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## Highlight

### HUMAN RIGHTS COUNCIL ADOPTS HISTORIC RESOLUTION ON PROTECTION OF DEFENDERS OF ECONOMIC, SOCIAL AND CULTURAL RIGHTS

(Geneva, 24 March 2016) - The UN Human Rights Council has adopted a [landmark resolution on the protection of human rights defenders](#) working to promote economic, social and cultural rights by a resounding vote.

The Norwegian-led resolution, developed in close consultation with civil society and sponsored by over 60 States from all regions, was adopted by a vote of 33 Member States of the Human Rights Council to just 6 against. Eight States in the 47-seat Council abstained.

Earlier, over [150 NGOs](#) from all over the world united to call on Member States of the Council to adopt the resolution and reject a series of 30 hostile amendments proposed by Russia, China, Egypt,

Cuba and Pakistan, designed to undermine the protection of defenders and to deny their legitimacy and very existence.

### **Resolution provides invaluable guidance to States and business on protection of defenders of economic, social and cultural rights**

The resolution affirms the legitimate and essential role of human rights defenders in promoting, protecting and contributing to the realisation of economic, social and cultural rights - including indigenous rights and the right to development - and condemns restrictions and attacks against them by both States and business enterprises. It also underscores the fact that exercise of the rights to freedom of expression, association, assembly and public participation can be essential to the promotion, protection and realisation of ESC rights, and that restrictions or violations of these democratic rights may lead and amount to violations of the ESC rights for which defenders are advocating.

The resolution also provides invaluable guidance to States and business as to obligations and good practices in the protection of defenders. For States, such obligations and good practices include developing specific human rights defender protection laws and mechanisms, investigating and ensuring accountability for attacks and reprisals against them, and facilitating access to information and participation in policy and decision-making processes. For businesses, the resolution reinforces the obligation to respect and not interfere with the work of defenders, and to consult closely with defenders to identify, avoid, mitigate and remedy human rights risks and violations associated with business activities and development projects.

'ISHR welcomes the adoption of this landmark resolution on the protection of defenders of economic, social and cultural rights,' said ISHR's Human Rights Council Advocacy Director, Michael Ineichen.

### **Norwegian leadership and support for civil society welcomed**

'We particularly recognise the principled leadership of Norway in leading the development of this timely resolution,' Mr Ineichen said.

We also welcome the strong support for its adoption shown by States from all regions, including Argentina, Australia, Botswana, Cote d'Ivoire, Germany, Georgia, Ghana, Ireland, Korea, Latvia, Mexico, Morocco, the Netherlands, Panama, Paraguay, Peru, the Philippines, Slovenia, Switzerland, Tunisia, the United Kingdom, the United States, Uruguay and many others. We call on these States to now translate this principled support in the Council into effective protection for human rights defenders on the ground.'

### **Vexatious efforts by small group of States to undermine defenders defeated**

The adoption of the resolution came after concerted efforts to destroy the text by a small group of States led by Russia, China, Egypt, Cuba and Pakistan. The 30 amendments proposed by these States, all of which were rejected by vote, included efforts to remove any reference to the term 'human rights defenders'; deny the legitimacy of the work of defenders; weaken protections against intimidation and reprisals; and even refuse to condemn the assassination of human rights defenders, such as murdered [indigenous rights defender Berta Caceres](#).

ISHR regrets that a number of the vexatious amendments were supported by States including Ecuador, Indonesia and India, while welcoming that each of these States ultimately voted in favour of the resolution once the amendments were defeated.

'The systematic but ultimately unsuccessful efforts by a small group of States to undermine the human rights defender resolution paradoxically demonstrate the vital importance and potential impact of this resolution,' said ISHR Director Phil Lynch.

'The countries sponsoring the [hostile amendments](#) are among the most dangerous places in the world to work peacefully for the promotion and protection of human rights. [China](#), for example, has arbitrarily detained or disappeared more than 300 journalists, lawyers and human rights defenders since July 2015, while [Egypt](#) is moving rapidly to shut down the remaining credible, independent human rights organisations in the country. ' Mr Lynch said.

'ISHR deeply regrets that a small number of States, either directly by voting 'no' on the resolution, or implicitly by abstaining from the resolution, have signalled their lack of support for human rights defenders, to commit to their protection, or to condemn illegal and murderous attacks against them,' Mr Lynch said.

States to vote 'No' on the resolution were Burundi, China, Cuba, Nigeria, Russia and Venezuela.

States to 'Abstain' on the resolution were Bolivia, El Salvador, Kenya, Namibia, Qatar, Saudi Arabia, the United Arab Emirates, and Viet Nam.

### **Vital next step is implementation**

'If States support the protection and realisation of economic, social and cultural rights and the right to development for all, including the most disadvantaged and vulnerable, they should equally support the protection of human rights defenders who work tirelessly and courageously to achieve these rights,' Mr Ineichen said.

ISHR calls on all governments to take immediate and concrete steps to implement the landmark resolution at the national level.

## **Human Rights Defender Profile**

### **DR DENIS MUKWEGE, HUMAN RIGHTS DEFENDER FROM THE DEMOCRATIC REPUBLIC OF CONGO**

Dr Denis Mukwege is a surgeon and one of the most prominent human and women's rights defenders in the Democratic Republic of Congo (DRC), his home country.

On the occasion of the 2016 International Film Festival and Forum on Human Rights in Geneva and screening of the documentary film *The Man Who Mends Women*, ISHR had the pleasure of meeting Dr Mukwege and co-sponsoring a discussion with him and Navi Pillay, former UN High Commissioner for human rights and ISHR Board member. Dr Mukwege detailed his grassroots and advocacy activities to defend women's dignity, and exposed the risks and threats he faces due to his work.

Dr Mukwege started his career as a paediatrician, after being inspired to become a physician while visiting children with his father, who was a pastor. Mukwege wanted the sick to receive medicines

and be provided care as he had been. He soon realized the need for maternal care, and returned to medical school to become an obstetrician gynaecologist in the early 1980s. In a wish to enhance women's conditions of delivery and reduce widespread maternal mortality, he dedicated himself to running the Lamera hospital for more than 15 years when the war broke out in DRC.

His hospital bore witness, on 6 October 1996, to the genesis of the conflict; many of the patients and staff present on that day slaughtered by soldiers, which initiated a decades-long series of massacres against civilians in the country.

“I met the special representative of the UN Secretary-General two days after the massacre and told him the tragic end that had met my innocent patients, killed in their beds for no reason. I deeply regret that the international community was not informed at this point about the serious human rights violations taking place.”

After his hospital was destroyed, Dr Mukwege became an internally displaced person and moved to the city of Bukavu. He resumed work as a practitioner and opened a makeshift maternity ward in a camp, but the circumstances of the very first operation he performed there triggered his journey down a more activist path.

“The first victim I treated was a woman who had been raped then shot in the genitals and in the legs. (...) It was in September 1999 and at the end of this year 45 similar cases had unfortunately been registered (...) I therefore called upon Human Rights Watch and they wrote the first article on the issue of *The War Within the War: the war on women's bodies* in 2001.

Realising that such practices are still ongoing 15 years later raises a lot of questions. We have tried to raise awareness and provoke change but it has proved quite difficult to achieve...”

### **The shift from surgery to advocacy**

Since this time, Dr Mukwege has dedicated himself to the surgical restoration of women victims of war rape and sexual violence. He founded Panzi Hospital where victims receive free medical care as well as judicial and psychological support. His greatest pride, he says, is to see some of his former patients becoming in turn vocal women human rights defenders claiming their own and others' rights to life, health and dignity.

In 2007, Dr Mukwege took his advocacy activities to the international level after realising that some of his new patients were “second generation” victims of rape, young girls born of women who had themselves been victims of rape. For Dr Mukwege, this signalled the need for him to speak up for the women of his country on a larger scale; outside hospitals and outside the country.

“I then realised that it was an endless vicious circle and that the only way to put an end to it was to raise awareness about it. There was no point continuing to deal with the consequences without addressing the causes of the problem. This is how I started my international advocacy activities, a long and hazardous journey.”

### **Advocating under threats and reprisals**

While renowned as the “doctor who mends women”, praised by thousands of women in his country and receiving several international human rights awards for his work, Dr Mukwege is also one of the most at risk human rights defenders in the DRC.

Invited in 2011 by the United Nations in New York to deliver a speech about his country, intimidation by a Congolese government official, including veiled threats against him and his family, caused him to walk away from the opportunity at the last minute.

