



**KUNSILL  
TAL-UNJONI EWROPEA**

**Brussell, 10 ta' Ġunju 2009 (29.06)  
(OR. fr)**

**16332/2/08  
REV 2**

**PESC 1562  
COHOM 138**

**NOTA**

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Suġġett: Garanzija għall-Protezzjoni - Linji Gwida tal-Unjoni Ewropea dwar id-Difensuri tad-Drittijiet tal-Bniedem

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**I. GHAN**

1. Is-sostenn tad-difensuri tad-drittijiet tal-bniedem huwa diġà element konsolidat tal-politika tal-Unjoni Ewropea dwar id-drittijiet tal-bniedem fir-relazzjonijiet esterni. L-għan ta' dawn il-Linji Gwida huwa li jipprovdu suġġerimenti prattiċi għat-tishih tal-azzjoni tal-UE rigward din il-kwistjoni. Il-Linji Gwida jistgħu jintużaw f'kuntatti ma' pajjiżi terzi fuq kull livell kif ukoll f'fora multilaterali dwar drittijiet tal-bniedem, sabiex jiġu sostnuti u msaħħa sforzi attwali mill-Unjoni għall-promozzjoni u t-thegġig tar-rispett għad-dritt tad-difiza tad-drittijiet tal-bniedem. Il-Linji Gwida jipprovdu wkoll għal interventi mill-Unjoni għal difensuri tad-drittijiet tal-bniedem f'periklu u jissuġġerixxu mezzi prattiċi għas-sostenn u l-assistenza tad-difensuri tad-drittijiet tal-bniedem.

Element importanti ta' dawn il-Linji Gwida huwa s-sostenn għall-Proċeduri Speċjali tal-Kunsill tan-NU dwar Drittijiet tal-Bniedem, inklużi r-Relatur Speċjali għad-Difensuri tad-Drittijiet tal-Bniedem u mekkanizmi reġjonali adatti għall-protezzjoni tad-difensuri tad-drittijiet tal-bniedem. Il-Linji Gwida ser jgħinu lill-Missjonijiet tal-UE (Ambaxxati u Konsolati tal-Istati Membri tal-UE u d-Delegazzjonijiet tal-Kummissjoni Ewropea) fl-approċċ tagħhom għad-difensuri tad-drittijiet tal-bniedem. Filwaqt li jindirizzaw tħassib speċifiku rigward id-difensuri tad-drittijiet tal-bniedem huwa l-għan ewlieni tagħhom, il-Linji Gwida jsaħħu l-politika tal-UE dwar id-drittijiet tal-bniedem in generali.

## II. DEFINIZZJONI

2. Bl-għan li jiġu definiti d-difensuri tad-drittijiet tal-bniedem għal dawn il-Linji Gwida ssir referenza għall-paragrafu operattiv 1 ta' "Id-Dikjarazzjoni tan-NU dwar id-Dritt u r-Responsabbiltà ta' Individwi, Gruppi u Korpi tas-Socjetà li Jippromwovu u Jipproteġu d-Drittijiet tal-Bniedem u l-Libertajiet Fundamentali Universalment Rikonoxxuti" (ara Anness I), li jiddikjara li "Kulhadd għandu d-dritt, individwalment u f'assoċjazzjoni ma' oħrajn, li jippromwovi u jissielet għall-protezzjoni u r-realizzazzjoni tad-drittijiet tal-bniedem u l-libertajiet fundamentali fuq il-livelli nazzjonali u internazzjonali".
3. Id-difensuri tad-drittijiet tal-bniedem huma daww l-individwi, gruppi u korpi tas-socjetà li jippromwovu u jipproteġu d-drittijiet tal-bniedem u l-libertajiet fundamentali universalment rikonoxxuti. Id-difensuri tad-drittijiet tal-bniedem ifittxu l-promozzjoni u l-protezzjoni tad-drittijiet ċivili u politiċi kif ukoll il-promozzjoni, il-protezzjoni u r-realizzazzjoni tad-drittijiet ekonomiċi, soċjali u kulturali. Id-difensuri tad-drittijiet tal-bniedem jippromwovu u jipproteġu wkoll id-drittijiet ta' membri ta' gruppi bħal komunitajiet indigeni. Id-definizzjoni ma tinkludix daww l-individwi jew gruppi li jwettqu jew ixerrdu l-vjolenza.

