



**HUMAN
RIGHTS
HOUSE**
FOUNDATION

RIGHTS OF DEFENDERS

PRINCIPLES AND STANDARDS
PROTECTING AND EMPOWERING
HUMAN RIGHTS WORK



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About Human Rights House Foundation

Human Rights House Foundation (HRRHF) protects, empowers and supports human rights defenders and their organisations. To accomplish this, HRRHF brings organisations together in Human Rights Houses, and unites the Houses in an international network. HRRHF advocates with partner organisations to promote the freedoms of assembly, association, and expression, and the right to be a human rights defender – to ensure that individuals and organisations can work freely and openly to protect and advance human rights at home and abroad.

Today, independent human rights organisations work together in 16 Human Rights Houses in 11 countries. The Houses are located in Eastern & Western Europe, the Caucasus and the Balkans. HRRHF is based in Oslo, with an office in Geneva and representation in Brussels and Tbilisi.

www.humanrightshouse.org

REINFORCING A POSITIVE NARRATIVE

Human rights defenders around the world work to improve societies and contribute to peace and democracy. Defenders are agents for positive change and development, and are key in protecting against human rights violations and in advancing universal human rights.

“At a time when human rights defenders are being attacked, harassed and stigmatised around the world... we should pay tribute to these thousands of men and women to whom we owe so much.” UN Special Rapporteur on human rights defenders, Michel Forst.

Yet, threats, intimidation, attacks, criminal charges, and restrictions against human rights defenders are increasing in many parts of the world. Both State and non-State actors are seeking to shift the narrative on human rights defenders from protector of the people to enemy of the State, and the essential work of defenders is impeded by systematic and deepening restrictions on fundamental freedoms and foreign funding.

Human Rights House Foundation (HRRHF) believes it is essential to reverse this narrative, and

to increase understanding and national implementation of international standards that protect and support human rights defenders. More work is needed on implementation and on closing the gap between agreed norms and the realities on the ground.

The context is that while the situation has deteriorated for defenders, international standards have been strengthened in recent years. Following a series of significant resolutions since 2013, the UN adopted, by consensus, a 2017 resolution aimed at celebrating the essential role and work of human rights defenders.

These trends are of course connected: the more threats and restrictions, the greater the need for a response from the international community, with this coming in the form of standards and principles to protect defenders.

Yet this has led to a situation where States increasingly adopt texts in support of human rights defenders internationally, with governments often curtailing the activities of defenders back at home. This is a challenge of implementation – bringing international standards home – that continues to be core to

the work of Human Rights Houses and HRRHF.

“I deeply admire the courage and sacrifice of human rights defenders. These individuals and organisations are our eyes and ears and conscience,” UN Secretary General António Guterres.

The 2017 resolution sets the scene to praise human rights defenders, but it is also an opportunity to consider the protections afforded to human rights defenders, and to strengthen the implementation of them in each and every country. This is an opportunity that human rights defenders and civil society must grasp with both hands.

The consensus vote provides significant legitimacy to international and domestic activities to promote the work of human rights defenders, including with governments who can be hostile toward the issue. Put another way, activities relating to defenders should now have greater support at national level, given all governments have given their support to the resolution at international level.

USING THIS BOOKLET

For implementation of the standards to be effective, it is essential that human rights defenders know and understand their rights.

With this booklet, HRHF aims to promote and build understanding of international standards and provide clear, accessible, and targeted insight into the standards and the context that surrounds them. It is a tool for defenders to disseminate standards nationally, engage with authorities and hold them accountable to the commitments they make internationally, and initiate national conversations on the importance of defenders and their work.

The booklet is divided into 16 standards, inspired by the strong content of landmark resolutions related to human rights defenders and their work. It condenses the main points of each standard as outlined in the resolutions.

These clear and accessible standards can help human rights defenders to better understand protections and provide a support tool in awareness-raising campaigns. These standards can also assist defenders in national advocacy efforts.

The booklet provides insight and analysis into the interpretation and implementation of these standards. This is inspired by the commentary of experts such as UN Special Rapporteurs and by the experience

of HRHF and Human Rights Houses in Western and Eastern Europe, Balkans, and the Caucasus. To give context, the booklet then outlines the trends affecting each standard and provides recommendations for their implementation.