In 2012 he was the target of a kidnapping and murder attempt at his home upon his return from a trip to New York and Geneva, where he had exposed the situation of women in the DRC to UN bodies and representatives. His guard and friend lost his life trying to protect him.

Since then, Dr Mukwege and the Panzi Hospital have largely received civilian protection provided by the UN.

His interventions in Geneva last month, on the occasion of the 31st session of the Human Rights Council and the 14th edition of the International Film Festival and Forum on Human Rights, raised concern among Congolese army officials who informed some TV channels of their “discontent”.

### **The urge to unveil the truth and fight impunity**

Despite these permanent lurking dangers, Dr Mukwege intends to intensify his advocacy towards the international community and ensure the situation of women and civilians in the DRC is not forgotten. He says he appreciates that the international discussion on rape in the context of war has finally started, but nonetheless regrets that the situation of his country, the human rights violations and the atrocities perpetrated over two decades still gain insufficient international and media attention.

“I think that what is happening in the Democratic Republic of Congo should raise the attention of more human rights defenders. We sometimes have the feeling that there is some double standard in the way human rights violations are being dealt with. As if the situation in Congo did not mean anything to anybody and that Congolese victims did not count. Yet we do share the same Humanity...”

Given the pervading impunity that has kept perpetrators away from courts and/or prisons and left victims helpless in the DRC for over 20 years, Dr Mukwege calls on the international community to step in and hold those responsible for human rights violations internationally accountable. He calls for the UN to set up international mixed courts (as was the case in Cambodia or Sierra Leone) that would bring perpetrators before both national and international judges.

### **Business against human rights: the heart of the Congolese tragedy**

Dr Mukwege is convinced of one fact: the root causes of the conflict in the DRC are first and foremost economic.

“There is a desire to destroy a population in order to exploit their natural resources. And the gravest thing is that this war is being conducted on women’s bodies for vile economic motives.”

The commercial interests of major international companies and neighbouring countries, who seek to benefit from these resources, are at odds with the need for national level accountability for human rights violations against civilians. Indeed, it is the destabilisation of Eastern Congo that facilitates the massive exploitation and exportation, both legal and unlawful, of minerals used for, among other things, the production of electronic devices worldwide.

In this regard, Dr Mukwege sees the international community in general, the UN and human rights defenders worldwide in particular, as the key actors with a role to play in bringing a human rights perspective to the debates on the DRC.

To date, Dr. Mukwege and his fellow surgeons, physicians, clinicians, and staff at Panzi Hospital and Maison Dorcas, the aftercare facility supported by Panzi Foundation DRC and Panzi Foundation USA, have treated more than 46'000 women and girls (ranging from two months to 87 years old) who were victims of rape used as a weapon of war, of conflict, and other forms of sexualised violence in DRC, often accompanied by acts of torture.

*In 2008, Dr Mukwege launched the Panzi Foundation DRC to expand services to the wider population within South Kivu and support the ongoing work of Panzi Hospital through a variety of initiatives. In 2011, the Panzi Foundation USA was launched to support both institutions. Follow him on Twitter @DenisMukwege @PanziFoundation , and @PanziUSA. He may be found on Facebook at <http://facebook.com/DrDenisMukwege>.*

## **Wrap up of the 31st session of the Human rights Council**

### **HUMAN RIGHTS COUNCIL: PROGRESS IN PROTECTION OF DEFENDERS AND PROMOTION OF ACCOUNTABILITY IN COUNTRY SITUATIONS**

(Geneva, 24 March 2016) - The 31st session of the Human Rights Council has concluded with the adoption of significant and positive resolutions on the **protection of human rights defenders**, the exercise of the right to peaceful protest, and the promotion of human rights and accountability for violations in North Korea, **South Sudan** and Myanmar.

Giving a closing address to the Council on behalf of a group of 6 NGOs, including Amnesty International, Human Rights Watch, FIDH, Article 19 and CIVICUS, ISHR's Africa Human Rights Advocate Rumbi Masango said:

*I am a woman human rights defender.*

*My work is important, and legitimate.*

*I am not an 'organ of society'. I am a human rights defender.*

*We welcome the strong resolution on defenders, which speaks to the grave threats facing defenders of economic, social and cultural rights. We are encouraged by the rejection of all adverse amendments which sought to undermine the resolution by making the draft resolution less specific, seeking to hide serious violations like the murder of women human rights defenders, and dilute the call for more protection for defenders. We deeply regret the attempts at undermining the resolution, and the fracturing by a small minority of members of a decade-old consensus for the protection of human rights defenders in an attempt to avoid accountability for their own crackdowns on civil society.*

*Reflecting on this session, we welcome the creation, without a vote, of an expert panel on accountability in the DPRK/North Korea. It provides a key step towards ending decades of impunity for rights abuses in North Korea.*

*The three-person Commission to address the human rights situation in South Sudan is a long-overdue mechanism to address and ensure accountability for the gross human rights violations in the country, and we expect the Government of South Sudan to fully cooperate with the Commission.*

*Both resolutions usefully complement the Council's existing toolbox to address critical situations, but we urge the Council to ensure that the tried and tested method of addressing situations of concern through 'old fashioned' Special Rapporteurs is maintained.*

*We welcome the adoption of the resolution on Burma/Myanmar under item 4, the extension of the mandate, and the call for benchmarks to monitor progress. We hope that this will assist the government to address systemic challenges and enable the Council to objectively assess the need for future scrutiny, rather than deciding on content and item number based on political motives.*

*We welcome the joint statement delivered by a range of States on the **deteriorating human rights situation in China**, which builds on the increasing attention the High Commissioner has paid to the situation, and should result in more concerted Council action in the future.*

*Our organisations regret the adoption - by vote - of the flawed resolution on 'effects of terrorism', and its instrumentalisation of victims for the purpose of shielding the lead States from scrutiny for their own poor human rights records.*

*On peaceful protest, we welcome the adoption of the resolution and look forward to the Council's continued attention to this issue.*

*Finally, Mr President, while we thank you for your leadership, we look to you to ensure that civil society can participate fully in Council sessions, free from abusive points of order, or other forms of intimidation or reprisals, offline and online.*

## **HUMAN RIGHTS COUNCIL: DEVELOP INSTITUTIONAL RESPONSE TO VIOLATIONS OF LGBTI RIGHTS**

(Geneva, 30 March 2016) - Human rights defenders have been assaulted, arbitrarily detained and even killed for their work to promote and protect the rights of lesbian, gay, bisexual, trans and intersex persons. The UN Human Rights Council must develop an urgent institutional response to these systematic attacks, ISHR has said.

In a statement to the Human Rights Council, ISHR highlighted that, since June 2015, the **Special Procedures** had responded to several allegations of violations perpetrated against human rights defenders and organisations working on the rights of LGBTI people.

ISHR called on governments to honour their obligations under the Vienna Declaration and Platform for Action (VDPA) which states 'Human rights and fundamental freedoms are the birthright of all human beings; their protection and promotion is the first responsibility of Governments'. It also recommends actions on 'strengthening of a pluralistic civil society and the protection of groups which have been rendered vulnerable'.

The allegations of violations against defenders of LGBTI rights range from vandalism, to arbitrary detention, to murder.

In the Kyrgyz Republic, the office of Labrys, an NGO working to protect the rights of LGBTI people was subjected to attempted arson.

In Ukraine, Mr Nick Carter, a human rights defender working on the rights of LGBTI people, received threats in connection with his advocacy and was brutally assaulted by unidentified men.

The Special Procedures also responded to a seemingly systematic trend of targeting LGBTI activists in Honduras, raising the cases of Angy Ferreira, Juan Carlos Cruz Andara, Violeta Rivas and Francisco Mencia.

'We recognise the important and valuable work of LGBTI rights defenders, particularly given the climate of social exclusion to which LGBTI people are often subjected to in a great number of countries,' said Ms Pooja Patel, LGBTI Defenders Programme Manager at ISHR.

ISHR welcomed the call by the UN Secretary General, Mr Ban Ki-Moon, as well as the joint statement by Argentina, Brazil, Chile, Colombia and Uruguay, for the Council to maintain its attention on human rights, sexual orientation and gender identity.

'However, we stress that the violations and abuses are systematic, and therefore reiterate the urgent need for an institutionalised response by this Council,' said Ms Patel.

A video of ISHR's statement is [here](#).

A full text of ISHR's statement to the Human Rights Council is [here](#).

## **CÔTE D'IVOIRE: BUILD ON LEADERSHIP IN PROTECTION OF HUMAN RIGHTS DEFENDERS**

(Geneva, 30 March 2016) - ISHR has welcomed the leadership shown by a number of African States supporting an [important resolution on the protection of human rights defenders](#) adopted at the recently concluded 31st session of the UN Human Rights Council.

