

PROTECT – EMPOWER – SUPPORT

HUMAN RIGHTS DEFENDERS

United Nations Human Rights Council resolution 22/6 of 21 March 2013 establishes principles and standards for states to create an enabling environment for human rights defenders

The UN Human Rights Council

- Acknowledges that human rights defenders play an important role at the local, national, regional and international levels in the promotion and protection of human rights;
- Gravely concerned that, in some instances, national security and counter-terrorism legislation and other measures, such as laws regulating civil society organisations, have been misused to target human rights defenders or have hindered their work and endangered their safety in a manner contrary to international law;
- Recognises 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.



DO NOT CRIMINALISE WORK OF HUMAN RIGHTS DEFENDERS

Laws should not criminalise or delegitimise the work and activities of human rights defenders, and their right to enjoy universal human rights.



EXPRESS PUBLIC SUPPORT TO HUMAN RIGHTS DEFENDERS

States and leaders in all sectors of society must acknowledge publicly the important and legitimate role of human rights defenders in the promotion of human rights, democracy and rule of law, and avoid stigmatisation.



AVOID LEGAL RESTRICTIONS

All legal provisions affecting human rights defenders are clearly defined, determinable and non-retroactive, and any limitation must be lawful, proportionate, non-discriminatory and necessary in a democratic society.



PROTECT WOMEN HUMAN RIGHTS DEFENDERS

States should integrate a gender perspective to create an environment that prevents systemic and structural discrimination and violence faced by women human rights defenders.



PROTECT DEFENDERS OF MINORITIES

Legislation is not to target activities defending the rights of persons belonging to minorities or espousing minority beliefs.



GUARANTEE FREEDOM OF ASSOCIATION

If procedures governing the registration of civil society organisations exist, ensure that they are transparent, accessible, non-discriminatory, expeditious and inexpensive.



RESPECT NGO AUTONOMY

Ensure that all legal provisions affecting human rights defenders are clearly defined, determinable and non-retroactive and reporting requirements do not inhibit functional autonomy of NGOs.



AVOID LIMITING ACCESS TO FUNDING

Laws shall not impose restrictions on potential sources of funding to human rights activities, other than those ordinarily laid down for any activity unrelated to human rights to ensure transparency and accountability. Hence, no law should criminalise or delegitimise human rights activities based on the geographic origin of funding.



FACILITATE PEACEFUL PROTESTS

Human rights defenders can perform their role and are not subject to human rights violations in the context of peaceful protests, or abuse of criminal and civil proceedings or threats of such acts. Legislation on public morals must be compatible with international human rights law.



AVOID RESORTING TO PUBLIC SAFETY RESTRICTIONS

Legislation on public safety and public order must contain clearly defined provisions, including the principle of non-discrimination, so that it is not used to impede or restrict the exercise of any human right.



GUARANTEE FREEDOM OF EXPRESSION

Decriminalisation of defamation is welcomed. Ensure that penalties for defamation is limited in order to ensure proportionality, and provisions do not prevent public officials from being held accountable.



ENSURE ACCESS TO MEDIA OF ONE'S CHOICE

Promote and facilitate at national level human rights defenders' access to and the use of any information technologies and media, including radio, TV and Internet.



ACCEPT DISSENTING VIEWS

States must ensure that dissenting views may be expressed peacefully.



GRANT ACCESS TO INFORMATION

Ensure information held by public authorities is proactively disclosed and transparent, and clear laws provide for a general right to receive such information, especially on grave violations of human rights.



AVOID LIMITING ACCESS TO DETAINEES

Allow appropriate international bodies and NGOs to access persons detained under anti-terrorism or other national security-related legislation, as well as providing them legal assistance.



ENSURE JUDICIAL INDEPENDENCE

Judiciary should be independent, impartial and competent to review effectively legislation affecting the work and activities of human rights defenders.



RESPECT RULE OF LAW

Measures should be in place to prevent the use of unreliable evidence, unwarranted investigations and procedural delays, including in criminal cases against human rights defenders.



SUPPORT COOPERATION WITH THE UN

Cooperation of civil society with the United Nations and its mechanisms must be facilitated in a transparent, impartial and non-discriminatory manner.



END ALL FORMS OF REPRISALS

Human rights defenders including their family members must enjoy adequate protection from intimidation and reprisals for cooperating with international organisations, and impunity for such acts must be ended.



REPORT ON THE SITUATION OF HUMAN RIGHTS DEFENDERS

States should include information on steps taken to create a safe and enabling environment for human rights defenders in their communications to the international community.



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