



# General Assembly

Distr.: General  
29 December 2014  
English  
Original: French

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## Human Rights Council

Twenty-eighth 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, Michel Forst**

### *Summary*

This report is the first submitted to the Council by the Special Rapporteur on the situation of human rights defenders and the fifteenth thematic report on the situation of human rights defenders submitted since 2000. In the present report, submitted pursuant to Council resolutions 7/8 and 16/5, the Special Rapporteur provides an account of his activities during the reporting period and draws the attention of Member States to the communications sent to governments under the mandate during the past year. The Special Rapporteur submits his strategic workplan and explains how he intends to carry out his mandate. The Special Rapporteur outlines his conclusions and recommendations.



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## **I. Introduction**

1. This report is the first submitted to the Human Rights Council by the Special Rapporteur on the situation of human rights defenders and the fifteenth thematic report submitted under this mandate since its establishment in 2000. It is submitted pursuant to Council resolution 25/18 and General Assembly resolution 66/164.
2. The work of the Special Rapporteur is also underpinned by thematic resolutions, including General Assembly resolution 68/181 and Council resolutions 22/6 and 13/13.
3. After providing an overview of his activities during the reporting period, the Special Rapporteur submits his strategic workplan and the vision that will drive the implementation of his mandate. He sets out the way in which he intends to carry out his mandate. This constitutes a road map for the action that he means to take in future.

## **II. Activities**

4. The Special Rapporteur draws heavily on the working methods developed by his predecessors, in accordance with the Code of Conduct for Special Procedures Mandate-holders of the Human Rights Council and the working methods described in the practical guide for the special procedures mandate holders of the Human Rights Council, adopted in June 2008 at the fifteenth annual meeting of special procedures.

### **A. Communications**

5. The Special Rapporteur has made use of communications and press statements to engage in dialogue with Member States on issues relating to certain human rights defenders and legislative developments that might negatively affect the environment in which defenders operate.
6. The Special Rapporteur believes that communications are an essential tool for the work of the mandate; they address urgent cases that require the immediate attention of States, allowing him to raise concern about situations and patterns, and can thereby be instrumental in preventing violations against defenders. He firmly believes that communications are the main form of protection that the mandate holder can provide for human rights defenders.
7. Between 1 December 2013 and 30 November 2014, the Special Rapporteur sent 231 communications, of which 128 were urgent appeals and 103 were letters of allegation to 84 States.
8. All these communications were formulated jointly with other mandate holders. The Special Rapporteur fully supports the idea of launching joint appeals; they have the advantage of increasing and reinforcing the impact and power of appeals, making it possible to address cases and situations in a more comprehensive manner and emphasize the indivisibility, interdependence and interrelatedness of all human rights. He intends to consider the possibility of launching joint activities with regional human rights mechanisms.
9. The Special Rapporteur notes, however, that the greater frequency of joint appeals has the risk of sometimes greatly increasing response times, given that the agreement of each mandate holder has to be obtained before action can be taken. He intends to consider the question more closely and, having weighed up the advantages and disadvantages, may

well revert to sending a greater number of communications relating only to his own mandate.

10. The breakdown by region shows that 80 communications were sent to countries in the Asia-Pacific region (35 per cent); 47 to the countries of Latin America and the Caribbean (20 per cent); 37 to the Middle East and North African region (16 per cent); 39 to countries in Europe, North America and Central Asia (17 per cent); and 26 to countries in Africa (11 per cent).

11. In these communications, the Special Rapporteur highlighted the situation of more than 530 individuals, of whom 119 were women. He sent 32 communications on cases of reprisals against groups or individuals for having engaged with the United Nations, its mechanisms or representatives in the field of human rights, or with international human rights bodies.

12. At the time of writing, 110 responses have been received, indicating a slightly higher response rate at 47 per cent, but approximately the same as the previous year. Responses by Governments are, as before, often general or evasive. This situation is particularly worrying in view of the serious nature of the allegations received and the urgency of some of the cases and situations. The Special Rapporteur therefore intends to step up his efforts to follow up communications, which too often remain unanswered or are inadequately answered by some governments. Over the reporting period, he has followed up more than one third of the communications or cases sent during his tenure.

13. The Special Rapporteur has sent 28 communications concerning developments in national legislation that could have an impact on the environment in which human rights defenders conduct their activities. He intends to step up communications to governments to offer advisory services to those that so wish.

14. The Special Rapporteur will continue to submit an annual progress report, which will, as it has since 2012, contain observations on communications. The report will include information on the communications sent during the previous reporting cycle and the replies received from States, as well as observations by States in relation to cases considered by his predecessors, which require follow-up or in which States have made comments on specific contexts or patterns. The Special Rapporteur intends to use this tool to carry out a more systematic quantitative and qualitative analysis of communications sent and responses received, so that he can provide States with this information and join them in drawing the right conclusions.

15. The Special Rapporteur also intends to use communications as the empirical basis for his thematic reports. 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 human rights defenders worldwide.

16. The Special Rapporteur is aware of the serious difficulties that arise in the use of communications, mainly owing to the daunting volume of cases received and the lack of resources available to address properly all cases that would merit attention under the mandate.

17. The Special Rapporteur has chosen to use his voice to focus the attention of some States and the international community. During the period under consideration, he has issued more than 20 public statements on the situation of human rights defenders in 16 countries. These address a variety of issues, such as the general situation in a country, including legislative changes that may negatively affect the situation of human rights defenders; individual cases relating to defenders, including reprisals against those that have attempted to engage with the United Nations, its mechanisms and representatives in the field of human rights; and questions relating to certain groups of defenders working in a

specific country, such as individuals who promote the rights of lesbian, gay, bisexual, transgender and intersex (LGBTI) persons.

