

A 'Declaration +25':
Progress in international law, norms and standards 25 years on
Marking the 25th Anniversary of the UN Declaration on human rights defenders

Report of consultations with human rights defenders
as part of the Declaration +25 Project

19 June 2024

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Introduction

This report provides a summary of the outcomes of consultations with human rights defenders between March 2023 and March 2024 that were undertaken by a secretariat of 18 organisations as part of the [Declaration + 25 Project](#). .

The Declaration +25 Project is an initiative led by a coalition of 18 international and regional human rights organisations aimed at systematising the relevant developments in regional and international human rights law and standards for the protection of human rights defenders over the past 25 years.

With this information, the coalition developed the 'Declaration +25', an authoritative document which compiles these standards and is designed to complement the 1998 UN Declaration on Human Rights Defenders ('Declaration'). The principles contained in the

two documents together represent a baseline for the protection and promotion of human rights defenders while addressing their enduring and evolving needs.

The project was implemented by a group of 18 human rights organisations: Amnesty International, Asia Pacific Forum on Women, Law and Development (APWLD), CIVICUS, Defend Defenders, FIDH, FORUM-ASIA, Front Line Defenders, Gulf Centre for Human Rights, ICNL, ILGA World, IM-Defensoras, International Service for Human Rights (ISHR), OMCT, Peace Brigades International, Protect Defenders, Protection International, The Regional Coalition for WHRDs in South-West Asia and North Africa (known as WHRDMENA), Robert F. Kennedy Human Rights.

Scope of the research methods

Consultations with human rights defenders (HRDs) were conducted using two methods: in-person consultations and an online questionnaire.¹

They were conducted as independent events or on the sidelines of other human rights events which gathered defenders worldwide, including the UN Human Rights Council sessions, the UN Commission of the Status of Women, or sessions of the African Commission. The consultations took place between March 2023 and March 2024.

The online questionnaire was composed of a total of 24 questions and was hosted online in a 'Google Form' - it could be responded to anonymously.

Objectives of the research

The general objective of the research was to identify trends, challenges, risks, successes, and innovations related to the protection and work or activities of HRDs, and the role, if any, that the Declaration had played in these.

Specific objectives included:

- Enhance awareness and understanding of the Declaration and the role it plays in strengthening defender protection.
- Identify areas of the Declaration that could be further elaborated, taking into account developments in international law over the last 25 years and discuss areas.
- Support movement building and solidarity among civil society.
- Collate best practices from participants related to the recognition and practical implementation of the Declaration in their human rights work or activities.
- Ensure that a Declaration +25 project and outcome document aligns as best as possible with the stated needs of human rights defenders on the ground.

¹ The project included 23 consultations and 326 responses to the online questionnaire. See Annex for specific information.

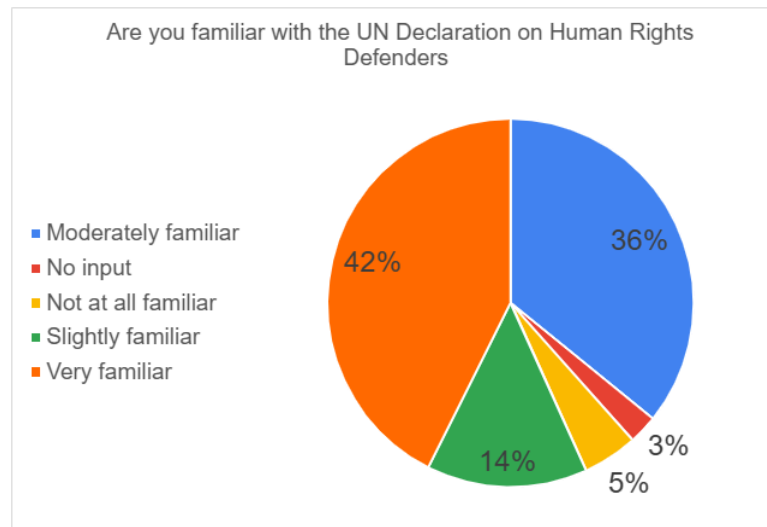
Structure of this report

This report provides a summary of the outcomes of the online and in-person consultations with HRDs. Accordingly, it is structured to include the elements in consultations and It is divided into six sections: familiarity with the Declaration, risks, challenges and trends, successes, innovations and areas where the Declaration could be further developed.

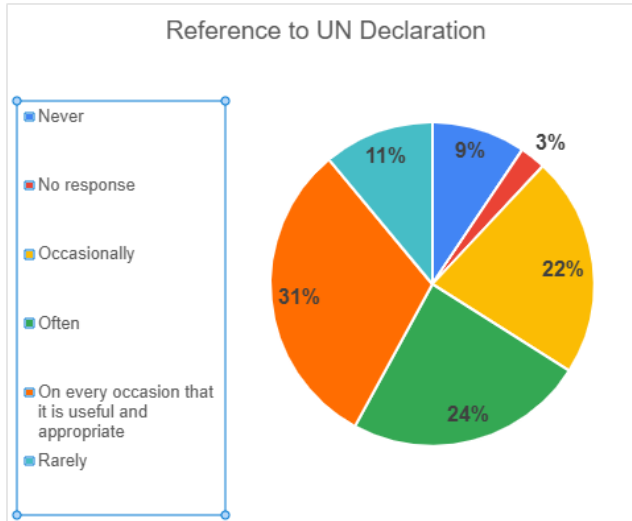
Each section follows a hierarchical structure. The text, examples and bullet points are all ordered in accordance with the number of times they were raised during the consultations. As such, the higher an issue or concept appears within a section, the more frequently it was raised during the research.

A. Familiarity and use of the Declaration

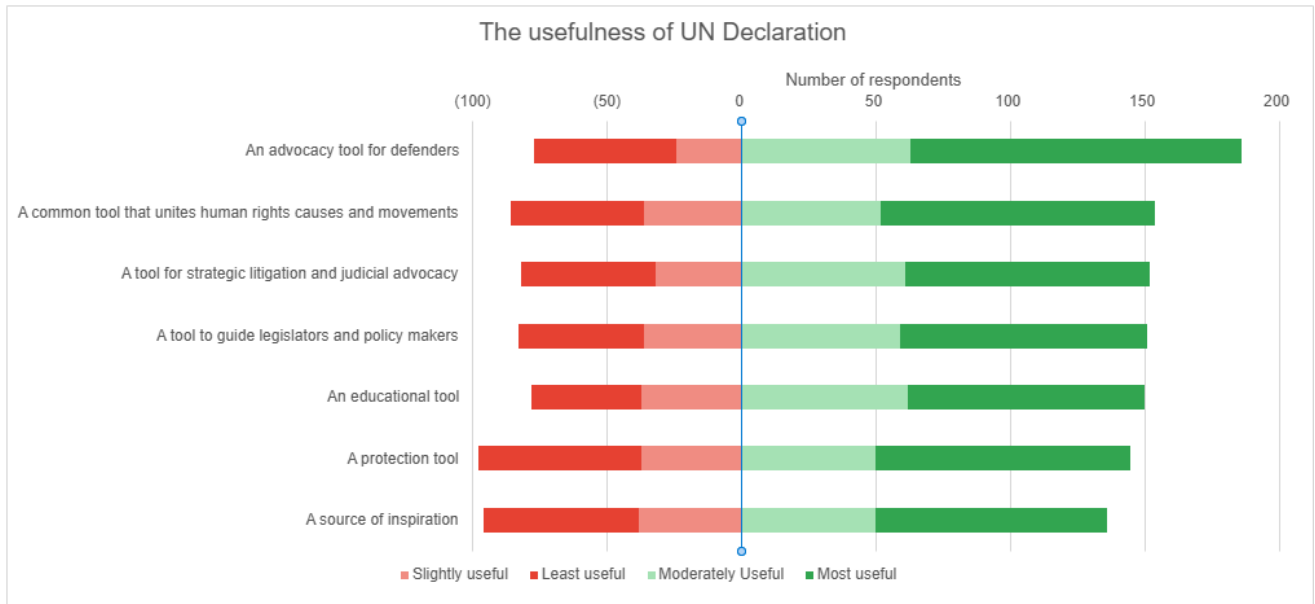
1. As one of the objectives of this project was to enhance awareness and understanding of the Declaration, it was first necessary to gauge the familiarity of consultees with the document. For this reason, in both online and in-person consultations, HRDs were asked about their knowledge and relation with the Declaration. The following results (taken from the online questionnaire, but aligning with the responses from the in-person consultations) demonstrate that defenders are indeed familiar with the Declaration.
2. The majority of respondents to the questionnaire indicated that they were either very (42%) or moderately (36%) familiar with the Declaration. Fewer than 20% of respondents noted that they had little or no knowledge of this document. A similar pattern arose during consultations.