### III. INTRODUZZJONI

4. L-UE tagħti sostenn lill-prinċipji li qiegħdin fid-Dikjarazzjoni dwar id-Dritt u r-Responsabbiltà ta' Individi, Gruppi u Korpi tas-Socjetà li Jippromwovu u Jipproteġu id-Drittijiet tal-Bniedem u Libertajiet Fundamentali Universalment Rikonoxxuti. Għalkemm ir-responsabbiltà primarja għall-promozzjoni u l-protezzjoni tad-drittijiet tal-bniedem taqa' fuq l-istati, l-UE tagħraf li l-individwi, il-gruppi u l-korpi tas-socjetà kollha għandhom rwol importanti fid-difiża tal-kawża tad-drittijiet tal-bniedem. L-attivitajiet tad-difensuri tad-drittijiet tal-bniedem jinkludu:
- id-dokumentazzjoni tal-vjolazzjonijiet;
  - it-tfittxija ta' rimedji għal vittmi ta' tali vjolazzjonijiet permezz tal-provvista ta' sostenn legali, psikologiku, mediku jew sostenn ieħor; u
  - il-ġlieda kontra kulturi tal-impunità li jservu għall-ħabi ta' ksur sistematiku u ripetut tad-drittijiet tal-bniedem u l-libertajiet fundamentali;
  - id-disseminazzjoni tal-kultura tad-drittijiet tal-bniedem u l-informazzjoni dwar id-difensuri tad-drittijiet tal-bniedem fil-livell lokali, reġjonali u internazzjonali.
5. Ix-xogħol tad-difensuri tad-drittijiet tal-bniedem spiss jinvolvi l-kritika tal-politika u l-azzjonijiet tal-gvern. Madankollu, l-gvernijiet ma għandhomx iħarsu lejn dan bhala xi haġa negattiva. Il-prinċipju li jithalla spazju għall-indipendenza tal-moħħ u dibattitu liberu dwar il-politika u l-azzjonijiet tal-gvern huwa fundamentali, u huwa mezz ippruvat u ttestjat sabiex jiġi stabbilit livell aħjar ta' protezzjoni tad-drittijiet tal-bniedem. Id-difensuri tad-drittijiet tal-bniedem jistgħu jgħinu lill-gvernijiet fil-promozzjoni u l-protezzjoni tad-drittijiet tal-bniedem. Bhala parti mill-proċessi ta' konsultazzjoni jistgħu jkollhom rwol prinċipali f'li jgħinu fl-abbozzar ta' leġislazzjoni adatta u fl-għajnuna għat-tfassil ta' pjanijiet u strategiji nazzjonali dwar id-drittijiet tal-bniedem. Dan ir-rwol ukoll għandu jiġi rikonoxxut u sostnut.

6. L-UE tagħraf li matul is-snin l-attivitajiet tad-Difensuri tad-Drittijiet tal-Bniedem ġew rikonoxxuti aktar. Irnexxielhom dejjem iżjed jiżguraw protezzjoni akbar għall-vittmi ta' vjolazzjonijiet. Madankollu, dan il-progress ġie miksub bi prezz għoli: id-difensuri nfushom saru dejjem iżjed il-mira ta' attacchi u d-drittijiet tagħhom huma vjolati f'bosta pajjiżi. L-UE temmen li huwa mportanti li tiġi żgurata s-sigurtà u li jiġu protetti d-drittijiet tad-difensuri tad-drittijiet tal-bniedem. F'dan ir-rigward, huwa importanti li tiġi applikata perspettiva tas-sessi fl-approċċ tal-kwistjoni tad-difensuri tad-drittijiet tal-bniedem.

#### **IV. LINJI GWIDA OPERAZZJONALI**

7. Il-parti operazzjonali tal-Linji Gwida hija magħmula sabiex jiġu identifikati metodi u mezzi biex issir hidma effettiva lejn il-promozzjoni u l-protezzjoni tad-difensuri tad-drittijiet tal-bniedem f'pajjiżi terzi, fil-kuntest tal-Politika Estera u ta' Sigurta Komuni.

#### **Monitoraġġ, rappurtaġġ u valutazzjoni**

8. Il-Kapijiet tal-Missjoni tal-UE huma diġà mitluba li jipprovdu rapporti perijodiċi dwar is-sitwazzjoni tad-drittijiet tal-bniedem fil-pajjiżi ta' akkreditazzjoni tagħhom. Il-Grupp ta' Hidma tal-Kunsill dwar id-Drittijiet tal-Bniedem (COHOM) approva l-abbozz ta' skedi informativi sabiex jiġi faċilitat dan il-kompitu. F'konformità ma' dawn l-iskedi informativi l-Missjonijiet għandhom jindirizzaw is-sitwazzjoni tad-difensuri tad-drittijiet tal-bniedem fl-irrapportar tagħhom, filwaqt li jinnutaw b'mod partikolari l-okkorrenza ta' kwalunkwe theddid jew attacchi kontra d-difensuri tad-drittijiet tal-bniedem. F'dawn il-kuntesti l-Kapijiet ta' Missjoni għandhom ikunu konxji li l-qafas istituzzjonali jista' ikollu impatt sostanzjali fuq il-kapaċità tad-difensuri tad-drittijiet tal-bniedem li jwettqu hidmiethom fis-sigurtà. Kwistjonijiet bħal mizuri legiſlattivi, ġudizzjarji, amministrattivi jew mizuri oħra adatti mwettqa mill-Istati sabiex jipproteġu persuni minn kwalunkwe vjolenza, theddid ta' ritaljazzjoni, diskriminazzjoni avversa de facto jew de jure, pressjoni jew kwalunkwe azzjoni arbitrarja oħra bħala konsegwenza tal-eżerċizzju legittimu tiegħu jew tagħha ta' kwalunkwe mid-drittijiet imsemmija fid-Dikjarazzjoni tan-NU dwar id-Difensuri tad-Drittijiet tal-Bniedem huma kollha rilevanti f'dan ir-rigward.