The resolution was co-sponsored by States including Botswana, Ghana and Morocco, with Côte d'Ivoire joining these States in voting against a series of hostile amendments proposed by China, Egypt, Russia and others to weaken the text and, with it, the recognition and protection of defenders.

Côte d'Ivoire's support for the resolution, and its active opposition to a majority of amendments, is consistent with the commitment it has made to the recognition and protection of defenders at the national level. In 2014, Côte d'Ivoire became the first country in Africa, and one of only a few in the world, to adopt a specific [national law on the protection of human rights defenders](#). The translation of this domestic and regional leadership onto the international stage at the UN Human Rights Council is both welcome and noteworthy, contrasting with Côte d'Ivoire's disappointing position at the UN General Assembly in December 2015 when it failed to support the human rights defenders resolution, despite its progressive domestic approach.

Côte d'Ivoire's support for the resolution is also consistent with ISHR's calls on the country during the 31st session of the Council, with ISHR's Director of African Advocacy, Clement Voule, telling the Council that 'promoting and protecting human rights defenders must not only be a domestic priority, but must be complemented by principled international action' and publicly calling on Côte d'Ivoire 'to strongly support the defenders resolution under discussion'. ISHR's statement is available in [English](#) and [French](#).

This was also the [key message delivered by ISHR](#) and others in high-level diplomatic meetings in Abidjan in 2015.

The decisive support for the Human Rights Council resolution shown by African States such as Botswana, Côte d'Ivoire, Ghana and Morocco, is also in contrast with the regressive positions taken by other States from the continent, such as Burundi, Kenya, Namibia and Nigeria, all of whom failed to support the resolution or the protection of human rights defenders.

'ISHR encourages Côte d'Ivoire to consolidate its role as an emerging leader in the protection of civil society and human rights defenders by actively and consistently supporting initiatives and resolutions on these issues in fora such as the UN General Assembly, the UN Human Rights Council and the African Commission on Human and Peoples' Rights. We also encourage States such as Botswana, Ghana and Morocco to build and follow up on their principled support for defenders at the international level by enacting specific laws for their protection at the national level,' Mr Voule said.

## **SOUTH SUDAN: NEW COMMISSION ON HUMAN RIGHTS A STEP TOWARDS ACCOUNTABILITY**

(Geneva, 24 March 2016) - The establishment by the UN Human Rights Council of a Commission for Human Rights in South Sudan is an important step towards human rights monitoring, reporting and accountability in the country, ISHR said today.

### **Human Rights Council adopts resolution on South Sudan**

In a late-night sitting, the Council adopted a resolution on the human rights situation in South Sudan on 23 March. After contentious negotiations on the most appropriate mechanism to promote and protect human rights in the country, the resolution mandated a Commission for a period of one-year, renewable as authorised by the Council. The resolution was adopted without a vote and received the support of at least forty co-sponsoring States.

The mandate of the Commission will be to:

- monitor and report on the current human rights situation;
- assess past reports on human rights abuses in order to establish a factual basis for transitional justice and reconciliation;
- provide guidance on transitional justice, accountability and reconciliation issues;
- engage with other international and regional mechanisms to promote accountability for human rights violations and abuses.

The resolution establishing the Commission was put forward by a core group, consisting of the United States, the United Kingdom, Paraguay and Albania. The Core Group and other states stressed that, since [Human Rights Council resolution 29/13](#), it is clear that South Sudan has not met the stipulated six benchmarks of assessment and thus the new resolution was seen as crucial given increasing human rights violations in the country. Evidence of these violations is clearly accounted for in the [recent report](#) by the UN High Commissioner for Human Rights.

South Sudan accepted the resolution and said the country would cooperate fully with the established mechanism. The delegation of South Sudan extended its thanks to the Africa Group and especially the leadership of South Africa during the discussion of the resolution text.

While Member states such as the United States of America, Algeria and the Netherlands on behalf of the European Union welcomed the resolution, China, Cuba and Venezuela disassociated themselves.

China called for 'African solutions to African problems,' while Cuba expressed caution that the initial steps and processes currently underway in South Sudan should have been given more time to materialise. Lastly, Venezuela expressed concern of treatment of the situation in South Sudan under item 4 and added that concerns raised by South Sudan during the informals were not taken on board.

### **Adoption of resolution and establishment of Commission responds to NGO calls for human rights monitoring, reporting and accountability in South Sudan**

The establishment of a Commission is broadly consistent with the **calls made by ISHR and others**, including in the context of the presentation and discussion of a report of the High Commissioner on the recent mission to South Sudan, for the Human Rights Council to establish a proper and effective monitoring, reporting and accountability mechanism given the urgency of the human rights situation in the country.

'We call on HRC member States to end the relative inaction and complacency about the human rights situation in South Sudan. The HRC should establish a Special Rapporteur or a hybrid tribunal on South Sudan at the least, as there is a blatant disregard for human rights - and ultimately human life,' said Ms Rumbidzai Masango ISHR's Africa Human Rights Advocate and Ambassador Bari Bari Fellow in a statement to the Council.

In presenting the High Commissioner's report, Mr Ivan Simonovic, UN Assistant Secretary-General for Human Rights spoke of the gravity, breadth, depth, and long-term patterns of entrenched and horrific human rights violations in South Sudan. He specifically referenced the direct suppression of democratic freedoms and civil society space by the South Sudan government, such as the killing of seven journalists in 2015.

He also recalled meeting with civil society and humanitarian workers, as well as civilian victims and the atrocities and extreme violence they endure. He concluded that 'it was extremely important to notice the much needed commitment of the Council to get involved in the fundamental rights issues in South Sudan.'

The Assessment Mission **Report** documents the origins of the crisis all the way through to the present day, and contains the OHCHR's detailed findings executing its mandate 'to undertake a comprehensive assessment of allegations of violations and abuses of human rights, with a view to ensuring accountability and complementarity with the African Union Commission of Inquiry'.

The delegation of South Sudan strongly disagreed with the report of Office of the United Nations High Commissioner for Human Rights.

'Since the signing of the final peace agreement on the resolution of the conflict in the Republic of South Sudan, the rate of human rights abuses has reduced drastically,' said **Mr Paulino Wanawilla Unango, Minister of Justice of South Sudan**.

The government delegate explained that South Sudan has implemented the Joint Monitoring and Evaluation Commission (JMEC), which is now functional and has also put in place a national constitutional review committee. The Minister highlighted that South Sudan has a hybrid court as well as a truth and reconciliation commission in place that need to be operationalised. To this end, the government of South Sudan appealed to the international community for assistance to make peace possible by supporting the hybrid court as well as the commission in order to reduce human rights abuses and try those responsible of abuses.

By contrast, States and groups such as the European Union said, 'We are gravely concerned that not only was there no progress, but that gross violations have continued since the last HRC resolution on South Sudan. We therefore condemn all acts of violence'.

The United Kingdom added that the findings were shocking and stressed with grave concern about the lack of action by the South Sudan government to date, and reiterated that they have little confidence the government in South Sudan is in a position to act in the near future.

During the interactive dialogue, eleven member states and groups intervened to call on the Council to establish a special procedures mandate in the form of deploying a Special Rapporteur to provide oversight and support on the establishment of a transitional government, including: European Union, Luxembourg, United Kingdom, Norway, Germany, Spain, Portugal, France, Switzerland, and the United States of America.

ISHR's statement also reminded South Sudan to adhere to its commitment to protecting and promoting HRDs in South Sudan, especially because it voted in favour of the December 2015 General Assembly Resolution on HRDs.

A video of the ISHR statement is [here](#).

The full text of ISHR's statement to the Human Rights Council is [here](#).

## **LATIN AMERICA: COUNCIL DISCUSSES NEED TO PROTECT DEFENDERS IN COLOMBIA, GUATEMALA AND HONDURAS**

(Geneva, 23 March 2016) - States and NGOs today expressed concern about the risks facing human rights defenders in Latin America, as the Office of the High Commissioner for Human Rights (OHCHR) presented its reports on [Colombia](#), [Guatemala](#) and Honduras to the Human Rights Council.

### **Colombia: Protection of human rights defenders essential for peace and sustainable development**

ISHR intervened with a [statement](#) on behalf of a coalition of NGOs recently trained by ISHR in Bogota, arguing that the huge opportunity for transition which the forthcoming peace accords represent will be lost if **Colombia** fails to protect its human rights defenders and ensure that businesses respect human rights.