3. When asked about the use of the Declaration in their work or activities, over half of the respondents also indicated that they used it often.



- Those who used the Declaration were asked about their usefulness; they considered that it was most useful as an advocacy tool and least useful as a source of inspiration.



B. Risks faced by human rights defenders

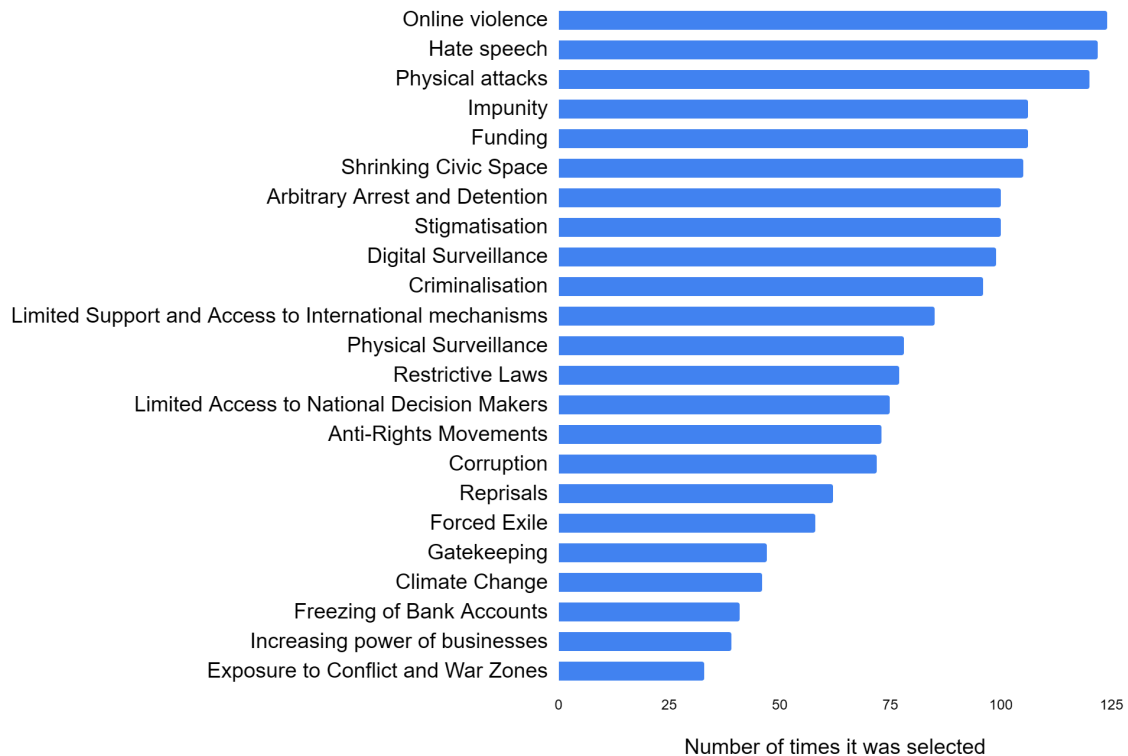
- The first element to understand the current situation of HRDs was to consider their personal experience. In this regard, consultees were asked about the particular risks they face in their work - focusing on personal experience and not general issues that impact HRD work.

6. The most denounced risk by defenders was **criminalisation and judicial harassment**, being reported in all consultations, often more than once. Specific examples which were reiterated included: red-tagging / profiling, assets freeze, the abuse of restrictive laws and provisions (e.g. "laws against terrorism" - further elaborated below), Strategic Lawsuits Against Public Participation (SLAPPs) and the imposition of unusually long prison sentences. Other examples were: the reopening of closed cases, denial of bail, imposition of the death penalty and threats by prosecutors which forced defenders to accept criminal responsibility (e.g. plea bargains).
7. The second most reported risk was **stigmatisation and delegitimisation**. This manifested itself through hate speech, misinformation and disinformation campaigns, marginalisation, and even certain public actions, such as showing defenders in handcuffs surrounded by police, as if they were dangerous criminals. However, the most common form of this risk was public discourse, which often followed some thematic patterns:
 - a. It appealed to a sense of 'national security', framing defenders as threats to the nation by calling them enemies of the State, foreign agents, terrorists, traitors, or troublemakers, among others.
 - b. It promoted division and resentment, presenting defenders as persons with a 'victim complex' and a burden on society, who don't want to work and want to 'live off the State'.
 - c. It was discriminatory, especially against indigenous HRDs (calling them 'uncivilised', 'savage', or 'against development') and women HRDs (reprimanding them for working in the defence of human rights 'instead of serving their families / homes')
 - d. It aimed at destroying the reputation and character of defenders.
8. The third risk which was also raised in all consultations was that of **online violence**, most often manifested in social media, including by anonymous profiles paid to harass political opponents, including defenders (known as 'net-centres'). Other forms of violence included threats, infringement on communication and data servers, doxxing, and gender-based online violence (including discriminatory discourse and non-consensual intimate imagery)
9. The fourth most-denounced risk was the existence of **factors that increased their situation of risk**, for example their level of exposure, the type of human rights defence they exerted, and their economic situation. The existence of **specific, multiple and intersecting forms of violence** suffered by certain groups of defenders was also noted:
 - a. Women HRDs were more at risk of sexual and gender based violence, forced undressing, as well as attacks on their families. At the same time, they often suffered a different kind of stigmatisation for breaking gender norms, and are usually attacked for not serving their families or not being 'real women'.

- b. Indigenous HRDs were more at risk of targeted assassinations, certain forms of harassment, enforced disappearances, forced evictions and displacement and land grabbings.
 - c. Gender-diverse defenders were more exposed to sexual violence and exposing of their private life (young HRDs reported fear of being 'outed').
- 10. The fifth most recurring topic was that of **physical violence**, including attacks, torture and hate crimes. Women, gender-diverse and indigenous defenders all highlighted how they were more exposed to these types of attacks, as well as the particular forms of violence they suffer. HRDs who defended 'unpopular' causes (which depended on the context in which they operate), also noted their increased exposure to this risk.
- 11. The sixth most often-cited issue was **violations to the right to liberty of the person**, put at risk, in particular, by arbitrary detentions and arrests, but also by enforced disappearances, kidnappings and even slavery (denounced by WHRDs from Burkina Faso).
- 12. Another relevant aspect which was highlighted was the **impact on wellbeing** suffered by HRDs, in particular, mental health issues, such as trauma, depression, stress, constant fear for their own safety and that of their family, a feeling of helplessness, depersonalisation and burnout. Other impacts were isolated-ness, tiredness and financial challenges.
- 13. Consultees also highlighted the risk of **assassinations**.
- 14. **Police violence** was also reiterated, which not only included police brutality (specifically noted by Peruvian defenders) but also harassment, threats and constant questioning.
- 15. Another risk was that of **violations to the right to nationality and to freedom of movement**, especially through direct or indirect forced exile, but also through travel bans, citizenship withdrawals, denials or removal of visas, prohibitions to enter the country and, for migrant HRDs, difficulty to access protection while at borders.
- 16. Furthermore, defenders also noted the particular risk of **spying, surveillance and stalking** against them. Georgian defenders explicitly mentioned that they suffered from phone tapping, with conversations then used for blackmailing.
- 17. Multiple consultees also worried about **damage to family, friends, associates and communities**, including being themselves victims of attacks or harassment. This often created infighting and problems within communities, which could lead to defenders being rejected by their own social circles. It was also noted that families of defenders in exile could be more vulnerable to economic hardships and prejudice.