## B. Country visits

18. Country visits provide excellent opportunities for the Special Rapporteur to learn about the situation of human rights defenders on the ground, their challenges, the risks they face, their successes and the strategies that they use. Visits are a useful tool to engage constructively with States at all levels, to discuss the main issues affecting the environment in which human rights defenders work and to raise awareness of the importance of their work.

19. Since assuming his post on 2 June 2014, the Special Rapporteur has paid an official visit to Burundi, from 14 to 25 November 2014.<sup>1</sup> He would like to thank the Burundian Government for having agreed to this visit and facilitating his stay. A separate report on the visit will be submitted in the form of an addendum to his report to the Council in March 2016.

20. As of the end of November 2014, the Special Rapporteur or his predecessors have the following outstanding visit requests: Bahrain (2012), Belarus (2002, 2003, 2004, 2010, 2011), Bhutan (2001, 2002), Cambodia (2012), Cameroon (2014), Chad (2002, 2003, 2004), China (2008, 2010), Dominican Republic (2012), Egypt (2003, 2008, 2010, 2012), Equatorial Guinea (2002), Ethiopia (2014), 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), Venezuela (Bolivarian Republic of) (2007, 2008, 2010), Viet Nam (2012) and Zimbabwe (2002, 2004, 2008, 2010, 2011).

21. The Special Rapporteur regrets that several of these requests are long-standing. He intends to repeat his requests for visits to these countries in 2015 and hopes that the States in question will give due attention and respond positively. He also calls on governments that have not yet issued open invitations to mandate holders to do so and requests that States that have not yet responded to his request for a visit should do so as soon as possible. That would clearly reflect their commitment to cooperating with United Nations mechanisms; they would thus provide evidence of the good example that should be set by all members of the Council.

22. The Special Rapporteur is aware of the workload that such missions impose on the authorities of countries visited and he wishes to thank governments that have issued an invitation or agreed to a request for a visit. He notes that visits should be of sufficient length to enable him to travel within the country, outside the capital, particularly in countries with extensive territories, so that he can make a better assessment of the situation and also meet isolated human rights defenders who cannot travel.

23. The Special Rapporteur intends to pay follow-up visits to countries already visited by his predecessors. He means to continue the good practice followed by his predecessor

<sup>1</sup> Office of the United Nations High Commissioner for Human Rights, "Burundi: Government should ease pressure on human rights defenders", 25 November 2014, [www.ohchr.org/FR/NewsEvents/Pages/DisplayNews.aspx?NewsID=15341&LangID=F#sthash.s3OrN8z0.dpuf](http://www.ohchr.org/FR/NewsEvents/Pages/DisplayNews.aspx?NewsID=15341&LangID=F#sthash.s3OrN8z0.dpuf).

and conduct joint missions with the Special Rapporteur on Human Rights Defenders of the African Commission on Human and Peoples' Rights. Joint visits help raise the profile of visit, facilitate follow-up by regional mechanisms and relevant stakeholders and create synergies between international and regional human rights mechanisms.

24. In addition to official country visits, the Special Rapporteur will accept invitations sent to him by State institutions, universities or non-governmental organizations (NGOs) to participate in conferences, events and workshops, where he can present his views on the situation of human rights defenders and the role of his mandate. Such activities provide invaluable opportunities to raise awareness about the role of human rights defenders and engage with different stakeholders on the issue. Where it is relevant and useful, and with the agreement of the States concerned, he hopes to explore the possibility of using visits arranged on the occasion of seminars or other meetings to meet the country authorities and re-examine with them and other stakeholders the follow-up to any recommendations that may have been made.

### **C. Communication of information and thematic studies**

25. In the course of the first consultations that he held, the Special Rapporteur noted that the reports on communications sent to or received from governments were not easy to understand. He intends to consider the possibility of changing their format or wording in order to enable all stakeholders, including the governments concerned, to use such reports for follow-up purposes.

26. In addition to communications sent to or received from governments and the country visits, the Special Rapporteur will seek to engage in activities aimed at consolidating the mass of information accumulated by his predecessors and will consider new activities that will provide the opportunity to analyse and understand more clearly 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 (hereinafter the "Declaration on Human Rights Defenders"), as well as numerous aspects of the work of human rights defenders and the difficulties that they have to overcome.

27. The Special Rapporteur considers that the 2006 report by one of his predecessors relating to progress made and the main obstacles to the implementation of the Declaration on Human Rights Defenders is an important analytical tool and he therefore intends to bring it up to date. This updating will be based on information from governments, national human rights institutions, specialized institutions of the United Nations system and civil society organizations, among others. It will be an important undertaking, which will culminate in the formulation of targeted recommendations, specific to each country, making it possible to strengthen the protection of human rights defenders in more than 120 States. The Special Rapporteur will publish a compilation of best practices as an annex to this report.

28. The Special Rapporteur intends to make action against the culture of impunity a central feature of his activities. He will undertake research into the matter and will show in one of his future reports that the de facto impunity enjoyed by the perpetrators of reprisals against human rights defenders is one of the reasons that the incidence of impunity is on the increase.

29. A number of complaints by human rights defenders about alleged violations of their rights are not investigated or are shelved. A State's failure to investigate violations may be seen as condoning the behaviour of the perpetrators of attacks and may nurture an environment where further attacks are perceived as being tolerated. The previous Special

Rapporteur repeatedly reiterated that ending impunity was an essential condition for ensuring the protection and safety of human rights defenders.