An essential aspect of this is to recall the obligations arising from the standards set forth by States themselves and to hold them accountable to their commitments. Human rights defenders and others can use the booklet to remind States of their international positions – on whether they co-sponsored, voted in favour, abstained, or voted against resolutions on human rights defenders.

This booklet provides a tool to do so, with a concise reference table of countries' voting records. This shows how countries acted internationally with regards to the most important resolutions on human rights defenders, bringing visibility and transparency on their commitments, or lack of them.

The standards confer both positive obligations (action) and negative obligations (refraining from an action). They are colored in green or red respectively to illustrate these obligations.

Non-State actors also have an interest in using this tool and the standards, as everybody should be introduced to the work of human rights defenders, the challenges they face, and the hostile environment in which they evolved

to promote protect and defend human rights.

WHO IS A HUMAN RIGHTS DEFENDER?

Human rights defenders are individuals who promote and protect all human rights through peaceful means without discrimination. Defenders can join groups of people with or without structure, or organisations such as associations or foundations. Anyone, regardless of their occupation, can be a human rights defender; they are identified primarily by what they do rather than by their profession. Some human rights defenders are professional human rights workers, lawyers working on human rights cases, journalists or media workers, trade unionists or development workers. Other human rights defenders are not earning revenue from their work in favour of human rights.

Active in every part of the world, human rights defenders mostly work at the local or national level, supporting respect for human rights within their own communities and countries. Some also work to engage with the international community on human rights, advocating at the United Nations, regional bodies such as the European Union or Council of Europe, and in State capitals.

The right to be a human rights defender ensures they are able to carry out their work unhindered, and under the protection of



Photo: Human rights defenders from around the network of Human Rights Houses gathered in Oslo.

national law if needed. It includes work on all human rights, and choice of method, whether it is advocating for human rights through peaceful protests or social media, establishing human rights organisations, working on legal cases, or any other non-violent means. This right requires the enjoyment of many other rights, principally the fundamental rights to expression, association, and assembly, but also to many others, as outlined and explored further in the standards set out in this booklet.

FURTHER RESOURCES

This booklet has been produced as part of a HRHF and Human Rights House campaign to promote the work of human rights defenders and the standards protecting, empowering and supporting their work.

HRHF has produced additional visual materials relating to the standards and an annex with more in-depth referencing to the full language of the resolutions. These materials and a link to download this booklet, together with news and insights into campaign activities of the Human Rights Houses and HRHF, will be published on humanrightshouse.org.

As part of the campaign, Human Rights Houses will translate this booklet and related materials into their local languages. These will also be made available online.

For more information related to this booklet or HRHF's work, please contact:

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PUBLICLY SUPPORT HUMAN RIGHTS DEFENDERS



Political leaders – as well as business, media, and religious leaders – must “acknowledge publicly the important and legitimate role of human rights defenders in the promotion of human rights, democracy and the rule of law.” They should do so through “public statements, policies or laws... including by condemning publicly all cases of violence and discrimination against human rights defenders.”

In cases of violence and discrimination, “leaders in all sectors of society... should take a clear stance in rejection of such practices.” This includes “political, military, social, and religious leaders and leaders in business and the media.”

As outlined in:

- April 2013 Human Rights Council resolution, (UN Doc: A/HRC/RES/22/6), OP 5.
- December 2015 United Nations General Assembly resolution (UN Doc: A/RES/70/161), OP 4 and OP 21.

ANALYSIS

“Statements, policies, and laws” are not exhaustive as the means to publicly support human rights defenders. They should serve to inspire all leaders in society to use all means necessary and available.

The responsibility to protect human rights defenders lies primarily with States. Yet, the responsibility to express public support extends to all actors in society and to all agents of the State, who should also take a clear stance rejecting violence and discrimination against human rights defenders.

CONTEXT

Public recognition of the valuable role of human rights defenders is an essential element to ensure their protection. It is a first step toward “preventing or at least reducing threats and risks against them,” as mentioned by the UN Special Rapporteur on human rights defenders.

This first step must be followed by deeper commitment and concrete policies from States to create a safer environment. When human rights defenders face attacks by groups in society, in particular by groups defending so-called “traditional values,” public support by State officials sends a message of accountability that is essential to prevent further violence.

