



THE SITUATION OF HUMAN RIGHTS DEFENDERS

Item 3: Amnesty International's written statement to the 34th session of the UN Human Rights Council (27 February- 24 March 2017)

In 1998 the international community 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 thereby recognising the importance that civil society actors play in the defence of the values that underpin human rights. The Declaration stresses that we all have a role to fulfil as human rights defenders and urges States particularly to protect human rights defenders from harm as a consequence of their work.

However, almost two decades after that historical moment human rights defenders continue to be harassed, tortured, jailed and killed for speaking out against injustice. During the protests against the Dakota Access Pipeline in the USA last year, the security forces used excessive and unnecessary force when arresting members of the Standing Rock Sioux Tribe and other Indigenous communities who oppose its construction.

Over 3,500 human rights defenders have been killed since the Declaration was adopted in 1998¹ and according to recent figures released by Frontline Defenders, the number of killings in 2016 marked an increase in the number reported in the previous year.²

These killings usually occur after threats and warnings. Berta Cáceres, the leading indigenous, environmental and women's rights defender from Honduras was killed in March 2016 despite enjoying a high national and international profile. In the aftermath of her killing, Honduras was under increased pressure to protect its human rights defenders, nonetheless, in October 2016, José Ángel Flores and Silmer Dionisio George of the Unified Movement of the Aguán were murdered, and currently international organization Global Witness, along with Honduran organizations MILPAH, COPINH and CEHPRODEC are facing a smear campaign against them for their work defending land, territory and environmental rights.³

Amnesty International also continues to receive reports of human rights defenders being subjected to unfounded criminal proceedings, arbitrary detention and judicial harassment, which prevents them from speaking up against injustice, delegitimizes their causes and creates a chilling effect on activities that promote human rights. Human rights defender Narges Mohammadi is serving 22 years' imprisonment after being convicted of national security related charges in Iran. Her conviction stems from her peaceful human rights activities, including her work to end the death penalty and her 2014 meeting with the former European Union (EU) High Representative for Foreign Affairs and Security Policy.⁴

¹ See virtual memorial of human rights defenders killed since 1998 at www.hrdmemorial.org.

² Frontline Defenders Annual Report, "Human Rights Defenders at risk in 2016" www.frontlinedefenders.org/en/resource-publication/annual-report-human-rights-defenders-risk-2016

³ <https://www.amnesty.org/en/documents/amr34/5613/2017/en/>

⁴ <https://www.amnesty.org/en/latest/news/2016/09/iran-shameful-16-year-sentence-for-narges-mohammadi-a-devastating-blow-to-human-rights/>

In Egypt civil society has been subjected to an unprecedented crackdown. In 2016, the authorities intensified a criminal inquiry into NGOs' registration and foreign funding that could lead to criminal prosecution and sentences reaching up to life imprisonment. The authorities have also subjected NGO personnel to interrogation, freezing of personal and organizational assets, preventing leading human rights defenders from foreign travel, arbitrary arrest and detention.

Amnesty International notes with concern that the organisations, networks and methods people rely on to stand up for their communities are also attacked. Unions are threatened. Lawyers and activists in China have been ill-treated and sometimes tortured in detention. In Pakistan, human rights defenders are labeled as 'foreign-agents'. In Viet Nam, attacks against human rights defenders are common, and include beatings and daily harassment and surveillance.

In other parts of the world, newspapers are closed down. Social media are banned and digital conversations monitored. Taking to the streets to protest is impossible.

In Turkey, against the backdrop of the failed military coup in 2016, unfair criminal prosecutions under criminal defamation and counter-terrorism laws targeted political activists, journalists and other critics of public officials or government policy. Over 180 media outlets have been arbitrarily shut down and 80 journalists remain in pre-trial detention.

