

Check against delivery



**ORAL STATEMENT OF MARGARET SEKAGGYA
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DEFENDERS**

19th session of the Human Rights Council

GENEVA, 5 March 2012



Madam President,
Excellencies,
Distinguished delegates,
Ladies and Gentlemen,

I am pleased to address the Human Rights Council for the fourth time on issues relating to my mandate as Special Rapporteur on the situation of human rights defenders.

Today, in addition to the annual thematic report and the observations on communications report, I shall present the mission report relating to my country visit to India in January 2011.

More recently I have undertaken an official country visit to Honduras. I would like to express my gratitude to the Government of Honduras for inviting me and for its excellent cooperation during the visit. The report with my final findings and recommendations shall be presented at the 22nd session of the Council in 2013.

I would also like to commend the Governments of Tunisia and Ireland for having accepted my requests for country visits. I greatly appreciate their cooperation, and I look forward to conducting these visits.

Thematic report

For my fourth thematic report (A/HRC/19/55), I have focused on the situation of selected groups of human rights defenders at particular risk. The scope of this report encompasses the risks and challenges faced by journalists and media workers, defenders working on environmental and land issues, and youth and student defenders.

Since the inception of the mandate, the mandate holder on human rights defenders has highlighted the need to pay particular attention to selected groups of human rights defenders who seem to face extraordinary risks due to the work that they do and the contexts in which they operate.

Through the report of this year, the established tradition of bringing attention to selected groups of human rights defenders at risk is further strengthened. My findings are rooted in an analysis of communications sent by the mandate between December 2006 and May 2011. During this time, my predecessor and I sent nearly 1,500 communications to Governments, an average of 330 cases per year. Of these communications, about 25 per cent concerned journalists and media workers defending human rights; defenders working on land and environmental issues; and youth and student defenders.

My objective has been to observe possible trends, including at a regional level, and concerning related patterns of impunity. I acknowledge that the information received and acted upon by my mandate does not convey the full situation of the human rights defenders in question. However, in analysing the

information provided, one can still identify important trends regarding their situation.

Excellencies, Ladies and Gentlemen,

According to the communications I sent, journalists and media workers have been targeted because of their reports on human rights violations or because they were witnesses to human rights violations themselves.

It would appear that there are certain contexts in which journalists and media workers are more exposed to violations. These include armed conflicts, post-conflict situations and situations of unrest in connection with a coup d'état or contested elections.

In terms of the violations suffered, I am appalled at the number of communications regarding journalists and media workers who have paid with their lives for reporting on human rights abuses. Physical attacks, arrests, detention, interrogation and torture or ill-treatment are being used to intimidate and silence these defenders. Legal frameworks are used and abused to restrict journalists' and media workers' activities. I would like to emphasize that restrictions on media and press freedom, and impunity around violations against journalists and media workers defending human rights can foster a climate of intimidation, stigmatization, violence and self-censorship.

Defenders working on land and environmental issues constitute the second group whose situation is addressed in my thematic report. Defending land and environmental issues in connection with extractive industries and construction and development projects has proven to be a dangerous enterprise for human rights defenders. Violations in this regard generally occur in the context of ongoing land disputes, with both State and non-State actors, including multinational corporations and private security companies, as perpetrators.

Defenders working on such issues face a high risk of violations of their right to life and physical integrity, including killings, attempted killings, physical attacks, assault and ill-treatment, and excessive use of force by the police during demonstrations. They have also been subjected to threats, including death threats, and different forms of intimidation and harassment. Stigmatization of the work of these defenders by public officials or the media must not be tolerated, as this can foster a climate of intimidation and harassment and even violence against defenders.

Madam President,

I have chosen to address the situation of youth and student defenders in light of recent events around the world, notably in the Middle East and North Africa. The majority of cases I have taken up related to violations against the physical integrity of youth and student defenders. This included killings, physical attacks, arrests, torture, ill-treatment, enforced disappearances, forced labour and excessive use of force by police and security forces during demonstrations, arrests and while in detention. Judicial harassment is also frequently applied to limit their work.

I am concerned about the general perception of youth in society, which is also conveyed by established media outlets. Their young age and alleged lack of maturity are used as grounds for not giving them a say in public affairs. Youth and student movements are seen as trouble-makers rather than serious actors that can fruitfully contribute to public debate.

I would like to express my concern about recent trends in several countries of passing legislation that prohibits young people, typically below 18 or 21 years of age, 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. As these tools are extensively used by youth and student defenders, restrictions are likely to create particular obstacles to their human rights work. Youth and students often work outside established structures and organizations to defend and promote human rights. Extensive registration processes for non-governmental organizations add to the isolation of youth organizations.

Excellencies, Ladies and Gentlemen,

I am very concerned by the considerable risks these groups of defenders face due to their work in defence of human rights. Most of these risks not only directly affect their physical integrity and that of their family members, they also include the abuse of legal frameworks against them and the criminalization of their work. I am dismayed at reports received indicating that State actors, including Government officials, State security forces and the judiciary, are the perpetrators of or contribute to many of the violations committed against these defenders.

