



Enhancing protection

Developments in the legal recognition of defenders

2018 marks the 20th anniversary of the UN Declaration on Human Rights. The Declaration, adopted by consensus by the General Assembly in 1998 after almost 15 years of lobbying and advocacy by ISHR and other NGOs, elaborates binding international law so far as it applies to individuals, groups and associations promoting and defending human rights. Those advocating for the Declaration, together with those States that sought to weaken it, well understood that binding legal standards are a necessary, although by no means sufficient, element for the protection of defenders and a safe and enabling environment for their work.

While there remains a significant gap between the commitments made by States through the Declaration and their implementation on the ground, throughout 2017 ISHR contributed significantly to a number of positive developments in the legal recognition and protection of defenders at the international, regional and national levels.



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IMPACT

TIMELINE OF DEVELOPMENTS TO WHICH ISHR CONTRIBUTED IN 2017



JANUARY

- Mali's Cabinet of Ministers adopts draft National Law on Human Rights Defenders
- UN Working Group on Arbitrary Detention issues legal opinion holding that the International Covenant on Civil and Political Rights prohibits discrimination against human rights defenders in the same way as it prohibits discrimination on grounds such as race or gender

FEBRUARY

- President of Côte d'Ivoire adopts decree to implement Loi 2014-388, the first ever national human rights defender protection law in Africa



MARCH

- UN Human Rights Council adopts Norwegian-led consensus resolution extending the mandate of the Special Rapporteur on Human Rights Defenders

APRIL

- ISHR convenes high-level meeting of 45 representatives of civil society, national human rights institutions, parliaments and governments from 15 African countries for a two-day consultation on the development and implementation of national laws for the protection of defenders in Africa
- ISHR files third party intervention in support of indigenous human rights defender Daniel Pascual, calling on the Guatemalan Constitutional Court to interpret and apply national law and the constitution in conformity with the Declaration



MAY

- ISHR Director Phil Lynch addresses high-level conference of judges and jurists from Latin America and Europe on how the Declaration can be used by domestic and regional courts to interpret and apply domestic and regional law to enhance the protection of defenders

JUNE

- National Assembly of Burkina Faso adopts law on protection of defenders, following sustained advocacy and substantial inputs from ISHR and our partners, the Burkina Faso Coalition of Human Rights Defenders and the West African Human Rights Defenders Network

JULY

- ISHR submits intervention to the European Court of Human Rights against Russia, calling on the Court to explicitly rule that the rights to freedom of expression and association include the right to unhindered access and communication with international human rights bodies in line with the Declaration



AUGUST

- ISHR intervenes with UN Human Rights Committee in a case regarding attacks against LGBTI rights defender Sasha Krikerik, asking the Committee to find Russia in violation of its obligations under the Declaration
- ISHR facilitates a two-day consultation with human rights defenders from six Latin American countries to exchange and develop strategies for the introduction, reform and implementation of national protection mechanisms for defenders in Brazil, Colombia, El Salvador, Guatemala, Mexico and Peru

SEPTEMBER

- UN Human Rights Council adopts resolution – the first in 4 years – condemning acts of intimidation and reprisals against defenders and affirming the right to safe and unhindered access to and communication with international human rights bodies

- UN Committee on Migrant Workers makes groundbreaking recommendations to States regarding obligation to take specific measures to protect defenders of migrant, refugee and asylum seeker rights, in line with submissions by ISHR and national partners from Mexico, Korea and Indonesia

OCTOBER

- UN experts initiate development of legal and practical guidance for business on respecting and supporting human rights defenders, with inputs from ISHR

NOVEMBER

- African Commission on Human and Peoples' Rights adopts Guidelines on Freedom of Association and Assembly, drafted with substantial input from ISHR and providing authoritative guidance to States to ensure that law, policy and practice conform with regional and international human rights standards

- Facilitated by ISHR and ARC International, a group of 33 eminent international legal experts release the Yogyakarta Principles Plus 10, an authoritative set of new principles on international human rights law relating to sexual orientation, gender identity, gender expression and sex characteristics, including in relation to LGBTI rights defenders
- Just two weeks after their release, the Inter-American Court of Human Rights cites the Yogyakarta Principles Plus 10 extensively and approvingly in a significant decision on gender identity and non-discrimination

DECEMBER

- UN General Assembly adopts consensus resolution on human rights defenders, drafted with significant inputs from ISHR
- Parliament of Mali adopts national law on protection of defenders, following two year advocacy campaign and provision of substantial technical assistance by ISHR and our local partner, the Coalition Malienne des Défenseurs des Droits Humains