In countries where human rights defenders are targeted by slander campaigns and portrayed as enemies of the State, public support for their work legitimises them in society. Even more significantly, it encourages human rights defenders to pursue their work.

DON'T CRIMINALISE DEFENDING HUMAN RIGHTS



States must ensure that “the promotion and the protection of human rights are not criminalised,” and that human rights defenders “are not prevented from enjoying universal human rights owing to their work.” Everyone’s right to enjoy universal human rights includes the right to defend such rights without undue hindrance.

“Everyone shall respect the human rights of others.” Human rights defenders as any other human being have the right to enjoy universal human rights and to associate with others in doing so. This right should not be jeopardised or undermined solely due to the nature of their work. Legislation affecting human rights defenders must be “clearly defined, determinable, and non-retroactive.” Limitations placed on human rights defenders must be “lawful, proportionate, non-discriminatory and necessary.”

As outlined in:

- Declaration on Human Rights Defenders, December 1998 (UN doc: A/RES/53/144).
- April 2013 Human Rights Council resolution (UN Doc: A/HRC/RES/22/6), OP 4, 9, 11, 11 (a), and 11 (d).

ANALYSIS

Criminalisation of human rights defenders in this context is any attempt to discredit, undermine, sabotage, or impede their work through the use of the legal system or the manipulation of the public discourse.

This could be criminal charges to protect the honour of public officials (defamation), misuse of counter terrorism and national security related laws, misuse of precautionary measures, or the introduction of legislation criminalising unauthorised work on human rights. It could also be arrest and prosecution on false charges, stigmatisation by public officials, or restrictive measures around social protest and public demonstrations, as outlined in the report *Criminalisation of Human Rights Defenders*, by the Inter-American Commission on Human Rights.

CONTEXT

In many parts of the world, governments continue to introduce legislation that criminalises so-called “political activities” and associating to defend human rights without prior authorisation. Such legislation is often vague, introduced with retroactive

measures, and generally does not appear necessary to avert any real danger to the democratic order. Criminal provisions often appear disproportional in view of the offense committed, particularly provisions regulating the operation of NGOs.

Human rights defenders are often subjected to unfounded criminal proceedings in order to paralyse or delegitimise their work, especially when they criticise authorities. By bringing fabricated charges against defenders, authorities aim to give a shine of legality to their detention. This leads to a hostile and repressive environment in which human rights defenders struggle to promote and defend human rights.

States must avoid measures that aim at stigmatising, delegitimising, challenging, and ultimately criminalising work in defence of human rights. States should instead take an active role in implementing standards that ensure a safe environment for human rights defenders, including through ensuring that legislation does not exert control over human rights defenders and their activities.

END RESTRICTIONS ON NGO FUNDING



States should not impose restrictions on potential sources of funding for human rights activities, other than “those ordinarily laid down for any activity unrelated to human rights to ensure transparency and accountability.”

“No law should criminalise or delegitimise human rights activities based on the origin of funding.” Legislation governing the funding of civil society should be “transparent and non-discriminatory.”

As outlined in:

- April 2013 Human Rights Council resolution (UN Doc: A/HRC/RES/22/6), OP 9.
- December 2015 United Nations General Assembly resolution (UN Doc: A/RES/70/161), OP 10 (d).

ANALYSIS

NGOs should be free to engage in fundraising activities under the same regulations that apply to other entities and the State, whether working on human rights or other activities. In this sense, States must not adopt regulations targeting NGOs, particularly those working on human rights.

Discriminatory measures include limiting access to funding by

imposing extensive scrutiny or cumbersome fiscal procedures for NGOs.

The origin of funding must not be used as leverage to put pressure on NGOs or as justification to discredit or criminalise their work. States should not base limitations on access to funding on the geographic location of the donor – whether inside or outside the country where the recipient NGO operates.

The UN Special Rapporteur on assembly and association and the Venice Commission have developed standards affirming that the right to access funding, including from foreign sources, derives from the right to freedom of association and is an integral part of it.

