



In partnership with

**Philippine Alliance of Human Rights Advocates (PAHRA)**  
and  
**Task Force Detainees of the Philippines (TFDP)**

**6<sup>th</sup> Asian Regional Human Rights Defenders  
Forum**

***“Consolidation of HRD Protection Platforms  
Towards Stronger and Vibrant HRD Networks in  
Asia”***

**3<sup>rd</sup> – 5<sup>th</sup> December 2014**  
**Torre Venezia Suites, Quezon City, Philippines**

## Reference Materials

Asian Solidarity and Human Rights for All

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## **Part A: Key Documents**

- Concept note
- Provisional programme
  - Logistical notes
- Introduction and welcome note to the Special Rapporteur on the Situation of Human Rights Defenders



## 6th Asian Regional Human Rights Defenders Forum

### *“Consolidation of HRD Protection Platforms Towards Stronger and Vibrant HRD Networks in Asia”*

Torre Venezia Suites  
170 Timog Avenue corner Scout Santiago Street,  
Quezon City 1103, Metro Manila, Philippines  
3-5 December 2014

### Concept Note

#### I. Background

1. The Asian Forum for Human Rights and Development (FORUM-ASIA) has been organizing a biennial Asian Regional Human Rights Defenders Forum (AHRDF) since 2001. The AHRDF provides a platform for human rights defenders (HRDs) to discuss work and advocacies, share experiences and the challenges they face. The AHRDF also aims to enhance engagement with the UN Special Procedures and possibly with regional/sub-regional human rights mechanisms. It provides a venue for testimonials of human rights abuses and briefings on national human rights situations. Most importantly, the AHRDF aspires to build solidarity and collaboration among Asian HRDs to act on common issues at the regional level and support the struggles of HRDs across the region.
2. The 1<sup>st</sup> AHRDF was held in Bangkok, Thailand, from 30 November to 1 December 2001 with the theme *“Towards More Effective Protection for Human Rights Defenders in Asia: A Consultation with Ms. Hina Jilani, UN Special Representative of the Secretary-General on the Situation of Human Rights Defenders”*. On 28-29 November 2006, the 2<sup>nd</sup> AHRDF was held with the theme *“Towards the Full Implementation of the 1998 UN Declaration on Human Rights Defenders in Asia: Strengthening the Role of Human Rights Defenders”*. This Forum marked the launching of the 1<sup>st</sup> International Women Human Rights Defenders Day in Asia on 29 November 2006. The 3<sup>rd</sup> AHRDF was held from 18 to 20 January 2009 in Bangkok with the theme, *“The 10th Anniversary of the 1998 UN Declaration on Human Rights Defenders: Assessing and Planning for the Future.”* In this event, FORUM-ASIA launched the translations into various Asian languages of the 1998 UN Declaration on HRDs. One of the concrete outcomes from the 3<sup>rd</sup> AHRDF was also the development of FORUM-ASIA’s Protection Plan for HRDs at Risk. The 4<sup>th</sup> AHRDF was

held in Manila, Philippines from 2 to 4 December 2010. It focused on “*Recognizing the Role of Human Rights Defenders and Women Human Rights Defenders in Strengthening and Building a Democracy.*” On 3-5 September 2013, the 5<sup>th</sup> AHRDF was held in Bangkok with the theme “*Defending Economic, Social and Cultural Rights in a Consolidated Asian Regional Human Rights Movement*”. The gathering highlighted the issues and challenges facing defenders working on economic, social and cultural (ESC) rights. In addition, it took stock of the 20 years of the 1993 Vienna Declaration and Programme of Action (VDPA) adopted at the World Conference on Human Rights, which served as a landmark platform for the regional human rights movement in Asia.<sup>1</sup>

## II. Trends and Patterns of Violations against HRDs in Asia

3. Ms. Margaret Sekaggya, former Special Rapporteur on the Situation of Human Rights Defenders, in her final report to the Human Rights Council (A/HRC/25/55) observed that civil society and HRD space has visibly shrunk in certain regions while sophisticated patterns of attacks to impede the legitimate and honorable work of HRDs are employed by both state and non-state entities. For Asian HRDs, this situation must be seen within the current regional trends of attacks against HRDs, including peoples’ right to freedom of expression and information; restrictions on the rights to freedoms of association and peaceful assembly; criminalization, vilification and the usage of judicial harassment on HRDs; persecution of development workers particularly land and environmental activists; and reprisals against HRDs cooperating with the UN.<sup>2</sup>
4. In March 2013, the UN Human Rights Council adopted Resolution 22/6 (A/HRC/RES/22/6)<sup>3</sup>, a landmark document that strongly promotes safe and enabling domestic conditions for HRDs. A number of Asian states have yet to pay attention to resolution 22/6. On the contrary, they have even increasingly enacted and applied legal and administrative provisions in order to silence HRDs. These restrictive legislations and policies make protection initiatives even more challenging as violations against HRDs occur to the extent of security forces and armed groups’ willing to act as conduits to business and political interests. Worse, there is some level of incapacity and unwillingness of concerned democratic institutions to respect and protect human rights. Today, policy and legal practices provide environment abuse. Mostly, they are directed towards criminalization and restrictions of HRDs’ work, activities and narrowing their space of engagement.

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<sup>1</sup> Please see Annex 1: Overview of the Previous Regional Human Rights Defenders Forums (2001-2012)

<sup>2</sup> Major trends of violations against HRDs in Asia as presented during the Regional Consultation on Model National Law on the Recognition and Protection of Human Rights Defenders, 29-30 April 2014, co-organized by FORUM-ASIA and the International Service for Human Rights (ISHR)

<sup>3</sup> A/HRC/RES/22/6, Protecting Human Rights Defenders, Resolution adopted by the Human Rights Council, 21 March 2013, <http://daccess-dds-ny.un.org/doc/RESOLUTION/LTD/G13/120/26/PDF/G1312026.pdf?OpenElement>

### III. 6<sup>th</sup> Regional Human Rights Defenders Forum (AHRDF6)

5. This year, FORUM-ASIA is organizing the 6<sup>th</sup> AHRDF in Quezon City, Philippines on 3-5 December 2014 around the theme: *“Consolidation of HRD Protection Platforms Towards Stronger and Vibrant HRD Networks in Asia”*. Specifically, the 6<sup>th</sup> AHRDF aims to:

- Highlight various protection initiatives for HRDs on the ground and the challenges of implementation;
  - i. Tracking and sharing of various organizational protection systems and mechanisms as CSO stopgap measures against possible violations of the rights of the defenders.
- Dissecting HRD protection issues vis-à-vis general human rights concerns (organizational mandates) for effective identification of appropriate measures, action and protection of HRDs while bridging gaps between HRD protection issues and advocacy campaigns;
- Learning from examples of good practices towards setting in motion vibrant national HRD networks and a consolidated regional platform for advocacy; and
- Develop effective engagement and cooperation with the newly appointed Special Rapporteur on the Situation of Human Rights Defenders to identify common points of action for HRDs in Asia and to aid the Mandate Holder in the promotion and protection of the rights of HRDs in the region.

6. It is precisely because of their critical role in promoting human rights awareness and debate on the national and international level that many HRDs find their own rights flagrantly violated by repressive governments in forms of threats to their lives, intimidation and harassment, arbitrary arrest and detention, disappearances, torture, extra-judicial executions and other forms of violence.<sup>4</sup> Their altruism and that of their organizations to facilitate justice and sustainable development for all creates gaps in protection. They tend to forget that by helping victims they become easy targets of retaliation. They tend to downplay that their security is as important as the security of the victims under their care.<sup>5</sup> This leaves a big gap to the provision of a safe and enabling environment for HRDs in Asia and around the world – an obligation primarily reliant on government’s positive actions.

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<sup>4</sup>Protecting Human Rights Defenders, n. d

<sup>5</sup>Mabunga, R. A Platform of Protection as a Tool in Reorienting Human Rights Work in the Philippines: An Organization Development Case Study, 2011

7. It must be noted, however, that while the protection gap for HRDs is posing greater and imminent danger for those working for human rights and community development, many CSOs have evolved provisional measures and practical mechanisms to secure the dignity of defenders, mitigate human rights violations and safeguard the integrity of HRDs. Thus, the 6<sup>th</sup>AHRDF shall venture into different levels of protection measures from personal/individual to organizational, institutional to governmental to come up with good protection practices for HRDs in the region.
8. As with previous AHRDFs, the 6<sup>th</sup>AHRDF provides the opportunity for HRDs in Asia to engage with the UN Special Procedures Mandate Holders and share their testimonies, challenges, threats and opportunities as well as assess the reality and effectiveness of protection mechanisms on the ground.

#### **IV. Participants**

9. The 6<sup>th</sup>AHRDF will be attended by around 80 HRDs from the Asian region working at the local, national, regional and international levels, including FORUM-ASIA member organizations from Bangladesh, India, Nepal, Pakistan, Sri Lanka, Burma, Cambodia, Indonesia, Malaysia, Philippines, Singapore, Thailand, Timor-Leste, Mongolia, South Korea and Taiwan and FORUM-ASIA partners in Maldives, Vietnam, Japan and Laos, participating organizations in the “2<sup>nd</sup>GloCal Advocacy Leadership in Asia Academy” (2<sup>nd</sup> GALAA) as well as other regional human rights groups, independent experts, academics and representatives of intergovernmental organizations are invited as panelists or resource persons.