'There cannot be peace without human rights and there will not be human rights if defending them puts you at risk,' ISHR's Ben Leather told the Council. The OHCHR report referred to 885 defenders attacked and 63 murdered in Colombia 2015. 'The State must strengthen its protection programme, define preventative policies, increase the Attorney General's capacity and end impunity,' said Mr Leather.

States including Norway and Ireland, as well NGOs Peace Brigades International and Oidhaco, all underlined the need for Colombia to better recognise and protect human rights defenders, given the alarming rates of killings. Switzerland and Amnesty International, meanwhile, agreed with ISHR that those working on land rights issues – including indigenous and afro-descent leaders – face accentuated risks.

'Whilst [recently working](#) with tenacious activists in Colombia, it was clear that there is another threat to peace in the country: the current development model,' said Mr Leather. 'Those who demand their rights in the context of business are today some of the most vulnerable. I met threatened women defenders, displaced afro-descendent and indigenous leaders, and *campesino* movements whose members have been killed. All for seeking to ensure that the costs of some economic project or another be the violation of rights, environmental pollution, or human blood'.

The statement called upon Colombia to extensively consult civil society regarding a necessary adaption and proper implementation of their National Action Plan on business and human rights, as well as to guarantee the right to free, prior and informed consent, particularly in relation to major development projects.

### **Guatemala: Avoid criminalisation of defenders**

In presenting the report on **Guatemala**, UN Deputy High Commissioner for Human Rights, Kate Gilmore, expressed concern about the high rates of attacks against human rights defenders, journalists and indigenous leaders – particularly when opposing mega-projects – as well as the impunity affecting these cases.

Germany called upon Guatemala to strengthen policies to protect these groups, whilst Norway called for stronger mechanisms to guarantee the participation of indigenous groups in decision making, particularly over natural resource exploitation, and expressed alarm at the frequent criminalisation of human rights defenders, as did Switzerland. Last year, ISHR published a [report](#) on the attacks and criminalisation of defenders working on business and human rights in the country.

Lamentably, Guatemala itself used its intervention to question the reliability, impartiality, objectivity and reach of OHCHR's work in the country. The intervention, reminiscent of Mexico's [recent attacks](#) on the UN, criticised the Office's methodology and findings, insisting that there was no criminalisation of human rights defenders in the country.

Anabella Sibrian, of International Platform against Impunity, said that defenders are stigmatised and detained for speaking out against abuses, putting the Guatemalan Spring's legacy at risk. She expressed concern at the ongoing lack of leadership of the OHCHR's offices in Mexico and Honduras, whilst her message to the international community regarding human rights defenders in Latin America was clear: 'do not leave us alone'.

### **Honduras: Ensure protection of defenders of economic, social and cultural rights**

The Deputy High Commissioner promised that everything was being done to staff the OHCHR office in **Honduras** as soon as possible, and promised a first full report from their representation there at the Council's 34<sup>th</sup> session. The Honduran delegate welcomed the strengthening of the OHCHR presence in the country, reiterated the President's request for the Office to support the investigation of recently murdered [indigenous defender Berta Cáceres](#) and said 'we wish to underscore our commitment to human rights, and particularly to human rights defenders'. In 2015, ISHR [reported](#) on the risks facing economic, social and cultural rights defenders in the country.

Speaking after the session, Mr Leather said 'Colombia, Guatemala and Honduras are three incredibly dangerous places to defend human rights, particularly land rights in the face of business interests. The concerns raised today only serve to underline the need for the Council to pass a strong [resolution](#)

[on ESC rights defenders](#) at this session, but also for the countries in question to strengthen their laws, policies and practises on defender protection and on business and human rights, in a way which fully takes into account civil society's input'.

ISHR will continue to monitor the situation of defenders working on business and human rights in the Americas, after co-authoring a regional [report](#) on the issue in October 2015.

## **BURUNDI: RESPECT HUMAN RIGHTS AND COOPERATE WITH COUNCIL OR FACE MEMBERSHIP REPERCUSSIONS**

(Geneva, 23 March 2016) – Burundi's failure to uphold high standards in the promotion and protection of human rights or to cooperate fully with the UN Human Rights Council, of which it is a member, should precipitate discussion in the Council and the General Assembly about its eligibility for membership, ISHR said today.

As a member of the Human Rights Council, Burundi is required by UN General Assembly resolution 60/251 to uphold the highest standards in the promotion and protection of human rights and cooperate fully with Council-mandated experts investigating human rights violations in the country. A 'failure to adhere to such basic standards should precipitate public discussion in this Council as to the State's fitness and eligibility for membership, with the possibility of referral of the State concerned to the General Assembly for suspension or expulsion from this Council if the necessary undertakings are not given and fulfilled', ISHR said in a statement at the 31<sup>st</sup> session of the UN Human Rights Council during a dedicated debate on Burundi.

'Civil society organisations operate in a limited space, enveloped by violence, torture and intimidation. At least ten non-governmental organizations have been forced to close and suspend their work in Burundi,' explained Mr Ivan Simonovic, the UN Assistant Secretary-General for Human Rights during the interactive dialogue.

'It is deeply disconcerting that some members of society, in particular human rights defenders were subject to reprisals,' said Christof Heyns, the UN Special Rapporteur on extrajudicial summary or arbitrary executions and a member of the Council-mandated panel of experts on Burundi. He urged the government to therefore enhance the space of civil society and to immediately investigate reports and cases of reprisals.

Mr Pierre Claver Mbonimpa, one of Burundi's most prominent human rights defenders and the President of the Association for the Protection of Human Rights and Incarcerated Persons (APRODH) was on the panel of speakers during the interactive dialogue on Burundi.

'The situation in Burundi is so grave it can be likened to a genocide. My life was attacked, and this is precisely the challenge - that innocent people are assassinated and killed and perpetrators are not being brought to book,' he explained.

Mr Mbonimpa pleaded with the Member States at the Council to take practical steps to help citizens and defenders who have been affected by the human rights situation in Burundi.

The Government of Burundi by contrast, represented by H.E. Mr. Martin Nivyabandi, Minister of Human Rights, Social Affairs, and Gender, said that 'Light is returning after a period of darkness in 2015. The situation is getting back to normal in terms of social, economic and political aspects in Burundi. The security situation is also improving as disarmament of civilians is on-going, although some challenges remain.'

Despite this, several states, including France, Albania, Ireland and Switzerland, concurred and sympathised with Mr Mbonimpa, welcoming his statement and calling for the Burundian government to uphold the rule of law. The also urged Burundi to implement recommendations made by the UN Special Rapporteur for on Human Rights Defenders to fully investigate any harassment and intimidation of defenders and ensure that independent media outlets can operate freely.

'It is important to hear the voice of civil society in this room, because we are concerned about the restrictions put on the media and the various attacks and harassment faced by human rights defenders,' said the representative of France.

'Switzerland deplores all acts of violence against human rights defenders and civil society and those who voice diverging opinions in Burundi,' said the Swiss delegate. 'Only inclusive dialogue including all concerned parties, coming together in a sincere manner will bring peace back to Burundi,' he added.

'Human rights defenders are paying a high price in this ever-worsening situation, where Burundian citizens and defenders are paralysed by fear. Restrictions on the rights to freedom of expression, association and peaceful assembly, together with targeted killings and forced exile, affect them very directly,' said Ms Rumbidzai Masango ISHR's African Human Rights Consultant and Ambassador Bari Bari Fellow.

Noting with concern the arrests of civil society, the Albanian delegate called on attacks against defenders to be condemned publically and reminded the government to Burundi that as a member of the Council it must uphold and promote human rights in it's country.

A video of the ISHR statement is [here](#).

The full text of ISHR's statement to the Human Rights Council is [here](#).

## **HUMAN RIGHTS COUNCIL: ADOPT RESOLUTION ON HUMAN RIGHTS DEFENDERS AND REJECT HOSTILE AMENDMENTS**

(Geneva, 22 March 2016) - Member States of the UN Human Rights Council should support the adoption of a vital [draft resolution on the protection of human rights defenders](#) and vote down over 30 hostile amendments proposed by China, Cuba, Egypt, Pakistan and Russia to substantially weaken the text.

In an [open letter to governments](#), a group of more than 150 non-governmental organisations from all regions of the world have said that the resolution - which focuses on the situation and protection needs of those working to promote economic, social and cultural rights - is a timely, balanced and important response to the worsening crackdown on human rights defenders. States from all regions, including Australia, Brazil, France, Ghana, Japan and Tunisia, among others, have already pledged their support for the Norwegian-led text.