30. States should ensure the prompt and independent investigation of all violations against defenders and the prosecution of alleged perpetrators, regardless of their status. They should also ensure that victims of violations have access to just and effective remedies, namely judicial and administrative or quasi-judicial mechanisms, and appropriate compensation. Investigation and prosecution should be underpinned by an effective and independent judiciary.

31. Unfortunately, in many instances, weaknesses in the judicial system and flaws in the legal framework have deprived human rights defenders of adequate tools for seeking and obtaining justice. Strengthening the judiciary and making sure that it can operate independently and effectively should therefore be a priority for States.

32. States should also implement the interim measures of protection granted to defenders by international and regional human rights mechanisms.

#### **D. Cooperation with international, regional and national partners**

33. The Special Rapporteur sets great store by cooperation with all United Nations bodies and other intergovernmental human rights organizations. This section contains an overview of the activities undertaken by the Special Rapporteur between 2 June 2014, when he took up his duties, and 13 November 2014.

34. The Special Rapporteur sent a series of appeals and communications to governments on the situation of human rights defenders, as mentioned above.

35. On 10 and 11 June 2014, the Special Rapporteur took part in a meeting in Bern organized by the Swiss presidency of the Organization for Security and Cooperation in Europe (OSCE) for the launch of the OSCE guidelines on human rights defenders. On that occasion, he commended the initiative taken by OSCE to develop this guide for human rights defenders in the region.

36. On 13 June 2014, he held a series of consultations with human rights defenders present in Geneva during the twenty-sixth session of the Council and in Brussels, at a meeting organized by the European Union on the European Initiative for Democracy and Human Rights.

37. The same day, he participated in a parallel event in Geneva entitled “From threats to opportunities: Business and human rights defenders”, organized by International Service for Human Rights and the Legal Resources Centre of South Africa.

38. On 17 June 2014, he took part in a meeting organized in Brussels by the Permanent Mission of Ireland on the occasion of the tenth anniversary of the European Union Guidelines on Human Rights Defenders and held consultations with representatives of the European Union. He took the opportunity to discuss regional consultations and the assessment of the European Union Guidelines on Human Rights Defenders with representatives of the European Commission.

39. On 26 August 2014, he took part in a day-long meeting organized by the French Ministry of Foreign Affairs on human rights defenders, attended by all the French ambassadors, on the implementation of the European Union Guidelines on Human Rights Defenders.

40. On 15 September 2014, he took part in a panel discussion on the European Union Guidelines on Human Rights Defenders, held during the Council session.

41. From 29 September to 3 October 2014, he participated in the annual meeting of special procedures mandate holders organized by the Office of the High Commissioner for Human Rights and the Coordination Committee of Special Procedures.

42. On 24 October 2014, he held a meeting with the President and Commissioners of the Inter-American Commission on Human Rights and its Special Rapporteurs on Human Rights Defenders and Freedom of Expression to discuss with them possible avenues of cooperation.

43. On 10 November 2014, he attended a lecture organized by the German Institute for Human Rights and the organization Brot für die Welt on the role of human rights defenders and business.

44. He met the permanent representatives of various missions in Geneva to discuss matters relating to the exercise of his mandate. Together with his team, and other special procedures mandate holders, he held discussions on possible synergies and cooperation in the future.

### **III. Strategic workplan**

45. This section sets out the way in which the Special Rapporteur envisages implementing his mandate. It constitutes a road map for the activities that await him over the coming years.

#### **A. Detailed analysis of trends and problems**

46. The Special Rapporteur notes that, like his predecessors, he will be able to carry out his basic task of protecting human rights defenders more effectively if he keeps up to date with friends and constants in this area.

47. In accordance with Council resolution 16/5, under which the Human Rights Council decided to study trends, developments and challenges in relation to the exercise of the right of anyone, acting individually or in association with others, to promote and protect human rights and fundamental freedoms, the Special Rapporteur began his time in office by holding a series of regional consultations, at which he met about 40 human rights defenders at a time, region by region, and undertook a detailed consideration with them of national and regional trends, the threats facing specific groups, the reprisals to which they are subject and the methods of protection developed over the past few years, in order to assess their relevance and to develop them either on a case-by-case basis or in a more systematic way. The first consultation was held in Tunis in October 2014, followed by a consultation in Tbilisi, Georgia, in November 2014 and another in Manila, Philippines, in December 2014. Consultations will be held in the Americas and Africa in the first half of 2015.

48. At these consultations, a systematic presentation is made of the mandate, its objectives, its working methods, the options open to human rights defenders and the possibilities provided by the mandate to protect them.

49. Such consultations provide an opportunity to bring together human rights defenders from a specific region working on various themes and topics and to share with them information on the human rights situation. In addition to the sharing of experiences and good practices, these consultations provide a unique opportunity to assess the effectiveness of protection mechanisms from the point of view of human rights defenders and to establish what they expect from the mandate.



50. Where relevant, discussions are held on how human rights defenders perceive the effectiveness of the regional mechanisms of the African Commission on Human and Peoples' Rights and the Inter-American Commission on Human Rights and of the European Union Guidelines on Human Rights Defenders and the guidelines issued by a number of other countries.

51. Part of the discussion focuses on national legislation. This helps the Special Rapporteur understand the best ways of providing States with technical cooperation and enabling them to develop specific national legislation to ensure better protection for the work of human rights defenders.

52. Such regional consultations will provide material for the country visits that the Special Rapporteur is currently preparing. The outcome of these regional consultations will inform the next report that the Special Rapporteur will submit to the General Assembly in 2015, which should promote reflection among Member States on the future direction of the mandate. The report will contain a series of recommendations intended for all the stakeholders, aiming at ensuring a faster, more personal and more effective response to the protection-related needs of human rights defenders throughout the world.