**Annex 1: Overview of the Previous Asia Regional Human Rights Defenders Forums  
(2001-2012)**

	1 <sup>st</sup> AHRDF	2 <sup>nd</sup> AHRDF	3 <sup>rd</sup> AHRDF	4 <sup>th</sup> AHRDF	5 <sup>th</sup> AHRDF
<b>Date and Venue</b>	30 November – 1 December 2001, Bangkok, Thailand	28-29 November 2006, Bangkok, Thailand	19-20 Jan 2009, Bangkok, Thailand Back to back with Asian-Pacific Regional Consultation on Women HRDs, 18 Jan 2009 (Co-organized by FA and APWLD)	2-4 December 2010, Manila, Philippines	3-5 September, Bangkok, Thailand
<b>Theme</b>	“Towards More Effective Protection for HRDs in Asia: A Consultation with Ms. Hina Jilani, UN SRSG on HRDs”	“Towards the Full Implementation of the 1998 UN Declaration on HRDs in Asia: Strengthening the Role of HRDs”	“The 10 <sup>th</sup> Anniversary of the 1998 UN Declaration on HRDs: Assessing and Planning for the Future”	“Recognizing the Role of HRDs and WHRDs in Strengthening and Building a Democracy”	“Defending Economic, Social and Cultural Rights in a Consolidated Human Rights Movement in Asia”
<b>Organizers</b>	FA, AHRC, AI, HRW, Friedrich Naumann Stiftung	FA, APWLD	FA	FA, TFDP	FA (session on Social Protection co-organized with UNRISD)
<b>Output Documents</b>		Bangkok Commitment built on the outcome documents from the sub-regional forums in South Asia (6-8 June 2006, Nepal), Southeast Asia (5-9 November 2006, Cambodia), and Northeast Asia (16-19 August 2006, Mongolia)	Bangkok Commitment including the recommendations and action points on: Recognizing and institutionalizing the role of HRDs (through NHRIs, ASEAN, UN, etc.); Support HRDs at risk (urgent action, networking, protection plan, etc.); Capacity building (needs-assessments, engagement with the UN mechanisms, protection measures for HRDs)	Manila Declaration including the action points concerning on the following thematic issues: WHRDs, SOGI defenders, indigenous peoples, HRDs working in conflict over resources, HRDs working on corruption, HRDs in media and access to information	
<b>Participants</b>	30 participants, 26 countries	100 participants, 20 countries	168 participants, 24 countries	125 participants, 21 countries	130 participants, 19 countries in Asia



<b>Experts Attended</b>	Ms. Hina Jilani, SRSR on HRDs	Ms.HinaJilani, SR on HRDs; Prof. Vitit Muntarbhorn	Ms. Margaret Sekaggya, SR on HRDs	Ms. Margaret Sekaggya, SR on HRDs; Mr. Santiago Canton, Executive Secretary of the Inter-American Commission on Human Rights of the Organization of American States (OAS)	Mr. Maina Kiai, SR on FoAA
<b>Side Events</b>		1 <sup>st</sup> International WHRD Day, 29 November 2006	Launch of Translations into 8 Asian Languages of the 1998 UN Declaration on HRDs; Bilateral and subregional meetings for HRDs and SR on HRs	Launch of Translations into 7 Asian Languages of the 1998 UN Declaration on HRDs; Bilateral and subregional meetings for HRDs and SR on HRs	Launch of Translations into 4 Asian Languages of the 1998 UN Declaration on HRDs; De-briefing on the Rio+20 (UN Conference on Sustainable Development); Film Screenings: Struggles of ESC Rights Defender in Cambodia, India and South Korea; Bilateral and subregional meetings for HRDs and SR on HRs
<b>Key Results</b>	First regional consultation in Asia at the regional level with UN SRSR on HRDs; Outcome of the AHRDF was reflected in the SRSR's report to the UN Commission on Human Rights (E/CN.4/2002/106); Established the HRD programme at FA Secretariat as a follow up to the AHRDF	Regional level joint strategies and action points developed to meet the challenges faced by HRDs; Awareness and attention mobilized for the issues of WHRDs	First regional consultation in Asia at the regional level with the new SR on the situation of HRDs; Protection Plan for HRDs at risk developed as a follow-up to the AHRDF, which was mentioned in the SR's report to the UN Human Rights Council (A/HRC/13/22)	Cross-regional sharing of experiences on the issues of HRD protection; Served as a preparatory meeting with Indian HRDs on the SR's country visit to India; Awareness and attention mobilized for the issues of SOGI defenders	First regional consultation in Asia at the regional level with the SR on the FoAA; Stock-taking of 20 years VDPA and regional human rights movement in Asia; Awareness and attention mobilized for the issues of ESCR defenders



## 6th Asian Regional Human Rights Defenders Forum

### *"Consolidation of HRD Protection Platforms Towards Stronger and Vibrant HRD Networks in Asia"*

*3-5 December 2014*

Torre Venezia Suites  
170 Timog Avenue corner Scout Santiago Street,  
Quezon City 1103, Metro Manila, Philippines

**Day 1**  
**3 December 2014**

**8:30 – 9:30**

**Registration of Participants**

**9:30 – 11:30**

**Public Opening of the 6<sup>th</sup> AHRDF**

*(This session is a stand-alone program of the 6<sup>th</sup> AHRDF. Dignitaries, diplomatic community in the Philippines, national CSOs, Government Officials, National Human Rights Institutions, artists, journalists and human rights defenders will be invited to grace and cover the grand occasion: the Asian gathering of Human Rights Defenders (HRDs). The event shall be festive as invited artists are asked to perform songs, dances and cultural presentations during the program. Outside the venue, local organizations shall set Human Rights -booths displaying the products, materials and exhibits on the theme.*

*The UN-Special Rapporteur on HRD shall provide the keynote of the event; and, will be responded to by representative of the Asian HRD community, Government and NHRI.)*

**Welcome Remarks :**

**Henri Tiphagne**  
*Chairperson, FORUM-ASIA*

**Sr. Crescencia Lucero, sfic**  
*On behalf of Philippine organizers –TFDP and PAHRA*

	<p><b>Keynote Address:</b></p> <p><b>Mr. Michel Forst</b> <i>UN Special Rapporteur on Human Rights Defenders</i></p> <p><b>Panel of Reactors:</b></p> <ol style="list-style-type: none"> <li>1. <i>Commission on Human Rights</i></li> <li>2. <i>Human Rights Defender, Bangladesh</i></li> <li>3. <i>Department of Justice (Philippines)</i></li> </ol>
<b>11:30- 12:00</b>	<b>Group Picture</b>
<b>12:00–1 :30</b>	<b>Solidarity Lunch</b>
<b>1:30 – 2:00</b>	<p><b>Introduction of Conference Objectives, Programme Agenda and Participants</b></p> <p>Facilitator: Ms. Evelyn Balais-Serrano</p>
<b>14:00 – 16:00</b>	<p><b>Session 1: Regional Overview of the Situation of Asian Human Rights Defenders/Women Human Rights Defenders (HRDs/WHRDs)</b></p> <p><i>(This session is aimed at giving the Forum a regional overview and sub-regional trends of the situations of HRDs/WHRDs in Asia. The session also covers initial analyses of the challenges faced by the defenders.)</i></p> <p><b>Speakers:</b></p> <ol style="list-style-type: none"> <li>1. <b>South Asia:</b> <i>Sri Lanka</i></li> <li>2. <b>Northeast Asia:</b> <i>Mongolia</i></li> <li>3. <b>Southeast Asia:</b> <i>Malaysia</i></li> <li>4. <b>Regional: Regional Trend and Analysis:</b> <i>Forum-Asia</i></li> </ol> <p>Moderator: WHRD-IC</p>
<b>4:00 – 4:30</b>	<b>Coffee/Tea Break</b>
<b>4:30 – 6:00</b>	<p><b>Session 2: Framework Discussion on HRD Protection Platforms</b></p> <p><i>(This session shall set the tone of the whole Forum by discussing various frameworks of protection platform and mechanisms. It wishes to clarify the fine line between HRD security and organizational advocacy work to provide clearer idea on how to approach "protection gaps".)</i></p>

	<p><b>Presenters:</b></p> <ol style="list-style-type: none"> <li>1. <b>ESCR/CSR Case Study:</b> <i>Sejin Kim</i></li> <li>2. <b>Protection Platforms Case Study:</b> <i>Renato Mabunga</i></li> </ol> <p><b>Panel of Reactors:</b></p> <p><b>South Asia:</b> <i>Pakistan</i></p> <p><b>Northeast Asia:</b> <i>Taiwan</i></p> <p><b>Southeast Asia:</b> <i>Burma</i></p> <p>Moderator: Front Line Defenders</p>
<p><b>Day 2</b>  <b>4 December 2014</b>  <b>(delegation visit to jail, morning)</b></p> <p>The delegation shall serve as the 6<sup>th</sup> AHRD Forum’s Ambassador of Solidarity for HRDs in Difficult Situation particularly for the Philippine HRDs. The local groups see Mr. Tulawi as the current representative of the thousands of HRDs in the Philippines thus the visit is a gesture of support and camaraderie to his and their continuing struggle for human rights.</p>	
<p><b>9:00 – 9:10</b></p>	<p><b>Recap:</b> Forum-Asia</p>
<p><b>9:10 – 9:30</b></p>	<p><b>Launching:</b> FORUM-ASIA HRD Portal</p>
<p><b>9:30 – 11:00</b></p>	<p><b>Session 3: Dissecting individual-level HRD security issues and challenges towards identifying appropriate protection measures, action and proposals for HRD protection in general.</b></p> <p><i>(This session deals on the threats, challenges and fears of individual HRDs or HRD as a community in the performance of their work. It shall be a sharing of concrete experiences and personal measures employed in overcoming fear and challenges.)</i></p> <p><b>Panel of Speakers:</b></p> <ol style="list-style-type: none"> <li>1. <b>Online activism/journalist:</b> <i>Pakistan</i></li> <li>2. <b>Women:</b> <i>Bangladesh</i></li> <li>3. <b>Community (Land-rights issue):</b> <i>Cambodia</i></li> <li>4. <b>Religious minorities:</b> <i>Indonesia</i></li> <li>5. <b>Extractive Industries/Mining:</b> <i>Philippines</i></li> <li>6. <b>Youth/Students:</b> <i>Thailand</i></li> </ol> <p>Moderator: John Liu, FORUM-ASIA</p>
<p><b>11:00 – 11:30</b></p>	<p><b>Coffee/Tea Break</b></p>
<p><b>11:30 – 12:45</b></p>	<p><b>Session 4: Organizational protection initiatives, systems and mechanisms in the</b></p>