The countries sponsoring the [hostile amendments](#) are among the worst perpetrators in this regard, with [China](#) detaining or disappearing more than 300 journalists, lawyers and human rights defenders since July 2015 and [Egypt](#) moving rapidly to shut down the remaining credible, independent human rights organisations in the country.

The draft resolution, which has been developed, through open and transparent negotiations, will be voted upon by [47 Member States of the Human Rights Council](#) on 24 March 2016. Leading human rights experts from around the world, including South African jurist and former UN High

Commissioner for Human Rights [Navi Pillay](#), have also publicly called on States to support the draft text.

'Human rights defenders play a vital role in promoting transparency, good government and the realisation of economic, social and cultural rights for all. Their work is essential for sustainable development and the maintenance of the rule of law. States that support these principles should stand with civil society and co-sponsor and support the draft text,' said ISHR Human Rights Council Advocacy Director Michael Ineichen.

'By contrast, a vote in favour of the amendments is, and will be seen to be, a vote against the important and legitimate work of human rights defenders and in favour of attacks and restrictions on their work. It will also be seen as a vote against ESC rights and the right to development,' Mr Ineichen said.

The amendments being pushed by China, Cuba, Egypt, Pakistan and Russia include proposals to remove any reference in the text to the term 'human rights defenders', to deny the legitimacy of their work, and to weaken their protection against attacks and reprisals.

'If States support the protection and realisation of economic, social and cultural rights and the right to development for all, including the most disadvantaged and vulnerable, they should equally support the protection of human rights defenders who work tirelessly and courageously to achieve these rights,' Mr Ineichen said.

## **OTHER RESOLUTIONS ADOPTED**

### **Resolution on the promotion and protection of human rights in peaceful protests**

In a resolution on peaceful protests, adopted by a vote of 31 to five with 10 abstentions, the Council encouraged all States to give due consideration to a [recent expert report](#) with practical recommendations regarding the protection of human rights in the context of assemblies. The resolution called upon all States to promote a safe and enabling environment for individuals and groups to exercise their rights to freedom of peaceful assembly, of expression and of association, and to engage with all stockholders - including human rights defenders and business - in doing so.

The text, which was relatively procedural, also asked that States consider the more substantial [resolution 25/38](#) passed on the issue two years ago. Before adopting the resolution, the Council rejected a series of negative amendments tabled by Russia, Cuba and others. Resolution on the protection of the environment

### **Resolution on the promotion and protection of the environment**

The Human Rights Council adopted a resolution, tabled by Switzerland, Costa Rica, Maldives, Morocco, Slovenia and Switzerland, on the protection of the environment by consensus. The resolution calls on States to promote a safe and enabling environment so those working on human rights and environmental issues can operate free from threats, and provide effective remedies for human rights violations related to the environment.

This resolution provided an opportunity to address the grave risks facing what is one of the world's most vulnerable groups of defenders – those working for the protection of land and environmental rights. Disappointingly - as a result of a number of states, including China, Vietnam, Cuba, Russia and

Egypt attacking the very concept of human rights defenders - the language on the protection of human rights defenders in the tabled resolution was weaker than initially proposed.

### **Resolution on the human rights situation in Myanmar**

ISHR welcomes the Council's adoption by consensus of a resolution on human rights in Myanmar. This resolution reaffirms the importance of ongoing monitoring and assessment by the international community, by the Special Rapporteur and the OHCHR, including through the establishment of a country office with a full mandate. The text, however, is much shorter than in previous years and falls short of reflecting the substantive nature of ongoing violations and abuses. In this regard, the current report of the Rapporteur is a key tool for identifying benchmarks for progress on human rights moving forward.

At the adoption, the Myanmar delegation took the floor of the Council to criticize key paragraphs: those noting the need for Constitutional reform and inclusion of ethnic minority groups including the Rohingya; calling for efforts to improve the climate for civil society and human rights defenders; and urging accountability for human rights violations and the implementation of international obligations. Despite the negative stance of the government, ISHR believes that the Council should respect the views of the more than one hundred local civil society groups that pressed for the resolution, continue to encourage reforms toward democracy, and stand firm in its duty to protect and promote human rights in the country at this critical moment.

## **Our Work to Support Human Rights Defenders**

### **INTERNATIONAL NGOS CALL ON MEXICO TO END STIGMATISATION OF HUMAN RIGHTS DEFENDERS AND MECHANISMS**

(Geneva, 22 March 2016) - In a move that has been reported by several Mexican media outlets, Mexican and international human rights organisations **have come together** to demand a response from the Mexican Government to the campaign of stigmatisation and defamation against human rights defenders in the country.

The Director of the Mexican Commission for the Defence and Protection of Human Rights (CMPDPDH), Mr. José Antonio Guevara has been the focus of several public attacks in print media and the radio questioning the legitimacy of this work, potentially putting him and his colleagues at risk.

'ISHR has joined ACAT, APT, FIDH, OMCT, Robert F. Kennedy for Human Rights, and WOLA to make clear our wholehearted support for Mr. José Antonio Guevara and his work,' said ISHR's Eleanor Openshaw. 'We call on President Enrique Peña Nieto to ensure his Government recognises the legitimacy and value of the work of CMDPDH and human rights organisations in general, and denounces attempts to discredit their work.'

Most recently, on the radio programme 'Ciro Gómez Leyva por la mañana' transmitted on 4 March, Mr. José Antonio Guevara was accused of operating 'a network of corruption making money out of torture'. The Centre for Justice and International Law (CEJIL) was also accused of operating illegitimately and the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, Juan Méndez, was accused of supporting these organisations. This incident follows on from publication of newspaper articles – including in the national newspaper, 'El Universal' – where the current and prior Directors of CMDPDH have been called 'mercenaries of human rights' or 'defenders of delinquents'.

In 2012 CMDPDH was one of the organisations taking the case of four civilians tortured whilst detainees – Ramiro Ramírez, Rodrigo Ramírez, Orlando Santaolaya and Ramiro López –to the UN Committee against Torture. In August 2015 the Committee concluded that all four should be released immediately and receive reparations for the torture they had suffered at the hands of the State.

The Mexican Government has consistently rejected the reports and recommendations from UN human rights bodies and the Inter-American Commission on Human Rights (IACHR) where the serious nature of the human rights situation in the country was highlighted. In regard to the most recent IACHR report, on 'The Human Rights Situation in Mexico' published on 23 March, the State rejected both the methodology employed in drawing up the report, and its findings.

Mexico's lack of cooperation with the UN was made evident during the interactive dialogue with members of the Human Rights Council at the current session, when the Special Rapporteur on the situation of human rights defenders noted that his request to visit Mexico had still not been met and that he would continue to push for access to the country.

In 2014 ISHR was a member of a Civil Society Mission to Mexico, co-organised by CMPDPDH, that looked at the implementation of the Law on the Protection of Human Rights Defenders and Journalists. The **conclusions of the Mission** in regard to the protection of defenders were grave. The mission outlined a series of recommendations, including a call calling on State officials at all levels to make regular statements in acknowledgement of the work of human rights defenders.

'Stigmatisation of human rights defenders is a tactic employed to create an environment of questioning of their legitimate and vital work, and frequently is a precursor to further threats and attacks,' said ISHR's Eleanor Openshaw. 'It is the responsibility of the State to make evident that such stigmatization of defenders is unacceptable and to make clear public statements in support of those defenders targeted, and in support of the legitimate and vital work of defenders more generally. With the Human Rights Council in session, Mexico has the perfect platform to make such support evident.'

## **BAHRAIN: RELEASE ZAINAB AL-KHAWAJA AND 15 MONTH OLD SON**

(Update, 18 March 2016) - The UN High Commissioner for Human Rights, together with the UN's expert on human rights defenders, Michel Forst, have supported the calls by ISHR and other NGOs for the immediate release of Bahraini woman human rights defender Zainab Al-Khawaja, imprisoned for exercising her right to freedom of expression. Zainab's 15-month-old son, Abdul-Hadi, has been detained with her.

'Zainab has been detained purely for her critical views against government authorities,' said UN Special Rapporteur Michel Forst in a **statement**. 'Such criticism is not only fully legitimate according to Bahrain's obligations under human rights law. It is absolutely essential to the free and public debate necessary for a vibrant civil society.'

In a **separate statement**, a spokesperson for the UN High Commissioner for Human Rights said, 'We are concerned about recent laws that seriously curtail the right to freedom of expression in Bahrain...These provisions are regularly used to censor and intimidate human rights activists and journalists documenting or raising awareness about abuses...In addition to restrictions on freedom of expression there is also a serious issue regarding the right to freedom of assembly in Bahrain. Gatherings in the capital have been indefinitely banned since 2013, and dozens of people – including minors -- who have participated in protests have been prosecuted.'