53. In addition to consultations with human rights defenders, the Special Rapporteur will, with a view to making a more detailed analysis, continue to schedule meetings with State representatives when they are in Geneva or in other countries to participate in discussions, round tables or lectures. The aim of such meetings is, first, to hear their comments and points of view on how trends are developing, the effectiveness of protection mechanisms and the impact of national laws on the protection of human rights defenders. Such meetings will also make it possible to discuss with State representatives, as indicated by Council resolution 25/18, the fact 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. There will also be room to discuss the use of legislation to hinder or limit unduly the ability of human rights defenders to conduct their work. This is one of the themes on which the Special Rapporteur will be working in the near future.

## **B. Identification of the threats to which human rights defenders are most exposed, with a view to providing for more effective protection**

54. During his first consultations in Geneva and Brussels and the bilateral discussions that he held with representatives of regional networks of human rights defenders, the Special Rapporteur was struck by the repeated statements drawing his attention to the groups that were most exposed: those working on economic, social and cultural rights and minority rights; environmental defenders; defenders of LGBTI rights; women defenders and those who work for women's rights; defenders who work in the area of business and human rights; those who work in an area exposed to internal conflict or a national disaster; defenders living in isolated regions; and those working on past abuses, such as the families of victims of enforced disappearance.

55. This is a central feature of the kind of communications received by the mandate holders on the promotion and protection of the right to freedom of opinion and expression, on the right to freedom of peaceful assembly and of association and on the situation of human rights defenders and also by other mandate holders, such as the Working Group on Enforced or Involuntary Disappearances or the Special Rapporteur on extrajudicial, summary or arbitrary executions.

56. The Special Rapporteur has noted with great interest that, over the past few years, human rights defenders have been active in ensuring that the protection promised by the Universal Declaration of Human Rights is extended to new threats to human dignity. As a result of their work to combat gender-related violence against women, they argue that rights should be protected also within the household and the community. They contend that multinational corporations should be held morally and legally liable for their actions and omissions that deprive men and women of their fundamental rights. They are working to ensure that universal access to primary education and antiretroviral treatment becomes a fundamental right and is not treated as a service that is dependent on charitable action or an aspect of economic development.

57. Human rights defenders are often exposed to the same threats and attacks, but some are more exposed or more threatened, or are subjected to particular attacks, in the form of smear campaigns, intimidation, stigmatization, threats to their families, defamation, accusations, ridicule or red tape.

58. The Special Rapporteur intends to consider extending the protection mandate entrusted to him as widely as possible and to go to great lengths in exercising his mandate, where necessary, in order to keep the Council and the General Assembly informed. Like his predecessors, he will seek to develop new and even more sophisticated methods to help protect the rights of human rights defenders.

### **C. Promotion of closer cooperation with all the parties concerned**

59. There are many parties involved in the promotion of the Declaration on Human Rights Defenders and their protection: States, above all, and then the United Nations, regional mechanisms for the protection of human rights defenders, national human rights institutions, NGOs, regional human rights courts and the media.

60. States have primary responsibility for protecting human rights defenders and the Special Rapporteur intends to make technical cooperation with governments a central feature of his activities, where this is possible and desirable. Such activities may take place in Geneva, with the permanent missions, but the Special Rapporteur notes that he is available to travel to capitals for meetings with representatives of governments that are willing to cooperate with him.

61. The United Nations system has a vital role to play in contributing, to a greater or lesser extent, to the protection of human rights defenders who are exposed to risk. This applies particularly to peacekeeping missions, where they have a specifically human rights mandate, such as the United Nations Stabilization Mission in Haiti (MINOSA), the United Nations Office in Burundi and the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo (MONUSCO). The Special Rapporteur intends to make contact with heads of peacekeeping missions and the Department of Peacekeeping Operations in New York to present his mandate and set out possible areas of cooperation to ensure better protection for human rights defenders facing conflict, internal disturbances or post-conflict situations.

62. Relations with United Nations country teams on the ground, with specialized institutions and with bodies of the United Nations system could be strengthened in order to ensure that, acting in accordance with their individual mandates, they can contribute more effectively to the protection of human rights defenders. At the first regional consultation, troubling evidence was put forward on the absence of responses, or inadequate responses, from some United Nations staff members concerning the protection-related needs of human rights defenders. In his next report on regional consultations, the Special Rapporteur will provide the Council with more detail and put forward possible courses of action.

63. Regional organizations can and must play a role in the protection of human rights defenders. The Special Rapporteur's predecessors initiated and developed good relations with the African and inter-American mechanisms. The Special Rapporteur participated with interest in the inter-mechanism consultation, held in Paris, where the parties explored avenues for closer cooperation, which will need to be assessed before their scope is extended. Such cooperation could take a number of different forms: joint public appeals, joint missions or the publication in the media of joint opinion columns.

64. The Special Rapporteur considers that the principle of subsidiarity should apply to the protection of human rights defenders. It is the responsibility of States, above all, to protect defenders by such means as the adoption of legislative or regulatory measures aimed at their protection. The Special Rapporteur intends to redouble his efforts to convince governments to introduce specific national measures, as Brazil, Colombia, Cote d'Ivoire and Mexico have done. He intends to hold consultations and publish a study on this topic, with a view to showing the effectiveness of national mechanisms to ensure the protection of human rights defenders and the measures that should be taken to improve their efficiency.

65. If States fail to take action, therefore, regional mechanisms should, where they exist and where possible, be in a position to take action to ensure the protection of human rights defenders. Unfortunately, by contrast with Africa and the Americas, there is no specific mechanism in Europe or Asia.