	<p><b>ground</b></p> <p><i>(This session is a sharing of security measures, protection systems and mechanisms employed and/or institutionalized within or by organizations to mitigate possible victimization of their workers and members in the course of their engagement on human rights issues and advocacies.)</i></p> <p><b>Panel of Speakers:</b>  <b>South Asia:</b> <i>Nepal</i>  <b>Northeast Asia:</b> <i>South Korea</i>  <b>Southeast Asia:</b> <i>Indonesia</i></p> <p>Moderator: <b>Protection International</b></p>
<b>12:45 – 2:00</b>	<b>Lunch</b>
<b>2:00 – 3:30</b>	<p><b>Session 5: Building National Platform of Protection for Human Rights Defenders and Women Human Rights Defenders</b></p> <p><i>(Discussion in this session shall focus on the importance, the current developments and challenges in building local/national networks and coalitions of HRD/WHRDs. The speakers shall lead us through their experiences of networking and the significance of national platforms as first-line of defense for HRDs.)</i></p> <ul style="list-style-type: none"> <li>• <i>Importance of the network</i></li> <li>• <i>How they are developed</i></li> <li>• <i>Challenges during development period</i></li> <li>• <i>Challenges at present</i></li> </ul> <p><b>Panel of Speakers:</b>  <b>South Asia:</b> <i>India</i>  <b>Northeast Asia:</b> <i>Mongolia</i>  <b>Southeast Asia:</b> <i>Philippines</i></p> <p>Moderator: <b>Maldivian Democracy Network</b></p>
<b>3:30 – 4:00</b>	<b>Coffee/Tea Break</b>
<b>4:00 – 6:00</b>	<b>Working Groups and Simultaneous Events with the SR-HRD</b>

<p><b>Workshop: (4pm – 6pm)</b></p> <p><i>The participants shall break out into 3 sub-regional groups to share and discuss levels of protection (1. individual, 2. organizational, 3. governmental/inter-governmental) and their recommendations. Each group shall appoint its rapporteur and documenter. The group's rapporteur shall sit as a panelist for the next day's reporting cum media event together with the Special Rapporteur.</i></p> <p><b>Guide Questions:</b></p> <ol style="list-style-type: none"> <li>1. <i>What are the threats/challenges you face in your work individually and organizationally?</i></li> <li>2. <i>What are the measures taken; and your recommendations to mitigate these issues individually and organizationally?</i></li> <li>3. <i>Recommendations/advocacy calls for your governments and to the UN Special Rapporteur on HRDs or other mechanism?</i></li> <li>4. <i>Recommendations to the Asian civil society as a whole to strengthen the movement for HRD protection in the region?</i></li> </ol>	<p><b>3:30 – 5:00 (no coffee break)</b></p> <p><b>South Asian HRDs dialogue with the Special Rapporteur on HRD</b></p> <p><i>(Select group of South Asian HRDs in a separate room)</i></p>
	<p><b>5:00 – 6:30</b></p> <p><b>Northeast Asian HRDs dialogue with the Special Rapporteur on HRD</b></p> <p><i>(Select group of Northeast Asian HRDs in a separate room)</i></p>
	<p><b>9:30 – 11:00 (Day 3)</b></p> <p><b>Southeast Asian HRDs dialogue with the Special Rapporteur on HRD</b></p> <p><i>(Select group of Southeast Asian HRDs in a separate room)</i></p>
<p><b>Day 3</b> <b>5 December 2014</b></p>	
<b>9:00 – 9:30</b>	<b>Recap: Forum-Asia</b>
<b>9:30 – 11:00</b>	<b>Working Group: continuation + coffee/ tea break</b>
<b>11:30 – 12:30</b>	<p><b>Reporting with the Special Rapporteur</b></p> <p>Moderator: <b>Rose Trajano, PAHRA</b></p>
<b>12:30 – 2:00</b>	<b>Lunch</b>
<b>2:00 – 3:30</b>	<p><b>Plenary Discussion on the Forum Declaration</b></p> <p>Moderator: <b>Drafting Committee</b></p>

<b>3:30 – 4:00</b>	<b>Coffee/Tea Break</b>
<b>4:00 – 4:30</b>	<b>Adoption of the Forum Declaration</b>  Moderator: <b>Drafting Committee</b>
<b>4:30 – 5:00</b>	<b>Closing Ceremonies:</b>  Final remarks: <b>Mr. Michel Forst</b> UN Special Rapporteur on HRD  Closing remarks: <b>Evelyn Balais-Serrano</b> FORUM-ASIA

<b>Day 4</b> <b>6 December 2014</b> <b>Membership Consultation on the Establishment of National HRD Network</b> <b>And FORUM-ASIA Members' Meeting</b>	
<b>9:30 -11:00</b> <i>(working snacks)</i>	<b>Presentation and Discussion: <i>Concept of a National HRD Network</i></b>
<b>11:00 – 12:30</b>	<b>Planning</b>
<b>12:30 – 1:30</b>	<b>Lunch</b>
<b>2:00 – 5:00</b>	<b>FORUM-ASIA Members' Meeting</b>
<b>Home Sweet Home</b>	



## 6th Asian Regional Human Rights Defenders Forum

3-5 December 2014

and

## Membership Consultation on the Establishment of National HRD Network

6 December 2014

Torre Venezia Suites  
170 Timog Avenue corner Scout Santiago Street  
Quezon City, Metro Manila, Philippines

### LOGISTICS INFORMATION

#### A. TRAVELING TO AND FROM MANILA INTERNATIONAL AIRPORT

Please note that there are three (3) terminals in Manila:

- **Terminal 1:** Ninoy Aquino International Airport (Also known as NAIA-1, and formerly known as Manila International Airport) for ALL international flights; except Philippine Airlines and Cebu Pacific flights,
- **Terminal 2:** (also known as NAIA-2) or Centennial Terminal for international and domestic Philippine Airlines flights (PAL), and;
- **Terminal 3:** (also known as NAIA-3) for international and domestic Cebu Pacific and Airphil Express flights.

All participants are expected to make their own travel arrangements to and from Manila. THERE IS NO ARRANGEMENT TO MEET YOU AT THE AIRPORT. Please proceed to the counter for yellow metered taxi (lining-up outside the terminal). Yellow metered taxis issue a receipt if you request them.

**Taxi fare:** approximately PHP400-500 (approximately US\$10-12). Taxi will NOT accept foreign currency. Please change to Philippine Pesos (PHP).

Upon leaving the country, passengers have to pay a PHP550 airport fee at the airport.

#### B. MONEY EXCHANGE

We suggest you to exchange a minimum amount of money at the airport on arrival (to cover your taxi fare). The exchange rate as of 17 October is US\$1 – PHP44.81(pesos). Since the



exchange rate fluctuates daily, participants should check the latest rate on this web site:  
[www.oanda.com/currency/converter/](http://www.oanda.com/currency/converter/)

### C. EXPECTED TIME OF ARRIVAL AND DEPARTURE

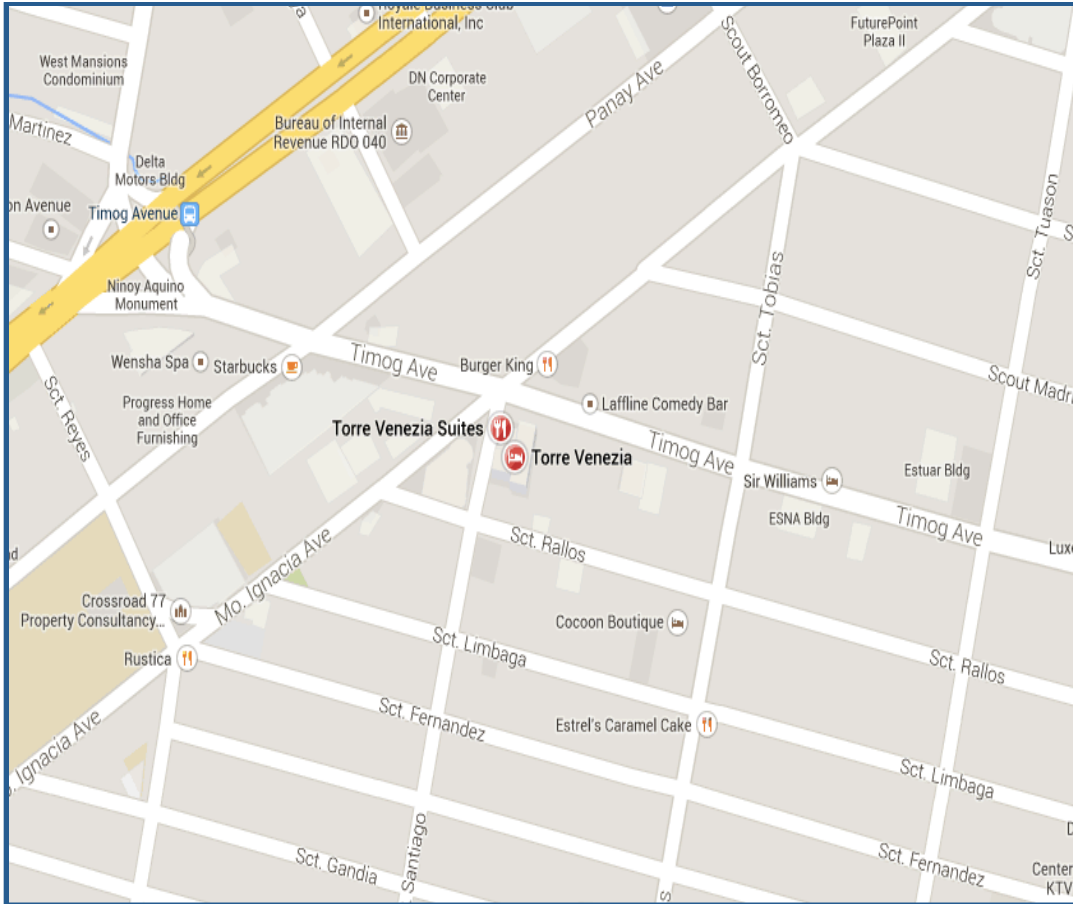
Most of participants are expected to arrive in Manila on 2 December (Tuesday) and leave on 6 December (Saturday) 2014 EXCEPT FORUM-ASIA members who will also attend the Membership Consultation on the Establishment of National HRD Network on 6 December (Saturday) and they are expected to depart on 7 December (Sunday). If you intend to arrive earlier or stay on after the specified dates, the extra days will be on your own account.