'The ongoing harassment and criminalization of activists in Bahrain should stop,' said Special Rapporteur Michel Forst. 'I urge the authorities to cease such persecution and immediately drop all the charges against Zainab Al-Khawaja.'

(Geneva, 14 March 2016) - Authorities in Bahrain should immediately and unconditionally release human rights defender Zainab Al-Khawaja and her 15 month old son, Abdul-Hadi, after they were taken into custody today. After initially being taken to AlHoora police station it is anticipated that they will be transferred to Isa Town Women's Prison.

Al-Khawaja's detention follows from her being sentenced to a total of three years in prison on charges including 'destroying public property' by tearing up a picture of Bahrain's monarch, 'insulting a public official', namely a police officer, and 'entering a restricted area', when she sought to visit her father and leading human rights defender Abdulhadi Al-Khawaja in prison. The various trials associated with these charges did not comply with the minimum requirements of a fair trial under international human rights law, with the latest sentence against Zainab being confirmed on 2 February 2016 in absentia.

'Zainab Al-Khawaja has been prosecuted, persecuted and now arbitrarily detained in retaliation for her exercise of the basic rights to freedom of expression, association and assembly,' said ISHR Director Phil Lynch.

'Zainab's detention is clearly incompatible with Bahrain's obligations under the International Covenant on Civil and Political Rights, to which it became party in 2006, and under the Declaration on Human Rights Defenders. Further, the detention of Zainab's 15 month old son is clearly not in the best interests of the child and places Bahrain in flagrant violation of its obligations under the Convention on the Rights of the Child,' Mr Lynch said.

The Al-Khawaja family has been repeatedly targeted for its human rights advocacy and activism by Bahraini authorities. Zainab's father **Abdulhadi Al-Khawaja is currently serving a life sentence** handed down in 2011 in connection with his peaceful human rights activism, while Zainab's sister **Maryam Al-Khawaja has also been harassed, arrested and detained**. Maryam now serves as a Board member of the International Service for Human Rights and a Co-Director of the Gulf Center for Human Rights, which her father founded.

ISHR's call for the release of Zainab and her son comes just days after the UN High Commissioner for Human Rights **Zeid Ra'ad Al Hussein told the UN Human Rights Council** that:

In Bahrain, despite progress made, political opponents, journalists and human rights defenders continue to be silenced by arrests, revocation of citizenship and deportation. Profound reform is still required, to achieve much more inclusive participation.

In addition to being arbitrarily detained, Zainab has been denied a passport, while her 15 month old son has been denied a birth certificate, again in violation of the Convention on the Rights of the Child.

ISHR joins with its partners at the **Gulf Center for Human Rights** in calling for authorities in Bahrain, in compliance with their obligations under the ICCPR, the Convention on the Rights of the Child and the Declaration on Human Rights Defenders, to:

- Immediately and unconditionally release Zainab Al-Khawaja, her son and all other human rights defenders detained in association with their peaceful human rights activities;

- Cease the judicial harassment of human rights defenders and ensure their protection from any forms of harassment, torture, ill-treatment, intimidation or reprisal;
- Overturn prison sentences handed down against Zainab Al-Khawaja in contravention of international human rights law; and
- End the judicial harassment of Zainab Al-Khawaja, provide a birth certificate to her son, and renew her passport.

## Our Work to Strengthen Laws and Systems

### SUCCESS OF 2030 SUSTAINABLE DEVELOPMENT AGENDA DEPENDS ON WOMEN HUMAN RIGHTS DEFENDERS

(New York, 18 March 2016) - Achievement of the 2030 Agenda for Sustainable Development is only possible if women human rights defenders (WHRDs) are genuinely involved in programmes for its implementation.

Such was the clear message of panelists at a high-level UN event this week, '[Empowering Women by Empowering Women Human Rights Defenders](#)'. They called for States and the United Nations itself to urgently take steps to ensure the protection of WHRDs and their recognition as key stakeholders and partners in the 2030 Agenda.

The calls came as the human rights community reels at the murder of another prominent WHRD, Berta Caceres in Honduras on 3 March, and in the context of the UN Commission on the Status of Women, currently meeting in New York.

Panelists paid tribute to Ms Caceres. Her daughter, Bertha Isabel Zuniga Caceres also spoke on the panel, describing her mother as her greatest inspiration. 'The authorities did not protect my mother's life as they should have,' she said. 'Now the Honduran government is ignoring the clamour of the world that is calling for justice.'

ISHR's Programme Manager for women's rights, Pooja Patel said panelist after panelist expressed their outrage at the continuing threats and attacks on women human rights defenders, so sharply illustrated in the murder of Berta Caceres. 'Given the critical role of women to the success of the 2030 Agenda - acknowledged by State representatives at the panel - their protection and the promotion of their work is essential.'

'We look to States to acknowledge and facilitate the work of women defenders and to restate the commitments made regarding their protection at the [General Assembly in 2013](#) through the current sessions of the Human Rights Council and Commission on the Status of Women,' Ms Patel said.

State Secretary of the Norwegian Ministry of Foreign Affairs, Ms Tone Skogen said during the event that the 2030 Agenda provides a roadmap and a call to action for the international community.

'We all have a role to play and we all need to contribute to ensure that no-one is left behind. Without the tireless and courageous efforts of WHRDs, the ambitions of Agenda 2030 will not be realised,' she said. She drew attention to the [2013 UN General Assembly resolution on WHRDs](#), and Norway's commitment to making the protection of human rights defenders a foreign policy priority.

In her opening remarks, Ambassador Mara Marinaki, EU/European External Action Service (EEAS) Principal Advisor on Gender, said the EU is determined more than ever to do more to support and protect all human rights defenders, especially women.

'Activists are the voice of the voiceless. The empowerment of women and girls is at the core of Agenda 2030, not only Goal 5 but across all 17 sustainable development goals,' she said.

Despite their essential role, women human rights defenders on the panel shared experiences of the huge challenges they face in their work. Bai Ali Indayla, Secretary-General of KAWAGIB – Alliance for the Advancement of Moro Human Rights in the Philippines, said those working to oppose human rights violations linked to the extractive industries were especially vulnerable. 'We are labeled as enemies of the State, and this becomes a reason for States to target WHRDs. There are extra-judicial killings and the conviction rate for this is 0%. Any (development) goal that the Philippines government signs up for is of no use if the State continues to implement anti-people policies and if it does not protect WHRDs.'

'We see the brutality of those who oppress us,' said Fatima Outaleb, co-founder of Union de l'Action Feminine (Union of Women's Action, UAF) in Morocco, paying tribute to friends and colleagues who had been harassed, forced to leave their countries, or killed, because of their work. 'We have no words for the atrocities happening in our countries. Women are supposed to be present but their voices often don't count. If we leave women behind, there will be no sustainable solutions,' she said.

Ms Patel said that the women human rights defenders who spoke at the event had highlighted the gravity of the many human rights crises facing humanity and how we are at a critical moment for our future on earth. 'Women defenders are central to achieving the vision Agenda 2030 sets out. Those who spoke on the panel provided a stark message: that in killing women defenders we are killing our future. Protecting women defenders and promoting their work provides us with hope.'

The event at the UN this week was co-sponsored by the Women Human Rights Defenders International Coalition (WHRDIC), of which ISHR is a founding member. The coalition calls on States to:

- Ensure that WHRDs are protected from gender-specific threats, intimidation, and violence they may face due to their work and their challenging of deep-seated patriarchal structures and societal gender norms.
- Take effective action to investigate and bring to justice those responsible for these violations.
- Enable the work of WHRDs, including by ensuring their meaningful participation in the development and monitoring of relevant policies and programmes, including Agenda 2030, and by creating an environment conducive for WHRDs to carry out their important work free from harassment, intimidation and violence from State and non-State actors.

## **AFRICAN COMMISSION RESOLUTION CALLS FOR SPECIFIC RECOGNITION AND PROTECTION OF WHRDS**

(Abidjan, Cote d'Ivoire and Geneva, 18 March 2016) - A landmark resolution adopted at the African Commission on Human and Peoples' Rights calls on African States to ensure specific legal recognition and protection of women human rights defenders and end impunity for threats and attacks against them.

ISHR contributed significantly to the development of the resolution, entitled [Resolution 336 on Measures to Protect and Promote the Work of Women Human Rights Defenders](#).