66. The Special Rapporteur has initiated extremely promising contacts with the Commissioner for Human Rights of the Council of Europe and the European Union Special Representative for Human Rights, who both requested him to maintain coordination in Europe with their respective mandates. The same applies to OSCE, which, with the publication of its guidelines on human rights defenders, has provided its member States with a useful tool.

67. The previous Special Rapporteur highlighted the specific role that national human rights institutions could play in the promotion and protection of human rights defenders (see document A/HRC/22/47). The Special Rapporteur intends to develop closer ties with human rights institutions both individually and collectively through the International Coordinating Committee, regional networks or national institutions to ensure publicity for the Declaration on Human Rights Defenders.

68. National human rights institutions accredited with "A" status should play a primary role in protection and should take responsibility for following up recommendations addressed to their government by the United Nations and other intergovernmental organizations. The Special Rapporteur counts on their active participation in the preparation and follow-up of visits that he will undertake in their countries, including the short follow-up visits mentioned earlier in this report.

69. While acting in accordance with the working rules of special procedures mandate holders and upholding the independence required of each of them, the Special Rapporteur intends to continue and develop his excellent relations with international, regional and national NGOs working for the protection of human rights defenders, particularly NGOs that are specifically involved in the protection or relocation of defenders.

70. These organizations do remarkable work in protecting and training human rights defenders on the ground, but such training must be extended and should not be given only to defenders who live in the capitals or other large cities. The first regional consultations highlighted a pressing need for training, for which the Special Rapporteur counts on the relevant NGOs.

71. The Special Rapporteur intends to develop cooperation with regional courts, which, thanks to interim measures, among others, successfully provide protection for human rights defenders, particularly those threatened with refoulement or return to countries at risk. He has already been in contact with the Inter-American Commission on Human Rights and the Council of Europe about this. There is significant evidence to show the effectiveness of such measures when they are adopted by States.

72. The Special Rapporteur intends to draw on lessons learned from his cooperation with regional courts to establish the effectiveness of his activities as a third party in individual cases or in *amici curiae* briefs with the aim of providing regional courts with more information.

73. The Special Rapporteur does not rule out the idea of appearing before national courts as a third party in individual cases or in *amici curiae* briefs with the appointed counsel, where appropriate.

74. Lastly, with regard to cooperation with other stakeholders, the Special Rapporteur would like to recall the vital role played by the media and the social media in promoting the Declaration on Human Rights Defenders and the effective protection of defenders. Numerous cases of journalists who have reported on or written articles about human rights violations, and also cases of whistle-blowers and bloggers, have come to the attention of the Special Rapporteur, who considers them to be human rights defenders, in that they meet the criteria set out in the Declaration on Human Rights Defenders. He means to extend and strengthen his cooperation with the media as part of the implementation of his mandate.

#### **D. Wider dissemination of the Declaration on Human Rights Defenders**

75. Sixteen years after its adoption by the General Assembly, the Declaration on Human Rights Defenders has been very widely disseminated and promoted by the various stakeholders. Significant efforts have been made to translate it into an ever-growing number of national and local languages. Despite this, it is still too little known by those responsible for its implementation, namely governments, or by those who could benefit from it, namely human rights defenders.

76. Among the activities that he will pursue, therefore, the Special Rapporteur will pay special attention to the promotional aspects of the Declaration and will encourage States, international organizations and other parties to make an additional effort to make steady progress in translating it into more national and local languages. He will continue to lobby permanent missions and other stakeholders to remind them that, in paragraph 10 of its resolution 62/152, the General Assembly encourages States to translate the Declaration into their national languages and to take measures to improve its dissemination.

77. At every meeting, the Special Rapporteur will ask the authorities of the countries that he visits about measures taken to promote awareness-raising and training activities relating to the Declaration in order to enable officials, agencies, authorities and the judiciary to implement the provisions of the Declaration and thus promote better understanding and respect for individuals, groups and organs of society engaged in promoting and defending human rights.

78. In view of the threats and risks to which human rights defenders living in isolated areas are exposed, the Special Rapporteur intends to make a particular effort to make sure that the Declaration reaches them so that they can benefit from the protection it provides.

79. The Special Rapporteur welcomes all the initiatives taken by States or intergovernmental organizations, including the European Union, OSCE, Norway, Switzerland and the United States to draw up guidelines for their diplomatic missions on

the protection of human rights defenders. Such initiatives are more than welcome, because they testify to a real will, over and above formal commitments, to promote a national or intergovernmental policy in support of human rights defenders. The Special Rapporteur calls on all States to follow this good practice and to designate within each of their diplomatic missions a focal point who is known to human rights defenders and who can translate such guidelines into reality.

## **E. Closer cooperation with other mandate holders**

80. The Special Rapporteur has been struck by the number of cases that relate not only to his own mandate but also to freedom of association or freedom of expression. Restricting freedom of assembly and association is often one of the first measures used by States to suppress human rights defenders and prevent them from promoting and protecting rights and freedoms. The recent reports submitted to the Council by the Special Rapporteur on the rights to freedom of peaceful assembly and of association<sup>2</sup> and the numerous complaints received show that this trend is still on the increase, as the Council also noted in the preamble to its resolution 25/18. The Special Rapporteur intends to strengthen cooperation with other mandate holders and suggest new forms of collaboration.