The Forum will start on 3 December at 08.30 am and will end on 5 December at 17:30 pm.

### D. ACCOMMODATION VENUE

Participants funded by FORUM-ASIA will be staying at:

**Torre Venezia Suites**  
170 Timog Avenue corner Scout Santiago Street  
Quezon City, Metro Manila, Philippines  
Tel: +63 (2) 332-1658 to 60  
Fax: +63 (2) 332-1621  
<http://www.torreveneziasuites.com/>



Participants can check in on 02 December at 2pm and check out on 07 December at 12:00 pm.

Breakfast, lunch and tea/coffee breaks will be provided by the organiser at the venue. You are free to purchase dinner on your own. For those being funded by FORUM-ASIA, a per diem will be provided to cover your dinner expenses.

### E. MEETING VENUE

The consultation will be held at the Main Hall of **Torre Venezia Suites**, #170 Timog Avenue corner Scout Santiago Street, Quezon City, Metro Manila, Philippines.

### F. REGISTRATION

Registration for the Forum will be from 08.30 - 09.00 am on 03 December at the Main Hall, Torre Venezia Suites.

### G. REIMBURSEMENT

Participants funded by FORUM-ASIA are expected to buy a round trip economy-class air ticket to

Manila then be reimbursed upon their arrival. Apart from the airfare we will reimburse local transportation, airport tax, visa fee and the round trip from/to Ninoy Aquino International Airport (Manila International Airport). **Please bring ORIGINAL receipts together with the required documents below for the reimbursement:**

- **Reimbursement form (will be given during the registration on 2 December)**
- **A photocopy of your passport**
- **Original receipt of airfare**
- **A copy of flight ticket**
- **Boarding pass(es)**
- **Original receipt of visa fee**
- **Original receipts of taxi fare in your country**

Please note that reimbursement will not be made if original receipts/invoices and the required documents are not available. Our staff-in-charge shall work out the total and reimburse you for the amount on 5 December 2014 (Friday). Incidental costs, including laundry and communication (telephone & fax) charges are to be borne personally by the participants. Participants are requested to settle all bills prior to their departure. In case participants require their reimbursement to be wired to their own bank account, they must state this explicitly before the start of the event and with a clear reason why the reimbursement cannot be made in cash.

#### **H. WEATHER**

The Philippines is a tropical country and is usually hot and humid. December is slightly cold but please do not forget to bring your warm clothes to wear inside air conditioned conference rooms.

#### **I. DO'S AND DON'TS IN QUEZON CITY, METRO MANILA**

- When asking for information always approach official personnel. Do not approach and ask for information from random people.
- *Torre Venezia* is located at the heart of the business district of Quezon City which has a vibrant night life. As with most crowded areas, there may be bad elements that want to take advantage. Please be careful with your bags and belongings (e.g. cameras, cell phones) when walking around Quezon City. It is advisable to leave your valuables at the hotel.
- If you want to go around at night, always leave in groups and ask the hotel security and front desk for information.
- Be adventurous in tasting Filipino delicacies 😊

## **J. IMPORTANT PHONE NUMBERS**

If you need any help, feel free to contact:

- Rose Trajano: Mobile no: +63 906 5531792
- Boyet Mabunga: Mobile no: +63 927 8378558

We are hoping for your fruitful and meaningful stay in the Philippines.

Have a safe trip! See you in Manila!

## **Introduction and welcome to the Special Rapporteur for the Situation of Human Rights Defenders**

FORUM-ASIA is delighted to welcome Mr. Michel Forst, the newly appointed Special Rapporteur on the Situation of Human Rights Defenders to the 6<sup>th</sup> Asian Regional Human Rights Defenders Forum. Mr. Forst succeeded previous Special Rapporteur Margaret Sekaggya in June 2014. He has extensive experience on human rights issues, including human rights defenders, the rights of children with disabilities, extreme poverty, and the elderly. He has held a number of leading positions within the field of human rights, including the French National Consultative Commission on Human Rights, the Cimade (Comité inter-mouvements auprès des évacués), UNESCO, the first World Summit on Human Rights Defenders (Paris), and Amnesty International (France).

From 2008 to 2013, Mr. Forst was the UN Independent Expert on the situation of human rights in Haiti, and between 2012 and 2013 he was the Chair of the Coordination Committee of the Special Procedures of the Human Rights Council.

He is also a former member of the Board of the International Service for Human Rights (Geneva) and a founding member of Front Line Defenders (Dublin).

*For more information on the Special Rapporteur and his work, and details of how to submit an allegation of a violation against a human rights defender, visit:*  
<http://www.ohchr.org/EN/Issues/SRHRDefenders/Pages/SRHRDefendersIndex.aspx>

## **Part B: UN Documents about HRDs**

- UN Declaration on Human Rights Defenders, 1998
- UN General Assembly Resolution on protecting HRDs, April 2013
- UN General Assembly Resolution on protecting Women HRDs, December 2013
- Report of the Special Rapporteur on the Situation of Human Rights Defenders to the 25<sup>th</sup> session of the Human Rights Council, December 2013



General Assembly

Distr.  
General

A/RES/53/144  
8 March 1999

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Fifty-third session  
Agenda item 110 (b)

**RESOLUTION ADOPTED BY THE GENERAL ASSEMBLY**

*[on the report of the Third Committee (A/53/625/Add.2)]*

**53/144. Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms**

*The General Assembly,*

*Reaffirming* the importance of the observance of the purposes and principles of the Charter of the United Nations for the promotion and protection of all human rights and fundamental freedoms for all persons in all countries of the world,

*Taking note* of Commission on Human Rights resolution 1998/7 of 3 April 1998,<sup>6</sup> in which the Commission approved the text of the draft declaration on the right and responsibility of individuals, groups and organs of society to promote and protect universally recognized human rights and fundamental freedoms,

*Taking note also* of Economic and Social Council resolution 1998/33 of 30 July 1998, in which the Council recommended the draft declaration to the General Assembly for adoption,

*Conscious* of the importance of the adoption of the draft declaration in the context of the fiftieth anniversary of the Universal Declaration of Human Rights,<sup>2</sup>

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<sup>6</sup> See *Official Records of the Economic and Social Council, 1998, Supplement No. 3 (E/1998/23)*, chap. II, sect. A. 2  
Resolution 217 A (III).

1. *Adopts* 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, annexed to the present resolution;

2. *Invites* Governments, agencies and organizations of the United Nations system and intergovernmental and non-governmental organizations to intensify their efforts to disseminate the Declaration and to promote universal respect and understanding thereof, and requests the Secretary-General to include the text of the Declaration in the next edition of *Human Rights: A Compilation of International Instruments*.

85<sup>th</sup> plenary meeting

9<sup>th</sup> December 1998

## ANNEX

### **Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms**

*The General Assembly,*

*Reaffirming* the importance of the observance of the purposes and principles of the Charter of the United Nations for the promotion and protection of all human rights and fundamental freedoms for all persons in all countries of the world,

*Reaffirming also* the importance of the Universal Declaration of Human Rights and the International<sup>2</sup> Covenants on Human Rights as basic elements of international efforts to promote universal respect for and<sup>7</sup> observance of human rights and fundamental freedoms and the importance of other human rights instruments adopted within the United Nations system, as well as those at the regional level,

*Stressing* that all members of the international community shall fulfil, jointly and separately, their solemn obligation to promote and encourage respect for human rights and fundamental freedoms for all without distinction of any kind, including distinctions based on race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status, and reaffirming the particular importance of achieving international cooperation to fulfil this obligation according to the Charter,

*Acknowledging* the important role of international cooperation for, and the valuable work of individuals, groups and associations in contributing to, the effective elimination of all violations of human rights and fundamental freedoms of peoples and individuals, including in relation to mass, flagrant or systematic violations such as those resulting from apartheid, all forms of racial discrimination, colonialism, foreign domination or occupation, aggression or threats to national sovereignty, national unity or territorial integrity and from the refusal to recognize the right of peoples to self-determination and the right of every people to exercise full sovereignty over its wealth and natural resources,

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<sup>7</sup> Resolution 2200 A (XXI), annex.



