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**Promotion and protection of all human rights, civil,
political, economic, social and cultural rights,
including the right to development**

Report of the Special Rapporteur on the situation of human rights defenders, Margaret Sekagya

Summary

In the present report, submitted pursuant to Council resolutions 7/8 and 16/5, the Special Rapporteur provides an account of her activities during the reporting year and draws the attention of Member States to the 241 communications sent under the mandate during the past year.

The main focus of the report is on the work of the mandate since the Special Rapporteur took over in 2008, focusing on the main tools at her disposal, lessons learned and challenges in the discharge of her functions. The Special Rapporteur then elaborates on the main elements that, in her view, are necessary for defenders to be able to operate in a safe and enabling environment.

The Special Rapporteur provides her conclusions and recommendations.



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I. Introduction

1. The present report is the sixth and last submitted to the Council by the Special Rapporteur, and the fourteenth thematic report submitted by the mandate holder on human rights defenders since 2000. The report is submitted pursuant to Council resolutions 7/8 and 16/5, requesting her to report regularly.
2. After providing an overview of her activities during the reporting period, the Special Rapporteur provides her own reflections on the work of the mandate since she was appointed in 2008, focusing on the main tools at her disposal, lessons learned and challenges in the discharge of her functions.
3. Based on the work of the mandate, the Special Rapporteur then elaborates on the main elements that in her view are necessary for defenders to be able to operate in a safe and enabling environment. In the final chapter, the Special Rapporteur provides her conclusions and recommendations.

II. Activities during the reporting period

A. Communications transmitted to States

4. Between 1 December 2011 and 30 November 2012, the Special Rapporteur sent 241 communications to 78 States. At the time of writing, 109 responses had been received, indicating a 45 per cent response rate — approximately the same as the previous year. Observations on communications sent during the period and on the corresponding responses by Governments are included in addendum 3 to the present report (A/HRC/25/55/Add.3).

B. Country visits

5. During the reporting period, the Special Rapporteur visited the Republic of Korea from 29 May to 6 June 2013, and Togo from 7 to 11 October 2013. She would like to thank both Governments for accepting her requests to conduct country visits and facilitating them. Separate reports on these visits have been submitted as addenda 1 and 2 to the present report, respectively (A/HRC/25/55/Add.1 and 2). Both the Republic of Korea and Togo have submitted comments thereon (A/HRC/25/55/Add.4 and 5).

Pending requests

6. As of December 2013, the Special Rapporteur has the following outstanding visit requests: Bahrain (2012), Belarus (2002, 2003, 2004, 2010, 2011), Bhutan (2001, 2002), Burundi (2012), Cambodia (2012), Chad (2002, 2003, 2004), China (2008, 2010), Dominican Republic (2012), Egypt (2003, 2008, 2010, 2012), Equatorial Guinea (2002), Fiji (2010, 2012), Indonesia (2012), Jamaica (2012), Kenya (2003, 2004), Kyrgyzstan (2012), Malawi (2012), Malaysia (2002, 2010), Maldives (2006), Mexico (2011), Mozambique (2003, 2004), Namibia (2011), Nepal (2003, 2004, 2005, 2008, 2009, 2012), Oman (2012), Pakistan (2003, 2007, 2008, 2010), Philippines (2008, 2010, 2012), Russian Federation (2004, 2011), Saudi Arabia (2012), Senegal (2012), Singapore (2002, 2004), Sri Lanka (2008, 2010), Syrian Arab Republic (2008, 2010), Thailand (2012), Turkmenistan (2003, 2004), United Arab Emirates (2012), Uzbekistan (2001, 2004, 2007), Bolivarian Republic of Venezuela (2007, 2008, 2010), Viet Nam (2012) and Zimbabwe

(2002, 2004, 2008, 2010, 2011). The Special Rapporteur regrets that some of these requests are long-standing, and hopes that States in question will give due attention and respond positively to her requests.

7. The Special Rapporteur would like to thank the Governments of Cameroon, Kazakhstan, Mongolia and Turkey for having accepted her requests to conduct country visits. Owing to other prior commitments, the Special Rapporteur regrets that she was not able to carry out these visits before the end of her tenure. Concerning her request to visit Turkey, the Special Rapporteur would like to reiterate that she hopes that authorities will provide the mandate with sufficient time to visit the country in order to allow it to adequately assess the situation of defenders.

C. Cooperation with the United Nations system and intergovernmental organizations

8. The Special Rapporteur has continued to place particular emphasis on cooperation with all bodies of the United Nations and other regional intergovernmental human rights organizations.

9. From 28 to 30 January 2013, the Special Rapporteur convened consultations with the regional groups of Member States of the Human Rights Council to brief them about the work and challenges of her mandate, including her report on the use of legislation to regulate the activities on human rights defenders.

10. From 22 to 23 February 2013, the Special Rapporteur participated in the consultation on human rights and the environment convened by the Independent Expert on human rights and the environment with the Office of the United Nations High Commissioner for Human Rights (OHCHR) and the United Nations Environment Programme (UNEP), which took place in Nairobi.

11. On 7 and 8 May 2013, the Special Rapporteur participated in the Twenty-sixth General Meeting of the International Coordinating Committee of National Human Rights Institutions in Geneva, where she presented her report on the role of national institutions in the defence and promotion of human rights, and in the protection of human rights defenders.

12. From 10 to 11 June 2013, a staff member supporting her mandate participated in a meeting of stakeholders organized by the Organization for Security and Co-operation in Europe (OSCE)/Office for Democratic Institutions and Human Rights (ODIHR) to develop recommendations on the protection of human rights defenders, which took place in Warsaw.

13. On 28 October 2013, the Special Rapporteur presented her last report to the General Assembly (A/67/292). The report focused on the risks faced by defenders working in the context of large-scale development projects and proposed a human rights-based approach to development policy and projects.

14. On 26 and 27 November 2013, the Special Rapporteur participated in the Sub-Regional Consultation on Strengthening the Protection Mandate of National Human Rights Institutions in Eastern Africa organized by OHCHR-Uganda and OHCHR Regional Office for East Africa, which took place in Kampala.

15. On 5 and 6 December 2013, in the context of the European Union-NGO Forum on Human Rights, a staff member supporting her mandate participated in a round table on national public policies and protection mechanisms for human rights defenders, which took place in Brussels.

D. Invitations by Governments

16. On 23 and 24 April 2013, the Special Rapporteur was invited to Berlin by the German Parliamentary Committee on Human Rights and Humanitarian Affairs to brief its members about the work of her mandate, challenges and current trends. She also had meetings with the Ministry of Foreign Affairs and the German Institute for Human Rights.