'In light of 2016 being the African Year of Human Rights, with the particular focus on the rights of women, this resolution presents an important opportunity for African States to be reminded of their obligations to ensure a safe and enabling environment for human rights defenders, particularly women defenders, to conduct their work,' said Mr Clement Voule, ISHR's Africa Advocacy Director.

Adopted during the Commission's extra-ordinary session in February, the resolution highlights that women human rights defenders in Africa face particular barriers and risks when engaging in human rights work. It calls on States to 'end impunity by adopting specific laws and relevant measures to promote and protect the work of human rights defenders, which should include provisions that recognize and address the specific protection needs of women human rights defenders'.

This resolution is an important part of follow up to the Commission's report, [The Situation of Women Human Rights Defenders in Africa](#), which was adopted last year. This study concluded that the general legal framework in many African countries for the protection of WHRDs is 'inadequate'. It indicates that as a first step towards combating impunity for widespread violence, attacks, threats and harassment against WHRDs and their organisations, families and affiliates, existing laws in many African countries need to be made compatible with international and regional human rights standards.

Meanwhile, guided by the Commission's report, women human rights defenders in Cote d'Ivoire have worked in collaboration with ISHR to ensure that the Law on Promotion and Protection of Human Rights Defenders also takes into account a gender perspective.

'While we worked hard to ensure that Article 9 of this law has a specific provision recognising women human rights defenders, it is now necessary to develop guidelines on how this provision should inform the work of governmental and judicial bodies in their efforts to meet the needs of WHRDs,' said Ms Marthe Pedan Coulibaly from the Cote d'Ivoire Coalition of Human Rights Defenders. ISHR and the Coalition are collaborating to develop authoritative guidance on the interpretation and application of Article 9.

The resolution also reinforces a key element of the ACHPR report, which encourages African governments to work in partnership with women human rights defenders in the dissemination and implementation of national human rights programmes. 'Women defenders are central to achieving human rights and development goals,' stressed Ms Pooja Patel, WHRD Programme Manager at ISHR. 'States have a responsibility to publicise this report and its recommendations widely, including at the level of local authorities, public security officials and the judiciary'.

The ACHPR resolution further seeks to improve reporting on efforts to protect WHRDs by calling on States to include it in their periodic reports to the Commission. 'We urge the governments of South Africa and Namibia, in their periodic report to the Commission at its upcoming session in April, to provide information on how their intend to implement the recommendations contained in the report' said Ms Patel.

## **WORK OF HUMAN RIGHTS DEFENDERS ESSENTIAL TO JUST AND FAVOURABLE CONDITIONS OF WORK FOR ALL**

(Geneva, 9 March 2016) – The work of human rights defenders is essential to secure just and favourable conditions of work for all persons, according to an **authoritative new legal commentary** published by the UN Committee on Economic, Social and Cultural Rights.

The commentary establishes that, pursuant to article 7 of the International Covenant on Economic, Social and Cultural Rights, States have a legal obligation to protect and promote the work of defenders as an aspect of their legal obligation to ensure just and favourable conditions of work for all. This obligation includes facilitating defenders' access to information and respecting and enabling the exercise of their rights to freedom of expression, association, assembly and public participation.

'This new General Comment is significant in that it implicitly recognises that attacks or harassment of workers' rights defenders, or restrictions on the exercise of their rights, may amount to a violation of article 7 of ICESCR itself,' said Lucy McKernan of the **Global Initiative for Economic, Social and Cultural Rights**.

'This authoritative legal commentary makes clear that States have a positive obligation to promote and protect the work and the civil and political rights of ESC rights defenders as part of their broader obligation to fulfil economic, social and cultural rights,' said Ben Leather of the International Service for Human Rights.

Both ISHR and the GI-ESCR provided inputs to inform the content of the expert commentary, which says at paragraph 49 that:

'Human rights defenders should be able to contribute to the full realisation of Covenant rights for all, free from any form of harassment. States parties should respect, protect and promote the work of human rights defenders and other civil society actors towards the realisation of the right to just and favourable conditions of work, including by facilitating access to information and enabling the exercise of their rights to freedom of expression, association, assembly, and public participation.'

The adoption of the General Comment comes as the UN Human Rights Council is **negotiating a resolution on the protection of human rights defenders** working on economic, social and cultural rights.

'Consistent with CESCR's new General Comment, the Norwegian led-resolution being negotiated at the Human Rights Council should explicitly recognise that attacks on defenders can lead to violations or lack of fulfillment of the ESC rights for which they advocate,' Mr Leather said.

According to Ms McKernan, consistently with the General Comment and in the year in which the ICCPR and the ICESCR both celebrate their 50th anniversary, the resolution should also reaffirm the indivisibility and interdependence of all human rights. 'Recognition, protection and exercise of the rights to freedom of expression, association, assembly, protest and public participation are essential to the promotion, protection and fulfilment of all ESC rights,' she said.

The **UN Committee on Economic, Social and Cultural Rights** is a body of independent experts mandated to provide guidance and assess compliance with the International Covenant on Economic, Social and Cultural Rights. A General Comment adopted by the Committee is recognised as an authoritative statement on the content, scope, application and implementation of rights under the Covenant.

The Committee adopted [General Comment No 23 on the right to just and favourable conditions of work](#) in March 2016.

## Key Developments in the Promotion and Protection of Human Rights

### EGYPT: ESCALATING JUDICIAL HARASSMENT OF HUMAN RIGHTS NGOS

Restrictions on Egyptian civil society have increased over recent years through legal requirements, harassment and stigmatisation in both public and private media. In a recent move, staff members of 41 Egyptian organisations have received court summons and are at risk of prosecution, while their organisations face threat of closure...[more](#)

### ACTION NEEDED TO STOP HONDURAS TURNING INTO A LAWLESS KILLING ZONE FOR HUMAN RIGHTS DEFENDERS

On March 18<sup>th</sup> 2016, the UN Special Rapporteur on the situation of human rights defenders, Michel Forst, urged the Government of Honduras to take immediate and concrete actions, or risk turning the country into a lawless killing zone for human rights defenders. In doing so, he recalled the obligation of States to guarantee security and protection for all human rights defenders within its borders...[more](#)

### THAILAND: WOMEN RIGHTS DEFENDERS HONOURED BY THE NATIONAL HUMAN RIGHTS COMMISSION

Womens human rights group, Khon Rak Ban Kerd Group, working for the protection of community rights in connection with mining operations have been awarded the Women's Human Rights Defenders Honorary Certificate by the National Human Rights Commission of Thailand. This represents a great success for women defenders in the field...[more](#)

### CRACKDOWN ON HUMAN RIGHTS NGOS IN THE DRC

On 21 March 2016, the Democratic Republic of the Congo's Minister of Justice announced that the government would take measures against organisations operating without legal status. This coincided with parliament discussing a draft law prohibiting demonstrations in front of sensitive locations, such as government buildings. These measures threaten to restrict the role of civil society on the ground...[more](#)

## Opportunities for NGO Engagement

### HUMAN RIGHTS COUNCIL

The **organisational meeting** for the 32nd regular session of the Human Rights Council will be held on 30 May at Palais des Nations, Room XX. Information and updates will be published [here](#).

The Council's **32nd regular session** will be held in Palais des Nations from [13 June to 1 July](#). Information and updates will be published [here](#).

The **annual meeting of special rapporteurs/representatives, independent experts and chairpersons** or working groups of the Special Procedures of the Human Rights Council will take

place [from 6 to 10 June](#), its 23rd session, at Palais des Nations, Room XXV.

## UNIVERSAL PERIODIC REVIEW

The following States will be reviewed at the 25th session of the UPR which will be held [on 2-13 May](#): Suriname, Greece, Samoa, Saint Vincent and the Grenadines, Sudan, Hungary, Papua New Guinea, Tajikistan, United Republic of Tanzania, Antigua and Barbuda, Swaziland, Trinidad and Tobago, Thailand and Ireland. Guidelines for submissions are found [here](#) and are due on [21 September](#). Information about the UPR mechanism can be found [here](#).

The tentative timetable for the 26th session of the UPR, which will be held from 31 October to 11 November, is now available [here](#). States to be reviewed include Togo, Venezuela, Zimbabwe, Lithuania, Uganda, Timor-Leste, Republic of Moldova, Haiti, South Sudan. Information about the UPR mechanism can be found [here](#).

## TREATY BODIES

The **Meeting of Chairpersons of the Human Rights Treaty Bodies** will hold its 28th session on 30 May to 3 June in New York. More information can be found [here](#), which includes the annotated agenda and draft programme of work.