*Recognizing* the relationship between international peace and security and the enjoyment of human rights and fundamental freedoms, and mindful that the absence of international peace and security does not excuse non-compliance,

*Reiterating* that all human rights and fundamental freedoms are universal, indivisible, interdependent and interrelated and should be promoted and implemented in a fair and equitable manner, without prejudice to the implementation of each of those rights and freedoms,

*Stressing* that the prime responsibility and duty to promote and protect human rights and fundamental freedoms lie with the State,

*Recognizing* the right and the responsibility of individuals, groups and associations to promote respect for and foster knowledge of human rights and fundamental freedoms at the national and international levels,

*Declares:*

#### *Article 1*

Everyone has the right, individually and in association with others, to promote and to strive for the protection and realization of human rights and fundamental freedoms at the national and international levels.

#### *Article 2*

1. Each State has a prime responsibility and duty to protect, promote and implement all human rights and fundamental freedoms, *inter alia*, by adopting such steps as may be necessary to create all conditions necessary in the social, economic, political and other fields, as well as the legal guarantees required to ensure that all persons under its jurisdiction, individually and in association with others, are able to enjoy all those rights and freedoms in practice.

2. Each State shall adopt such legislative, administrative and other steps as may be necessary to ensure that the rights and freedoms referred to in the present Declaration are effectively guaranteed.

#### *Article 3*

Domestic law consistent with the Charter of the United Nations and other international obligations of the State in the field of human rights and fundamental freedoms is the juridical framework within which human rights and fundamental freedoms should be implemented and enjoyed and within which all activities referred to in the present Declaration for the promotion, protection and effective realization of those rights and freedoms should be conducted.

#### *Article 4*

Nothing in the present Declaration shall be construed as impairing or contradicting the purposes and principles of the Charter of the United Nations or as restricting or derogating from the provisions of the Universal Declaration of Human Rights,<sup>2</sup> the International Covenants on Human Rights<sup>3</sup> and other international instruments and commitments applicable in this field.

#### *Article 5*

For the purpose of promoting and protecting human rights and fundamental freedoms, everyone has the right, individually and in association with others, at the national and international levels:

- (a) To meet or assemble peacefully;
- (b) To form, join and participate in non-governmental organizations, associations or groups;
- (c) To communicate with non-governmental or intergovernmental organizations.

#### *Article 6*

Everyone has the right, individually and in association with others:

(a) To know, seek, obtain, receive and hold information about all human rights and fundamental freedoms, including having access to information as to how those rights and freedoms are given effect in domestic legislative, judicial or administrative systems;

(b) As provided for in human rights and other applicable international instruments, freely to publish, impart or disseminate to others views, information and knowledge on all human rights and fundamental freedoms;

(c) To study, discuss, form and hold opinions on the observance, both in law and in practice, of all human rights and fundamental freedoms and, through these and other appropriate means, to draw public attention to those matters.

#### *Article 7*

Everyone has the right, individually and in association with others, to develop and discuss new human rights ideas and principles and to advocate their acceptance.

#### *Article 8*

1. Everyone has the right, individually and in association with others, to have effective access, on a nondiscriminatory basis, to participation in the government of his or her country and in the conduct of public affairs.

2. This includes, *inter alia*, the right, individually and in association with others, to submit to governmental bodies and agencies and organizations concerned with public affairs criticism and proposals for improving their functioning and to draw attention to any aspect of their work that may hinder or impede the promotion, protection and realization of human rights and fundamental freedoms.

### *Article 9*

1. In the exercise of human rights and fundamental freedoms, including the promotion and protection of human rights as referred to in the present Declaration, everyone has the right, individually and in association with others, to benefit from an effective remedy and to be protected in the event of the violation of those rights.

2. To this end, everyone whose rights or freedoms are allegedly violated has the right, either in person or through legally authorized representation, to complain to and have that complaint promptly reviewed in a public hearing before an independent, impartial and competent judicial or other authority established by law and to obtain from such an authority a decision, in accordance with law, providing redress, including any compensation due, where there has been a violation of that person's rights or freedoms, as well as enforcement of the eventual decision and award, all without undue delay.

3. To the same end, everyone has the right, individually and in association with others, *inter alia*:

(a) To complain about the policies and actions of individual officials and governmental bodies with regard to violations of human rights and fundamental freedoms, by petition or other appropriate means, to competent domestic judicial, administrative or legislative authorities or any other competent authority provided for by the legal system of the State, which should render their decision on the complaint without undue delay;

(b) To attend public hearings, proceedings and trials so as to form an opinion on their compliance with national law and applicable international obligations and commitments;

(c) To offer and provide professionally qualified legal assistance or other relevant advice and assistance in defending human rights and fundamental freedoms.

4. To the same end, and in accordance with applicable international instruments and procedures, everyone has the right, individually and in association with others, to unhindered access to and communication with international bodies with general or special competence to receive and consider communications on matters of human rights and fundamental freedoms.

5. The State shall conduct a prompt and impartial investigation or ensure that an inquiry takes place whenever there is reasonable ground to believe that a violation of human rights and fundamental freedoms has occurred in any territory under its jurisdiction.

### *Article 10*

No one shall participate, by act or by failure to act where required, in violating human rights and fundamental freedoms and no one shall be subjected to punishment or adverse action of any kind for refusing to do so.

### *Article 11*

Everyone has the right, individually and in association with others, to the lawful exercise of his or her occupation or profession. Everyone who, as a result of his or her profession, can affect the human dignity, human rights and fundamental freedoms of others should respect those rights

and freedoms and comply with relevant national and international standards of occupational and professional conduct or ethics.

#### *Article 12*

1. Everyone has the right, individually and in association with others, to participate in peaceful activities against violations of human rights and fundamental freedoms.
2. The State shall take all necessary measures to ensure the protection by the competent authorities of everyone, individually and in association with others, against any violence, threats, retaliation, de facto or *de jure* adverse discrimination, pressure or any other arbitrary action as a consequence of his or her legitimate exercise of the rights referred to in the present Declaration.
3. In this connection, everyone is entitled, individually and in association with others, to be protected effectively under national law in reacting against or opposing, through peaceful means, activities and acts, including those by omission, attributable to States that result in violations of human rights and fundamental freedoms, as well as acts of violence perpetrated by groups or individuals that affect the enjoyment of human rights and fundamental freedoms.

#### *Article 13*

Everyone has the right, individually and in association with others, to solicit, receive and utilize resources for the express purpose of promoting and protecting human rights and fundamental freedoms through peaceful means, in accordance with article 3 of the present Declaration.

#### *Article 14*

1. The State has the responsibility to take legislative, judicial, administrative or other appropriate measures to promote the understanding by all persons under its jurisdiction of their civil, political, economic, social and cultural rights.
2. Such measures shall include, *inter alia*:
  - (a) The publication and widespread availability of national laws and regulations and of applicable basic international human rights instruments;
  - (b) Full and equal access to international documents in the field of human rights, including the periodic reports by the State to the bodies established by the international human rights treaties to which it is a party, as well as the summary records of discussions and the official reports of these bodies.
3. The State shall ensure and support, where appropriate, the creation and development of further independent national institutions for the promotion and protection of human rights and fundamental freedom. in all territory under its jurisdiction, whether they be ombudsmen, human rights commissions or any other form of national institution.

*Article 15*

The State has the responsibility to promote and facilitate the teaching of human rights and fundamental freedoms at all levels of education and to ensure that all those responsible for training lawyers, law enforcement officers, the personnel of the armed forces and public officials include appropriate elements of human rights teaching in their training programme.

*Article 16*

Individuals, non-governmental organizations and relevant institutions have an important role to play in contributing to making the public more aware of questions relating to all human rights and fundamental freedoms through activities such as education, training and research in these areas to strengthen further, *inter alia*, understanding, tolerance, peace and friendly relations among nations and among all racial and religious groups, bearing in mind the various backgrounds of the societies and communities in which they carry out their activities.

*Article 17*

In the exercise of the rights and freedoms referred to in the present Declaration, everyone, acting individually and in association with others, shall be subject only to such limitations as are in accordance with applicable international obligations and are determined by law solely for the purpose of securing due recognition and respect for the rights and freedoms of others and of meeting the just requirements of morality, public order and the general welfare in a democratic society.

*Article 18*

1. Everyone has duties towards and within the community, in which alone the free and full development of his or her personality is possible.
2. Individuals, groups, institutions and non-governmental organizations have an important role to play and a responsibility in safeguarding democracy, promoting human rights and fundamental freedoms and contributing to the promotion and advancement of democratic societies, institutions and processes.
3. Individuals, groups, institutions and non-governmental organizations also have an important role and a responsibility in contributing, as appropriate, to the promotion of the right of everyone to a social and international order in which the rights and freedoms set forth in the Universal Declaration of Human Rights and other human rights instruments can be fully realized.

*Article 19*

Nothing in the present Declaration shall be interpreted as implying for any individual, group or organ of society or any State the right to engage in any activity or to perform any act aimed at the destruction of the rights and freedoms referred to in the present Declaration.

*Article 20*

Nothing in the present Declaration shall be interpreted as permitting States to support and promote activities of individuals, groups of individuals, institutions or non-governmental organizations contrary to the provisions of the Charter of the United Nations.