17. She also delivered a keynote speech on 25 April 2013 at a conference on “Human Rights Defenders under Pressure: challenges of their work and how to support them”, organized by the German Embassy in the Czech Republic.

E. Cooperation with non-governmental organizations

18. The Special Rapporteur has maintained fruitful cooperation with civil society at national, regional and international levels. She regrets that, owing to time constraints, she could not participate in all the conferences and seminars to which she was invited. On occasions where the Special Rapporteur could not be present herself, she endeavoured, to the extent possible, to have an OHCHR staff member participate on her behalf.

19. On 30 January 2013, in connection with the meeting with regional groups of the Council, the Special Rapporteur participated in consultations with civil society in Geneva hosted by the International Service for Human Rights.

20. From 2 to 4 April 2013, the Special Rapporteur participated in a conference entitled “Empowering defenders at risk” organized by Civil Rights Defenders, which took place in Stockholm.

21. On 9 September 2013, a staff member participated in a workshop entitled “Human Rights Activism and Risk: Assessing the Global Impact of the European Union” at the Association of Human Rights Institutes Annual Conference. The workshop was organized by the Human Rights and Social Justice Research Institute with London Metropolitan University, the Centre for Applied Human Rights at University of York and Amnesty International, and took place in London.

22. On 12 September 2013, the Special Rapporteur spoke at an international conference entitled “Civil Society under Assault: Global Repercussions and U.S. Responses”. This conference was sponsored by Freedom House and Human Rights First and took place in Washington, D.C.

23. From 9 to 11 October 2013, a staff member participated in the Seventh Dublin Platform organized by Frontline Defenders.

24. On 22 October 2013, a staff member participated at the African Human Rights Defenders Awards, given on the margins of the fifty-fourth ordinary session of the African Commission on Human and Peoples’ Rights and organized by the Pan-African Human Rights Defenders Network, which took place in Banjul.

25. On 13 November 2013, the Special Rapporteur delivered a lecture in the context of a conference entitled “Worldwide under pressure – Human Rights Defenders”, hosted by Brot für die Welt and the German Institute for Human Rights in Berlin.

III. The work of the mandate (2008–2013): challenges and lessons learned

26. The Special Rapporteur was appointed in May 2008 and feels privileged to have been given the opportunity to assess the situation of human rights defenders for six years. During this period, the Special Rapporteur has made use of all tools available to uphold the responsibilities of her mandate and contribute to the empowerment, visibility and protection of defenders all over the world.

A. Country visits

27. During her tenure, the Special Rapporteur has conducted 10 country visits. She has visited two countries in Africa — Democratic Republic of the Congo (2009) and Togo (2009 and 2013); two in Europe and Central Asia — Armenia (2010) and Ireland (2012); one in North Africa — Tunisia (2012); two in Asia — India (2011) and Republic of Korea (2013), and two in Latin America — Colombia (2009) and Honduras (2012).

28. Country visits have been excellent opportunities for the Special Rapporteur to learn about the situation of defenders on the ground, their challenges and successes, the risks they face and the strategies they use to continue their work. Visits have also been a useful tool to constructively engage with States, at all levels, to discuss the main issues affecting the environment in which defenders work and to raise awareness about the importance of their work.

29. The Special Rapporteur has seen the impact of her visits in many different ways. For instance, after her visit to Colombia and meeting with the President, the latter issued a public statement acknowledging and supporting the work of defenders in the country. After her visit to Honduras, as a result of her recommendations, the authorities initiated consultations on the draft law and project of developing a mechanism for the protection of human rights defenders and journalists.

30. The Special Rapporteur was the first mandate holder to conduct country visits jointly with the Special Rapporteur on Human Rights Defenders of the African Commission on Human and Peoples' Rights (Togo, 2008, A/HRC/10/12/Add.2; and Tunisia, 2012, A/HRC/22/47/Add.2). She sees this as good practice, as it helps raise the profile of the visit, facilitates follow-up by the regional mechanism and relevant stakeholders, and creates synergies between international and regional mechanisms.

31. The Special Rapporteur has, however, faced significant challenges in the context of country visits. She regrets that many of her visit requests have not received a response, or been acknowledged without further follow-up or rejected. In the context of some of her visits, she has noted with concern that the safety of the witnesses and other people who met with her was not always ensured and that they did not receive adequate protection. After her visit to Colombia in 2009, the Special Rapporteur was disturbed to learn that the organizer of a meeting with her in Barranquilla had been threatened a few hours prior to the meeting (A/HRC/13/22/Add.3, para. 15). Also, during her visit to India in 2011, a defender who made a statement on his case to the Special Rapporteur was arrested and then released on bail (A/HRC/19/55/Add.2, para. 165).

32. The Special Rapporteur has also faced challenges in following up on her country visits owing to a lack of resources. She has conducted one follow-up visit during her mandate (Togo, 2013, A/HRC/25/55/Add.2) and has followed up on country situations through communications on individual cases and legislative changes where possible. Her annual report on observations on communications has also been used to follow-up on

country situations. The Special Rapporteur encourages all stakeholders, particularly at the national level, to continue with their efforts to follow up on her recommendations.

33. In addition to the official country visits, the Special Rapporteur has greatly appreciated the invitations that have been extended to her by State institutions, universities and non-governmental organizations to participate in conferences, events and workshops where she presented her views on the situation of human rights defenders and the role of her mandate. These visits have offered her invaluable opportunities to raise awareness about the role of defenders and engage with different stakeholders on the issue.

B. Thematic reports and resolutions

34. The Special Rapporteur has presented a total of 12 thematic reports to the Council and the General Assembly. She is grateful for the valuable exchange of views and interesting insights that she has received during these discussions.

35. The Special Rapporteur has made use of her reports to elaborate on issues which she considers important to raise awareness about the key role that defenders play and expose the challenges they face. Through this work, she hopes to have contributed to suggesting some of the basic elements which should be in place to provide defenders with a safe and enabling environment.

36. The Special Rapporteur is pleased to note that States have adopted thematic resolutions that build on some of her reports, both to the Council and the General Assembly, on key issues for human rights defenders.

37. In 2011, the Council adopted resolution 13/13 on the protection of human rights defenders in which States are urged to take timely and effective action to prevent and protect against attacks on and threats against defenders. In March 2013, the Council adopted resolution 22/6 focusing on the use of legislation, which is a landmark text and represents a strong stance taken by States against the misuse of legislation and criminalization of defenders. In November 2013, the General Assembly adopted a resolution on women human rights defenders, which is a cornerstone in acknowledging and supporting the important and legitimate work done by women defenders and those who work on women's rights and gender issues.