9. Il-Kapijiet ta' Missjoni tal-UE huma mistiedna jittrattaw is-sitwazzjoni tad-difensuri tad-drittijiet tal-bniedem meta jiltaqgħu l-Gruppi ta' Hidma lokali dwar id-drittijiet tal-bniedem. Fejn ikun meħtieġ, il-Kapijiet ta' Missjoni għandhom jagħtu rakkomandazzjonijiet lill-Grupp ta' Hidma dwar id-Drittijiet tal-Bniedem bil-ħsieb ta' azzjonijiet eventwali tal-UE, li b'mod partikolari jikkundannaw it-thedded u l-attakki kontra d-difensuri tad-drittijiet tal-bniedem, u bil-ħsieb ta' inizjattivi u dikjarazzjonijiet pubbliċi fis-sitwazzjonijiet fejn id-difensuri tad-drittijiet tal-bniedem jinsabu friskju immedjat jew gravi. Il-Kapijiet ta' Missjoni jistgħu jiddeċiedu li jwettqu azzjoni lokali urgenti bl-għan li jappoġġaw id-difensuri tad-drittijiet tal-bniedem li jinsabu friskju immedjat jew gravi, u li jirrapportaw l-azzjoni tagħhom lill-Grupp ta' Hidma dwar id-Drittijiet tal-Bniedem u lil gruppi ta' hidma oħrajn rilevanti waqt li jifformulaw rakkomandazzjonijiet dwar il-possibiltajiet ta' segwitu tal-azzjoni Ewropea. Il-Kapijiet ta' Missjoni għandhom ukoll jirrapurtaw dwar l-effettività tal-azzjonijiet tal-UE fir-rapporti tagħhom. Barra minn hekk, il-missjonijiet għandhom jagħtu attenzjoni partikolari lir-riskji speċifiċi għad-difensuri nisa tad-drittijiet tal-bniedem.
10. Fuq il-bażi tar-rapporti tal-Kapijiet ta' Missjoni u ta' informazzjoni oħra rilevanti, bħal ma huma r-rapporti u r-rakkomandazzjonijiet tar-Relatur Speċjali għad-Difensuri tad-Drittijiet tal-Bniedem, tar-Relaturi Speċjali l-oħra tan-NU, tal-korpi għas-segwitu tat-trattati, tal-Kummissarju għad-Drittijiet tal-Bniedem tal-Kunsill tal-Ewropa u tal-NGOs, il-Grupp ta' Hidma dwar id-Drittijiet tal-Bniedem u l-gruppi l-oħra kompetenti ser ikunu jistgħu jidentifikaw is-sitwazzjonijiet fejn l-UE jeħtigilha tintervjenti, tiddeċiedi x'azzjonijiet għandha tiegħu, jew jekk ikun il-każ, tirrakkomanda azzjonijiet lill-COPS/Kunsill.

## **Rwol tal-Missjonijiet tal-UE fis-sostenn u l-protezzjoni tad-difensuri tad-drittijiet tal-bniedem**

11. F'bosta pajjizi terzi l-Missjonijiet tal-UE (Ambaxxati tal-Istati Membri tal-UE u d-Delegazzjonijiet tal-Kummissjoni Ewropea ) huma l-interface ewlieni bejn l-Unjoni u l-Istati Membri tagħha u d-difensuri tad-drittijiet tal-bniedem li jaħdmu fil-qasam. Għaldaqstant għandhom rwol importanti biex ipoġġu fil-prattika l-politika tal-UE lejn id-difensuri tad-drittijiet tal-bniedem. Il-Missjonijiet tal-UE għandhom għaldaqstant ifittxu li jadottaw politika proattiva lejn id-difensuri tad-drittijiet tal-bniedem. Fl-istess ħin għandhom ikunu konxji li f'ċerti każijiet azzjoni tal-UE tista' twassal għal theddid jew attackki kontra d-difensuri tad-drittijiet tal-bniedem. Għaldaqstant, jekk ikun il-każ, għandhom jikkonsultaw mad-difensuri tad-drittijiet tal-bniedem rigward azzjonijiet li jistgħu jiġu kuntemplati. Jekk ikollhom jitwettqu azzjonijiet f'isem l-UE, il-missjonijiet tal-UE għandhom jiżguraw li d-difensur tad-drittijiet tal-bniedem ikkonċernat u/jew il-familja tiegħu jkunu infurmati b'dan. Il-missjonijiet tal-UE jistgħu pereżempju jieħdu l-miżuri li ġejjin:

- ifasslu strateġiji lokali ta' implimentazzjoni ta' dawn il-linji gwida, b'attenzjoni partikolari għad-difensuri nisa tad-drittijiet tal-bniedem. Il-missjonijiet tal-UE għandhom jaġixxu bil-ħsieb li dawn il-linji gwida jirrigwardaw id-difensuri li jippromwovu u jipproteġu d-drittijiet tal-bniedem, sew jekk ċivili, kulturali, ekonomiċi, politiċi jew soċjali. Il-missjonijiet tal-UE għandhom jagħmlu ħilithom biex jinvolvu attivament lid-difensuri tad-drittijiet tal-bniedem u l-organizzazzjonijiet tagħhom fit-tfassil u s-segwitu tal-implimentazzjoni tal-istrateġiji lokali.
- jorganizzaw laqgħa mill-inqas darba fis-sena li tlaqqa' lid-difensuri tad-drittijiet tal-bniedem u d-diplomatiċi sabiex jiddiskutu, fost oħrajn, is-sitwazzjoni lokali tad-drittijiet tal-bniedem, il-politika tal-UE implimentata f'dan il-qasam u l-applikazzjoni tal-istrateġija lokali tal-linji gwida tal-UE dwar id-difensuri tad-drittijiet tal-bniedem;
- jikkooperaw mill-qrib u jiskambjaw informazzjoni dwar id-difensuri tad-drittijiet tal-bniedem, inkluż dwar dawk li jinsabu f'periklu;

- iżommu kuntatti adatti mad-difensuri tad-drittijiet tal-bniedem, inkluż billi jilqgħuhom fil-Missjonijiet u billi jżuru ż-żoni fejn dawn jahdmu, u għal dan l-għan tkun tista' tiġi eżaminata l-hatra ta' uffiċjali ta' kollegament speċifiċi, fejn meħtieġ fuq bażi ta' tqassim tal-kompiti;
- jirrikonoxxu b'mod li jidher, kif ikun meħtieġ, lid-difensuri tad-drittijiet tal-bniedem u l-hidma tagħhom bl-użu opportun tal-mezzi tal-informazzjoni inkluż bl-internet u t-teknoloġiji ġodda tal-informazzjoni u tal-komunikazzjoni, ta' pubbliċità, u ta' zjarat jew stedinet b'mod partikolari biex jirċievu l-premji li jkunu ngħatawllhom;
- fejn ikun meħtieġ, iżuru lid-difensuri tad-drittijiet tal-bniedem li jkunu f'detenzjoni preventiva jew taħt arrest domiciliari u jassistu bħala osservaturi għall-proċessi tagħhom.

**Promozzjoni tar-rispett għal difensuri tad-drittijiet tal-bniedem f'relazzjonijiet ma' pajjiżi terzi u f'fora multilaterali**

12. L-għan tal-UE huwa li tinfluwenza pajjiżi terzi sabiex iwettqu l-obbligi tagħhom li jirrispettaw id-drittijiet tad-difensuri tad-drittijiet tal-bniedem u li jipproteġuhom minn attacchi u theddid minn atturi non-statali. Fil-kuntatti tagħha ma' pajjiżi terzi, l-UE ser, meta meqjus meħtieġ, tesprimi l-ħtieġa li l-pajjiżi kollha jaderixxu u jikkonformaw man-normi u l-istandards internazzjonali rilevanti, b'mod partikolari d-Dikjarazzjoni tan-NU. L-għan ġenerali għandu jkun li jinholoq ambjent fejn id-difensuri tad-drittijiet tal-bniedem jistgħu joperaw liberament. L-UE ser tagħmel l-għanijiet tagħha magħrufa bħala parti integrali tal-politika tagħha dwar id-drittijiet tal-bniedem u ser tishaq fuq l-importanza li tagħti lill-protezzjoni tad-difensuri tad-drittijiet tal-bniedem. Azzjonijiet għas-sostenn ta' dawn l-għanijiet ser jinkludu:

- fejn meħtieġ, fl-istess kwadru tal-missjonijiet tagħhom f'pajjiżi terzi, il-Presidenza, ir-Rappreżentant Għoli għall-Politika Estera u ta' Sigurtà Komuni, ir-Rappreżentant Personali tas-SĠ/RGħ għad-Drittijiet tal-Bniedem, ir-Rappreżentanti jew il-Mibgħuta Speċjali tal-UE, ir-rappreżentanti tal-Istati Membri u dawk tal-Kummissjoni Ewropea jipparteċipaw f'laqgħat mad-difensuri tad-drittijiet tal-bniedem, li matulhom jitqajmu każijiet individwali u l-kwistjonijiet imqanqla mill-ħidma tad-difensuri tad-drittijiet tal-bniedem;
- il-komponent tad-drittijiet tal-bniedem ta' djalogi politiċi bejn l-UE u pajjiżi terzi u organizzazzjonijiet reġjonali ser jinkludi, fejn ikun rilevanti, is-sitwazzjoni tad-difensuri tad-drittijiet tal-bniedem. L-UE ser tissottolinja s-sostenn tagħha għad-difensuri tad-drittijiet tal-bniedem u għall-ħidma tagħhom, u tqajjem każijiet individwali ta' thassib kull meta jkun meħtieġ. L-UE ser tiehu ħsieb li tinkludi lid-difensuri tad-drittijiet tal-bniedem, bil-mod l-aktar adatt, fit-tnejn, is-segwitu u l-evalwazzjoni tad-djalogu f'konformità mal-linji gwida tal-UE rigward id-djalogi dwar id-drittijiet tal-bniedem;
- il-Kapijiet tal-Missjonijiet tal-UE u l-Ambaxxati tal-UE ser ifakkru lill-awtoritajiet tal-pajjiżi terzi dwar l-obbligu tagħhom li jstabbilixxu miżuri effettivi għall-protezzjoni tad-difensuri tad-drittijiet tal-bniedem li jinsabu jew qed jissugraw li jkunu fil-periklu;
- ħidma f'kooperazzjoni mill-qrib ma' pajjiżi oħra bl-istess mentalità b'mod partikolari fil-Kunsill dwar id-Drittijiet tal-Bniedem tan-NU u l-Assemblea Ġenerali tan-NU;
- fejn meħtieġ, rakkomandazzjoni lill-pajjiżi, matul il-passaġġ tagħhom għall-Eżami Perjodiku Universali tal-Kunsill tad-Drittijiet tal-Bniedem, sabiex iġibu l-legislazzjoni u l-prattiki tagħhom konformi mad-Dikjarazzjoni tan-NU dwar id-difensuri tad-drittijiet tal-bniedem;