## General Assembly

Distr.:General  
12 April 2013

Arabic, Chinese, English, Russian  
and Spanish only

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### Human Rights Council

Twenty-second  
session Agenda  
item 3

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

**Resolution adopted by the Human Rights Council\*\***

**22/6.**

#### **Protecting human rights defenders**

*The Human Rights Council,*

*Guided by* the purposes and principles of the Charter of the United Nations,

*Guided also by* the Universal Declaration of Human Rights, the International Covenants on Human Rights and other relevant instruments,

*Recalling* General Assembly resolution 53/144 of 9 December 1998, by which the Assembly adopted by consensus 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 annexed to that resolution, and reiterating the importance of the Declaration and its promotion and implementation,

*Recalling also* the continued validity and application of all the provisions of the above-mentioned Declaration,

*Recalling further* all previous resolutions on this subject, in particular Human Rights Council resolutions 13/13 of 25 March 2010 and 16/5 of 24 March 2011, and General Assembly resolution 66/164 of 19 December 2011,

\* Reissued for technical reasons on 23 May 2013.

\*\* The resolutions and decisions adopted by the Human Rights Council will be contained in the report of the Council on its twenty-second session (A/HRC/22/2), chap. I

*Recalling* the Vienna Declaration and Programme of Action,

*Reaffirming* that States are under the obligation to protect all human rights and fundamental freedoms of all persons,

*Acknowledging* that human rights defenders play an important role at the local, national, regional and international levels in the promotion and protection of human rights,

*Stressing* that respect and support for the activities of human rights defenders, including women human rights defenders, is essential to the overall enjoyment of human rights,

*Mindful* that domestic law and administrative provisions and their application should facilitate the work of human rights defenders, including by avoiding any criminalization, stigmatization, impediments, obstructions or restrictions thereof contrary to international human rights law,

*Reiterating* the grave concerns expressed by the General Assembly in its resolution 66/164 with regard to the serious nature of risks faced by human rights defenders due to threats, attacks and acts of intimidation against them,

*Underscoring* that the legal framework within which human rights defenders work peacefully to promote and protect human rights and fundamental freedoms is that of national legislation consistent with the Charter and international human rights law,

*Gravely concerned* that, in some instances, national security and counter-terrorism legislation and other measures, such as laws regulating civil society organizations, have been misused to target human rights defenders or have hindered their work and endangered their safety in a manner contrary to international law,

*Recognizing* in this regard that new forms of communication, including the dissemination of information online and offline, can serve as important tools for human rights defenders to promote and strive for the protection of human rights,

*Recognizing also* the urgent need to address, and to take concrete steps to prevent and stop, the use of legislation to hinder or limit unduly the ability of human rights defenders to exercise their work, including by reviewing and, where necessary, amending relevant legislation and its implementation in order to ensure compliance with international human rights law,

*Welcoming* the steps taken by some States towards adopting policies or legislation for the protection of individuals, groups and organs of society engaged in promoting and defending human rights, including the decriminalization of defamation, that serve to protect human rights defenders from being prosecuted for peaceful activities, and against threats, harassment,



intimidation, duress, arbitrary detention or arrest, violence and attacks by State and non-State actors,

1. *Takes note with appreciation* of the work of the Special Rapporteur on the situation of human rights defenders, including her two latest reports submitted pursuant to General Assembly resolution 66/164 and Human Rights Council resolution 16/5, on the use of legislation affecting the activities of human rights defenders,<sup>8</sup> and national human rights institutions,<sup>9</sup> respectively;
2. *Urges* States to create a safe and enabling environment in which human rights defenders can operate free from hindrance and insecurity, in the whole country and in all sectors of society, including by extending support to local human rights defenders;
3. *Stresses* that legislation affecting the activities of human rights defenders and its application must be consistent with international human rights law, including the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights, and guided by 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, and, in this regard, condemns the imposition of any limitations on the work and activities of human rights defenders enforced in contravention of international human rights law;

4. *Calls upon* States to ensure that legislation designed to guarantee public safety and public order contains clearly defined provisions consistent with international human rights law, including the principle of non-discrimination, and that such legislation is not used to impede or restrict the exercise of any human right, including freedom of expression, association and peaceful assembly, which are essential for the promotion and protection of other rights;
5. *Urges* States to acknowledge publicly the important and legitimate role of human rights defenders in the promotion of human rights, democracy and the rule of law as an essential component of ensuring their protection, including by respecting the independence of their organizations and by avoiding the stigmatization of their work;
6. *Calls upon* States to ensure that human rights defenders can perform their important role in the context of peaceful protests, in accordance with national legislation consistent with the Charter of the United Nations and international human rights law and, in this regard, to ensure that no one is subject to excessive or indiscriminate use of force, arbitrary arrest or detention, torture or other cruel, inhuman or degrading treatment or punishment, enforced disappearance, abuse of criminal and civil proceedings or threats of such acts;
7. *Underlines* that the access to and use of information technologies and the media of one's choice, including radio, television and the Internet, should be promoted and facilitated at the national level, between States

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<sup>8</sup> A/67/292.

<sup>9</sup> A/HRC/22/47.

and at the international level as an integral part of the enjoyment of the fundamental rights to freedom of opinion and expression, and also encourages international cooperation aimed at the development of media and information and communications technologies in all countries;

8. *Calls upon* States to respect, protect and ensure the right to freedom of association of human rights defenders and, in this regard, to ensure, where procedures governing the registration of civil society organizations exist, that these are transparent, accessible, non-discriminatory, expeditious and inexpensive, allow for the possibility to appeal and avoid requiring re-registration, in accordance with national legislation, and are in conformity with international human rights law;
9. *Also calls upon* States:
  - (a) To ensure that reporting requirements placed on individuals, groups and organs of society do not inhibit functional autonomy;
  - (b) To ensure that they do not discriminatorily impose restrictions on potential sources of funding aimed at supporting the work of human rights defenders in accordance with the Declaration referred to in paragraph 3 above, other than those ordinarily laid down for any other activity unrelated to human rights within the country to ensure transparency and accountability, and that no law should criminalize or delegitimize activities in defence of human rights on account of the origin of funding thereto;
10. *Further calls upon* States to ensure that measures to combat terrorism and preserve national security:
  - (a) Are in compliance with their obligations under international law, in particular under international human rights law, and do not hinder the work and safety of individuals, groups and organs of society engaged in promoting and defending human rights;
  - (b) Clearly identify which offences qualify as terrorist acts by defining transparent and foreseeable criteria, including, inter alia, considering without prejudice those formulated by the Special Rapporteur on the promotion and protection of human rights while countering terrorism;
  - (c) Prohibit and do not provide for, or have the effect of, subjecting persons to arbitrary detention, such as detention without due process guarantees, the deprivation of liberty that amounts to placing a detained person outside the protection of the law, or the illegal deprivation of liberty and transfer of individuals suspected of terrorist activities, nor the unlawful deprivation of the right to life or the trial of suspects without fundamental judicial guarantees;
  - (d) Allow appropriate access for relevant international bodies, non-governmental organizations and national human rights institutions, where such exist, to persons detained under anti-terrorism and other legislation relating to national security, and to ensure that human rights defenders are not harassed or prosecuted for providing legal assistance to persons detained and charged under legislation relating to national security;
11. *Calls upon* States to ensure that all legal provisions and their application affecting human rights defenders are clearly defined, determinable and non-

retroactive in order to avoid potential abuse to the detriment of fundamental freedoms and human rights, and specifically to ensure that:

- (a) The promotion and the protection of human rights are not criminalized, and that human rights defenders are not prevented from enjoying universal human rights owing to their work, whether they operate individually or in association with others, while emphasizing that everyone shall respect the human rights of others;
  - (b) The judiciary is independent, impartial and competent to review effectively legislation and its application affecting the work and activities of human rights defenders;
  - (c) Procedural safeguards, including in criminal cases against human rights defenders, are in place in accordance with international human rights law in order to avoid the use of unreliable evidence, unwarranted investigations and procedural delays, thereby effectively contributing to the expeditious closing of all unsubstantiated cases, with individuals being afforded the opportunity to lodge complaints directly with the appropriate authority;
  - (d) Any provision or decision that may interfere with the enjoyment of human rights respects the fundamental principles enshrined in international law so that they are lawful, proportionate, non-discriminatory and necessary in a democratic society;
  - (e) Information held by public authorities is proactively disclosed, including on grave violations of human rights, and that transparent and clear laws and policies provide for a general right to request and receive such information, for which public access should be granted, except for narrow and clearly defined limitations;
  - (f) That provisions do not prevent public officials from being held accountable, and that penalties for defamation are limited in order to ensure proportionality and reparation commensurate to the harm done;
  - (g) Legislation aimed at preserving public morals is compatible with international human rights law;
  - (h) Legislation does not target activities of individuals and associations defending the rights of persons belonging to minorities or espousing minority beliefs;
  - (i) Dissenting views may be expressed peacefully;
12. *Expresses particular concern* about systemic and structural discrimination and violence faced by women human rights defenders, and calls upon States to integrate a gender perspective in their efforts to create a safe and enabling environment for the defence of human rights;
13. *Reaffirms* the right of everyone, individually and in association with others, to unhindered access to and communication with international bodies, in particular the United Nations, its representatives and mechanisms in the field of human rights, including the Human Rights Council, its special procedures, the universal periodic review

mechanism and the treaty bodies, as well as regional human rights mechanisms;