38. The Special Rapporteur welcomes the fact that the Council and the General Assembly have taken strong stances and sent clear messages to the international community on essential issues concerning defenders, building on her thematic work.

C. Communications and public statements

39. The Special Rapporteur has made use of communications and press statements to engage in dialogue with Member States on human rights issues, including by raising cases of individual defenders and legislative developments that might negatively affect the environment in which defenders work.

40. During her tenure,¹ the Special Rapporteur has sent more than 1,500 communications, of which some 1,000 were urgent appeals and approximately 500 were letters of allegation, to around 130 States. The Special Rapporteur has often made use of communications in conjunction with other mandates, which has allowed her to address cases and situations in a more comprehensive manner and emphasize the indivisibility,

¹ 1 May 2008–15 November 2013.

interdependence, and interrelatedness of all human rights. The majority (90 per cent) of her communications have been joint communications with other mandates, such as freedom of opinion and expression, freedom of peaceful assembly and association, arbitrary detention, summary executions and torture. She has followed up on about one third of the communications or cases sent during her tenure.

41. The breakdown by region shows that approximately 420 communications were sent to countries in the Asia-Pacific region (28 per cent); approximately 400 to countries in the Latin American region (26 per cent); more than 250 to the Middle East and North African region (17 per cent), about 230 to countries in Europe, North America and Central Asia (15.2 per cent) and approximately 200 to countries in Africa (13 per cent).

42. In these communications, the Special Rapporteur has highlighted the situation of more than 4,500 individuals, of whom approximately 950 were women. She has sent approximately 50 communications on cases of reprisals against groups or individuals for having engaged with the United Nations, its mechanisms and representatives in the field of human rights, and international human rights bodies. Overall, she has received replies to half of the communications sent during her tenure. However, only 40 per cent of the replies have substantively addressed the issues raised in the communications. The Special Rapporteur regrets that response rate of Governments to these communications has been very low, particularly given the seriousness of the nature of the allegations received and the urgency of some of the cases and situations.

43. The Special Rapporteur believes that communications are an essential tool for the work of the mandate, as they address urgent cases that require the immediate attention of States. In addition, they allow her to raise concerns about situations and patterns and thereby could be instrumental in preventing violations against defenders. The Special Rapporteur firmly believes that communications have a strong humanitarian and protective dimension.

44. Communications are also used to address legislative developments and call the attention of authorities and legislators to the potential negative impact of such changes on the environment in which defenders operate.

45. Since 2012, a report with observations on communications has been presented annually. This report includes information on the communications sent during the previous reporting cycle and the replies received by States. It also includes observations by country in which the Special Rapporteur monitors and follows up selected individual cases, and makes remarks about specific contexts and patterns.

46. The Special Rapporteur has also used communications as the empirical basis for thematic reports, such as on the challenges and risks faced by women defenders and those working for women's rights and gender issues (A/HRC/16/44), and on the situation of certain groups at risks (A/HRC/19/55). She views these reports as a way to follow up on communications sent over a period of time and, mindful of the limitations and partial nature of the data, to offer analyses of patterns and trends.

47. Together with country visits, communications keep the mandate close to the reality on the ground and can contribute to improving the situation of thousands of defenders worldwide. One positive example of the impact of a communication was the joint allegation letter sent by the Special Rapporteur, the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, and the Special Rapporteur on the rights to freedom of peaceful assembly and of association to Chile in January 2012 regarding the draft Law on Strengthening the Preservation of Public Order addressing alleged restrictions on the rights to freedom of expression and peaceful assembly. The Government of Chile responded indicating that changes had been introduced into the draft

law that took into account the concerns expressed by the three mandate holders (A/HRC/22/47/Add.4, para. 85).

48. The Special Rapporteur has faced serious challenges while using communications during her tenure, mainly owing to the daunting volume of cases she receives and the lack of resources available to properly address all cases which would merit attention from the mandate.

49. The Special Rapporteur is gravely concerned about information and credible allegations that she has received about cases and individuals who face reprisals for engaging or trying to engage with the United Nations, its mechanisms and representatives in the field of human rights, and international human rights bodies. The Special Rapporteur has publicly condemned these acts as unacceptable. She has also called on States to refrain from intimidating defenders who engage with international human rights bodies, and to effectively protect them by launching prompt and impartial investigations into allegations and prosecuting those responsible for these violations.

50. The Special Rapporteur has also chosen to use her voice to draw the attention of particular countries, as well as the international community. She has issued more than 70 public statements during the past six years about the situation of defenders in 28 countries. These statements have addressed a variety of issues, such as general situations, including elections and legislative changes negatively affecting the situation of defenders, and individual cases regarding defenders, including reprisals against those who have attempted to engage with the United Nations, its mechanisms and representatives in the field of human rights, or with legislative changes negatively affecting the situation of defenders.

D. Raising awareness about the Declaration on Human Rights Defenders

51. Throughout her mandate, the Special Rapporteur raised awareness of the Declaration on the Right and Responsibility of Individuals, Groups or Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms. She contributes to encouraging States to implement this Declaration at the national level, translate it into local languages, disseminate it widely and train public officials about it. She also encourages civil society and national and international campaigns to organize seminars and workshops about the Declaration. The Declaration has been translated into 42 different languages and posted on the website of the mandate. Furthermore, she has dedicated a full thematic report to the General Assembly on the Declaration (A/66/203).

52. In 2011, the Special Rapporteur issued a commentary on the Declaration on the website of her mandate,² elaborating on the main rights enshrined in the text and providing concrete examples of how the mandate has interpreted most of its provisions. The commentary has been translated into Arabic and Spanish with the help of some stakeholders and she advocates for it to be translated into the other official United Nations languages to ensure its widest possible dissemination.

53. Despite these efforts, the Special Rapporteur has remarked that the Declaration is not yet sufficiently known in many parts of the world. During her country visits, the Special Rapporteur has made references and recommendations regarding the incorporation of the Declaration into domestic legislation (Armenia, Honduras), awareness-raising about the

² Commentary to the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms. Available from www.ohchr.org/EN/Issues/SRHRDefenders/.

Declaration (Tunisia, Ireland), its dissemination (Democratic Republic of the Congo, Honduras, India, Togo), its translation into local languages (Armenia, Democratic Republic of the Congo, India, Togo), and the familiarization with the Declaration by main stakeholders (Armenia, Democratic Republic of the Congo, Tunisia).