States also repeatedly interfere with human rights defenders' ability to communicate safely and expose human rights violations to regional and international human rights mechanisms, including this Council and its mechanisms. Recently the Special Rapporteur on the situation of human rights defenders noted, with great concern, the number of human rights defenders that received social media threats simply for meeting with him on his visit to Mexico at the beginning of this year.⁵

In Burundi in January 2017, the Bujumbura Court of Appeal ruled to disbar three lawyers and suspend another. Each had contributed to a civil society report to the UN Committee against Torture prior to its review of the country in July 2016.⁶ The permanent closure of five human rights organizations and the suspension of five others was ordered in October 2016 on the allegation that they tarnished the image of the country. One of the suspended organizations was later banned following publication of a controversial report.⁷

In October 2016, the then UN Secretary General designated, in response to deepening concern, the UN Assistant Secretary-General Andrew Gilmour to lead the efforts to combat reprisals and intimidation against human rights defenders who cooperate with the UN system in the field of human rights. "The United Nations could not do its invaluable work for human rights without those who cooperate with UN representatives, rapporteurs and other mechanism. When they are targeted for reprisals, we are all less secure. When their cooperation is stifled, our work for human rights is also a victim", emphasized the then UN Secretary General Ban Ki-moon in making this designation.⁸

Recommendations to the 34th Human Rights Council

The international community must reaffirm the basic values of justice, respect, tolerance and solidarity that underpin our human rights framework.

The Human Rights Council must make clear that a fair, just and equal world needs human rights defenders. They promote the human rights recognized in the Universal Declaration of Human Rights; and are at the forefront of efforts to hold those who abuse their power to account. The Council is responsible for strengthening the promotion and protection of all human rights around the globe and addressing situations of human rights violations and making recommendations on them. Indeed, "all victims of human rights abuses should be able to look to the Human Rights Council as a forum and a springboard for action."⁹

⁵ <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=21111&LangID=E>

⁶ http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=INT%2fCAT%2fRLE%2fBDI%2f24879&Lang=en

⁷ <https://www.amnesty.org/en/documents/afr16/5678/2017/en/>

⁸ <https://un.org.au/2016/10/04/the-united-nations-secretary-general-press-conference-geneva-3-october-2016/2/>

⁹ UN Secretary-General, 12 March 2007, Opening of the 4th Human Rights Council Session. <http://www.un.org/apps/news/story.asp?NewsID=21834#.WJofRrGZQ3I>

Amnesty International urges the Human Rights Council to:

1. Renew the mandate of the Special Rapporteur on the situation of human rights defenders and cooperate fully with it, including by encouraging swift and comprehensive responses to communications from the Special Rapporteur and acceptance of requests for country visits.
2. Reaffirm that protecting human rights is necessary for individuals to live in dignity, and that deepening respect for these fundamental freedoms lays the foundation for stable, safe and just societies;
3. Recognize the legitimacy of human rights defenders and applaud the role they play in the advancement of human rights, and urge States to facilitate and publicly support their work;
4. Urge States to adopt and implement legislation which recognises and protects human rights defenders;
5. Stress the urgent need for all States to establish national protection mechanisms for human rights defenders at risk;
6. Urge States effectively to address threats, attacks, harassment and intimidation against human rights defenders, including, where applicable, by thoroughly, promptly and independently investigating human rights violations and abuses against them and bringing alleged perpetrators to justice in fair trials without recourse to the death penalty, and providing effective remedies and adequate reparations to the victims;
7. Urge States to ensure that the criminal justice system or civil litigation is not misused to target nor harass human rights defenders;
8. Refrain from bringing criminal charges or, other judicial proceedings or taking administrative measures against human rights defenders because of the peaceful exercise of their rights;
9. Ensure that those who challenge injustice peacefully are not portrayed as threats to security, development or traditional values;
10. Emphasize the fact that human rights defenders who work on gender equality, women's rights or LGBTIQ rights face particular risk of being subjected to certain forms of violence and other violations that need to be particularly addressed;
11. Pay particular attention to other groups who may be at risk, such as those who work for economic, social and cultural rights, defenders who work in the area of business and human rights; in an area exposed to internal conflict or a natural disaster; defenders living in isolated regions or conflict zones; and defenders working on past abuses, such as the families of victims of enforced disappearance;
12. Condemn any acts of intimidation or reprisals against human rights defenders who cooperate or seek to cooperate with international human rights mechanism;
13. Urge States to cooperate fully with the recently mandated Assistant Secretary-General for Human Rights to prevent, end and redress acts of reprisal and intimidation.