81. Undue restrictions on freedom of expression or opinion are often imposed by States to prevent human rights defenders expressing themselves or engaging in activities to protect and promote fundamental rights and freedoms. That is one of the topics covered in the reports of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression.<sup>3</sup>

82. While preserving the independence of his mandate, the Special Rapporteur intends to extend his partnership with the mandate holders that have the mandates closest to his own, in the interests of ensuring better protection for human rights defenders and drawing the attention of the international community to the methods used by States to suppress or hinder the activities of human rights defenders. He will suggest forms of joint or concerted action with these two other mandate holders, which may eventually lead to joint activities or country visits.

83. The Special Rapporteur hopes to develop a series of joint activities, as appropriate, with other thematic mandate holders also dealing with cases of threats, attacks or violations of the rights of human rights defenders.

84. The Special Rapporteur intends, where relevant, to act more closely with country mandate holders to increase the effectiveness of the protection provided to human rights defenders in the countries for which they are responsible and will explore with them the possibility of extending the good practices of some mandate holders who include a specific section on the situation of human rights defenders in their reports.

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<sup>2</sup> See the annual reports on the website of the Office of the United Nations Commissioner for Human Rights, [www.ohchr.org/EN/Issues/AssemblyAssociation/Pages/AnnualReports.aspx](http://www.ohchr.org/EN/Issues/AssemblyAssociation/Pages/AnnualReports.aspx).

<sup>3</sup> See the annual reports at the following address: [www.ohchr.org/EN/Issues/FreedomOpinion/Pages/Annual.aspx](http://www.ohchr.org/EN/Issues/FreedomOpinion/Pages/Annual.aspx).

## **F. Improved follow-up of communications, urgent appeals and country visits**

85. The database of communications sent to States and their replies shows to what extent a large number of governments<sup>4</sup> do not reply adequately to communications, urgent appeals or letters of allegation, however well documented. Their replies do not always cover the situation or the case concerned but simply set out the situation, often in very general terms, without really addressing the seriousness of the cases in question.

86. At his first consultations with human rights defenders, it became clear how pressing the issue of the follow-up of cases actually is. Few of the human rights defenders know whether a file that they have sent to a mandate holder has been received and what use has been made of the communication. While preserving the necessary confidentiality of information received and the use made of it, the Special Rapporteur considers that, at the very least, a formal acknowledgement of receipt should be made to any person, organization or network that has sent a communication or referred a case for action by the mandate holder, in accordance with the code of conduct and confidentiality that the Special Rapporteur observes with governments.

87. The current procedure is to send an automatic acknowledgement of receipt in response to a communication, without, however, stating what use will be made of that communication. The Special Rapporteur considers that this is not sufficient and he intends to look into how the communications system can be improved so as to make it more relevant and enable a faster and more appropriate response to be sent.

88. The Special Rapporteur believes that the pace of interventions should not be speeded up, otherwise it might be forgotten that the Special Rapporteur and his team have acted in hundreds of cases in the past, each one relating to an individual story that requires a specific response; silence is the worst possible response.

89. Follow-up is important because, by drawing attention to cases that have had a positive outcome, it shows the good practices that can be reproduced or duplicated in order to increase the chances of obtaining positive results in a larger number of cases. Where possible, the Special Rapporteur will include positive stories in his reports in order to show the relevance or effectiveness of a good practice.

90. The Special Rapporteur intends to make the question of follow-up one of the major features of his activities and will regularly provide the Council and the General Assembly with detailed information on any failure to respond by regularly reporting on the follow-up to communications.

91. The Special Rapporteur intends to conduct and publish a study specifically relating to the follow-up to communications and on the impact that a failure by States to respond has on the situation of human rights defenders. He will regularly remind States that fail in this way of the number of cases to which they have not responded.

92. To a greater or lesser degree, all the stakeholders have a special responsibility to follow up communications and cases, but particularly governments, because they are responsible for preventing human rights violations, threats and attacks against human rights defenders and for taking action against impunity by prosecuting those responsible for human rights abuses.

93. The previous mandate holder showed the useful role that national human rights institutions can play in the follow-up to recommendations and the treatment of individual

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<sup>4</sup> The average response rate by States is around 45 per cent.

cases (see document A/HRC/22/47). The Special Rapporteur intends to make accredited national institutions privileged partners in following up recommendations in general but also in specific cases, as required.

94. Follow-up to country visits will also be an important element of the Special Rapporteur's activities. He intends, where possible, to increase the number of short visits that he makes in order to ask State authorities about follow-up to recommendations and urgent appeals.

95. The procedure will be that discussion panels will be set up with the stakeholders of the country concerned to address the situation in that country and identify the best way of ensuring more effective follow-up to recommendations. When such a discussion panel is arranged, the country authorities will be officially informed through their permanent mission and the Special Rapporteur will request the government to hold bilateral discussions, which will make it possible to gain a better understanding of the status of implementation of recommendations.

96. The Special Rapporteur will take the opportunity to offer technical assistance, based on best observed practices, in order to provide the government with the appropriate tools to implement recommendations more effectively.

## **G. Wider dissemination of good practices**

97. The effective protection of human rights defenders and the follow-up of specific cases will be one of the main features of the Special Rapporteur's activities, whether through communications or urgent appeals, country visits or short follow-up visits.

98. At the same time, the Special Rapporteur is well aware of the link between protection activities and promotion activities. He has been struck, during regional consultations, by the extraordinary vitality of human rights defenders, specialized NGOs and networks of defenders, who, over the 16 years since the adoption of the Declaration on Human Rights Defenders, have been able to develop and improve the mechanisms of protection, international solidarity and rapid reaction in the face of threats and attacks by, for example, using state-of-the-art technologies and social networks.