IV. Elements of a safe and enabling environment for human rights defenders

54. In line with the Declaration on Human Rights Defenders, the primary duty and responsibility to promote and protect human rights and fundamental freedoms lies with the State. This includes guaranteeing the right of everyone, individually and in association with others, to promote and strive for the protection and realization of human rights and fundamental freedoms at the national and international levels (art. 1). Thus, States have the obligation to undertake the required steps to create all conditions necessary, including in the political and legal domains, to ensure that everyone under their jurisdiction can enjoy all those rights and freedoms in practice (art. 2), including the right to promote and defend human rights.

55. The State has a duty to protect those who work for the promotion and protection of human rights defenders under their jurisdiction, regardless of the status of the alleged perpetrators, from any violence threats, or any other arbitrary action as a consequence of the legitimate exercise of their work (art. 12). The State's duty to protect the rights of defenders from violations committed by States and non-State actors is derived from each State's primary responsibility and duty to protect all human rights.

56. From the Declaration, the Special Rapporteur believes that the main responsibility for ensuring that defenders can enjoy a safe and enabling environment lies with the State as the main duty-bearer. However, she considers that the role, responsibilities and behaviour of relevant stakeholders need to be taken into account.

57. The mandate has repeatedly addressed the great risks and challenges that defenders face due to their work. The Special Rapporteur regrets to say that defending rights and speaking up against violations and abuses still remains a dangerous activity.

58. Defenders and their families are intimidated, harassed, subject to surveillance, threatened, attacked, arbitrarily arrested, criminalized, tortured and ill-treated in detention, subject to enforced disappearances, and sometimes killed. State and non-State actors are involved in the commission of these acts and impunity tends to prevail when it comes to attacks and violations against defenders. Investigations are excessively protracted, due process is not always guaranteed and perpetrators are often not held accountable.

59. During her tenure, the Special Rapporteur has seen the space for civil society and defenders visibly shrink in certain regions of the world. She has also observed the consolidation of more sophisticated forms of silencing their voices and impeding their work, including the application of legal and administrative provisions or the misuse of the judicial system to criminalize and stigmatise their activities. These patterns not only endanger the physical integrity and undermine the work of human rights defenders, but also impose a climate of fear and send an intimidating message to society at large.

60. The defence and promotion of human rights is a legitimate and courageous activity which is necessary to ensure that communities can fully enjoy their entitlements and realize their potential. Defenders can play a key role in safeguarding democracy and ensuring that it remains open, pluralistic and participatory and in line with the principles of rule of law and good governance. Defenders should be able to carry out their activities in an environment that empowers them to defend all human rights for all.

61. The Special Rapporteur has repeatedly underlined the need to create and consolidate a safe and enabling environment for defenders and has elaborated on some of the basic elements that she believes are necessary in this regard. These elements include a conducive legal, institutional and administrative framework; access to justice and an end to impunity for violations against defenders; strong and independent national human rights institutions; effective protection policies and mechanisms paying attention to groups at risk; specific attention to women defenders; non-State actors that respect and support the work of defenders; safe and open access to international human rights bodies; and a strong and dynamic community of defenders.

A. Conducive legal, institutional and administrative framework

62. One of the key elements of a safe and enabling environment for defenders is the existence of laws and provisions at all levels, including administrative provisions, that protect, support and empower defenders, and are in compliance with international human rights law and standards. Moreover, institutional frameworks should be shaped in such a way that they are receptive and supportive of defenders' work.

63. The Special Rapporteur concurs with the view that, in countries where human rights are specifically recognized and protected in domestic law, those rights are more likely to be respected and realized in practice. Beyond their normative value, she further believes that human rights laws can have an important educational role in that such laws signal the values for which a particular society stands. The adoption of laws that explicitly guarantee the rights contained in the Declaration on Human Rights Defenders is crucial in that it could contribute to building an enabling environment and give these rights legitimacy. Furthermore, such laws could contribute to building wider societal support for the demand of fulfilling these rights.

64. The Special Rapporteur has provided guidance on how various types of domestic legislation could contribute to a conducive environment for human rights defenders (A/67/292). She regrets that legislation is used in a number of countries to restrain the activities of human rights defenders and criminalize them, which is in breach of international human rights law, principles and standards. Anti-terrorism and public security legislation has risen to prominence in the last decade and, in many countries, such legislation is used to harass and prosecute defenders in the name of public security.

65. The Special Rapporteur remains concerned by the trends of judicial harassment and stigmatization of women human rights defenders, including those working on religious practices in relation to blasphemy legislation, and defenders working on sexual and reproductive rights in relation to legislation on public morals. She is also concerned with recent legislative moves to purportedly curb the promotion of homosexuality and the constraints that defenders of the rights of lesbian, gay, bisexual and transgender persons face due to criminalization of same-sex relations in over 75 countries worldwide.

66. The exercise of public freedoms is essential in any democratic society but even more so when it comes to claiming and defending rights. This is why the Special Rapporteur has repeatedly underlined the importance of defenders being able to exercise their rights to freedom of opinion and expression, freedom of association and peaceful assembly without undue restrictions in law or practice.

67. The Special Rapporteur has noted that there is a number of worrying developments with regard to legislation regulating associations, including their establishment, functioning and funding. During her tenure, she has also seen the introduction of restrictions on the types of activities that associations can engage in, such as political rights advocacy.

68. The Special Rapporteur has observed a disturbing trend towards the criminalization of activities carried out by unregistered groups. She believes that denial of registration is an extreme measure curtailing the right to freedom of association; especially where activities carried out by unregistered organizations carry criminal sanctions.

69. The Special Rapporteur has also warned about restrictions on funding from abroad, which have been introduced in a number of States. This leads to associations risking treason charges, having to declare themselves “foreign agents” or having to seek prior approval to fundraise. The Special Rapporteur is concerned that justifications for this, including the prevention of money-laundering and terrorist-financing, are often merely rhetorical and that the aim is restricting the activities of defenders.

70. The Special Rapporteur continues to note with concern the prevalence of defamation legislation, access to information laws and legislation on classification of information and official secrets, which hinder the work of defenders. She warmly welcomes the initiatives by a number of States to pass legislation that guarantees the right of access to information held by public authorities, and protects those who disclose public interest information that is relevant for the promotion and protection of human rights and those who report on corruption by public officials.

71. In this context, the Special Rapporteur welcomes the landmark resolution 22/6 adopted by the Council which provides significant guidance on creating a safe and enabling environment for human rights defenders. In the resolution, States are urged to ensure that reporting requirements placed upon organizations do not obstruct their autonomy and that restrictions are not discriminatorily imposed on potential sources of funding other than those laid down to ensure transparency and accountability, and according to the Special Rapporteur, this should be done regardless of the geographic origin of funding. Furthermore, States are called upon to combat terrorism and preserve national security by adopting measures that are in compliance with international law and do not hinder the work and safety of defenders. It further urges States to ensure that all legal provisions and their application are clearly defined, determinable and non-retroactive so that the defence and promotion of human rights is not criminalized.

