

Supporting and protecting human rights defenders
Briefing Paper for the incoming UN High Commissioner for
Human Rights, Michelle Bachelet



Making human rights a reality for all depends on the work of human rights defenders. Despite this, across the globe, the right to defend human rights is being systematically undermined. Promoting, protecting and advocating for the rights of defenders should be among the highest priorities of the UN High Commissioner for Human Rights and her Office.

1. The situation of human rights defenders

We all want to enjoy freedom and dignity, and to live in communities that are fair and just in a world that is peaceful and sustainable. Human rights defenders advocate and organise to make this a reality. They work to ensure that every person has access to quality education, healthcare, a decent job, secure housing, and a healthy environment. They work to ensure that none of us are harassed, imprisoned, disappeared or even killed because of who we are, who we love, or what we say.

This year marks the 20th anniversary of the adoption of the UN Declaration on Human Rights Defenders, the landmark consensus agreement on the right to promote and protect human rights.¹ Despite growing recognition of the importance of the work of defenders, and significant legal, policy and programmatic advances in some countries over the last twenty years, the situation for human rights defenders remains dire in many parts of the world. The Special Rapporteur on human rights defenders has spoken of attacks against them ‘multiplying everywhere’.²

Threats, attacks and restrictions against human rights defenders take many forms: from loss of employment and legislative restrictions on their work, to criminalisation, physical attacks and death threats. Too often defenders are accused of being terrorists and traitors, and of acting against the interests of their country or community.

Specific groups of defenders or those working on particular issues can face distinct risks. Women human rights defenders, for example, can face additional risks due to their gender and/or the work they do, particularly when focused on women-specific issues.

Attacks don't stop at national borders. When human rights defenders seek to use or cooperate with the UN system as a means to secure accountability and advance respect for human rights on the ground, they can face restrictions, intimidation and reprisals. ISHR recently documented the wide range of restrictions human rights defenders face within UN spaces,³ and produces annual reports on reprisals.⁴ These restrictions and reprisals reflect growing restrictions precisely when restrictions at the national level mean that access to the UN is all the more crucial for defenders.

¹ Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms.

² A/HRC/34/52, January 2017.

³ ISHR, ‘The Backlash against Civil Society Access and Participation at the UN’ at https://www.ishr.ch/sites/default/files/documents/mappingreport_web_0.pdf (2018).

⁴ ISHR, ‘Ending Reprisals against Those who Cooperate With the UN in the Field of Human Rights’ at https://www.ishr.ch/sites/default/files/documents/final_for_web_ishr_submission_to_sg_reprisals_report_06_05_2018_0.pdf (2018).

2. OHCHR and human rights defenders

The UN Declaration on Human Rights Defenders has not been fully implemented. The 2017 General Assembly resolution on human rights defenders acknowledges this and puts in motion several processes to assess levels of implementation and document good practice.⁵ The resolution requested a report on UN entities’—including OHCHR’s—consideration of the Declaration in their work, as well as their role assisting States to strengthen the work and security of human rights defenders. This audit—due to be published this year—is a welcome starting point for assessing the UN’s own work with and for defenders.

ISHR’s own recent assessment of the implementation of the UN Declaration on Human Rights Defenders in Colombia and Tunisia found that OHCHR country offices can be key in enhancing defender protection.⁶ In Colombia, OHCHR was widely acknowledged as having encouraged better practice by key State entities in regard to the investigation of threats and attacks against defenders. In Tunisia, OHCHR has created a much welcomed database to streamline and systematise the process of following up on UN recommendations related to defenders.

Our assessment also found that timely public responses by OHCHR to attacks against defenders can also be decisive. For example, an OHCHR press release issued within two days of the arrest of Egyptian human rights defender Hossam Bahgat in 2015 is credited with contributing to his release after three days (although he still faces charges). Defenders look to OHCHR to monitor the situation they face, speak out when they are under attack, and encourage better practice by States.

OHCHR can also play a crucial role in pushing other parts of the UN system to promote and protect the work of human rights defenders, including by seeking to ensure that UN human rights bodies and mechanisms are accessible and enable the meaningful participation of independent civil society actors. Despite this, where they exist, guidelines for UN bodies and representatives at country level in terms of their responsibilities to defenders, are often vague. Where human rights defenders are mentioned it is often only in regard to reprisals for cooperation with the UN, rather than encouraging a broader understanding of their work with the UN and how to best ensure their protection.

3. Recommendations

The High Commissioner on Human Rights should be a fierce supporter of human rights defenders. With this in mind, ISHR urges the new High Commissioner to consider the following recommendations:

1. Be proactive in regularly consulting and working in partnership with human rights defenders and other independent civil society actors.
2. Make clear and regular statements on the essential role played by human rights defenders and the need to ensure they can work in a safe and enabling environment without fear or hindrance, acknowledging the protection needs of particular groups of defenders.
3. Speak out and demand accountability on cases of threats, attacks and reprisals against human rights defenders, including by calling for and supporting impartial investigations, prosecution of perpetrators, and effective remedies for victims.
4. Push and work with States to fulfil the commitments laid out in the UN Declaration on Human Rights Defenders, including through repealing restrictive legislation and developing specific laws, policies and mechanisms to protect defenders.

⁵ A/RES/72/247, December 2017.

⁶ ISHR, ‘Input on Implementation of the UN Declaration on Human Rights Defenders’ at https://www.ishr.ch/sites/default/files/article/files/final_ishr_input_ohchr_declaration_on_hrds.pdf (April 2018).

5. Establish a comprehensive set of indicators to assess State fulfilment of human rights obligations related to human rights defenders, which could be used as an evidentiary basis for assessing compliance.
6. Build strategic alliances with States, civil society, academics, business enterprises and other actors with a shared interest in human rights, ensuring an enabling environment for civil society and respect for the rule of law.
7. Define an operating procedure at OHCHR to ensure that all offices establish and apply minimum standards in regard to their work on and with human rights defenders.
8. Encourage the Secretary General to carry out a full audit of UN work on human rights defenders and to develop an organisation-wide policy on supporting and protecting defenders. More generally, work closely with the Secretary-General to ensure that all UN agencies contribute to, and coordinate on, the protection of defenders and ensuring an enabling environment for their work.⁷
9. Encourage the development and implementation of an effective UN-wide policy on preventing and addressing reprisals and strongly support continuation and adequate resourcing of the mandate of the UN Senior Official on reprisals.
10. Work to ensure that UN human rights bodies and mechanisms are accessible, effective and protective for human rights defenders, in particular by ensuring that any reform efforts are informed by the full and meaningful participation of civil society. Strong leadership from the High Commissioner is essential to ensure that the process to strengthen the Treaty Bodies in 2020, and the General Assembly mandated status review of the Human Rights Council in 2021, are underpinned by these principles.

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The International Service for Human Rights (ISHR) is an independent, non-governmental organisation dedicated to promoting and protecting human rights. We achieve this by supporting human rights defenders, strengthening human rights systems, and leading and participating in coalitions for human rights change. ISHR has offices in Geneva and New York, with staff also based in Abidjan, Brussels, Jakarta and London and working regularly with partners at national level.

⁷ The Environmental Defenders Policy adopted by the UN Environment Programme in March 2018 is an example of good practice in this regard: see <https://www.unenvironment.org/news-and-stories/story/un-environment-launches-environmental-defenders-policy>.