18. **Offline harassment** was also noted as a particular risk, including through blackmailing, threats, and attacks at their own home.
19. Consultees noted the risk of **psychological attacks**, in particular through intimidation, which could come from the government, corporations, religious leaders and even society at large.
20. **Reprisals and punishment of advocacy** were also a significant issue. Defenders noted that, as a consequence of their work, different actors could violate their rights (through any of the examples listed in this section). A particular form of reprisal was that of denials of funds and government services, as well as professional reprisals, chiefly unfair dismissals.
21. Consultees were also exposed to different forms of **interference with their work**, for example by cutting off their access to resources, de-registration, closing or denial of registration or re-registration of their NGOs,, constant investigations or leaking of confidential information, or prohibition to access conflict areas. Moroccan defenders noted that being forced to work without registration exposed them to risk of criminalisation.
22. Other risks noted during consultations and also in the open-ended questions of the questionnaire included: **sexual violence** (including rape, forced undressings and sexual assault), **forced evictions and displacement, robbery and confiscation of assets, transnational repression** (including attacks on foreign dissidents and cooperation between governments against HRDs), **expulsion from spaces** (firings, losing career opportunities, denial of access to media and discussions, ostracisation), **ensorship** (e.g. deletion of social media accounts of Chinese HRDs), and **accidents**.
23. It is of note that the order of the risks was different in the questionnaire, with the three most-reported threats being online violence, hate speech and physical attacks. The table below demonstrates the responses in this regard.

Most common threats faced by HRDs (online questionnaire responses)



C. Challenges and trends faced by human rights defenders

24. The second part of the consultation focused on asking defenders which were some challenges and negative trends they faced, understood as structural issues which hindered their work.
25. The main challenge was **culture and intolerance to diversity**, as HRDs noted that there has been a backlash against human rights movements which has political and personal implications for their work. The most common manifestation of this issue was through **anti-rights and reactionary movements**, which
 - a. **Framed human rights as a threat** to morals, the family, youth, tradition, culture, the 'natural order', among others.
 - b. **Present themselves as an alternative to 'protect' the population** from 'woke western ideals' and 'the fall of the west' (e.g. in Morocco and Argentina). Campaigns to 'protect children' have been conducted in Guatemala, Costa Rica, El Salvador, Albania and Perú, among others.
 - c. Were **intimately linked with traditionalism, nationalism and religious fundamentalism**, questioning the universality of human rights.

- i. Defenders from Mongolia lamented that some national action plans incorporated anti-gender and homophobic narratives purportedly to 'preserve mongolian heritage and nationality').
 - d. Have become **increasingly better funded and more influential**; defenders noted that this was particularly the case for religious and cultural leaders.
 - e. Have **united several anti-rights causes**, chiefly against gender identity, human rights education, and the rights of women and girls (in particular, sexual and reproductive rights)
 - f. **Co-opt human rights discourse** (in particular anti-gender movements and corporations)
 - g. Have **drained resources of HRDs** as they now need to combat these movements.
26. Another example of this issue was the global right wing trend and the rise in polarisation, radicalism, extremism, fundamentalism, xenophobia, nationalism, racism and other forms of discrimination, which manifested itself through:
- a. Hate speech and hate crimes
 - b. Dismissal of the identities and roles in protecting human rights
 - c. Discriminatory laws and practices (e.g. rejecting legal personhood to indigenous groups)
 - d. Rejection and exclusion
 - e. Violent and discriminatory cultural practices
27. This was denounced, in particular, by indigenous defenders, gender diverse defenders, young defenders, defenders with disabilities, and defenders living with HIV.
28. In line with this cultural shift, defenders expressed concern at the politicisation of human rights, with politicians using anti-rights discourse. For example, homophobic campaigns in Guatemala and the Democratic Republic of Congo, or US and European politicians presenting migrants as 'criminals' who have no rights.
29. The second most reported challenge was the **passing of restrictive or regressive laws / amendments** that are abused against HRDs. The most common examples were
- a. Laws on specific issues: terrorism (Tanzania, Cameroon, Mongolia, Central America), National Security (China, Egypt), technology / cybersecurity and data collection (Colombia), Money Laundering, Foreign agents, Sexual Orientation and Gender Identity (Nigeria, Mongolia, Uganda), NGOs (Guatemala), Taxes (Venezuela, México), crime and use of extraordinary powers (El Salvador, Argentina), Religion (Nepal, Costa Rica), and misinformation (Egypt), among others.
 - b. Laws which criminalised solidarity and the defence of certain human rights issues, in particular: asylum seekers and migrants (Italy, Latin America),

SOGI (Nigeria, Uganda, Tanzania), defending HRDs, and gender, sexual and reproductive and women's rights.

- c. Regressive laws was also relevant, for example laws that legalised human rights violations (such as land grabbings), excluded civil society from engaging with the government, or weakened protections for indigenous peoples (Kenya).
30. Third was the **lack of access to justice and accountability**. Systematic injustice and impunity, including at the UN, was constantly raised. This had several causes:
- a. Government officials without human rights knowledge (defenders from Mongolia noted that government officials are prohibited by law to receive training on topics which are 'against tradition'), who conduct a bad faith application of laws, or that take a condescending approach to victims.
 - b. Justice which did not consider the particular needs of users, especially indigenous, young and migrant HRDs.
 - c. Fear of reprisals when seeking justice (in particular when State agents are involved). Also, the chilling effect caused by impunity.
 - d. Lack of support from authorities (especially during investigations by police and prosecutors).
 - e. Procedural issues: jurisdictional issues when dealing with migrant issues (US/Mexico), police being exempt from truth and reconciliation process (Australia), legal prohibition from conducting public interest litigation (Argentina, Chile), lack of due process, no adequate mechanisms to protect rights.
 - f. Absence of transitional justice
 - g. Absent or inadequate reparations (no reparation for families, for nature itself, and lack of a gender perspective)
31. The **absence, lack of implementation and/or inefficacy of human rights laws and systems** was the fourth most-raised issue. Examples included:
- a. Existing laws / mechs which are not adequate, for example because they lack a gender perspective, considerations for diverse identities, do not provide collective protection or are focused on urban and hegemonic concepts of protection.
 - b. Complex procedures and requirements to obtain or renew protection measures or asylum (e.g., HRDs in Perú indicated that protection is only granted if HRDs can prove they belong to an NGO or community).
 - c. Human rights bodies (NHRI, HR prosecutors, intl. systems) that do not have coercive power or sufficient resources to effectively protect human rights.
 - d. Human rights bodies that do not actually protect human rights and acquiesce or convalidate violations

- e. Non-existence nor consistent political will to provide legal protection to defenders, (Costa Rica), as it becomes dependent on incumbent governments.
 - f. Arbitrary and inconsistent respect and fulfilment of human rights. Universality remains purely aspirational.
 - g. National laws which do not align with international standards.
32. The fifth most common challenge was the **'unpopularity' of human rights defence work**. In particular, the constant stigmatisation, negative discourse and misinformation and disinformation campaigns related to their work. The most reiterated example in this regard was propaganda from State and non-State actors, who spread a negative perception of HRDs (as 'anti-development', terrorists, defenders of criminals, etc), normalise or justify attacks against them, or reproduce stereotypes and pretend to conduct 'character assassination' (destroy the legitimacy and public image of HRDs).
33. As a cause and consequence of this issue, HRDs noted a lack of solidarity, support and participation from the general public, and, in some cases, even public repudiation for their work. This was explained by the following reasons
- a. Lack of knowledge about human rights work, which led to a lack of trust in their intentions (young HRDs noted that they were often criticised for 'only wanting fame') and fear (e.g. that HRDs were spreading 'communism').
 - b. Fear against reprisals for supporting human rights (Nepal HRDs noted that a celebrity who supported LGBTQ rights received significant backlash)
 - c. A difficulty to change the mindset of society
 - d. Constant efforts to minimise human rights issues.
 - e. The aforementioned stigmatisation and negative efforts.
 - f. Media and general public are ignoring the voices of HRDs and human rights issues.
34. The sixth most identified challenge was the existence of **conflicts and disconnection within human rights movements**, for the following reasons:
- a. Discrimination within the movement:
 - i. Invisibilisation of young and women HRDs
 - ii. Exclusion of WHRDs by male and indigenous defenders
 - iii. Exclusion LGBTQ defenders by women, indigenous and Roma organisations
 - iv. Lack of participation from historically and systematically oppressed groups (e.g. indigenous, rural, LGBTQ and disability defenders).
 - v. Unequal focus by the UN and international community
 - b. Mistrust between organisations, for example because of fear of reprisals, or the possibility that there are anti rights or government NGOs
 - c. Difficulty to communicate, organise and cooperate

