

## [States should strengthen legal protection and end impunity for attacks against human rights defenders](#)

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The Special Rapporteur on Human Rights Defenders has presented his first report to the UN Human Rights Council and, in an interactive dialogue with States and NGOs, emphasised the importance of strengthening the legal and institutional protection of defenders and combating impunity for attacks against them.



(Geneva) - The UN Special Rapporteur on Human Rights Defenders, Michel Forst, should continue to focus on strengthening the legal and institutional protection of human rights defenders and promoting accountability and an end to impunity for attacks against them, key States and NGOs have told the UN Human Rights Council.

The Special Rapporteur yesterday concluded an interactive dialogue with delegates from States and civil society following the presentation of his [first report to the Human Rights Council](#) on 9 March.

The report, which summarises the work undertaken by the Special Rapporteur since his appointment in June 2014 and outlines his strategic work-plan, was warmly received by civil society delegates and by the majority of State representatives present. An ISHR [summary and analysis of the report](#) was published online last month.

'The Special Rapporteur is to be commended for his strong affirmation of the urgent need for action to combat impunity for threats, attacks and reprisals against defenders,' said ISHR Director Phil Lynch.

'Such action should include increasing the political cost of attacking and threatening human rights defenders,' Mr Lynch added. 'We also welcome the Special Rapporteur's announcement, in response to [ISHR's oral statement](#), of his intention to meet with business leaders during country visits with a view to increasing the recognition of corporate accountability activists and discussing the role and responsibility of business in protecting civil society space'.

### **Focusing on human rights defenders who are most exposed or at risk**

In his [opening statement](#) (login using 'HRC extranet' and password '1session'), and throughout the interactive dialogue, the Special Rapporteur repeatedly emphasised the importance of strengthening the protection of the most exposed and vulnerable defenders, including those who work on economic, social and cultural rights; minority rights; environmental defenders; defenders of LGBTI rights; women human rights defenders; and

those who work on issues of business and human rights. This approach was greeted with approval in several statements made by civil society organisations participating in the interactive dialogue, including ISHR, and praised by State delegations, notably Botswana, the United Kingdom and Costa Rica.

'That the Special Rapporteur included whistle-blowers in his conception of the most at-risk defenders is encouraging,' said ISHR advocacy manager Ben Leather. 'This is particularly so in the context of troubling comments made today by certain States actors - including Iran, Egypt and Russia - comparing and conflating the legitimate work of human rights defenders with terrorist activities'.

'ISHR joins with [Norway](#) and other States in calling for all governments to implement Human Rights Council resolution 22/6 by which calls on States to ensure that "measures to combat terrorism and preserve national security ... do not hinder the work and safety" of human rights defenders,' Mr Leather said.

### **Strengthening the legal recognition and protection of human rights defenders**

Reiterating the comments in his report on the responsibility of States to foster conducive legal environments for the work of human rights defenders, the Special Rapporteur committed to addressing the gap between international standards accepted by States and the realities faced by defenders on the ground.

A number of States welcomed and committed to act in response to the Special Rapporteur's call to develop and implement specific national legislation on the protection of defenders. Both [Burkina Faso](#) and [Sierra Leone](#) stated during their oral interventions that they are consulting civil society on such legislation, while during an ISHR side-event the representative of Tunisia indicated that Tunisia would welcome technical assistance from the Special Rapporteur to draft a national human rights defender law. ISHR's proposed [model law on the protection of human rights defenders](#) will be a valuable tool in this regard.

'At the national level, a process on the adoption of a law on the protection of human rights defenders is in process. The draft has been elaborated in an inclusive fashion. The draft law provides guarantees for the protection of human rights defenders and allows them to carry out their mission in a secure and enabling environment,' said Burkina Faso's representative to the UN in Geneva.

'Sierra Leone believes that human rights defenders have an important role to play in the promotion and protection of human rights and notes that the protection of human rights defenders by the state can be guaranteed by legislation and enforceable mechanisms that will guard against reprisals...Sierra Leone will raise its voice at the acts perpetrated by persons who cowardly seek to frustrate the promotion of human rights by harming its defenders. We would urge states to implement legislative measures of protection for the guarantee of their continued safety,' said Sierra Leone's Ambassador to the UN, Yvette Stevens.