99. Some States and groups of countries have developed their own tools, guidelines, national legislation and visa or relocation mechanisms to prevent violations of the rights of human rights defenders more effectively and to protect those who need protection.

100. Seminars, round tables, forums and other forms of consultation have been organized on every continent to train human rights defenders, to teach them protection techniques and to protect their means of communication against surveillance risks. Such meetings provide an opportunity for exchanges of good practice and the Special Rapporteur will, where possible, respond positively to invitations made to him to participate in such meetings.

101. Lastly, the Special Rapporteur intends to join others in drafting a guide to good practices and to put every effort into the dissemination of good practices, which, when they are widely disseminated, so as to reach even the most isolated human rights defenders, can have a multiplier effect in protecting and promoting the right to defend human rights.

## **H. Greater visibility for the issue of human rights defenders**

102. During the first regional consultations, the human rights defenders expressed the importance of visibility for their situation and their role. They said they wished to see greater prominence given to positive stories about their work, their successes, the problems

they face, the means of protection, national good practices, the effectiveness of protection mechanisms and thematic analyses and any other elements required to develop their activities.

103. The Special Rapporteur is conscious of his responsibility to speak out loud and clear in support of the rights of human rights defenders against those who challenge them and to remind everyone that those who promote and defend human rights are ipso facto defenders, even if they are not members of an organization.

104. While acting in accordance with the working rules of special procedures mandate holders, the Special Rapporteur intends to make the visibility of his mandate and the work of human rights defenders a high priority, using all the means at his disposal. He intends to step up his communication activities with a view to raising awareness in the mass media, the social media and elsewhere of the importance of human rights defenders and their work.

105. He has started to publish a regular opinion column in various media and will do the same in the national and international press, either on his own or jointly with other mandate holders or regional mechanisms.

106. He wishes to use the same communication techniques to enhance his interaction with human rights defenders and to consider how best they can communicate more directly with him.

## **I. Action against reprisals**

107. At his meetings with human rights defenders, the Special Rapporteur has constantly heard reports of reprisals against those who have spoken to the United Nations, made statements, sent documents or messages, or cooperated with it. Reprisals or the threat of reprisals can take very sophisticated forms and States themselves have become aware of the power of reprisals to muzzle human rights defenders or prevent them from speaking out.

108. According to statements that he heard at his first consultations in Geneva and at regional consultations, such attacks may take a variety of forms: personal threats or threats against members of defenders' families, smear campaigns, death threats, physical attacks, kidnapping, judicial harassment, murder and other forms of police harassment or intimidation.

109. The Special Rapporteur has been struck by the number and the gravity of the threats directed at human rights defenders who make direct contact with regional or international organizations devoted to the protection and promotion of human rights in order to inform them of a situation or to report human rights abuses or violations.

110. The Special Rapporteur has noted with concern the report of the Secretary-General on cooperation with the United Nations, its representatives and mechanisms in the field of human rights (A/HRC/27/38), which is an annual report on reprisals against individuals or groups of individuals who have cooperated with the United Nations in the field of human rights, including the special procedures. This document is important for its symbolic value, even though it discusses only a small number of cases.

111. The question of reprisals was addressed a number of times at the annual meeting of special procedures mandate holders. Special rapporteurs gave first-hand accounts of reprisals against human rights defenders with whom they had worked during their visits or who had been dissuaded by the police from meeting them. The Special Rapporteur raised this question with the High Commissioner for Human Rights at the meeting and he wishes here to express publicly his recognition of the fact that the High Commissioner has referred directly in his public statements in a number of countries to cases of human rights defenders who have been threatened.



112. At the same meeting, the question of reprisals was raised by the Special Rapporteur in a dialogue with the Deputy Secretary-General of the United Nations, whom he informed of the failure by some resident coordinators to show their commitment to human rights defenders or to support requests for protection from some witnesses. The special procedures mandate holders emphasized the role of resident coordinators in this connection, including the need that, as senior representatives of the United Nations on the ground, they should support special procedures mandate holders dealing with cases of reprisals against persons with whom they had been in contact and should conduct the necessary follow-up when the mandate holders have left the country.<sup>5</sup>

113. The Special Rapporteur recalls the joint statement made on 15 March 2012 by the rapporteurs on human rights defenders of the United Nations, the African Commission on Human and Peoples' Rights and the Inter-American Commission on Human Rights on reprisals against individuals and groups who seek to cooperate with the United Nations, the African Commission on Human and Peoples' Rights and the Inter-American Commission on Human Rights. He welcomes the determined attitude adopted by the President of the Council in calling on all States to combat such reprisals.

114. The Special Rapporteur recalls that, in their joint statement on the occasion of Human Rights Day 2013, the special procedures mandate holders expressed their profound concern regarding reprisals against persons who cooperated with them. Calling for a firm response to such reprisals, they said that they supported the designation of a United Nations focal point on the issue and looked forward to such a designation as soon as possible.

115. The Special Rapporteur emphasizes the importance of the joint statement by Botswana and a group of 47 States in March 2014 at the twenty-fifth session of the Council, which refer to the call by the Secretary-General and the High Commissioner for Human Rights for organizational coherence and a systematic approach by the United Nations to protect civil society actors and organizations better.

116. The Special Rapporteur is very mindful of this issue and wishes to help raise the awareness of the international community, particularly as regards the role that the United Nations should play in dealing with the issue and getting States to face up to their responsibility.

117. He wishes to note the need to move to greater oversight and action to ensure respect for the standard-setting agreements and rules of procedure of the United Nations, the African Commission on Human and Peoples' Rights and the Inter-American Commission on Human Rights, which explicitly prohibit reprisals by State and non-State players.