- d. Weakening of civil society caused by exile of defenders and fear of reprisals.
 - e. Abuse of human rights work: false NGOs and people who only seek profit and professional success.
 - f. Siloing and fragmentation
 - g. Competition within NGOs (for example, for funds)
 - h. Intergenerational conflict (including on tactics and on how rights should be interpreted)
 - i. Intentional division of HRDs by external actors (as a strategy to weaken the movement)
 - j. Gatekeeping
 - k. Lack of reciprocity and cooperation
 - l. Large organisations which refuse to work with local and grassroots movements, and rather take up their spaces.
35. The seventh challenge was the **limited capabilities, opportunities and support for HRDs**, especially for newer, smaller or grassroots movements. The most common example in this regard was the lack of legal assistance when criminalisation occurs, but others included:
- a. Frustration and fear which result in staff leaving and high turnover rates
 - b. Lack of connections, access, adequate equipment, tools and technology, including to implement the Declaration.
 - c. Need to go into exile and difficulties of continuing work in exile (noted by Chinese and Guatemalan HRDs)
 - d. Dependence on larger organisations for funding and supports
 - e. Lack of support from international organisations
 - f. Language barriers (e.g. an HRD from Tanzania noted that she could not advocate in sign-language because of a lack of interpreters)
 - g. Needing to balance HRD work with other responsibilities
 - h. Lack of dissemination of human rights instruments and human rights knowledge (indigenous HRDs and defenders of persons with albinism highlighted this challenge)
 - i. Difficulty to find mentors within the movement
 - j. Consultees were also unsure if they could be considered HRDs.
36. **Shrinking of civic space** was also raised as a main issue, some examples included:
- a. Restrictions on freedom of assembly: Limits to assemblies and gatherings (need for police authorisation, limited public spaces), banning of awareness-raising efforts.

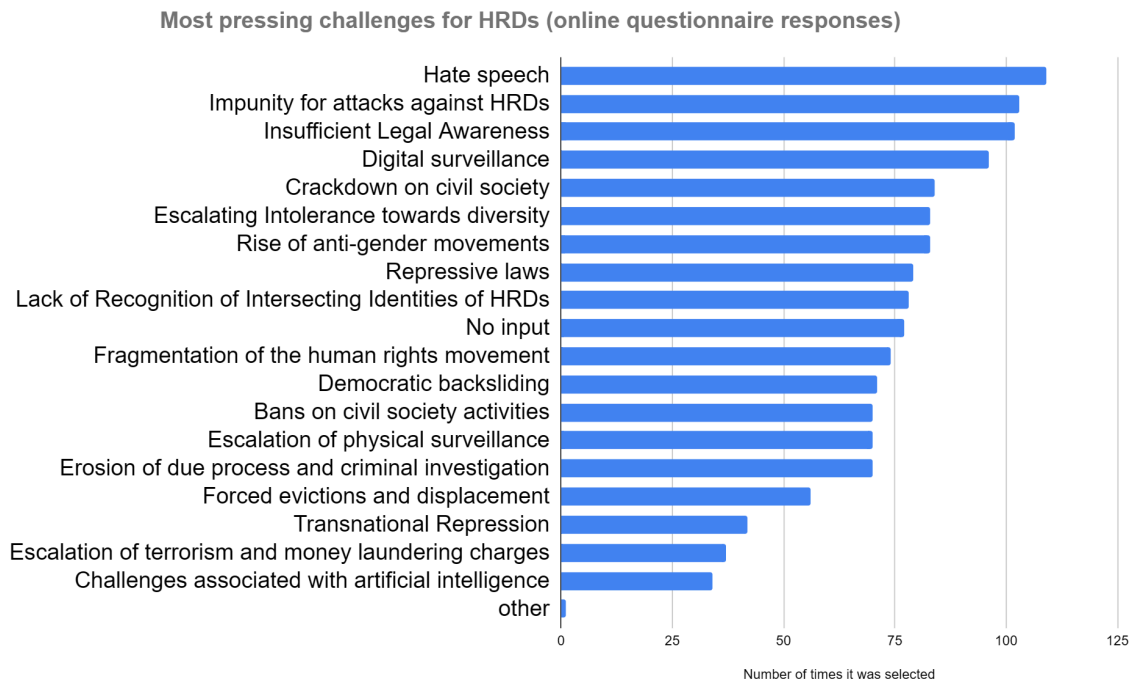
- b. Restrictions on freedom of expression: censorship, restrictions to speak on certain issues (e.g. gender in Tanzania), classification of advocacy as propaganda, control of media by government and companies, Restriction on freedom of press.
37. Another significant challenge was the increasing **restrictions on freedom of association**:
- a. Closing of NGOs (ie. Amnesty International in India)
 - b. Increasingly difficult to register, re-register or operate NGOs. Increased abilities of governments to deregister or liquidate (Nepal, India, Albania)
 - c. Overregulation: Excessive requirements and bureaucracy (limits to autonomy in selecting personnel, in how to receive and use funds, constant reporting). Say in periods of directors, they have access to all information
 - d. Criminalisation of foreign funding
 - e. Intimidation from the government
 - f. Legal requirements to be considered an HRD (DRC mentions the need to have a university degree)
38. The **absence of funds** also hindered the capabilities of HRDs. The main causes of this were:
- a. Limited access to funding opportunities - especially for certain types of defenders (LGBTQ, Women, indigenous, migrants), smaller NGOs, or working in specific geographic areas (DRC 'red zone', Palestine).
 - b. Difficulty in raising funds
 - c. Lack of sustainable funding
 - d. Restrictions and criminalisation of foreign funding (e.g. China, Morocco [crime up to 10 years])
 - e. Complicated funding requirements
 - f. Inequality in funding
 - g. Impossibility to achieve self-sustainability
 - h. No 'core' funding, free from conditions
 - i. Donors which don't understand country context and / or impose unreasonable conditions
 - j. Fragmentation of NGOs which spreads funding thin
 - k. Strategic evictions, for example through unreasonable rental hikes
39. HRDs resented **the failure of international systems**, in particular
- a. Complex and obscure procedures and rules to access the international system and be part of the international agenda, along with financial and visa challenges. This results in only 'elite' organisations being able to access the system and be listened to.

- b. Chinese defenders lamented that the UN was not able to actually protect defenders or ensure concrete results on the ground, which caused mistrust in the system.
 - c. Ratification of human rights treaties does not translate to national implementation. Furthermore, defenders from Saudi Arabia noted that lack of ratification led to an even more challenging position from NGOs
 - d. Loss of legitimacy of the founders of the current international system
 - e. Lack of dissemination, knowledge and use of the Declaration, even by UN bodies.
 - f. Discussions at international fora are becoming less progressive.
 - g. Human rights forums and discussions do not have any real impact.
 - h. Local UN and OHCHR offices work differently from international UN - they are more aligned with the host government.
 - i. The quality of UN Independent Experts varies significantly depending on the person in charge.
 - j. Difficulty to grasp if the Declaration has actually been successful
 - k. Conflicting international standards and fragmentation of international law
40. **Wellbeing challenges** were also raised, including mental health issues, feelings of isolatedness and ostracisation, lack of wellbeing support (e.g. social services), difficulties to protect themselves while protecting others, difficulty in setting boundaries, depersonalisation and desensitisation, frustration, high expectations, fear, constant attacks, impact on family and community, and breaking of social bonds.
41. Difficulties in **accessing information** were also noted:
- a. Restrictions on access to and accessibility of information for some communities
 - b. Increasing presence of misinformation and disinformation
 - c. Difficulty in finding reliable sources of information
 - d. Internet shutdowns
 - e. Difficulty to share information
 - f. Difficulty to access victims who are afraid to share information
 - g. Difficulties to access and compile evidence of human rights violations
42. Furthermore, **corruption, weak institutions and absence of the Rule of Law** also presented a challenge: Inexistent, inefficient or corrupt public services led to structural issues such as hunger, poverty, general violence and criminality, disease and mortality. Public servants often required bribes or refused to cooperate given the existence of collusion with other actors.
43. **Criminalisation and persecution** themselves were also a challenge, as gender-diverse persons (Nigeria, Malaysia), migrants (USA) and indigenous

peoples (Australia), as well as those who defend their rights are criminalised. Criminal provisions with vague language are abused, and processes are faced with limited funds and significant legal barriers, most notably, that criminalisation is not recognised as a form of violation of the rights of HRDs.