- promozzjoni għat-tishiĥ tal-mekkanizmi reġjonali eżistenti li għandhom l-għan li jipproteġu d-drittijiet tal-bniedem, bħal ma huma l-punt fokali fuq id-difensuri tad-drittijiet tal-bniedem u l-istituzzjonijiet nazzjonali tad-drittijiet tal-bniedem tal-Uffiċċju għall-Istituzzjonijiet Demokratiċi u d-Drittijiet tal-Bniedem tal-OSKE, il-Kummissarju għad-Drittijiet tal-Bniedem tal-Kunsill tal-Ewropa, ir-Relatur Speċjali għas-Sitwazzjoni tad-Difensuri tad-Drittijiet tal-Bniedem tal-Kummissjoni Afrikana dwar id-Drittijiet tal-Bniedem u tal-Popli u l-unità speċjali għad-"Difensuri tad-Drittijiet tal-Bniedem" tal-Kummissjoni Inter-Amerikana tad-Drittijiet tal-Bniedem, kif ukoll il-ħolqien ta' mekkanizmi adatti fir-regjuni fejn dawn ma jeżistux.

Appoġġ għall-proċeduri speċjali tal-Kunsill tad-Drittijiet tal-Bniedem tan-NU, b'mod partikolari tar-Relatur Speċjali għad-Difensuri tad-Drittijiet tal-Bniedem.

13. L-UE tagħraf li l-proċeduri speċjali tal-Kunsill tad-Drittijiet tal-Bniedem tan-NU (Relaturi Speċjali, Rappreżentanti Speċjali, Esperti Indipendenti u Gruppi ta' Hidma) huma essenzjali għall-isforzi internazzjonali għall-protezzjoni tad-difensuri tad-drittijiet tal-bniedem minħabba l-indipendenza u l-imparzjalità tagħhom, għall-kapaċità tagħhom li jaġixxu u jiddenunzjaw kontra l-vjolazzjonijiet kontra d-difensuri tad-drittijiet tal-bniedem madwar id-dinja kollha u jagħmlu żjarat fil-pajjiżi. Filwaqt li r-Relatur Speċjali għad-Difensuri tad-Drittijiet tal-Bniedem għandu rwol partikolari f'dan ir-rigward, il-mandati ta' Proċeduri Speċjali oħra huma wkoll ta' rilevanza għad-difensuri tad-drittijiet tal-bniedem . L-azzjonijiet tal-UE għas-sostenn tal-Proċeduri Speċjali ser jinkludu:

- it-tkegġiġ ta' stati sabiex jaċċettaw bħala kwistjoni ta' prinċipju talbiet għal żjarat fil-pajjiż mill-Proċeduri Speċjali tan-NU;

- il-promozzjoni, permezz tal-Missjonijiet tal-UE, tal-użu ta' mekkaniżmi tematiċi tan-NU minn komunitajiet lokali għad-drittijiet tal-bniedem u difensuri tad-drittijiet tal-bniedem inklużi, iżda mhux limitati għall-faċilitazzjoni tal-istabbiliment ta' kuntatti ma', u skambju ta' informazzjoni bejn mekkaniżmi tematiċi u difensuri tad-drittijiet tal-bniedem;
- minhabba li l-proċeduri speċjali ma jistgħux iwettqu l-mandat tagħhom fl-assenza ta' riżorsi adegwati, l-Istati membri tal-UE ser isostnu l-allokkazzjoni ta' fondi suffiċjenti mill-budget generali lill-Uffiċċju tal-Kummissarju Għoli għad-Drittijiet tal-Bniedem

### **Sostenni prattiċi għad-Difensuri tad-Drittijiet tal-Bniedem inkluż permezz tal-Politika tal-Iżvilupp**

14. Il-programmi tal-Unjoni Ewropea u tal-Istati Membri li jimmiraw għal għajnuna fl-iżvilupp ta' proċessi u istituzzjonijiet demokratiċi, u l-promozzjoni u l-protezzjoni tad-drittijiet tal-bniedem f'pajjiżi li qed jiżviluppaw, bħal ma huwa l-Istrument Ewropew għad-Demokrazija u d-Drittijiet tal-Bniedem, huma fost firxa wiesgħa ta' sostenni prattiċi għall-għajnuna tad-difensuri tad-drittijiet tal-bniedem. Dawn jistgħu jinkludu iżda mhumiex neċessarjament limitati għall-iżvilupp ta' programmi ta' koperazzjoni tal-Istati Membri. Sostenni prattiċi jistgħu jinkludu dawn li ġejjin:

- jingħata appoġġ lid-difensuri tad-drittijiet tal-bniedem kif ukoll lill-NGOs li jippromwovu u jipproteġu l-attivitajiet tad-difensuri tad-drittijiet tal-bniedem permezz, pereżempju, ta' attivitajiet immirati għat-tishih tal-kapaċitajiet jew ta' kampanji ta' sensibilizzazzjoni u tiġi ffaċilitata l-koperazzjoni bejn l-NGOs, id-difensuri tad-drittijiet tal-bniedem u l-istituzzjonijiet nazzjonali tad-difiża tad-drittijiet tal-bniedem;
- jithegġeg u jingħata sostenn lill-istabbiliment, u l-ħidma, ta' korpi nazzjonali għall-promozzjoni u l-protezzjoni tad-drittijiet tal-bniedem, stabbiliti skont il-Prinċipji ta' Pariġi, inklużi l-Istituzzjonijiet Nazzjonali għad-Drittijiet tal-Bniedem, l-Uffiċċji tal-Ombudsman u l-Kummissjonijiet għad-Drittijiet tal-Bniedem.

- tingħata għajnuna fl-istabbiliment ta' netwerks tad-difensuri tad-drittijiet tal-bniedem fuq livell internazzjonali, inkluż bil-faċilitazzjoni ta' laqgħat tad-difensuri tad-drittijiet tal-bniedem kemm ġewwa kif ukoll barra l-UE;
- jiġi żgurat li d-difensuri tad-drittijiet tal-bniedem fil-pajjiżi terzi għandhom aċċess għal riżorsi, inklużi dawk finanzjarji, li jiġu minn barra pajjiżhom u li huma jafu bid-disponibbiltà ta' dawn ir-riżorsi u bil-mezzi kif jitolbuhom;
- jiġi żgurat li l-programmi ta' edukazzjoni dwar id-drittijiet tal-bniedem jipromwovu, fost oħrajn, id-Dikjarazzjoni tan-NU dwar id-Difensuri tad-Drittijiet tal-Bniedem;
- ikunu previsti miżuri rapidi li jgħinu u jipproteġu d-difensuri tad-drittijiet tal-bniedem li jkunu fil-periklu f'pajjiżi terzi, pereżempju, meta dan ikun opportun, jinħarġu viżi ta' emerġenza u tkun iffacilitata l-akkoljenza proviżorja tagħhom fl-Istati Membri tal-UE.

### **Rwol tal-Gruppi ta' Hidma tal-Kunsill**

15. Skont il-mandat tiegħu, il-COHOM ser jirrevedi l-implimentazzjoni u t-tkomplija tal-Linji Gwida dwar id-Difensuri tad-Drittijiet tal-Bniedem f'koordinazzjoni u koperazzjoni mill-qrib ma' Gruppi ta' Hidma rilevanti oħra tal-Kunsill. Dan ser jinkludi:

- il-promozzjoni tal-integrazzjoni tal-kwistjoni tad-difensuri tad-drittijiet tal-bniedem fil-politika u l-azzjonijiet rilevanti tal-UE;
- it-twettiq ta' revizjonijiet tal-implimentazzjoni tal-Linji Gwida f'intervalli adatti;

- it-tkomplija ta' osservazzjoni, kif xieraq, ta' mezzi ulterjuri ta' koperazzjoni man-NU u mekkaniżmi internazzjonali u reġjonali oħra għas-sostenn tad-difensuri tad-drittijiet tal-bniedem.
  - Rappurtar lill-Kunsill, permezz tal-PSC u l-COREPER, kif xieraq, fuq bażi annwali dwar il-progress li sar lejn l-implimentazzjoni tal-Linji Gwida.
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**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 General Assembly,*

*Reaffirming* the importance of the observance of the purposes and principles of the Charter of the United Nations for the promotion and protection of all human rights and fundamental freedoms for all persons in all countries of the world,

*Reaffirming also* the importance of the Universal Declaration of Human Rights<sup>2</sup> and the International Covenants on Human Rights as basic elements of international efforts to promote universal respect for and observance of human rights and fundamental freedoms and the importance of other human rights instruments adopted within the United Nations system, as well as those at the regional level,

*Stressing* that all members of the international community shall fulfil, jointly and separately, their solemn obligation to promote and encourage respect for human rights and fundamental freedoms for all without distinction of any kind, including distinctions based on race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status, and reaffirming the particular importance of achieving international cooperation to fulfil this obligation according to the Charter,

*Acknowledging* the important role of international cooperation for, and the valuable work of individuals, groups and associations in contributing to, the effective elimination of all violations of human rights and fundamental freedoms of peoples and individuals, including in relation to mass, flagrant or systematic violations such as those resulting from apartheid, all forms of racial discrimination, colonialism, foreign domination or occupation, aggression or threats to national sovereignty, national unity or territorial integrity and from the refusal to recognize the right of peoples to self-determination and the right of every people to exercise full sovereignty over its wealth and natural resources,