72. In addition to, and as a complement to, ensuring a conducive normative and administrative framework, States should disseminate the Declaration widely. In line with article 13 of the Declaration, human rights educational programmes, especially those addressed to law enforcement and public officials, should include modules based on the text that reaffirm the basic right to defend human rights and the role that human rights defenders play in society. Enabling human rights defenders’ work also involves periodically recognizing and informing populations about the rights and responsibilities of all individuals to promote and protect human rights.

B. Fight against impunity and access to justice for violations against defenders

73. During her mandate, one of the major and systematic concerns raised by the Special Rapporteur in relation to violations against defenders is the question of impunity. In many cases, complaints by defenders about alleged violations of their rights are not investigated or are dismissed without justification. A State’s lack of investigation into violations could be seen as condoning attacks against defenders and could nurture an environment where further attacks are perceived as tolerated. The Special Rapporteur has repeatedly reiterated that ending impunity is an essential condition for ensuring the protection and safety of defenders.

74. States should ensure prompt and independent investigation of all violations against defenders, and the prosecution of alleged perpetrators regardless of their status. They should also ensure for victims of violations access to just and effective remedies, including appropriate compensation. The provision of an effective remedy should be understood as access to judicial and administrative or quasi-judicial mechanisms. Investigation and prosecution should rest on an effective and independent judiciary.

75. States should also implement the interim measures of protection granted by international and regional human rights mechanisms to defenders.

76. Unfortunately, in many instances, weaknesses in the judicial system and flaws in the legal framework have deprived defenders of adequate tools for seeking and obtaining justice. Therefore, strengthening the judiciary and making sure that it can operate independently and effectively should be a priority for States.

C. Strong, independent and effective national human rights institutions

77. As part of the institutional architecture of the State, the Special Rapporteur has underlined the key role that national human rights institutions can play in ensuring a safe and conducive environment for defenders (A/HRC/22/47). National human rights institutions that comply with the Paris Principles are in a unique position to guide and advise Governments on their human rights obligations, and ensure that international principles and standards are adequately incorporated into domestic law and mainstreamed into public policies.

78. During her mandate, the Special Rapporteur has on numerous occasions addressed violations against national institutions, their members and staff, ranging from attacks, threats and intimidation, to harassment and stigmatization in connection to their human rights work. She has expressed grave concern that such constraints and challenges can seriously undermine the independence, efficiency, credibility and impact of these institutions. She has also urged States to protect by law and publicly support national institutions, and their members and staff when necessary.

79. The Special Rapporteur has also emphasized that national human rights institutions can play a crucial role in the protection of human rights defenders. Evidence shows that when the mandate of national institutions includes competence to investigate complaints and provide effective protection, they can play a leading role in cases where States' judicial systems are unable or unwilling to adjudicate on alleged violations against defenders.

80. The Special Rapporteur has also strongly recommended that national institutions have a designated focal point for human rights defenders with responsibility to monitor their situation, including risks to their security, and legal and other impediments to a safe and conducive environment for defenders.

81. The role of national institutions in monitoring legal and administrative frameworks which regulate the work of defenders was highlighted in Council resolution 22/6, adopted in March 2013. This landmark resolution underlines the important role of these institutions in monitoring existing and draft legislation, and informing States about the impact or potential impact of legislation on the work of defenders.

82. In addition, national institutions could play an important role in disseminating information about protection programmes for defenders, where they exist, and ensuring that defenders are closely involved in the design, implementation and evaluation thereof.

83. The Special Rapporteur believes that, in order to ensure the credibility of the work of national institutions, Governments must be responsive and ensure adequate follow-up and implementation of their recommendations. This is particularly important given that

most of these institutions have advisory functions. Governments should therefore work proactively to implement these recommendations, and follow-up should be tracked and evaluated.

D. Effective protection policies and mechanisms, including public support for the work of defenders

84. The Special Rapporteur has advocated for the use of public policies and specific institutional mechanisms to provide protection when it is considered necessary to guarantee a safe and enabling environment for defenders.

85. During her tenure, the Special Rapporteur has focused extensively on the security challenges faced by human rights defenders in the conduct of their activities and has issued recommendations regarding the development of protection programmes (A/HRC/13/22). She has repeatedly underlined that the State has an obligation to protect human rights defenders, investigate violations and prosecute the perpetrators. This obligation extends to acts and omissions of non-State actors.

86. In an attempt to delegitimize their work and activities, defenders are often branded enemies of the State or terrorists. This stigmatization makes defenders even more vulnerable to attacks, especially by non-State actors. Therefore, as part of protection policy, it is of crucial importance that the work and role of defenders be publicly acknowledged by State officials at the highest level. The Special Rapporteur believes that a public acknowledgment of defenders' work could contribute to providing their work with due recognition and legitimacy.

87. The Special Rapporteur is very pleased to note that, in Council resolution 22/6, States are urged to create a safe and enabling environment where human rights defenders can operate free from hindrance and insecurity. States are also urged therein to publicly acknowledge the legitimate role of human rights defenders and the importance of their work.

88. The Special Rapporteur has presented a set of guidelines that she believes are essential for the development of protection programmes. Firstly, human rights defenders should be consulted throughout the setting up or review of protection programmes and the structure of such programmes should be defined by law. Protection programmes should include an early warning system in order to anticipate and trigger the launch of protective measures. It should also assess the safety of the defenders' family members and relatives. Security and law enforcement officials involved in protection programmes should receive specific training on human rights and gender issues. The physical protection of defenders should not be outsourced to third parties unless these have received specific training. Furthermore, adequate financial resources should be allocated to protection programmes.

89. As an example of a good practice, the Special Rapporteur commends the adoption of a law and creation of a protection mechanism for defenders and journalists in Mexico in 2012. The law provides a legal basis for the coordination between the government agencies responsible for the protection of defenders and journalists. It defines an extraordinary process for emergency response in less than 12 hours. It also includes collaboration agreements with state-level governments in order to ensure their participation in the mechanism. Furthermore, it establishes a complaints procedure and ensures that public officials who do not implement the measures ordered by the mechanism will be legally sanctioned. The new mechanism also ensures the participation of civil society organizations in its decision-making processes and guarantees the right of the beneficiary to participate in the analysis of his/her risk and the definition of his/her protective measures.