14. *Strongly calls upon* all States:
  - (a) To refrain from, and ensure adequate protection from, any act of intimidation or reprisals against those who cooperate, have cooperated or seek to cooperate with international institutions, including their family members and associates;
  - (b) To fulfil the duty to end impunity for any such acts of intimidation or reprisals by bringing the perpetrators to justice and by providing an effective remedy for their victims;
  - (c) To avoid legislation that has the effect of undermining the right reaffirmed in paragraph 13 above;
15. *Reaffirms* the necessity for inclusive and open dialogue between civil society actors, particularly human rights defenders, and the United Nations in the field of human rights and, in this context, underlines that participation by civil society should be facilitated in a transparent, impartial and non-discriminatory manner;
16. *Underlines* the value of national human rights institutions, established and operating in accordance with the Paris Principles, in the continued monitoring of existing legislation and consistently informing the State about its impact on the activities of human rights defenders, including by making relevant and concrete recommendations;
17. *Stressing in particular* the valuable contribution of national human rights institutions, civil society and other stakeholders in providing input to States on the potential implications of draft legislation when such legislation is being developed or reviewed to ensure that it is in compliance with international human rights law;
18. *Invites* leaders in all sectors of society and respective communities, including political, social and religious leaders, and leaders in business and media, to express public support for the important role of human rights defenders and the legitimacy of their work;
19. *Encourages* States to include in their reports for the universal periodic review and to treaty bodies information on the steps taken to create a safe and enabling environment for human rights defenders, including by bringing legislation and its application affecting the activities of human rights defenders into line with international human rights law;
20. *Encourages* national human rights institutions, civil society and other stakeholders to provide information, including to States, in the context of the universal periodic review and the work of treaty bodies, on the enabling environment for human rights defenders, including legislation and its application affecting the activities of human rights defenders;
21. *Encourages* the Office of the United Nations High Commissioner for Human Rights, the Special Rapporteur on the situation of human rights defenders, relevant regional mechanisms and national human rights institutions to offer their assistance for the consideration of States in

bringing their legislation and its application into line with international human rights law;

22. *Invites* States to seek assistance, including that which may be provided by the above-mentioned actors, in the process of reviewing, amending or developing legislation that affects or would affect, directly or indirectly, the work of human rights defenders;
23. *Invites* the Special Rapporteur on the situation of human rights defenders to continue to execute the activities under the mandate stipulated in resolution 16/5 of the Human Rights Council, including in follow-up to the present resolution, by reporting on progress;
24. *Decides* to remain seized of the matter.

*47th meeting*

*21 March 2013*

[Adopted without a vote.]

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# General Assembly

Distr.: General

30 January 2014

Sixty-eighth session  
Agenda item 69 (b)

## Resolution adopted by the General Assembly on 18 December 2013

[on the report of the Third Committee (A/68/456/Add.2)]

### **68/181. Promotion of 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: protecting women human rights defenders**

*The General Assembly,*

*Guided* by the purposes and principles of the Charter of the United Nations, the Universal Declaration of Human Rights,<sup>1</sup> the International Covenants on Human Rights<sup>2</sup> and other relevant instruments, including the Convention on the Elimination of All Forms of Discrimination against Women,<sup>3</sup>

*Recalling* its resolution 53/144 of 9 December 1998, by which it adopted by consensus 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 annexed to that resolution, and reiterating the fundamental importance of the Declaration and its promotion and implementation,

*Recalling also* all previous resolutions on this subject, including its resolution 66/164 of 19 December 2011 and Human Rights Council resolutions 16/5 of 24 March 2011<sup>4</sup> and 22/6 of 21 March 2013,<sup>5</sup>

*Recalling further* the Vienna Declaration and Programme of Action,<sup>6</sup> the Declaration on the Elimination of Violence against Women,<sup>7</sup> the Programme of

<sup>1</sup> Resolution 217 A (III).

<sup>2</sup> Resolution 2200 A (XXI), annex.

<sup>3</sup> United Nations, *Treaty Series*, vol. 1249, No. 20378.

<sup>4</sup> See *Official Records of the General Assembly, Sixty-sixth Session, Supplement No. 53 (A/66/53)*, chap. II, sect. A.

<sup>5</sup> *Ibid.*, *Sixty-eighth Session, Supplement No. 53 (A/68/53)*, chap. IV, sect. A.

<sup>6</sup> A/CONF.157/24 (Part I), chap. III.

<sup>7</sup> See resolution 48/104.

Action of the International Conference on Population and Development<sup>10</sup> and the Beijing Declaration and Platform for Action<sup>11</sup> and their review outcomes, as well as the agreed conclusions and resolutions of the Commission on the Status of Women,

*Acknowledging* the attention given by the Human Rights Council to the importance of women human rights defenders and of ensuring their protection and enabling their work in recent resolutions, and noting the panel discussion on women human rights defenders convened on 26 June 2012,

*Acknowledging also* that women of all ages who engage in the promotion and protection of all human rights and fundamental freedoms and all people who engage in the defence of the rights of women and gender equality, individually and in association with others, play an important role, at the local, national, regional and international levels, in the promotion and protection of human rights, in accordance with 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,<sup>10</sup>

*Noting with deep concern* that in many countries persons and organizations engaged in promoting and defending human rights and fundamental freedoms, including women human rights defenders, frequently face threats and harassment and suffer insecurity as a result of those activities, including through the curtailment of freedom of association or expression or the right to peaceful assembly or the abuse of civil or criminal proceedings,

*Gravely concerned* that women human rights defenders are at risk of and suffer from violations and abuses, including systematic violations and abuses of their fundamental rights to life, liberty and security of person, to psychological and physical integrity, to privacy and respect for private and family life and to freedom of opinion and expression, association and peaceful assembly, and in addition can experience gender-based violence, rape and other forms of sexual violence, harassment and verbal abuse and attacks on reputation, online and offline, by State actors, including law enforcement personnel and security forces, and non-State actors, such as those related to family and community, in both public and private spheres,

*Deeply concerned* that historical and structural inequalities in power relations and discrimination against women, as well as various forms of extremism, have direct implications for the status and treatment of women and that the rights of some women human rights defenders are violated or abused and their work stigmatized owing to discriminatory practices and those social norms or patterns that serve to condone violence against women or perpetuate practices involving such violence,

*Gravely concerned* that impunity for violations and abuses against women human rights defenders persists owing to factors including a lack of reporting, documentation, investigation and access to justice, social barriers and constraints with regard to addressing gender-based violence, including sexual violence and the stigmatization that may result from such violations and abuses, and a lack of recognition of the legitimate

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<sup>10</sup> *Report of the International Conference on Population and Development, Cairo, 5–13 September 1994* (United Nations publication, Sales No. E.95.XIII.18), chap. I, resolution 1, annex.

<sup>11</sup> *Report of the Fourth World Conference on Women, Beijing, 4–15 September 1995* (United Nations publication, Sales No. E.96.IV.13), chap. I, resolution 1, annexes I and II. <sup>10</sup> Resolution 53/144, annex.

role of women human rights defenders, all of which entrench or institutionalize gender discrimination,

*Concerned* that all forms of discrimination, including racism, racial discrimination, xenophobia and related intolerance, can lead to the targeting or vulnerability to violence of women human rights defenders, who are prone to multiple, aggravated or intersecting forms of discrimination,

*Aware* that information-technology-related violations, abuses, discrimination and violence against women, including women human rights defenders, such as online harassment, cyberstalking, violation of privacy, censorship and the hacking of e-mail accounts, mobile phones and other electronic devices, with a view to discrediting them and/or inciting other violations and abuses against them, are a growing concern and can be a manifestation of systemic gender-based discrimination, requiring effective responses compliant with human rights,

*Mindful* that domestic law and administrative provisions and their application should enable the work of women human rights defenders, including by avoiding any criminalization or stigmatization of the important activities and legitimate role of women human rights defenders and the communities of which they are a part or on whose behalf they work, as well as by avoiding impediments, obstructions, restrictions or selective enforcement thereof contrary to relevant provisions of international human rights law,

*Recalling* that the primary responsibility for promoting and protecting human rights and fundamental freedoms rests with the State, and reaffirming that national legislation consistent with the Charter and other international obligations of the State in the field of human rights and fundamental freedoms is the juridical framework within which human rights defenders, including women human rights defenders, conduct their activities,

*Gravely concerned* that, in some instances, national security and counterterrorism legislation and other measures have been misused to target human rights defenders, including women human rights defenders, or have hindered their work and endangered their safety in a manner contrary to international law,

*Recognizing* the urgent need to address, and to take concrete steps to prevent and stop, the use of legislation to hinder or limit unduly the ability of human rights defenders, including women human rights defenders, to exercise their work, including by reviewing and, where necessary, amending relevant legislation and its implementation in order to ensure compliance with States' obligations and commitments under international human rights law,

*Underlining* the need for all appropriate measures to be taken to modify the social and cultural patterns of conduct of men and women with a view to achieving the elimination of prejudices and customary and other practices based on the idea of the inferiority or superiority of either of the sexes or on stereotyped roles for men and women, in accordance with States' obligations and commitments under international human rights law, thereby addressing harmful attitudes, customs, practices and gender stereotypes that underlie and perpetuate violence against women, including women human rights defenders,

*Reaffirming* that the empowerment, autonomy and advancement of women and the improvement of their political, social, legal and economic status are essential to respect for all human rights, the growth and prosperity of society and the achievement of



representative, transparent and accountable government, democratic institutions and sustainable development in all areas of life,

*Recognizing* the valuable work of human rights defenders, including women human rights defenders, in promoting civil, political, economic, social and cultural rights and the right to development,

*Welcoming* the opportunity afforded by the post-2015 development agenda for the global community to advance the human rights and fundamental freedoms of all persons, including gender equality and non-discrimination, as well as real and effective participation, including equal political participation, in decision-making processes,

*Welcoming also* the steps taken by some States towards the adoption of national policies or legislation for the protection of individuals, groups and organs of society engaged in promoting and defending human rights, including as followup to the universal periodic review mechanism of the Human Rights Council,

1. *Calls upon* all States to promote, translate and give full effect 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,<sup>10</sup> including by taking appropriate, robust and practical steps to protect women human rights defenders;

