

Special Rapporteur on human rights defenders

Interactive dialogue, 4 March 2013

Human Rights Council 22nd session

ITEM 3 - INTERACTIVE DIALOGUE WITH SPECIAL RAPPORTEUR ON HUMAN RIGHTS DEFENDERS

Thank you Mr President, Madame Special Rapporteur,

The situation of human rights defenders is an important indicator of the overall enjoyment of human rights.

We wish to address both your report to the Council on national human rights institutions (NHRIs) and your report to the General Assembly on the use of legislation affecting human rights defenders.

Madame Special Rapporteur, we warmly welcome your **comprehensive report on NHRIs**, and in particular its dual focus on NHRIs as human rights defenders, and the wide array of support that NHRIs can provide to human rights defenders. We appreciate the report's reference to both good practice, and examples of where NHRIs fall short in their mandate or its implementation.

ISHR has the following questions for you, Madame rapporteur,

- Can you provide specific examples of the positive role played by an NHRI in protecting human rights defenders from reprisals and intimidation linked to their cooperation with this Council?
- You also mention the role of the ICC in providing such support to NHRI representatives when facing similar problems. What type of response do you expect from the Human Rights Council to cases of reprisals against NHRIs?

Turning to your report to the General Assembly on the **use of legislation affecting human rights defenders**, we appreciate your clear affirmation of States' obligation under international law to ensure a safe and enabling environment for HRDs to carry out their work.

Sadly, your report is a timely reminder of the harsh environment faced by HRDs in many situations. Recent months have underscored the urgency of putting a stop to efforts by States to use legislative and judicial measures - as part of a more widespread campaign against human rights defenders - to undermine their work.

While this practice affects human rights defenders working in many different contexts, as you outline in your report, the proposed "homosexual propaganda" bill in Russia is a paradigm example. Self-evidently, the law will be used to harass human rights defenders and target those who speak out on the rights of lesbian, gay, bisexual, transgender and intersex people.

Madame Special Rapporteur, in closing ISHR wishes to put the following questions to your consideration:

- In many situations, human rights defenders are said to 'misuse' the 'label' of human rights defender, for instance because they belong to or are said to belong to political opposition parties. This is despite the fact that the ICCPR explicitly prohibits

discrimination on the ground of political belief and guarantees the rights of freedom of expression and association. How can the Human Rights Council ensure that human rights defenders expressing political opinions or associated with political parties are guaranteed the full protection of international law?

- There is a worrying trend on the part of some States to regulate and restrict human rights defenders' access to funding, including overseas funding, in contravention of the right set out in Article 13 of the Declaration. What should the Council do to better protect this right?

Thank you, Madame Special Rapporteur, Mr President.