Specific challenges of groups at risk

90. Throughout her mandate, the Special Rapporteur has highlighted the need to pay particular attention to addressing the needs of human rights defenders who face extraordinary risks due to the work that they do and the contexts in which they operate. In this connection, the Special Rapporteur has focused on the situation of selected groups of human rights defenders who are at particular risk of violations, including judges and lawyers; journalists and media workers; trade unionists; youth and student defenders, those working on sexual orientation and gender identity; and defenders working on environment and land issues (A/HRC/19/55).

91. The Special Rapporteur is appalled that journalists and media workers are targeted because of their reports on human rights violations or because they have been witness to human rights violations. They are particularly exposed to violations in contexts such as armed conflicts, post-conflict situations and situations of unrest in connection with a coup d'état or contested elections. In many countries, legal frameworks are used to restrict journalists' and media workers' activities. The Special Rapporteur is concerned that restrictions on media and press freedom and impunity could foster a climate of intimidation, stigmatization, violence and self-censorship.

92. With regard to youth and student defenders, the Special Rapporteur is concerned about how youth is perceived in society. Often, their young age and alleged lack of maturity are used as grounds for not giving them a say in public affairs. The Special Rapporteur regrets that there is a trend in many countries of passing legislation that prohibits young people from participating in public assemblies. Other legislative moves pertain to the Internet, social media and instant messaging, which are increasingly subject to control by Governments.

93. Another group that also faces a high risk of violations are defenders working on land and environmental issues in connection with extractive industries and construction and development projects. Violations in this regard generally occur in the context of land disputes, where the perpetrators are both State and non-State actors. As a response to these trends, the Special Rapporteur argues that a rights-based approach to large-scale development projects could contribute to creating and consolidating a safe and enabling environment for defenders who operate in this context. She has also stressed the need: for transparency and access to information; for protection, which should be provided to affected communities and those defending their rights in this context; and to ensure accountability of duty-bearers and access to appropriate remedy. The Special Rapporteur considers that the Guiding Principles on Business and Human Rights, based on the due diligence framework, are an essential reference and tool for States and other stakeholders involved in the context of business operations and the respect for basic rights and freedoms.

94. Communities and those defending their rights should be able to participate actively, freely and meaningfully in assessment and analysis, project design and planning, implementation, monitoring and evaluation of development projects. Defenders working with local communities can play a crucial role in facilitating communication between the communities and those responsible for the policy or project. Defenders can be instrumental in advancing development, and can ensure that dialogue is used to reinforce social cohesion and pre-empt conflict and the radicalization of positions. This can contribute significantly to defusing tensions between duty-bearers and local communities, which in turn would and could be a first step towards enhancing the protection of rights holders.

95. Defenders can also play a crucial role as members of teams conducting human rights impact assessments, taking part in formal multi-stakeholder oversight mechanisms and mediation and grievance mechanisms, and as independent watchdogs monitoring the implementation of large-scale development projects. The Special Rapporteur remains

deeply concerned about reports detailing harassment of, persecution of and retaliation against human rights defenders seeking judicial remedy for business-related violations. It is essential that those who wish to report human rights concerns and violations can safely access accountability and grievance mechanisms.

96. In this context, the Special Rapporteur is concerned about the increased criminalization of social protest often in connection with the peaceful expression of opposition to public or private development projects. Authorities should grant defenders, especially journalists and media workers, access to public assemblies to especially facilitate independent coverage and human rights monitoring.

97. The Special Rapporteur considers that foreign and development policy can be used to contribute to the protection and enhanced security of human rights defenders on the ground. In this regard, she welcomes the initiative by the European Union to adopt the revised European Union Guidelines on Human Rights Defenders in 2008. These guidelines list a number of practical measures that member States could take to support and protect defenders at risk, such as issuing temporary visas and facilitating temporary shelter in member States.

E. Special attention for risks and challenges faced by women defenders and those working on women's rights and gender issues

98. During her mandate, the Special Rapporteur has extensively focused on integrating a gender perspective throughout her work and has paid particular attention to the specificities of the environment in which women human rights defenders operate. She has addressed the heightened risks and challenges faced by women human rights defenders and those working on women's rights and gender issues; and highlighted the repercussions that such work may have on partners, spouses, and family members of defenders.

99. The Special Rapporteur remains gravely concerned that women defenders are subject to arrests, ill-treatment, torture, criminalization, unwarranted judicial proceedings, stigmatization, attacks, threats (including death threats), sexual violence and killings. Furthermore, in many cases, the family members of women defenders are also targeted. In comparison to male defenders, women defenders are more at risk of suffering certain forms of violence, as well as prejudice, exclusion and repudiation. This occurs because women defenders are often perceived as challenging accepted sociocultural norms, traditions, perceptions and stereotypes about femininity, sexual orientation, and the role and status of women in society.

100. The Special Rapporteur regrets that, in many countries, there are no specific mechanisms in place to protect women defenders and those working on women's rights and gender issues. In countries where such mechanisms exist, they are often hampered by a lack of gender-sensitivity, implementation or political will. The Special Rapporteur strongly believes that women defenders need specific and enhanced protection and targeted and deliberate efforts to make the environment in which they operate a safer, more enabling and supporting one.

101. In this regard, the Special Rapporteur welcomes the newly adopted General Assembly resolution on protecting women human rights defenders, which she believes is both timely and of utmost importance. In the resolution, the important contribution of women human rights defenders to the promotion and protection of human rights, democracy, rule of law, development, and peace and security is acknowledged. The General Assembly also highlights specific protection measures that States must implement for women defenders to be able to carry out their work safely and without fear of reprisals. It further calls upon States to exercise due diligence in preventing violations and abuses

against women human rights defenders and combating impunity by ensuring that those responsible for violations and abuses, are promptly and impartially brought to justice.

F. Non-State actors' respect and support for the work of defenders

102. Non-State actors, including private companies, can also play a key role in the promotion and protection of the rights and activities of defenders, and therefore in the consolidation of a safe and enabling environment for defenders to conduct their work. As the Special Rapporteur has repeatedly highlighted, it is paramount that non-State actors acknowledge and respect the important role of defenders in ensuring the full enjoyment of human rights by all (A/65/223).

103. The Special Rapporteur continues to receive credible reports and allegations indicating that non-State actors, including private corporations, are involved in violations against defenders, including stigmatization, threats, harassment, attacks, death threats and killings. Attacks are sometimes committed by groups which are directly or indirectly set off by States, either by providing logistical support or by condoning their actions, explicitly or implicitly.

104. Defenders working on the right of gay, lesbian, bisexual or transgender persons are subjected to stigmatization and attacks by, inter alia, community and faith leaders or groups and the media. The Special Rapporteur has raised the difficult situation of this group in various communications and during country visits. She has also recommended that authorities remove legal provisions that hinder and stigmatize these defenders' work, and provide them with adequate protection and public support.