Observations on Communications report

In the report with observations on the communications sent and responses received from States, you will find ample examples of the issues I have touched upon in my thematic report. During the reporting period, I have transmitted 236 communications to 72 States and received 110 replies. This indicates a 47 per cent response rate. While I wish to thank the Governments which have sent replies to the communications, I would like to urge all States to respond to my communications in a timely and substantive manner.

I would like to note the significant increase in communications related to developments in the Middle East and North Africa. This is particularly the case with Bahrain and the Syrian Arab Republic.

Regarding other parts of the world, I have once again been alerted that should human rights defenders in Sri Lanka seek the protection of my mandate, they, their families and colleagues may be subjected to reprisals. This on-going situation, combined with smear campaigns against defenders in national media, is of great concern to me.

Legislative moves and increased enforcement of existing laws have led to increased criminalization of human rights work in different countries. This is an issue of great concern, which I will look closely into and raise awareness about this year.

Recommendations

In light of the above observations, I would give the following recommendations that especially concern violations by States:

States should publicly recognise the role of these defenders and ensure prompt and impartial investigations and prosecution of those responsible for violations against them, in order to combat impunity for both State and non-State actors.

States should refrain from the persistent use of legislative frameworks to silence legitimate dissent on human rights issues.

States should ensure that all these defenders are not stigmatized, threatened or attacked especially by law enforcement officers during peaceful demonstrations, and generally in observance of their work.

Lastly NGOs and other stakeholders should equip defenders, especially youth and student defenders, with knowledge about human rights protection mechanisms, risk assessment skills and any other forms of capacity building that will improve on their situation as defenders.

States should grant defenders especially journalists and media workers access to public assemblies to especially facilitate independent coverage and human rights monitoring.

Visit to India

I conducted a country visit to India from 10 to 21 January 2011 to assess the situation of human rights defenders in the country. During the visit I met senior Government officials at the central and state levels and a broad range of human rights defenders. I would like to thank the Government of India for extending an invitation to me and for exemplary cooperation throughout the mission.

In the report regarding the visit, I provide an overview of the general context in which human rights defenders in India operate. I was happy to observe the comprehensive and progressive legal framework that guarantees human rights and fundamental freedoms in India, and I welcome the commitment expressed by officials I met to uphold human rights. However, the challenges faced by human rights defenders stem mainly from the under-implementation of a number of the existing legal instruments. There are also laws which are out-dated and not in conformity with international human rights standards.

In the report, I describe the challenges faced by human rights defenders in India in their legitimate activities. Defenders who are particularly targeted include

those working on the rights of marginalized groups, including Dalits and Adivasis; defenders working on economic, social and cultural rights; defenders affected by security legislations and militarization; Right to Information activists working for increased accountability in public affairs; journalists; and women defenders and defenders working on women's and children's rights.

Throughout my mission, I heard numerous testimonies about female and male human rights defenders, and their families, who have been killed, tortured, ill-treated, disappeared, threatened, arbitrarily arrested and detained, falsely charged, placed under surveillance, forcibly displaced or had their offices raided and files stolen because of their legitimate work in upholding human rights and fundamental freedoms. They are often labelled as "Naxalites (Maoists)", "terrorists", "militants", "insurgents", "anti-nationalists" and "members of underground" and their rights to freedom of expression, peaceful assembly, association and movement are on many occasions unlawfully restricted.

Most of the human rights violations reported prior, during and after my visit, are attributed to law enforcement authorities, in particular the police. Failure to register and/or investigate violations against defenders was widely reported. Law enforcement authorities have also shown collusion and/or complaisance with abuses committed by private actors. Some instances of serious human rights abuses by armed groups against human rights defenders were reported. Impunity for such violations was reported as a chronic problem. This is of great concern to me.

Government authorities, including security forces, and the judiciary and human rights commissions, at the central and state levels, need to do much more to ensure a safe and conducive environment for defenders. India should be proud of its human rights defenders, who are a key asset in advancing human rights and democratic governance.

I would like to recommend that the highest authorities of the State recognise the importance and legitimacy of the work that human rights defenders do, and with particular attention to the human rights defenders mentioned above that deal with the rights of the vulnerable.

An adequately resourced and comprehensive programme on protection of human rights defenders and witnesses should be established, and this should be done in conjunction with a functional and strong National Human Rights Commission. Programmes such as an emergency hotline should be widely publicised and available in all languages spoken in India.

Security forces including State security agencies should be sensitized and trained on the role that human rights defenders play and the right they have to carry out their activities. These forces should be trained on the international human rights standards they are to comply with when dealing with human rights defenders.

Laws that curtail the activities of defenders, such as the National Security Act, the Armed Forces Special Powers Act, and the Unlawful Activities Act, among others, should be repealed.

It is also important that the State continue to collaborate with Special Procedures of the Human Rights Council, and that the National Human Rights Commission play a supportive role in ensuring that the State implement recommendations made by international protection mechanisms.

Lastly the judiciary should take cognizance of the role of human rights defenders and ensure their protection especially those at risk, and defenders should form platforms and networks that will help in coordinating their activities and equip them with knowledge on the Declaration on Human Rights Defenders and how to utilize the UN Special Rapporteur on the Situation of Human Rights Defenders and other Special Procedures.

I look forward to continuing the constructive dialogue with the Government of India on the situation of human rights defenders.

Thank you for your attention.