44. Defenders also noted the **violation of their right to participate in public affairs**, as they had limited access to national decision makers and, when possible, had to rely on local politicians; it was only possible to actually influence politics by becoming a political party, and oftentimes they were excluded from decision-making, even when it concerned them directly (eg. consultation in the case of indigenous peoples, or policies of persons with disabilities). Other defenders also lamented that their inputs and submissions were not taken into account, as governments and the public would rather consider information from larger organisations or governmental institutions.
45. Defenders' work was more difficult during times of **political instability and conflict**, such as coups, militarisation (Mexico), internal conflicts (Myanmar, States of emergency (El Salvador), occupation (Palestine), extremism and electoral periods.
46. Other challenges noted in consultations and in the open-ended questions of the questionnaire included:
 - a. Power of non-state actors, including companies, organised crime, private security agents, and armed groups.
 - b. Lack of labour rights, social protections and work / financial stability.
 - c. Transnational repression, chiefly expressed through governments collaborating with each other to arrest, extradite or surveil HRDs, but also through the indirect support and financing of anti-rights groups.
 - d. Self-censorship and the chilling effect caused by reprisals
 - e. Democratic backsliding, including a trend of authoritarianism and militarism, political violence and political prosecution.
 - f. Climate change and the loss of livelihood and culture, as well as the need to seek refuge in other countries (climate refugees). Indigenous peoples also noted how some climate policies violated their rights.
 - g. Geopolitics, capitalism, extractivism, colonialism and patriarchy.
 - h. Tech-associated challenges, including the potential risks of Generative Artificial Intelligence and increased digital threats.
 - i. Lack of state presence, especially in remote areas, which facilitated human rights violations
 - j. Rising cost of living and inflation
 - k. Sophistication of techniques to attack HRDs and close civic space, manipulate information, spread propaganda, and distort human rights laws.

- l. Young defenders noted that they were often barred from taking action and defending human rights by their parents or guardians, who limit their activism to 'protect' them. Some WHRDs mentioned an additional sexist barrier, as restrictions were also imposed given that it was 'unladylike' to be an activist.
 - m. Difficulty of establishing rapport and trust with local communities who may be wary of outsiders.
47. The responses to the **questionnaire** showed a similar trend to the one noted in the 'risks' section above, in which the list of most pressing challenges differed from those noted in the consultations. For questionnaire respondents, the three top challenges were the rise of hate speech, impunity for attacks against HRDs, and insufficient legal awareness.



D. Innovations of human rights defenders

48. Once consultees had shared the challenges and risks they faced, the discussion moved to the innovative ways in which they have addressed these issues.
49. The majority of defenders had found efficient ways of using **information and communication technologies (ICTs)** to improve their advocacy, reach and impact (e.g. through social media and artificial intelligence), communications among themselves and with international partners and human rights bodies (e.g. through Signal or Zoom); developing online resources and tools for human rights capacity building; and facilitating documentation (e.g. through cellphone cameras and speech-to-text apps).
50. As a response to closing civic space, HRDs have had to find **new and creative ways of organising, maintaining solidarity and fundraising**. Some have resorted to 'underground' or 'covert' meetings, such as creating 'book clubs' in order to raise funds without drawing the attention of authorities, they have prepared comedy shows, exhibitions, concerts, cultural performances, plays, documentaries, and asked for donations. Colombian and Guatemalan indigenous defenders reported that they have resorted to spiritual wellbeing (e.g. through poetry and writing), intergenerational and intercultural knowledge-sharing, and teaching (e.g. On agriculture, environment, food sovereignty) as alternative ways to inform about human rights and HRDs.
51. **Cross-movement collaboration** has also been developed given the need for 'strength in numbers'. They linked local struggles with national and international ones and created new networks. Breaking silos in human rights work has also served to share knowledge, experiences and best practices. HRDs have formed alliances to achieve common goals, such as anti-corruption (Guatemala), climate change and human rights, feminism and LGBTQ rights (Perú), and even religion and human rights.
52. The development of **community based and movement led protection tools**, such as indigenous guards, community-based protection models, early warning systems, self-care mechanisms, humanitarian zones, human rights monitoring and research, and spiritual support for indigenous guards. They have also advocated for the legitimisation of HRDs and their need for specific protection.
53. HRDs also increased their focus on their **individual and collective wellbeing**, filling gaps due to a lack of government support. In this regard, defenders have developed self-care mechanisms and tools, alliances for protection, networks of support, solidarity platforms and a general shift in mindset regarding the 'martyr' concept of HRDs.
54. Defenders also focused on **developing their capacities to defend human rights**, in particular through:
 - a. Training on digital and campaign capabilities

- b. Community-based paralegal and documentation training and dialogues
 - c. Sharing the importance of traditional and ancestral knowledge and teaching about intersectionality
 - d. Informing HRDs about their own rights and international standards and how to invoke them, techniques to counter non-state actors, existence of protection tools, mechanisms and systems, and how to address stigmatisation.
 - e. Creation of resources, guidelines and advocacy tools for HRDs
55. The **creative use of existing mechanisms and bodies** has also been a fundamental innovation, including through::
- a. Use UN commitments, recommendations and soft law to guide national discussion, litigation and engagement with the State.
 - b. Use of precautionary measures at national and international levels
 - c. Writing evidence based reports as a tool for advocacy
 - d. Involving and engaging with different actors, including foreign diplomats and embassies.
 - e. Some HRDs have advocated for local level laws or agency-specific resolutions (e.g. Prosecutors' Office) for the protection of defenders, as these are easier to obtain and implement than a national law.
 - f. HRDs have also opted for preparing their own versions of legal documents (such as 'Model Laws' or 'citizens' policies) so that authorities have a roadmap on how to comply with their international obligations and clear understanding of the expectations of civil society. These also serve so that governments don't appropriate human rights discourse and citizens have the possibility of contrasting governmental drafts and bills with the standards set by defenders themselves
 - g. Innovative strategic litigation on issues such as climate change or HRD laws
56. In order to change narratives and **make human rights more accessible** to the general public, defenders set up 'human rights booths' in the streets or promoted human rights education through mutual aid. They have translated relevant documents, prepared age-appropriate content, prepared podcasts and conducted community-based trainings for people interested in HRD work; they have invested and engaged with young people, and have used the Declaration to educate about HRDs.
57. In the **questionnaire** this question and the following one (on successes) were merged into one; in this regard, the table is presented in the next section.

E. Successes of human rights defenders

58. HRDs shared some achievements and positive outcomes they have obtained or perceived during the past twenty five years.