### **Addressing reprisals and individual cases**

The Special Rapporteur was unequivocal in his commitment to address and promote accountability for reprisals against human rights defenders and others for their cooperation with the UN. During his opening statement, the Special Rapporteur publicly named 22 States to whom he had sent communications concerning allegations of intimidation and reprisals - from travel bans to assassinations - against people for seeking to cooperate or communicate with the UN, including Bahrain, China, Cuba, Cyprus, Egypt, Honduras, India, Iran, Malaysia, Maldives, Mexico, Myanmar, Oman, Pakistan, Russia, Sri Lanka, Syria, Tajikistan, Thailand and Vietnam and the United Arab Emirates.

'The UN depends entirely on the free cooperation of civil society to function. Without this cooperation the UN loses legitimacy. To this end, I exhort States to support the designation of a senior focal point on reprisals by the Secretary-General,' Mr Forst said.

The Special Rapporteur's calls for States to fully support and implement HRC Resolution 24/24, including in relation to the appointment of a senior high-level focal point on reprisals by the Secretary-General, received explicit support from a number of States, including [Hungary](#) and [Botswana](#).

A number of States also intervened to raise individual cases of threats and attacks against human rights

defenders, most notably the [United States](#), which raised cases concerning the criminalisation, detention and ill-treatment of defenders in Egypt, Sudan, Swaziland, Venezuela, Belarus, Cuba and Azerbaijan.

NGOs similarly raised individual cases during their oral statements, with ISHR speaking out against the recent [arbitrary arrest of women human rights defenders in China](#) and the [East and Horn of Africa Human Rights Defenders Project](#) sharing a disturbing case of threats at gun point against South Sudanese human rights defender Edmund Yakani to prevent his attendance at the Human Rights Council.

#### **Mandate and activities of the Special Rapporteur**

The shape and scope of the Special Rapporteur's plans for his mandate going forward formed a substantial part of the interactive dialogue. In his response to Russia's statement, the Special Rapporteur rejected the suggestion that his plans exceeded the powers and responsibilities conferred on him by his mandate, stating that the protection of defenders must be the 'essential aspect' of the work of his office. 'In the pursuit of that end,' the Special Rapporteur went on to explain, 'I will keep within the limits of my mandate, as my predecessors have, but I intend to explore, and perhaps to push, those limits'. Notably, the Special Rapporteur expanded on his intention to strengthen follow-up procedures by systematically pursuing a response from the State concerned in all cases of reprisals suffered by individuals. The Special Rapporteur repeated his conclusion, stated in his report, that silence by States 'is the worst possible response', one that he intends to overcome through closer collaboration with other mandate holders including by issuing joint letters of allegation and urgent appeals. He further proposed to institute a practice of pursuing engagement with State delegations in Geneva in cases where the State concerned repeatedly fails to formally respond to such communications. He added that addressing the grave lack of cooperation from many States, as evidenced in his additional [Observations on Communications Report](#) published last week, is an urgent priority in the context of the increasing incidence and severity of reprisals across all regions.

As part of the fight against the culture of impunity, the Special Rapporteur confirmed his intention to fully update and reissue the 2006 report of his predecessor on the progress made in and the main obstacles to, the implementation of the Declaration on Human Rights Defenders. The proposed revised report will include the formulation, specific to each country, of targeted recommendations on the protection of human rights defenders in more than 120 States and a compilation of best practices as an annexure. This proposal received praise from several members of the Council, including delegates from Paraguay and the Czech Republic, together with the representative of the Netherlands, which today put forward its Shelter City initiative for consideration by the Special Rapporteur as an example of good practice.

The Special Rapporteur concluded his presentation by thanking civil society for its ongoing and extensive support to date.

*ISHR live-tweeted the interactive dialogue with the Special Rapporteur, a complete timeline of our coverage can be found [here](#). For more Human Rights Council updates, follow us [@ISHRglobal](#).*

*UN Photo by Jean-Marc Ferré*