118. The Special Rapporteur intends to engage in specific work in the area of reprisals, on the basis that any person who cooperates with the United Nations or international organizations, or who reports abuse or human rights violations, may be considered a defender, in view of his or her activities to protect rights and freedoms.

#### IV. Conclusions

**119. The Special Rapporteur confirms his intention to devote a large part of his time and energy to carrying out his work, with a view to serving the cause in which he believes.**

<sup>5</sup> See the report of the twenty-first annual meeting of special rapporteurs/representatives, independent experts and chairpersons of working groups of the special procedures of the Human Rights Council (29 September–3 October 2014) on the website of the Office of the High Commissioner for Human Rights, [www.ohchr.org/EN/HRBodies/SP/AMeeting/Pages/AnnualMeeting.aspx](http://www.ohchr.org/EN/HRBodies/SP/AMeeting/Pages/AnnualMeeting.aspx).

120. While observing the working rules applying to special procedures mandate holders, the Special Rapporteur intends to interpret his mandate as widely as possible in order to make it as effective as possible, basing his approach on the results obtained by his predecessor and on the knowledge acquired and the working methods used. He means to explore new avenues and innovative working techniques, where that seems appropriate, and to inform the Council of his activities on a regular basis.

121. This first report to the Council constitutes a road map for the Special Rapporteur to establish a way forward for the activities that he has begun to undertake. The first regional consultations have given him a clear vision of the manner in which he will carry out the task entrusted to him by the Council.

122. The Special Rapporteur welcomes the extension of his mandate and will bear in mind the preamble and recommendations of resolution 25/18, which he sees as constituting the focus of his work in the future.

123. He intends to publish, at the end of his first three years in the mandate, an assessment of the implementation of his vision and his priorities, together with information on the difficulties and obstacles encountered, and to share this assessment with the members of the Council.

## V. Recommendations

124. Member States should:

(a) Ensure that human rights defenders can exercise their functions within a national framework properly supported by the appropriate legislative and regulatory texts, taking into account regional and national specificities, and remove the obstacles that some national laws may place in the path of legitimate activities to promote and protect human rights engaged in by human rights defenders, with a view to providing them with more effective protection;

(b) Combat impunity for threats and violations aimed at human rights defenders by mounting impartial enquiries and ensure that their perpetrators stand trial and that victims obtain compensation;

(c) Respond more satisfactorily to communications received from the Special Rapporteur, by providing him with any information required, thereby facilitating a better understanding of the situations addressed in such communications and putting a stop to threats or rights violations directed at human rights defenders;

(d) Extend an open invitation to the Special Rapporteur, allow him to conduct any visit that he wishes to undertake without restricting its duration or scope, and enable him to move around the country, outside the capital, particularly in countries with extensive territories, so that he can meet human rights defenders who are isolated and cannot travel;

(e) Invite the Special Rapporteur to pay short follow-up visits, either directly or on the occasion of seminars, lectures or panel discussions, in order to enable him to consider the best way of assisting States to implement recommendations;

(f) Pay particular attention to the most exposed groups: those who work for economic, social and cultural rights or minority rights; environmental defenders; defenders of lesbian, gay, bisexual, transgender and intersex rights; women defenders and those who work for women's rights; defenders who work in the area of business and human rights; those who work in an area exposed to internal conflict or a natural

disaster; defenders living in isolated regions; and defenders working on past abuses, such as the families of victims of enforced disappearance;

(g) Provide State officials, particularly those who are in direct contact with communities of human rights defenders, with the necessary training on their role and rights and on the Declaration on Human Rights Defenders;

(h) Establish a national human rights institution or reform an existing institution in accordance with the Paris Principles and give it a mandate covering the protection and promotion of human rights defenders;

(i) Ensure that human rights defenders can participate without hindrance in the mechanisms of the United Nations and regional intergovernmental organizations, particularly within the framework of the universal periodic review and reports to the human rights treaty bodies;

(j) Ensure that acts of intimidation and reprisals against human rights defenders who cooperate with the United Nations, its representatives and mechanisms in the field of human rights and with international human rights bodies are firmly and unequivocally condemned;

(k) Ensure that any legislation criminalizing activities in defence of human rights through cooperation with international mechanisms is repealed;

(l) Undertake to implement and translate into their national language and local languages the Declaration on Human Rights Defenders in order to enable all human rights defenders to obtain access to it;

(m) In the case of countries that have adopted guidelines on the protection of human rights defenders, ensure that their embassies undertake a proper assessment of the effectiveness of their implementation;

(n) Provide embassies with funds earmarked for human rights defenders and facilitate access by defenders to international funding;

(o) Devote a chapter specifically to the question of human rights defenders in their national or international reports on the human rights situation;

(p) Undertake to implement Council resolution 24/24 on reprisals, allowing the designation of a high-level focal point to the United Nations, and, where appropriate, also designate a national focal point responsible for dealing with the question of reprisals at the national and international levels.

125. The United Nations should:

(a) Ensure that all agencies and programmes of the Organization are made more aware of the question of human rights defenders;

(b) Ensure that specific measures relating to human rights defenders are included in its programmes and activities;

(c) Ensure that resident coordinators provide human rights defenders who are subjected to threats with systematic support and protection.

126. National human rights institutions should:

(a) Take effective measures to protect human rights defenders when they are in danger;

(b) Participate in the follow-up to recommendations by the Special Rapporteur on the situation of human rights defenders;

(c) **Commit the regional network to which they belong to holding meetings with regional networks of human rights defenders so that together they can plan joint action to protect defenders and promote the Declaration on Human Rights Defenders and guidelines on human rights defenders.**

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