2. *Takes note with appreciation* of the work of the Special Rapporteur on the situation of human rights defenders, noting the particular attention given to women human rights defenders;<sup>12</sup>

3. *Stresses* that respect and support for the activities of human rights defenders, including women human rights defenders, is essential to the overall enjoyment of human rights, and condemns all human rights violations and abuses committed against persons engaged in promoting and defending human rights and fundamental freedoms;

4. *Recognizes* that all human rights are universal, indivisible and interdependent and that the international community must treat human rights globally in a fair and equal manner, on the same footing and with the same emphasis, and stresses that, while the significance of national and regional particularities and various historical, cultural and religious backgrounds must be borne in mind, it is the duty of States, regardless of their political, economic and cultural systems, to promote and protect all human rights and fundamental freedoms;

5. *Expresses particular concern* about systemic and structural discrimination and violence faced by women human rights defenders of all ages, and calls upon States to take all measures necessary to ensure their protection and to integrate a gender perspective into their efforts to create a safe and enabling environment for the defence of human rights;

6. *Reiterates strongly* the right of anyone, individually and in association with others, to defend the human rights of women in all their aspects, and stresses the important role of women human rights defenders in promoting and protecting human rights and fundamental freedoms, to which everyone is entitled without distinction of any kind, including in addressing all forms of human rights violations, combating impunity, fighting poverty and discrimination and promoting access to justice, democracy, the full participation of women in society, tolerance, human dignity and the right to development, while recalling that the exercise of these rights carries duties and responsibilities set out in the Declaration;

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<sup>12</sup>See A/68/262, A/67/292 and A/HRC/16/44 and Corr.1.

7. *Urges* States to acknowledge publicly the important and legitimate role of women human rights defenders in the promotion and protection of human rights, democracy, the rule of law and development as an essential component of ensuring their protection, including by publicly condemning violence and discrimination against women human rights defenders;

8. *Calls upon* States to ensure that human rights defenders, including women human rights defenders, can perform their important role in the context of peaceful protests, in accordance with national legislation consistent with the Charter of the United Nations and international human rights law, and in this regard to ensure that no one is subject to excessive or indiscriminate use of force, arbitrary arrest or detention, torture or other cruel, inhuman or degrading treatment or punishment, enforced disappearance, abuse of criminal and civil proceedings or threats of such acts;

9. *Also calls upon* States to exercise due diligence in preventing violations and abuses against human rights defenders, including through practical steps to prevent threats, harassment and violence against women human rights defenders, who face particular risks, and in combating impunity by ensuring that those responsible for violations and abuses, including gender-based violence and threats against women human rights defenders, committed by State and non-State actors, including online, are promptly brought to justice through impartial investigations;

10. *Further calls upon* States to ensure that the promotion and protection of human rights are not criminalized or met with limitations in contravention of their obligations and commitments under international human rights law and that women human rights defenders are not prevented from enjoying universal human rights owing to their work, including by ensuring that all legal provisions, administrative measures and policies affecting women human rights defenders, including those aimed at preserving public morals, are clearly defined, determinable, nonretroactive and compatible with relevant provisions of international human rights law;

11. *Underlines* the fundamental principle of the independence of the judiciary and that procedural safeguards must be in place in accordance with States' obligations and commitments under international human rights law in order to protect women human rights defenders from unwarranted criminal actions and sanctions as a consequence of their work in line with the Declaration;

12. *Also underlines* that women human rights defenders have the right to the lawful exercise of their occupation or profession and that everyone who, as a result of his or her profession, can affect the human dignity, human rights and fundamental freedoms of others should respect those rights and freedoms and comply with relevant national and international standards of occupational and professional conduct or ethics;

13. *Stresses* that, in the exercise of the rights and freedoms referred to in the Declaration, women human rights defenders, acting individually and in association with others, shall be subject only to such limitations as are in accordance with applicable international obligations and are determined by law solely for the purpose of securing due recognition and respect for the rights and freedoms of others and of meeting the just requirements of morality, public order and the general welfare in a democratic society;

14. *Urges* States to strengthen and implement legal, policy and other measures to promote gender equality, empower women and promote their autonomy and to promote and protect their equal participation, full involvement and leadership in society, including in the defence of human rights;

15. *Invites* leaders in all sectors of society and in their respective communities, including political, military, social and religious leaders and leaders in business and the media, to express public support for the important role of women human rights defenders and the legitimacy of their work;

16. *Calls upon* States to implement, effectively and expeditiously, Security Council resolutions [1325 \(2000\)](#) of 31 October 2000, [1820 \(2008\)](#) of 19 June 2008, [1888 \(2009\)](#) of 30 September 2009, [1889 \(2009\)](#) of 5 October 2009, [1960 \(2010\)](#) of 16 December 2010, [2106 \(2013\)](#) of 24 June 2013 and [2122 \(2013\)](#) of 18 October 2013 on women and peace and security, including through the provision of gender sensitivity training for police officers and law enforcement personnel, inter alia, on the barriers that women human rights defenders face in gaining access to justice in armed conflict and post-conflict situations, ensuring the inclusion of sexual violence in the definition of acts prohibited by ceasefires and in provisions for ceasefire monitoring and the exclusion of sexual violence crimes from amnesty provisions in the context of conflict resolution processes, as a step towards the effective protection of women, including women human rights defenders;

17. *Strongly calls upon* States to refrain from, and ensure adequate protection from, any act of intimidation or reprisal against women human rights defenders who cooperate, have cooperated or seek to cooperate with international institutions, including their family members and associates;

18. *Reaffirms* the right of everyone, individually and in association with others, to unhindered access to and communication with international bodies, in particular the United Nations, its special procedures, the universal periodic review mechanism and the treaty bodies, as well as regional human rights mechanisms;

19. *Urges* States to develop and put in place comprehensive, sustainable and gender-sensitive public policies and programmes that support and protect women human rights defenders, including by providing adequate resources for immediate and long-term protection and making sure that these can be mobilized in a flexible and timely manner to guarantee effective physical and psychological protection, while also extending protection measures to their relatives, including children, and otherwise to take into account the role of many women human rights defenders as the main or sole caregivers in their families;

20. *Emphasizes* the need for the participation of women human rights defenders in the development of effective policies and programmes related to their protection, recognizing their independence and expertise with regard to their own needs, and the need to create and strengthen mechanisms for consultation and dialogue with women human rights defenders, such as focal points for human rights defenders within the public administration, for example, through national mechanisms for the advancement of women and girls, where they exist, or other mechanisms, depending on the national and local context;

21. *Urges* States to adopt and implement policies and programmes that provide women human rights defenders with access to effective remedies, including by ensuring:

(a) The effective participation of women human rights defenders in all initiatives, including transitional justice processes, to secure accountability for violations and abuses, and also ensuring that the guarantee of non-recurrence incorporates overcoming the root causes of gender-based violations and abuses in everyday life and institutions;

- (b) Adequate access to comprehensive support services for those women human rights defenders who experience violence, including shelters, psychosocial services, counselling, medical care and legal and social services;
- (c) That women human rights defenders who are victims of sexual and other forms of violence are attended to by adequately trained and equipped personnel with gender sensitivity and expertise and are consulted during each step of the process;
- (d) That women human rights defenders are able to avoid situations of violence, including by preventing the occurrence or recurrence of such violence in the exercise of their important and legitimate role in accordance with the present resolution;
22. *Also urges* States to promote and support projects to improve and further develop the documentation and monitoring of cases of violations against women human rights defenders, and encourages the provision of adequate support and resources for those working to protect women human rights defenders, such as government agencies, national human rights institutions and civil society, including national and international non-governmental organizations;
23. *Encourages* national human rights institutions to support the documentation of violations against women human rights defenders and to integrate a gender dimension into the planning and implementation of all programmes and other interventions related to human rights defenders, including through consultations with the relevant stakeholders;
24. *Encourages* regional protection mechanisms, where they exist, to promote projects to improve and further develop the documentation of cases of violations against women human rights defenders and to ensure that programmes for the security and protection of human rights defenders integrate a gender perspective and address the specific risks and security needs of women human rights defenders;
25. *Encourages* United Nations bodies, agencies and other entities, within their respective mandates and in cooperation with the Special Rapporteur and the Office of the United Nations High Commissioner for Human Rights, to address the situation of human rights defenders, including women human rights defenders, in their work and to contribute to the effective implementation of the Declaration;
26. *Requests* all concerned United Nations agencies and organizations, within their mandates, to provide all possible assistance and support to the Special Rapporteur for the effective fulfilment of her mandate, including in the context of country visits and through suggestions on ways and means of ensuring the protection of women human rights defenders;
27. *Requests* the Special Rapporteur to continue to report annually on her activities to the General Assembly and the Human Rights Council, in accordance with her mandate;
28. *Decides* to continue its consideration of this matter.

*70th plenary meeting  
18 December 2013*



## General Assembly

Distr.: General  
23 December 2013

Original: English

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### Human Rights Council

#### Twenty-fifth session

Agenda item 3

**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 Sekaggya**

### *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.

## **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,<sup>13</sup> 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, 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.

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<sup>13</sup> 1 May 2008–15 November 2013.

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,<sup>14</sup> 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 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).

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<sup>14</sup> 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/](http://www.ohchr.org/EN/Issues/SRHRDefenders/).

#### **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.<sup>15</sup>

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.<sup>4</sup> 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-

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<sup>15</sup> The latest include:

[www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=13860&LangID=E](http://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](http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=13626&LangID=E).

<sup>4</sup> See Commentary to the Declaration, chap. IV.



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.

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.**
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