*Recognizing* the relationship between international peace and security and the enjoyment of human rights and fundamental freedoms, and mindful that the absence of international peace and security does not excuse non-compliance,

*Reiterating* that all human rights and fundamental freedoms are universal, indivisible, interdependent and interrelated and should be promoted and implemented in a fair and equitable manner, without prejudice to the implementation of each of those rights and freedoms,

*Stressing* that the prime responsibility and duty to promote and protect human rights and fundamental freedoms lie with the State,

*Recognizing* the right and the responsibility of individuals, groups and associations to promote respect for and foster knowledge of human rights and fundamental freedoms at the national and international levels,

*Declares:*

*Article 1*

Everyone has the right, individually and in association with others, to promote and to strive for the protection and realization of human rights and fundamental freedoms at the national and international levels.

*Article 2*

1. Each State has a prime responsibility and duty to protect, promote and implement all human rights and fundamental freedoms, inter alia, by adopting such steps as may be necessary to create all conditions necessary in the social, economic, political and other fields, as well as the legal guarantees required to ensure that all persons under its jurisdiction, individually and in association with others, are able to enjoy all those rights and freedoms in practice.
2. Each State shall adopt such legislative, administrative and other steps as may be necessary to ensure that the rights and freedoms referred to in the present Declaration are effectively guaranteed.

*Article 3*

Domestic law consistent with the Charter of the United Nations and other international obligations of the State in the field of human rights and fundamental freedoms is the juridical framework within which human rights and fundamental freedoms should be implemented and enjoyed and within which all activities referred to in the present Declaration for the promotion, protection and effective realization of those rights and freedoms should be conducted.

*Article 4*

Nothing in the present Declaration shall be construed as impairing or contradicting the purposes and principles of the Charter of the United Nations or as restricting or derogating from the provisions of the Universal Declaration of Human Rights,<sup>2</sup> the International Covenants on Human Rights and other international instruments and commitments applicable in this field.

*Article 5*

For the purpose of promoting and protecting human rights and fundamental freedoms, everyone has the right, individually and in association with others, at the national and international levels:

- (a) To meet or assemble peacefully;
- (b) To form, join and participate in non-governmental organizations, associations or groups;
- (c) To communicate with non-governmental or intergovernmental organizations.

*Article 6*

Everyone has the right, individually and in association with others:

- (a) To know, seek, obtain, receive and hold information about all human rights and fundamental freedoms, including having access to information as to how those rights and freedoms are given effect in domestic legislative, judicial or administrative systems;
- (b) As provided for in human rights and other applicable international instruments, freely to publish, impart or disseminate to others views, information and knowledge on all human rights and fundamental freedoms;



- (c) To study, discuss, form and hold opinions on the observance, both in law and in practice, of all human rights and fundamental freedoms and, through these and other appropriate means, to draw public attention to those matters.

*Article 7*

Everyone has the right, individually and in association with others, to develop and discuss new human rights ideas and principles and to advocate their acceptance.

*Article 8*

1. Everyone has the right, individually and in association with others, to have effective access, on a non-discriminatory basis, to participation in the government of his or her country and in the conduct of public affairs.
2. This includes, inter alia, the right, individually and in association with others, to submit to governmental bodies and agencies and organizations concerned with public affairs criticism and proposals for improving their functioning and to draw attention to any aspect of their work that may hinder or impede the promotion, protection and realization of human rights and fundamental freedoms.

*Article 9*

1. In the exercise of human rights and fundamental freedoms, including the promotion and protection of human rights as referred to in the present Declaration, everyone has the right, individually and in association with others, to benefit from an effective remedy and to be protected in the event of the violation of those rights.

2. To this end, everyone whose rights or freedoms are allegedly violated has the right, either in person or through legally authorized representation, to complain to and have that complaint promptly reviewed in a public hearing before an independent, impartial and competent judicial or other authority established by law and to obtain from such an authority a decision, in accordance with law, providing redress, including any compensation due, where there has been a violation of that person's rights or freedoms, as well as enforcement of the eventual decision and award, all without undue delay.
3. To the same end, everyone has the right, individually and in association with others, inter alia:
  - (a) To complain about the policies and actions of individual officials and governmental bodies with regard to violations of human rights and fundamental freedoms, by petition or other appropriate means, to competent domestic judicial, administrative or legislative authorities or any other competent authority provided for by the legal system of the State, which should render their decision on the complaint without undue delay;
  - (b) To attend public hearings, proceedings and trials so as to form an opinion on their compliance with national law and applicable international obligations and commitments;
  - (c) To offer and provide professionally qualified legal assistance or other relevant advice and assistance in defending human rights and fundamental freedoms.
4. To the same end, and in accordance with applicable international instruments and procedures, everyone has the right, individually and in association with others, to unhindered access to and communication with international bodies with general or special competence to receive and consider communications on matters of human rights and fundamental freedoms.
5. The State shall conduct a prompt and impartial investigation or ensure that an inquiry takes place whenever there is reasonable ground to believe that a violation of human rights and fundamental freedoms has occurred in any territory under its jurisdiction.

