand, Australia, and Mexico.

⁴² PP12, OP5, OP6 and OP11 of A/C.3/62/L.33/Rev.1.

⁴³ Australia, Mexico and Canada.

Another concern expressed by NAM States was the need to ensure equally strong references in the resolution to economic, social and cultural rights as to civil and political rights, which was a particular concern of China.⁴⁴ As a result, references to fighting poverty and promoting the right to development were incorporated into pre-ambular paragraph eight, despite strong objections from the representative of the USA.

Overall, the resolution did not reflect many of the concerns raised by the SRSG in her report, particularly the right to protest and the risks faced by specific categories of vulnerable human rights defenders. Although there was one mention in the resolution of the risks faced by women human rights defenders,⁴⁵ there were no other references to any other particularly vulnerable groups. Although during her presentation to the Third Committee the SRSG referred to her concern at the continuing trend by governments to use counter-terrorism measures as a pretext to restrict the right to protest and freedom of assembly, references to this concern in the resolution were carried over from the most recent General Assembly resolution.⁴⁶

The vote

The resolution was adopted by consensus in the Third Committee on 21 November and in the General Assembly on 18 December 2007.

When the resolution was considered by the Third Committee, it enjoyed broad support and was supported by additional co-sponsors from the African, Arab, and Asian regions.⁴⁷ Norway made several oral revisions to preambular paragraphs three and eight, as well as operative paragraph eight and expressed its hope that the resolution would be adopted by consensus as it had in the past.

In statements taken before the vote, the representative of Chile said his country recognized the role human rights defenders take in the U.N. and other regional bodies. He then rejected the allegations made by the SRSG that his government did not respond in a timely manner to her correspondence about the security and well-being of a local Mapuche leader. The delegate proclaimed his government's outright rejection of the use of force and violence as a tool for repression and advised that national institutions now exist to provide sufficient redress.

Venezuela withdrew its amendment to the draft resolution,⁴⁸ acknowledging that its concerns were now reflected in the draft as orally revised.

In general statements after the vote the representative of Syria said her government had joined the consensus. However, she reminded the Committee that article 20 of the Declaration on Human Rights Defenders committed States to uphold the principles of sovereignty, independence and non-interference when dealing with the internal affairs of others, which would create a favourable climate for dialogue.

The representative of Iran explained that it was only as a result of the constructive role played by the co-sponsors during negotiations that his country was able to overcome its initial reluctance, and join the consensus on the resolution. However, Iran remained critical of resolution, which it described as 'protection-based' and lacking in any substantive recommendations. It was his country's view that the Declaration on Human Rights Defenders had not been properly captured in the text, as a result of the hidden agenda of a few

⁴⁴ China was supported by South Africa, Mexico and Venezuela in the need for the resolution to strike a balance in its recognition of civil and political rights as opposed to economic, social and cultural rights.

⁴⁵ See PP7 of A/C.3/62/L.33/Rev.1.

⁴⁶ See PP10 and OP6 of A/RES/60/161, available at <http://www.un.org/Depts/dhl/resguide/r60.htm>

⁴⁷ Additional co-sponsors included Morocco, Thailand, Ukraine, Rwanda, Mauritania, Belgium, Iraq, Lebanon, Lithuania, El Salvador, Mauritius, Uruguay, Mali, Ecuador, Costa Rica, Cyprus, Benin, South Africa, Chile and Poland.

⁴⁸ Venezuela filed an amendment to Norway's draft resolution which was contained in document SA/C.3/62/L.88. Available at: <http://www.un.org/ga/third/62/propslist.shtml>

States. Iran disassociated itself from the resolution's inconclusive and undefined term 'human rights defenders', which overlooks the role of individuals, groups and organs of society, and is the agreed language used in the Declaration on Human Rights Defenders. Iran reiterated its call for the mandate of the SRSG to be streamlined by the Human Rights Council to accord with the Declaration.

In the General Assembly, the resolution was adopted without a vote on 18 December 2007.

LOOKING FORWARD

The human rights defenders resolution requests the SRSG to continue to report her findings to the General Assembly, and to the Human Rights Council.⁴⁹ The Third Committee will continue its review of the situation of human rights defenders at its 64th session in 2009. Human rights defenders are planning to closely monitor and provide input on the review of the mandate at the seventh session of the HRC in March 2008.

BACKGROUND

The General Assembly is the main deliberative organ of the UN. It is composed of representatives of all member States and has a general mandate to discuss and make recommendations on any matters within the scope of the *United Nations Charter*. Under Article 13 of the Charter, the General Assembly is specifically mandated to 'initiate studies and make recommendations for the purpose of ... assisting in the realization of human rights and fundamental freedoms for all without distinction as to race, sex, language, or religion'. The regular session of the General Assembly runs from the beginning of September to the end of December. Each year the GA addresses over 150 agenda items, which are considered either in the plenary or in one of its six committees.⁵⁰ The Third Committee (Social, Cultural, and Humanitarian) addresses most agenda items relevant to human rights defenders, including advancement of women, children's rights, the rights of indigenous peoples, the elimination of racism, and human rights questions. Numerous special procedures also report to the Third Committee on a number of these issues and engage in an interactive dialogue with States. The Fifth Committee (Administrative and Budgetary) is also particularly relevant to human rights defenders since it evaluates and approves the budgetary requirements arising out of the work of the other five committees. After completing their work, the Third and the Fifth Committee, as well as the other three main committees, submit draft resolutions to the General Assembly for final adoption.

⁴⁹ OP16 of A/C.3/62/L.33/Rev.1.

⁵⁰ Information on the main committees of the General Assembly (GA) is available at <http://www.un.org/ga/maincommittees.shtml>

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