105. As stated above, the Special Rapporteur has condemned security guards employed by large-scale development corporations who have threatened to kill, harass and attack defenders working on issues related to access to land and natural resources during peaceful protests. She has also raised cases where local authorities have allegedly colluded with the private sector, and cases in which private companies had aided and abetted the commission of violations against human rights defenders.

106. The Special Rapporteur has urged non-State actors to respect, and ideally support, the activities of human rights defenders. They should refrain from infringing upon the rights of defenders and should use the Guiding Principles on Business and Human Rights to ensure their compliance with international human rights law and standards.

G. Safe and open access to the United Nations and international human rights bodies

107. The United Nations, regional and international human rights bodies are part of the environment in which defenders operate. Therefore, it is essential that defenders have a safe and unhindered access to such bodies for their work and their protection.

108. The Special Rapporteur firmly believes in the value of the universal periodic review (UPR) mechanisms in contributing to a safe and enabling environment for defenders. As she has previously highlighted, given that the Declaration on Human Rights Defenders does not have a monitoring body, the UPR as a mechanism is an excellent opportunity to give visibility to the situation of defenders and contribute to their protection (A/HRC/10/12, para. 40).

109. The challenge for civil society and human rights defenders is to use this valuable tool to enhance visibility and protection of defenders on the ground. In this regard, States have an important role to play at different stages of the process, mostly by widely

disseminating information about the UPR and creating open and safe spaces to allow for the effective participation of defenders. The Special Rapporteur believes that States seeking election to the Council should commit to implementing the Declaration at the national level, as a part of their voluntary pledges and commitments (para. 113).

110. The Special Rapporteur has highlighted certain countries as examples of best practice with regard to consultations in preparation for the UPR. In Guatemala, for the first national report, the Government worked together with the OHCHR country office to consult and train civil society. In Tonga, the first national report was endorsed by civil society as a whole. In Switzerland, the Foreign Ministry posted the first draft national report on their website and invited comments thereto it (*ibid.*, paras. 56–58).

111. The Special Rapporteur is pleased to note that the outcome of the review of the work and functioning of the Council (resolution 16/21, annex) includes an explicit call to States to conduct broad consultations with stakeholders regarding the implementation of the recommendations.

112. The Special Rapporteur has addressed the UPR process at numerous occasions during her country visits. She recommended that Armenia fully implement the recommendations made by the Working Group on the Universal Periodic Report had made, and in her reports on her visits to India and the Democratic Republic of the Congo she recommended monitoring the full implementation of the UPR recommendations. After her visit to Honduras in 2013, she recalled the country's commitment to improve the protection of defenders during its UPR and was pleased to note that Honduras had accepted a significant number of recommendations relating to defenders.

113. The Special Rapporteur would like to note that, within the burgeoning UPR process, there is still room for improvement. National consultations are a key element in the UPR process and States are responsible for creating space for defenders to effectively engage. Some States have failed to convene national consultations prior to finishing the national report. In other cases, such consultations have been convened, but reportedly were not meaningful, did not include human rights defenders or only included selected ones.

114. The Special Rapporteur is concerned that the perspective of human rights defenders seems to be lacking throughout the UPR process. For example, it is still exceptional for national reports to have detailed references to, or separate sections on, human rights defenders. Stakeholders should include information on the situation of defenders in their submissions.

115. The integration of defender-related issues should become more systematic. In this connection, the Special Rapporteur reiterates her recommendation to enhance coordination between States and regional groups. Additionally, the Special Rapporteur still notes a tendency for recommendations with regard to defenders to be vague, and believes that they should be more concrete to facilitate their implementation and measure the progress. The Special Rapporteur would also like to reiterate the need for awareness-raising and capacity-building to allow for the participation of defenders at the grass-root levels in the UPR process (A/HRC/10/12, para. 102).

116. The Special Rapporteur deeply regrets that defenders continue to face great risks when trying to engage with the United Nations, its mechanisms and representatives in the field of human rights, and international human rights bodies. As stated above, the Special

Rapporteur has raised cases of reprisals against defenders who have collaborated with the United Nations, including the UPR, and has publicly condemned such acts.³

117. Since 2008, of 56 cases of reprisals dealt with by the Secretary-General in his reports, 46 cases regarded human rights defenders (82 per cent). Of these 46 cases, 40 involved the State or security forces (87 per cent). In 26 cases, intimidation, harassment and threats, including death threats (57 per cent), were the main tools used to target defenders. In 11 cases, defenders were detained (24 per cent); in seven cases (15 per cent), they were tortured; in one instance two defenders were killed. In seven cases, defenders were defamed (15 per cent); and in three cases, defenders had a travel ban imposed (7 per cent). Ten reprisals cases concerned defenders working with or on the UPR process (22 per cent). Furthermore, nine reprisals cases concerned defenders who had collaborated with the Council and special procedures (20 per cent). The Special Rapporteur has also reported about specific situations where she had been informed that defenders were afraid of reprisals if she raised their cases with the authorities (see, for example, A/HRC/22/47/Add.4, para. 382).

118. At least one communication was sent on 38 of the cases (83 per cent), and responses were received in 25 instances (65 per cent). However, in nine instances (36 per cent), the responses could be considered as unsubstantial, for instance by only receipt of a communication was acknowledged or there was no reference to the main allegations.

119. The right to access and communicate with international bodies is enshrined in the Declaration on Human Rights Defenders and other international instruments.⁴ The Special Rapporteur welcomes the strong stance taken by States at the Council on this issue, and supports resolution 24/24 on cooperation with the United Nations, its representatives and mechanisms in the field of human rights. She welcomes the call addressed to the Secretary-General in cooperation with the High Commissioner to designate a system-wide senior focal point for reprisals against those who engage with the United Nations in the field of human rights. She trusts that this would reinforce the system in continuing to react firmly against these acts and would contribute to consolidating a safe and enabling environment for defenders.

H. Strong, dynamic and diverse community of human rights defenders

120. The Special Rapporteur acknowledges that defenders themselves have a role to play in contributing to a safe and enabling environment. They are responsible for doing their work professionally, in a peaceful manner and with due respect for international human rights principles and standards.

121. Under the Declaration on Human Rights Defenders, those who work for the promotion and protection of human rights are key players in society and have duties towards and within their communities. Indeed, defenders have an important role to play and an essential responsibility in safeguarding democracy, ensuring that it remains open and pluralistic, promoting human rights and fundamental freedoms and contributing to the promotion and advancement of democratic societies, institutions and processes (art. 18). However, defenders can only do this if they are able to work in safe and enabling environment where they are recognized and empowered by the State, institutions and other stakeholders.