*Article 10*

No one shall participate, by act or by failure to act where required, in violating human rights and fundamental freedoms and no one shall be subjected to punishment or adverse action of any kind for refusing to do so.

*Article 11*

Everyone has the right, individually and in association with others, to the lawful exercise of his or her occupation or profession. Everyone who, as a result of his or her profession, can affect the human dignity, human rights and fundamental freedoms of others should respect those rights and freedoms and comply with relevant national and international standards of occupational and professional conduct or ethics.

*Article 12*

1. Everyone has the right, individually and in association with others, to participate in peaceful activities against violations of human rights and fundamental freedoms.
2. The State shall take all necessary measures to ensure the protection by the competent authorities of everyone, individually and in association with others, against any violence, threats, retaliation, de facto or de jure adverse discrimination, pressure or any other arbitrary action as a consequence of his or her legitimate exercise of the rights referred to in the present Declaration.
3. In this connection, everyone is entitled, individually and in association with others, to be protected effectively under national law in reacting against or opposing, through peaceful means, activities and acts, including those by omission, attributable to States that result in violations of human rights and fundamental freedoms, as well as acts of violence perpetrated by groups or individuals that affect the enjoyment of human rights and fundamental freedoms.

*Article 13*

Everyone has the right, individually and in association with others, to solicit, receive and utilize resources for the express purpose of promoting and protecting human rights and fundamental freedoms through peaceful means, in accordance with article 3 of the present Declaration.

*Article 14*

1. The State has the responsibility to take legislative, judicial, administrative or other appropriate measures to promote the understanding by all persons under its jurisdiction of their civil, political, economic, social and cultural rights.
2. Such measures shall include, inter alia:
  - (a) The publication and widespread availability of national laws and regulations and of applicable basic international human rights instruments;
  - (b) Full and equal access to international documents in the field of human rights, including the periodic reports by the State to the bodies established by the international human rights treaties to which it is a party, as well as the summary records of discussions and the official reports of these bodies.
3. The State shall ensure and support, where appropriate, the creation and development of further independent national institutions for the promotion and protection of human rights and fundamental freedoms in all territory under its jurisdiction, whether they be ombudsmen, human rights commissions or any other form of national institution.

*Article 15*

The State has the responsibility to promote and facilitate the teaching of human rights and fundamental freedoms at all levels of education and to ensure that all those responsible for training lawyers, law enforcement officers, the personnel of the armed forces and public officials include appropriate elements of human rights teaching in their training programme.

*Article 16*

Individuals, non-governmental organizations and relevant institutions have an important role to play in contributing to making the public more aware of questions relating to all human rights and fundamental freedoms through activities such as education, training and research in these areas to strengthen further, inter alia, understanding, tolerance, peace and friendly relations among nations and among all racial and religious groups, bearing in mind the various backgrounds of the societies and communities in which they carry out their activities.

*Article 17*

In the exercise of the rights and freedoms referred to in the present Declaration, everyone, acting individually and in association with others, shall be subject only to such limitations as are in accordance with applicable international obligations and are determined by law solely for the purpose of securing due recognition and respect for the rights and freedoms of others and of meeting the just requirements of morality, public order and the general welfare in a democratic society.

*Article 18*

1. Everyone has duties towards and within the community, in which alone the free and full development of his or her personality is possible.

2. Individuals, groups, institutions and non-governmental organizations have an important role to play and a responsibility in safeguarding democracy, promoting human rights and fundamental freedoms and contributing to the promotion and advancement of democratic societies, institutions and processes.
3. Individuals, groups, institutions and non-governmental organizations also have an important role and a responsibility in contributing, as appropriate, to the promotion of the right of everyone to a social and international order in which the rights and freedoms set forth in the Universal Declaration of Human Rights and other human rights instruments can be fully realized.

*Article 19*

Nothing in the present Declaration shall be interpreted as implying for any individual, group or organ of society or any State the right to engage in any activity or to perform any act aimed at the destruction of the rights and freedoms referred to in the present Declaration.

*Article 20*

Nothing in the present Declaration shall be interpreted as permitting States to support and promote activities of individuals, groups of individuals, institutions or non-governmental organizations contrary to the provisions of the Charter of the United Nations.

**Relevant international instruments**

- The Universal Declaration of Human Rights
- The International Covenant on Civil and Political Rights
- The International Covenant on Economic, Social and Cultural Rights
- The Convention Against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment
- The Convention on the Rights of the Child
- The Convention on the Elimination of Discrimination Against Women
- The Convention on the Elimination on all Forms of Racial Discrimination
- The European Convention on Human Rights, its protocols and the relevant case law of the European Court of Human Rights
- European Social Charter/Revised European Social Charter
- African Charter for Human and Peoples' Rights
- American Convention on Human Rights
- Geneva Conventions on the Protection of Victims of War and its Protocols as well as customary rules of humanitarian law applicable in armed conflict
- The 1951 Convention regarding the Status of Refugees and its 1967 Protocol
- The Rome Statute of the International Criminal Court
- Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms.

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