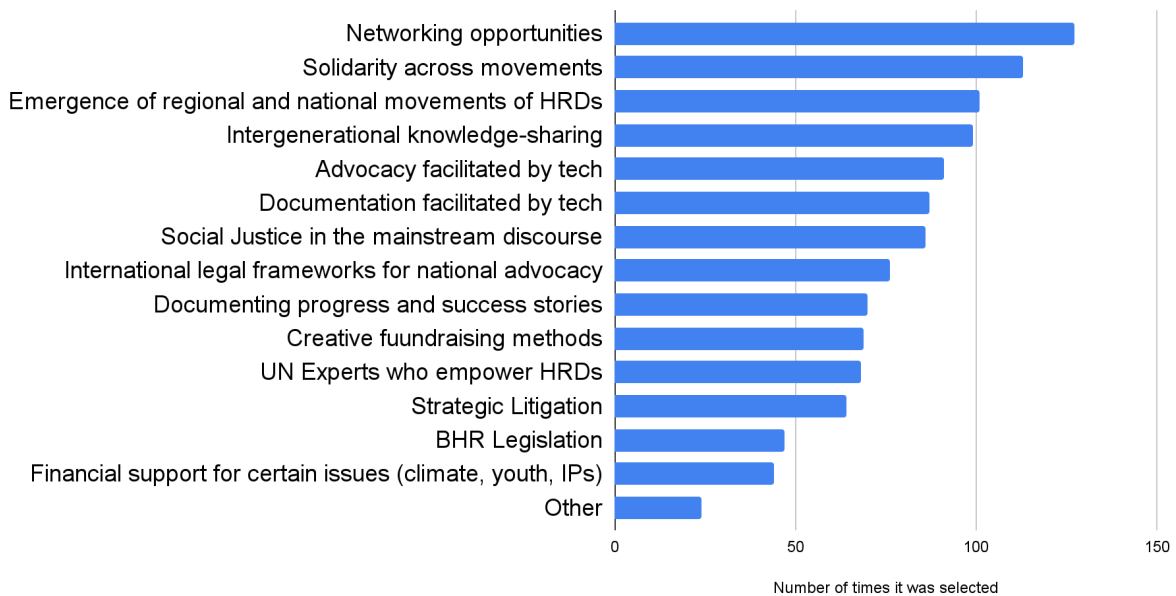
59. The most frequently identified success was the **obtainment of progressive laws and standards, including:**
- a. National legal protection of HRDs, including:
 - i. National HRD laws adopted in Honduras, Colombia and Mongolia, local protection bills in the DRC and Mexico, as well as proposed bills in the Philippines and Nepal.
 - ii. The adoption and formalisation of protection and relocation mechanisms in Asian countries and third countries, as well as specific considerations on HRDs adopted in Norway's policies.
 - iii. An increasing number of States who have incorporated the Declaration into their national legal framework
 - b. Successful strategic litigation and jurisprudence.
 - i. HRDs celebrated human rights successes at the three regional human rights courts (Latin America, Europe and Africa).
 - ii. The explicit recognition of a right to defend rights (Colombia, Inter-American Court of Human Rights).
 - iii. Right to abortion (Argentina).
 - iv. Collective rights (Inter-American Court of Human Rights).
 - v. The existence of autonomous rights of nature (Argentina, Inter-American Court of Human Rights).
 - vi. The unconstitutional nature of NGO laws (Albania).
 - vii. Right to same-sex marriage (Inter-American Court of Human Rights, Mexico, Argentina).
 - viii. The binding nature of international judgements (Costa Rica).
 - ix. Judgements which provided comprehensive reparation (e.g. a Court order to an influencer to retract transphobic messages from his website).
 - x. Jurisprudence that allows migrant legal representatives to visit them at the detention centres
 - xi. Litigation against anti-terrorism law in Cameroon
 - c. International agreements and standards on HRDs, such as the Escazú Agreement, General Recommendation 39 of CEDAW on the rights of indigenous women and girls, the establishment of the UN Independent Expert on Protection against violence and discrimination based on sexual orientation and gender identity, and the creation of instruments on business and human rights.
 - d. Human rights laws and policies on the protection of women (Sierra Leone), children (Argentina), freedom of expression, business and human rights (Europe), among others.

- e. The recognition of specific rights: to a healthy environment, to water, collective rights of indigenous peoples, same sex marriage, to truth and memory, and those related to business and human rights.
 - f. Civil-society instruments, such as the Model Law on HRDs, the Yogyakarta Principles or the Esperanza Protocol.
 - g. Public human rights commitments made by States.
 - h. Abolition and repeal of restrictive laws.
60. Defenders also celebrated the creation, development, strengthening of **coalitions, networks and alliances** at the national, regional and international levels. These alliances have become an integral part of human rights work, as they provide new opportunities for protection, access to resources, capacity-building and networking. It was noted that, at the international level, the number of spaces for HRDs to safely meet and discuss had increased.
61. **Cross-movement solidarity** was also a recurring topic, as defenders found common ground in needs and expectations. For example:
- a. Alliances with lawyers' and doctors' associations which were used to provide medical and legal support to arrested trans people.
 - b. Ethiopian HRDs celebrated the creation of informal thematic networks, on topics such as disability rights.
 - c. A closing of gaps between humanitarian and human rights organisations
62. **Empowerment of defenders** through internal awareness and commitment to wellbeing, capacity building, increased research and better understanding on how to navigate common challenges and contexts, awards, learning and growing opportunities, reflection on funding arrangements, and other actions to make them feel valued and recognised was also celebrated. Defenders from Malawi celebrated the government's recognition of their advocacy.
63. Another success was the **mainstreaming of human rights discourse and changing of narratives**, as people beyond human rights work were increasingly aware of human rights violations and successes, social justice, disability rights, and the obligations of companies - the latter being particularly important, as defenders identified a trend of holding businesses accountable.
64. This led to an **increased visibility and acknowledgement of defenders**, as well as an enhanced awareness that anyone can be an HRD. This has led to more people being interested in identifying themselves or others (e.g. feminists and environmentalists) as such. However it was noted that in some contexts self-identifying as a HRD did bring increased challenges and risks. **More people have become involved in human rights work** (in particular children and young defenders), and community bonds and struggles have shifted to other spaces. This was identified to be in part due to the pandemic.
65. This has been accompanied by **increased support for certain issues and areas**, especially the protection of the environment rights and climate justice. LGBTQ defenders also celebrated that, in some countries, attitudes regarding LGBTQ

rights had improved. It was also noted that some funders had specifically considered the mental health needs of HRDs when deciding on grants. Similarly, there has been some **increased access to decision-making spaces** for indigenous leaders, women and young defenders.

66. Defenders also celebrated the results of **campaigns and advocacy work**, which led to large movements and protests (such as feminist marches or the #metoo movement), to the election of progressive governments, and to a trend of holding businesses accountable for human rights violations.
67. Another success was the **effective use of technology**, which increased the effectiveness of advocacy, allowed to overcome geographic barriers, and facilitated and improved documentation.
68. Defenders also celebrated the **increased use and understanding of human rights systems**, especially international ones (such as the UN human rights reviews procedures).
69. Finally, it was acknowledged that the **persistence of HRDs**, despite all the challenges they face, has and continues to be a success.
70. The **questionnaire responses** were similar to those of the consultation, with a high-ranking success and innovations being the emergence of networks and connections between HRDs, as well as the benefits of technology.

Successes and innovations of HRDs (online questionnaire responses)



F. Areas in which the Declaration could be strengthened

71. After sharing some key information on the Declaration, HRDs were asked to identify to what extent, if any, were their experiences and considerations reflected and / or protected in the Declaration. Having identified them, HRDs pointed out areas where the Declaration could be further elaborated.
72. The main call from HRDs was for the Declaration to **explicitly recognise other rights and the obligations arising from them**, such as:
 - a. Digital rights and new technologies, including:
 - i. Cybersecurity, cybersafety, data privacy, freedom from espionage and surveillance
 - ii. Free and open access to internet and technology
 - iii. Digital literacy: Knowledge of digital rights and implementation mechanisms at the national level
 - iv. Protection of wellbeing and from online violence
 - v. Provision of safe reporting channels
 - vi. Online freedom of association
 - vii. Internet neutrality
 - viii. Address artificial intelligence
 - ix. Non-discrimination on facial recognition
 - x. Extraterritorial applicability of digital rights
 - b. Specific application of certain rights to particular groups: on the move, in exile, stateless, disability, WHRDs, LGBT, young, families of disappeared individuals, migrants, older persons, whistleblowers, persons with albinism etc...
 - i. Indigenous peoples: collective exercise of their rights, to culture, identity, land, culture, education, livelihood, knowledge, self determination, and free, prior and informed consent.
 - ii. WHRDs: freedom from sexual and gender-based violence
 - c. Freedom from criminalisation:
 - i. Due process and impartial institutions
 - ii. Explicit obligation not to criminalise or threaten with criminalisation
 - iii. Stop using restrictive laws or criminal provisions with vague language to criminalise
 - iv. States should condemn criminalisation at international level
 - d. Non discrimination or racism: prohibition of apartheid and forced assimilation
 - e. Right to defend rights
 - i. Right to advocate for human rights in a country while being in another

