

SECURING IMPLEMENTATION AT THE NATIONAL LEVEL

We work in genuine partnership with national human rights networks to ensure that governments fulfill their duty to protect human rights defenders under international and regional law.

Enacting, strengthening and securing the effective implementation of national laws on the protection of human rights defenders



The legal recognition and protection of human rights defenders is crucial to ensuring they can work in a safe and supportive environment and be free from attacks, reprisals and unreasonable legal restrictions.

Throughout 2015, ISHR worked to ensure that international and regional human rights bodies developed progressively stronger standards, resolutions and recommendations on the protection of defenders. We also advocated for States including Burkina Faso, Côte d'Ivoire, Honduras and Mexico to enact and effectively implement national laws and policies to give effect to these norms.

In Burkina Faso, ISHR continued to work with the Government to finalise a law on the protection of defenders, expected to be put before parliament in early 2016. In Côte d'Ivoire, having secured the passage of such a law in June 2014, ISHR worked with the national coalition of human rights defenders (CIDDH) to draft a decree to ensure the law can be effectively implemented and to advise the Government on how the protection mechanism can best respond to the situation and protection needs of women human rights defenders. With high-level political support and adequate resourcing being indispensable to the effective implementation of national human rights defender laws, ISHR also worked with CIDDH to secure a formal recommendation from the UN Human Rights Committee to the Government of Côte d'Ivoire to 'take all necessary measures to ensure the effective implementation of the human rights defender law'.

In a similar vein, having contributed at the national level to the research, analysis and campaign culminating in the successful adoption of a 'Law for the Protection of Human Rights Defenders, Journalists, Social Communicators and Legal Practitioners' in Honduras in July 2015, ISHR worked with local partners to use international mechanisms to push for effective implementation. Consequently, States including Argentina, Chile, the Czech Republic, the Netherlands, Sierra Leone and Switzerland all used the opportunity presented by the Universal Periodic Review to make recommendations to Honduras on ways to ensure the effective implementation, resourcing and evaluation of the law. All of these recommendations were ultimately accepted by Honduras, thus providing national and international civil society with the tools to push for and monitor progress.

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'Many human rights NGOs were involved in the process. We had several meetings with parliamentary representatives and even at the National Assembly. We had to explain who human rights defenders were and why protecting them is important. I am proud of Côte d'Ivoire that we have adopted this law, which is the only law of its kind on the African continent. Now, whenever we have a problem with authorities, we can show them this law and they will see that we are protected. This is making our work much easier and less dangerous.'

Erik-Aimé Semien, lawyer and human rights defender at *Observatoire Ivoirien des Droits de l'Homme*. Mr Semien was an ISHR trainee in 2015 and worked closely with ISHR on the successful campaign leading to the enactment of Africa's first-ever human rights defender protection law



Strengthening protection of defenders working on business and human rights



In his October 2015 report to the UN General Assembly, Special Rapporteur on Human Rights Defenders Michel Forst identified defenders working in the field of business and human rights as among those most at risk. The development and effective implementation of National Action Plans (NAPs) on Business and Human Rights is one of the measures necessary to address these risks, particularly where those plans contain specific initiatives, incentives and commitments for governments and businesses to engage, consult, respect and protect defenders.

In 2015, ISHR stepped up its work to ensure that NAPs are developed in proper consultation with defenders, and that they contain concrete and targeted measures to protect and support activists. These efforts included major submissions to the United States, the United Kingdom and Ireland. Consequently, when the draft Irish National Action Plan was released in late 2015, it was the first ever to contain an entire section dedicated to human rights defenders. In line with ISHR advocacy, it explicitly recognised the duty of the State to ‘ensure a safe and enabling environment for civil society organisations and human rights defenders working in relation to business and human rights’, and made clear that ‘corporations must respect civil society actors and human rights defenders in their work, including by not interfering directly or indirectly with defenders in the exercise of their rights to freedom of expression, association, assembly or protest’. It also committed the government to take action to ensure that Irish companies operating abroad ‘adopt good practice with regards to consultation with human rights defenders and civil society in local communities, particularly on environmental and labour conditions’.



UN Photo, Jean-Marc Ferré



‘It is imperative that human rights defenders are actively engaged in the process of elaboration of a National Action Plan on Business and Human Rights and that any such action plan contains concrete commitments and measures to facilitate and protect defenders’ work.’

Michel Forst, *UN Special Rapporteur on Human Rights Defenders*

Securing the right to protest in Australia



In recent years there have been a number of laws proposed or enacted in Australian jurisdictions disproportionately restricting the right to freedom of peaceful assembly and protest, particularly in relation to business activities and operations.

Working alongside leading Australian NGO the Human Rights Law Centre, and by submitting complaints to and obtaining interventions and statements from UN Special Rapporteurs, we made influential contributions to the repeal of excessive police ‘move on’ powers that threatened protest rights in Victoria, and to the defeat of proposed laws in Tasmania that would have given companies the right to sue protesters and advocates for defamation.



ISHR in the news: Reissa Su, 'Australia called to repeal excessive restrictions on freedom of speech and expression, other rights', *International Business Times*, 6 February 2015



Contributing to protection of the rights to freedom of association and assembly in African States



Recognition and protection of the rights to freedom of association and assembly are essential to ensure a safe and enabling environment for human rights defenders and the promotion, protection and realisation of all other human rights. Recognising this, ISHR was pleased to contribute substantially to a report adopted by the African Commission on Human and Peoples' Rights in April 2015 which identifies laws and policies across the continent that unduly infringe on these rights, and provides technical guidance and recommendations to African States on how to secure and implement these rights in law and practice. Introducing the report, the African Commission's Special Rapporteur on Human Rights Defenders Reine Alapini-Gansou explicitly acknowledged the contribution of ISHR and ISHR's Clément Voule, while UN Special Rapporteur on Freedom of Assembly and of Association Maina Kiai described the report as 'vitaly important' for Africa. ISHR was the only international organisation formally mandated by the Commission to contribute to the report, recognising our knowledge of international human rights standards and our expertise and engagement at the African Commission over many years.

*African Commission
Special Rapporteur
on Human Rights Defenders
and ISHR Board member Reine Alapini-Gansou.
Flickr, Maina Kiai*