The 57th session of the **Committee against Torture** will be held from [18 April to 13 May](#). The provisional agenda and programme of work is available [here](#). The Committee will analyse the following States reports: France, Tunisia, Saudi Arabia, Turkey, Philippines, and Israel, as well as discussion on a draft revised General Comment on Article 3 of the Convention Against Torture. It will consider a list of issues from Sri Lanka and Turkmenistan, as well as a list of issues prior to reporting from Cyprus, Lithuania, United Kingdom, and Uruguay.

The 117th session of the **Human Rights Committee** will be held [on 20 June to 15 July](#). The Committee will consider the following State reports during the session: Argentina, Burkina Faso, Denmark, Ecuador, Ghana, Kazakhstan, Kuwait. The Committee will also consider and adopt a list of issues for the following countries: Italy, Serbia, Thailand, Turkmenistan, Belgium, Lithuania, and Norway. Further information against from the secretariat is available [here](#).

If you are unable to attend relevant treaty body meetings, you can now watch them live online [here](#).

## WORKING GROUPS

The **Working Group on the Issue of Human Rights and Transnational Corporations and other Business Enterprises** will hold its 14th session [from 2 to 6 May](#) at Palais des Nations, Room XII.

The **Working Group on Enforced or Involuntary Disappearances** will hold its 109th session [from 9 to 18 May](#) at Palais des Nations, Room XVI.

## COUNTRY VISITS BY SPECIAL PROCEDURES

Chile	Special Rapporteur on the right to education, <a href="#">28 March 2016 to 4 April 2016</a> .
India	Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context, <a href="#">11 April 2016 to 22 April 2016</a> .
Zambia	Special Rapporteur on the rights of persons with disabilities, <a href="#">18 April 2016 to 28 April 2016</a> .
Japan	Special Rapporteur on the promotion and protection of the right of freedom of opinion and expression, <a href="#">12 April 2016 to 19 April 2016</a> .
United Kingdom	Special Rapporteur on the rights to freedom of peaceful assembly and of association, <a href="#">18 April 2016 to 21 April 2016</a> .
Sri Lanka	Special Rapporteur on the independence of judges and lawyers, Special Rapporteur on torture and other cruel, inhuman and degrading treatment or punishment, <a href="#">29 April 2016 to 7 May 2016</a> .

Find more information on these visits [here](#). To find out how you can support the visits, please contact respective mandate-holders via their email address, as listed in the [directory](#).

## Conferences and events

### ISHR HUMAN RIGHTS DEFENDER ADVOCACY PROGRAMME 2016

ISHR's [Human Rights Defender Advocacy Programme \(HRDAP\)](#) equips defenders with the knowledge and skills to make strategic use of the international human rights system. The training will take place between 8 and 22 June 2016 and provides defenders with opportunities to put their advocacy skills directly into action at the 32nd session of the UN Human Rights Council and the 23rd Annual Meeting of UN Special Procedures. The call for applicants is now closed.

### NGO BRIEFING

The Office of the High Commissioner for Human Rights will host [an NGO briefing](#) with Mr Martin Uhomoibhi, Joint Special Representative for Darfur and Head of African Union-United Nations Hybrid Operation in Darfur, on Thursday 7 April, from 9.30am to 10.30am in RI-01, OHCHR, 48 Ave Motta, Geneva.

### A CIVIL PEACE BY CIVIL SOCIETY – TUNISIAN EXPERIENCES FOR THE FUTURE OF THE REGION

The United Nations will host its 9<sup>th</sup> lecture in the series, titled: “A Civil Peace by Civil Society – Tunisian Experiences for the Future of the Region” with the Tunisian National Dialogue Quartet, Nobel Peace Prize laureate 2015 [on Thursday 21 April](#) from 4pm – 6pm in Room XX. Registrations close on 13 April.

## New Resources

### ISHR UNIVERSAL PERIODIC REVIEW BRIEFING PAPERS

ISHR has launched a number of briefing papers on the situation of human rights defenders to assist States and other stakeholders to formulate questions and recommendations in [the upcoming 25th session of the Universal Periodic Review](#), including in:

- [Thailand](#) – the Government should remove legal restrictions on the rights to freedom of expression, and freedom of association and peaceful assembly.
- [Ireland](#) – the Government should demonstrate leadership by initiating the drafting of Human Rights Council resolutions and statements on country situations where defenders and other civil society actors are restricted or at risk.
- [Tajikistan](#) – the Government should protect defenders and journalists from being subject to violence, threats and harassment by officials, and intimidation and arbitrary arrest.
- [Hungary](#) – the Government should promote and protect the right to safe and unhindered communication with international organisations and prevent and promote accountability for acts of intimidation or reprisal.

### NEW UN EXPERT REPORT PROVIDES PRACTICAL ADVICE ON MANAGEMENT OF PROTESTS

The Special Rapporteur on assembly and association and the Special Rapporteur on extrajudicial executions launched a major [new report on the proper management of assemblies and protests](#). The report compiles applicable international legal standards, and discusses practical recommendations on how those principles might be implemented, with the aim of ensuring better protection of the rights of those engaged in assemblies.

### POLICY ENGAGEMENT: HOW CAN CIVIL SOCIETY BE MORE EFFECTIVE?

The Overseas Development Institute has produced [a practical guide for civil society organisations](#) focusing on how policy makers can make better use of evidence produced by civil society organisations; and how civil society organisations can engage more effectively in policy engagement and overcome key internal obstacles to be more effective and influential.

### REPORT ON POLITICAL IMPRISONMENT IN MYANMAR

Amnesty International has released a report entitled [New Expression Meets Old Repression: Ending the Cycle of Political Arrests and Imprisonment in Myanmar](#). The report highlights the pattern of politically motivated arrest and imprisonment since the start of 2014. It offers concrete recommendations to the new government to respect the rights to freedom of expression, association and peaceful assembly, and put an end to the repressive practices which fuel arbitrary arrests.

### REPORT ON DIGITAL COMMUNICATIONS AND SERVICES

Amnesty International has released a report entitled [Encryption: A Matter of Human Rights](#). The report analyses the tension between the human right to privacy and the increasing threat of unjustified government surveillance in the digital age.

## **GOOD GIRLS DON'T PROTEST – WOMEN HUMAN RIGHTS DEFENDERS**

Human Rights Watch has released the report: [Good Girls Don't Protest: Repression and Abuse of Women Human Rights Defenders, Activists, and Protesters in Sudan](#). This report shows how protests, rights campaigns, social services, legal aid, journalism, and other public action are targeted - highlighting the wider context of gender inequality that makes activism by women defenders all the more challenging. The report documents the patterns of abuse women experience at the hands of government forces and the restrictive environment in which they work in Sudan.

## **JUSTICE REESTABLISHES BALANCE – ACCOUNTABILITY REPORT ON COTE D'IVOIRE**

Based on interviews conducted by Human Rights Watch, [Justice Re-establishes Balance](#) contains interviews with more than 70 people, including government officials, judiciary, and civil society. The report calls on the government to take steps to strengthen the independence of the judiciary; protect judges, lawyers, and witnesses involved in sensitive cases; and support legal reforms that would respect the fair trial rights of defendants.

## **CRIMINALISATION OF HUMAN RIGHTS DEFENDERS – NEW REPORT**

Protection International has released the new report entitled [Criminalisation of Human Rights Defenders: Categorisation of the problem and measures in response](#). The report compiles more than a year's research and discussion, categorising the various forms of criminalisation and judicial and administrative harassment suffered by human rights defenders – identifying the actors who contribute to this phenomenon and its consequences.

## **Case notes on decisions from international human rights bodies - Merits Decisions**

### **DENMARK: REFUSAL OF ASYLUM CLAIM VIOLATES RIGHT TO LIFE AND PROHIBITION ON ILL-TREATMENT**

The Human Rights Committee found Denmark's refusal of an asylum claim in violation of the rights to life and freedom from cruel and inhuman treatment protected under the International Covenant on Civil and Political Rights... [more](#)

### **RUSSIA: DENIAL OF COMPENSATION VIOLATES RIGHT TO COMPENSATION FOR VICTIMS OF UNLAWFUL DETENTION**

The Human Rights Committee found Russia in violation of its obligations under the International Covenant on Civil and Political Rights in connection with its decision to deny an individual compensation for unlawful detention... [more](#)



# ISHR

## SUPPORTING HUMAN RIGHTS DEFENDERS FOR 30 YEARS

For more information about our work, or any of the issues covered in this publication, please visit our website:

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