- ii. Funding: prohibition to restrict funding; obligation to provide resources
 - iii. Violating the rights of an HRD can violate the rights they defend
- f. Protection of family and friends
 - g. To property, including the collective forms of property of indigenous peoples (guaranteed with documents, providing legal certainty).
 - h. Access to information: informational self-determination and declassification of documents
 - i. Freedom from stigmatisation
 - j. Right to privacy, including protection of sources and freedom from surveillance.
 - k. Common goods and common rights
 - l. Right to nationality and prevention of statelessness: prohibition of States to revoke citizenship as reprisals; provision of temporary documentation to exiled or relocated HRDs
 - m. Right to work and labour rights: social protections (including for 'informal' and retired HRDs)
 - n. A safe, clean and healthy environment
 - o. Physical and mental health and wellbeing
 - p. Access to effective and timely justice, acknowledging and addressing structural barriers
 - q. To truth and memory (transitional justice, tributes, public acknowledgements of human rights violations)
 - r. Rights of non-human beings (nature, water)
 - s. Right and duty of self care, not only individual but also communal and holistic
 - t. Participate in public affairs: ensuring accessibility (e.g. for persons with disabilities); governments must have a collaborative and non-adversarial relationship with HRDs.
 - u. Freedom from reprisals
 - v. To water
 - w. To mobilisation, not only protest
 - x. To shelter
 - y. Explicit and specific rights during emergency situations
 - z. To legal personality / personhood (recognition)
73. Intimately related to this was a call for an explicit **articulation of State obligations**:
- a. Obligation to guarantee human rights and ensure non-repetition of violations:
 - i. Provide human rights education, training and sensitisation to government officials: educate on intersectionality, different forms of harm and discrimination, international standards, rights of HRDs,

the need and forms of accessible and culturally / gender sensitive documents and procedures, etc...

- ii. Human rights education to the general population: awareness raising and recognition of human rights and HRDs, include human rights education in national curricula.
- iii. Enact legislation against hate speech, misinformation, exploitation, on business and human rights, and to protect HRDs.
- iv. Monitor compliance with human rights obligations and allow monitoring by international human rights observers and coalitions

b. Obligation to repair human rights violations

- i. Accountability: obligations to investigate and punish human rights violations; ensure transparency on government records of violations, including for criminalisation.
- ii. Provide integral and adequate reparations, including to 'indirect' victims (family, community).

c. Obligation to protect from human rights violations:

- i. Establish and / or strengthen protection mechanisms, human rights offices, prosecutors and national human rights institutions (NHRIs). Including providing sufficient resources, ample jurisdictional capabilities, active engagement with HRDs, limits and responsibilities, and measures to ensure safety and security when accessing them.
- ii. Effective protection measures: provide legal aid and support for defenders, relocation programmes, collective protection measures, and recognition and articulation with indigenous peoples' self-protection systems.

d. Obligation to prevent human rights violations: establish articulation, prevention and planning measures.

- 74. The third most reported gap in the Declaration was the **need to clarify and define certain terms**, given that the current broad definitions could be interpreted restrictively.
- 75. The term which warranted the most clarification was 'Human Rights Defender', as consultees noted that the lack of a definition allowed governments to interpret it in restrictive ways that exclude some HRDs. In this regard, it was also proposed that there should be an explicit mention of specific types of defenders: land defenders, justice operators, those working in occupied territories, indigenous peoples, WHRDs, persons with disabilities, abortion providers, frontline workers, among others.
- 76. Defenders also called for elaboration on when human rights defence stops being 'peaceful' and thus stops being protected by the Declaration. This, considering that

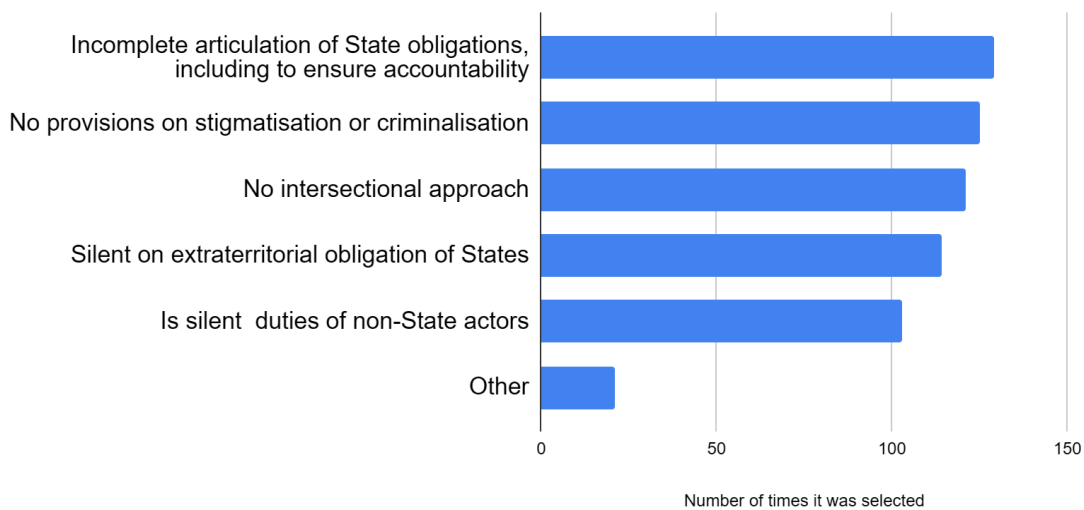
there are cases where the use of force to defend human rights is legitimate and / or necessary.

77. Other required clarifications were:
 - a. Establish the difference between common, collective and individual goods.
 - b. Use more affirmative language, to make obligations clear
 - c. Define: non-state actors, groups in a situation of vulnerability, criminalisation, risk, safe and enabling environment, development aggression, hate speech, common goods, collective goods, individual goods.
 - d. Provide an example list of 'levels of risk', and a non-exhaustive compilation of examples of attacks HRDs face
78. Consultees also highlighted the importance of having **guiding rules on how the Declaration should be interpreted**:
 - a. Address the challenges, needs and rights of specific groups and explicitly mention the concept of intersectionality both in interpreting and applying the Declaration:
 - b. Consider diverse identities, lived experiences and more (gender, race, sexual orientation, gender identity, ethnicity, indigeneity, disability, age, health conditions).
 - c. Acknowledge different forms of understanding of the world (in particular, of indigenous peoples), including by adopting an ecocentric approach, recognising the autonomous rights of other living beings and recognising the existence of collective rights.
 - d. Promote inclusiveness and participation.
 - e. Evolutive interpretation, aligning with the current and future highest human rights standards.
 - f. Proportionality test: the protection of human rights cannot come at the expense of other rights (e.g. climate policies shouldn't result in violating the rights of indigenous peoples).
 - g. Determine the material, temporal and geographic scope of protection of Declaration: including with regards to jurisdictional issues, extraterritoriality, applicability to those who do not self/identify as HRDs, among others.
79. Defenders also considered that some other issues should be explicitly raised in the Declaration, which could be incorporated into the preamble, such as a recognition of HRDs: their importance, their successes (and those of the Declaration), the difficult circumstances in which they operate, their 'subsidiary' role providing services that the government has failed to provide, among others.