³ The latest include:
www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=13860&LangID=E and
www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=13626&LangID=E.

⁴ See Commentary to the Declaration, chap. IV.

122. The Special Rapporteur encourages defenders to actively participate in constructive dialogue with the State, lobby for the adoption of laws on the protection of human rights defenders and monitor the progress of such laws. They should also lobby for the implementation of recommendations made by national, regional and international mechanisms.

123. Defenders should continue supporting the work of national human rights institutions by cooperating with them, advocating for their strengthening and collaborating in the planning and implementation of their activities and programmes. They should also advocate for the establishment of a national human rights institution in full compliance with the Paris Principles in countries where these institutions do not exist.

124. Defenders should also create or strengthen platforms and networks in order to protect and promote themselves, as well as promote dialogue and coordination amongst themselves. Defenders should work together through networks and have a unitary strong voice. In this regard, it is important that defenders work towards strengthening networks outside capital cities and reach out to defenders working in rural areas, which are often more exposed to risks.

125. The Special Rapporteur believes that it is crucial that defenders strive for high standards of professionalism and ethical behaviour when carrying out human rights activities. They should also recognize the important work of women human rights defenders and those working on women's rights and gender issues, and strive towards empowering them.

126. The Special Rapporteur also believes that it is essential that defenders make full use of international and regional human rights mechanisms, including special procedures, the treaty bodies, the UPR and the European Union Guidelines on Human Rights Defenders, when reporting on human rights violations and breaches of international humanitarian law.

V. Conclusions and recommendations

A. Conclusions

127. The Special Rapporteur is grateful to have been given the opportunity to examine and analyse the situation of defenders worldwide. With her voice and her mandate, she has strived to raise awareness and visibility about the challenges and risks that defenders face. She has also tried to highlight good practices and provide guidance on how to widen the space in which they conduct their work, making the environment safer and more conducive.

128. Defending human rights is not only a legitimate and honourable activity, but a right in itself. However, defending and claiming rights continues to be a dangerous activity in many parts of the world.

129. States have the primary responsibility to ensure that defenders work in a safe and enabling environment. Such an environment should include a conducive legal, institutional and administrative framework; access to justice and an end to impunity for violations against defenders; a strong and independent national human rights institution; policies and programmes with specific attention to women defenders; effective protection policies and mechanisms paying attention to groups at risk; non-State actors that respect and support the work of defenders; safe and open access to international human rights bodies; and a strong, dynamic and diverse community of defenders.

130. The Special Rapporteur would like to put forward the recommendations below addressed mainly to States but also to other relevant stakeholders.

B. Recommendations

131. Member States should:

(a) Ensure that defenders can conduct their work in a conducive legal, institutional and administrative framework. In this vein, refrain from criminalizing defenders' peaceful and legitimate activities, abolish all administrative and legislative provisions that restrict the rights of defenders, and ensure that domestic legislation respects basic principles relating to international human rights law and standards;

(b) Combat impunity for violations against defenders by ensuring that investigations are promptly and impartially conducted, perpetrators are held accountable, and victims obtain appropriate remedy. In this context, pay particular attention to violations committed by non-State actors;

(c) Raise awareness about the legitimate and vital work of human rights defenders and publicly support their work. In this respect, widely disseminate the Declaration on Human Rights Defenders and make sure that human rights educational programmes, especially those addressed to law enforcement and public officials, include modules that recognize the role played by human rights defenders in society;

(d) Provide national institutions with broad and solid mandates, and make sure that they are adequately resourced to be able to operate independently and to be credible and effective. Publicly acknowledge and support the important role of these institutions, including in providing protection to defenders and fighting impunity;

(e) Ensure that violations by State and non-State actors against defenders, particularly women defenders, are promptly and impartially investigated, and ensure that perpetrators are brought to justice. Furthermore, provide material resources to ensure the physical and psychological protection of defenders, including through gender-sensitive polices and mechanisms;

(f) Publicly acknowledge the particular and significant role played by women human rights defenders, and those working on women's rights or gender issues, and make sure that they are able to work in an environment free from violence and discrimination of any sort;

(g) Provide the necessary training to public officials on the role and rights of defenders and the Declaration on Human Rights Defenders, particularly to those who are in direct contact with communities of defenders;

(h) Ensure that public policies, including development policies and projects, are developed and implemented in an open and participatory manner, and that defenders and communities affected are able to actively, freely and meaningfully participate;

(i) Make sure that defenders can actively participate in the universal periodic review process, including by raising awareness about the process, organizing open and meaningful consultations, including a section about the situation of defenders in the national report, and making concrete recommendations towards the improvement of the environment in which they operate;

(j) Ensure that acts of intimidation and reprisals against defenders who engage with the United Nations, its representatives and mechanisms in the field of

human rights, and international human rights bodies are firmly and unequivocally condemned. Ensure that these acts are promptly investigated, perpetrators brought to justice and that any legislation criminalizing activities in defence of human rights through cooperation with international mechanisms is repealed.

132. The international community should:

(a) Acknowledge and support the legitimate work of human rights defenders, both through the public recognition of their role and the provision of technical and financial assistance to increase their capabilities or enhance their security if needed;

(b) Ensure safe and open access to international human rights bodies, in particular the United Nations, its representatives and mechanisms in the field of human rights.

133. Non-State actors should:

(a) Respect and recognize the work of defenders in accordance with the Declaration on Human Rights Defenders, and refrain from violating their rights or hindering their activities;

(b) Involve and consult with human rights defenders when carrying out country assessments and develop national human rights policies in cooperation with defenders, including monitoring and accountability mechanisms for violations of the rights of defenders;

(c) Familiarize themselves with the Guiding Principles on Business and Human Rights, and with human rights impact assessment of business operations;

134. Human rights defenders should:

(a) Actively participate in constructive dialogue with the State to encourage it to consolidate a safe and enabling environment for defenders, including by providing inputs on the potential implications of draft legislation;

(b) Familiarize themselves with the Declaration on Human Rights Defenders and disseminate it widely at the local level;

(c) Continue supporting the work of national human rights institutions by cooperating with them, and advocating for their strengthening;

(d) Continue working together through networks including by strengthening support networks outside capital cities to reach out to defenders working in rural areas;

(e) Strive for high standards of professionalism and ethical behaviour when carrying human rights activities;

(f) Continue to make full use of existing international and regional human rights mechanisms, including the United Nations, its mechanisms and representatives in the field of human rights.