80. The third most reported gap in the Declaration was its **non-binding nature and lack of implementation**. In order to address this, defenders considered that the Declaration should have a binding nature in itself and:
- a. Establishes independent international monitoring mechanisms to verify compliance of State laws and actions and implementation by both State and non-state actors.
 - b. Counts with enforcement and accountability mechanisms, including sanctions on States, government officials and non-state actors for violating the Declaration.
81. Another area that could be further elaborated was the **lack of provisions on non-state actors**, with businesses being the most prevalent group. It was proposed that a new Declaration should explicitly **address businesses and other non-state actors** (such as technology companies, educational and religious institutions, private and public businesses, media, armed groups and international financial institutions) Their obligations included due diligence, non-discrimination (including providing reasonable accommodation for HRDs with disabilities), prohibition of criminalisation and judicial harassment (inc. SLAPPS), intersectionality, alignment with States' international obligations, respect for human rights, transparency, accessibility, zero tolerance on reprisals.
82. Consultees considered that the Declaration should **address other issues**, such as:
- a. Transnational repression
 - b. Extractivism, conflict situations, police violence, sexual and gender-based violence
 - c. Criminalisation, restrictive laws and authoritarian doctrines ('internal enemy')
 - d. Climate change and its link with forced displacement and conflict
 - e. Specific forms of violence suffered by particular HRDs
 - f. Surveillance, spyware and misuse of tech
 - g. Militarisation
 - h. Corruption
 - i. Capitalisation of foreign territory
 - j. Human trafficking
 - k. Role of UN Special Rapporteurs and other human rights bodies

- 83. **Obligations of third States** were also invoked: extraterritorial obligations, transnational cooperation and protection, obligations in conflict situations, responsibility for human rights violations in third countries arising from their laws or companies registered in their jurisdiction (medicine, intellectual property, arms trafficking, drugs, regulatory differences), role of the Security Council, relocation programmes, obligations related to statelessness and migration.
- 84. Other **ways in which the Declaration could be strengthened** included: empowering HRDs with capacity building, translating the Declaration and disseminating it, publicising their experiences and testimonies, providing accompaniment promoting intercultural dialogue and acknowledging other movements.
- 85. **Responses to the questionnaire** were similar, with a major concern being the lack of articulation of certain State obligations.

Gaps of the Declaration (online questionnaire responses)



ANNEXES

ANNEX I

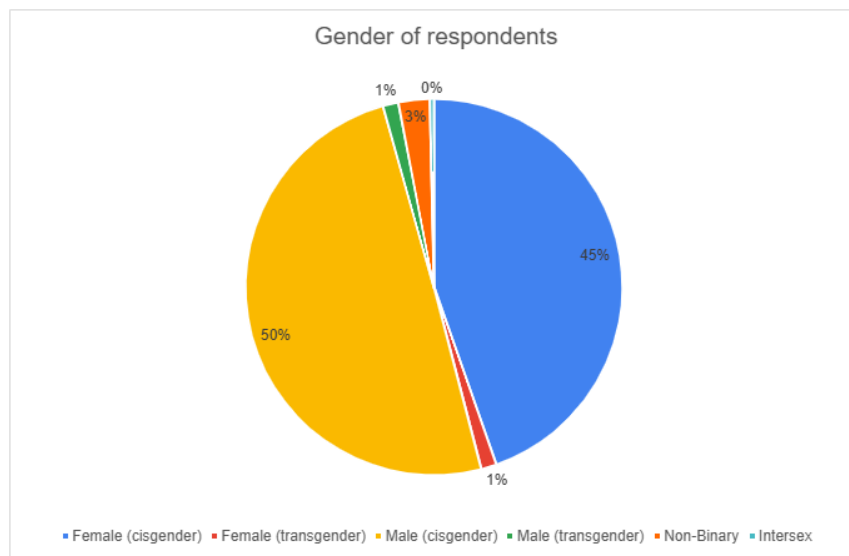
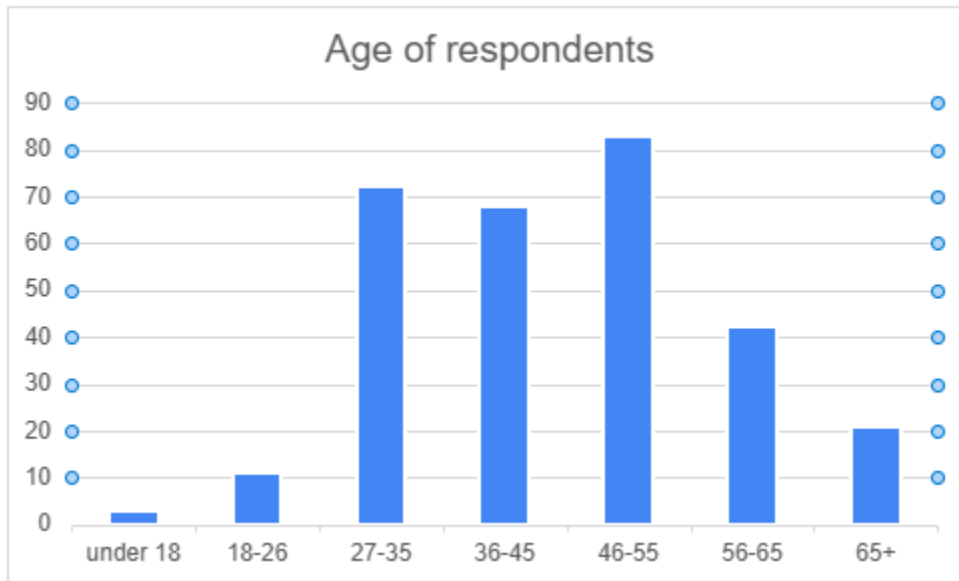
List of in-person consultations under the Declaration + 25 Project

Consultation	Number of participants	Date
Sidelines of the 77th Session of the African Commission on Human and Peoples' Rights	12	19 th October 2023
Association of Human Rights Institutes (AHRI) Network annual Conference - "Human Rights Defenders Under Siege."	10	7 th September 2023
Sidelines of the UN Business and Human Rights forum and pre-sessions of the Universal Periodic Review	25	29 November 2023
Members of the Human Rights Advocate Program at the Institute for the Study of Human Rights of Columbia University, USA	11	7 th April 2023
Sidelines of the UN Commission on the Status of Women	28	6 th and 7 th March 2023
Washington, D.C., United States	14	18 October 2023
Ford's Human Rights Festival	25	21 December 2023
Indigenous leaders from Guatemala	26	15 February 2024
Bangkok, Thailand	15	1 st November 2023
Human Rights Defenders Advocacy Programme	16	20 June 2023
Geneva, Switzerland	10	15 March 2024
Regional Conference on HRDs' Protection in the Great Lakes region, Nairobi, Kenya.	70	11 October 2023
Nairobi, Kenya	14	26 October 2023
Sidelines of the Global Forum on Migration and Development	10	29 January 2024

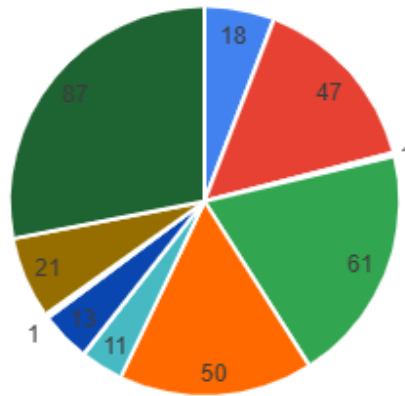
Sidelines of the Organisation of American States' General Assembly	34	22 June 2023
Sidelines of the conference on environmental defenders under the Escazú Agreement	17	26-28 September 2023
Sidelines of RightsCon	9	5-9 June 2023
Sidelines of the UN Permanent Forum on Indigenous Issues	13	20 th April 2023
Sidelines of UN Women meeting	7	13-14 December 2023
United Nations Advocacy Training	8	19 September 2023
WHRD Advocacy week	10	22 September 2023
Young HRDs	57	22 November 2023
Total consultees:	441	
Online questionnaire respondents	326	
Total HRDs consulted	767	

ANNEX II

Information of questionnaire respondents



In what region do you live?



- East Asia and Pacific
- Europe and Central Asia
- Europe et Asie centrale
- Latin America & the Caribbean
- Middle East and North Africa
- no input
- North America
- Região da SADC
- South Asia
- Sub-Saharan Africa