CONTEXT

More and more countries are adopting restrictive and stigmatising laws and practices that hinder foreign funding for civil society, especially human rights organisations and defenders, as documented in the report “Funding Civil Society,” published by Human Rights House Foundation. Since 2012, more than 60 States have adopted legislation criminalising foreign funding for human rights

work, including Azerbaijan, Belarus, Russia, India, and Ethiopia, with the trend expanding to countries such as Hungary.

The UN Special Rapporteur on human rights in Belarus calls foreign funding restrictions the “new Berlin Wall” in his foreword to the report “Resisting Ill Democracies in Europe,” published by Human Rights Houses, Human Rights House Foundation, and partners. The Special Rapporteur on assembly and association documented that such laws are not necessary, but are merely a tool to control, restrict, and ultimately hinder access to funding for NGOs not obedient to the government. With such laws, authorities aim at replacing independent civil society with groups indebted to those in power.

Restrictive mechanisms have proven effective because foreign funding is often the only financial support available to human rights NGOs. This restriction impedes organisations’ sustainability, autonomy, and ability to work. The consequence is that critical voices are suppressed.



RESPECT NGO INDEPENDENCE

States should “fully recognise the importance of the independent voice of human rights defenders and other civil society actors,” including by “respecting the independence of their organisations.”

They should “respect, protect and ensure the right to freedom of association of human rights defenders,” and “ensure that reporting requirements placed on individuals, groups and organs of society do not inhibit functional autonomy.”

As outlined in:

- December 2017 United Nations General Assembly resolution (UN Doc: A/RES/72/247), OP 5.
- April 2013 Human Rights Council resolution (UN Doc: A/HRC/RES/22/6) OP 5, 8, 9.

ANALYSIS

States must not interfere with the work of NGOs or use means to pressure or exert control over them in a way that compromises their independence and autonomy. The Human Rights Council has expressly called upon States to ensure that administrative requirements respect the functional autonomy of civil society actors.

Requirements and measures can influence the ability of organisations to freely choose the issues they work on, and to appoint their Board members and hire the staff of their choice. They can lead to self-censorship for fear of retaliation.

CONTEXT

Civil society is strong because it is independent, including from both governmental authorities and donors. NGOs freely choose their leadership and individuals join associations of their choice. This independence is essential to hold authorities accountable and to challenge non-State actors.

“States and others often impose more burdensome regulation upon associations, both in law and in

practice, with businesses receiving more favourable treatment,” states the UN Special Rapporteur on assembly and association.

Authorities put in place excessive regulations to give them power over the composition of the boards of organisations, and to generally provide authorities with an insight into the internal regulations governing NGOs. There is no need for such oversight, which harms NGO autonomy and is not applied to other sectors of society, such as business.

Such procedures also favour groups supportive of government policies. The space for independent civil society is increasingly occupied by such groups, as authorities aim at replacing independent civil society with groups loyal to those in power. Such groups obedient to the government are also eroding international mechanisms, as they compete with NGOs for participation at international fora.

Impeding on NGO independence is a threat to overall respect for human rights.

AVOID REGISTRATION AND LEGAL RESTRICTIONS



“Where legislation and procedures governing the registration and funding of civil society organisations exist,” they should be “transparent, non-discriminatory, expeditious, and inexpensive.”

Legislation affecting the activities of human rights defenders must be “clearly defined, determinable, and non-retroactive.” It must not inhibit the “functional autonomy” of NGOs.

Any limitations placed on human rights defenders must be “lawful, proportionate, non-discriminatory and necessary,” and should “allow for the possibility to appeal and avoid requiring re-registration.”

As outlined in:

- April 2013 Human Rights Council resolution (UN Doc: A/HRC/RES/22/6), OP 8.
- December 2015 United Nations General Assembly resolution (UN Doc: A/RES/70/161), OP 10 (d).

ANALYSIS

States do not need to adopt measures to govern the registration of civil society; they can do so, but it is not mandatory. In many countries with a high level of civil society engagement and indeed an enabling environment, prior registration is not mandatory.

If such regulations are in place, the UN has underlined that principles guiding the rule of law also apply to these regulations, meaning that they should be determinable, non-retroactive, lawful, proportional, non-discriminatory, and necessary. Furthermore, registration procedures should be expeditious, and not be used as a tool to slow down the establishment of organisations.

The possibility to appeal a decision should be included in the regulation, to provide civil society organisations with fair access to obtaining legal status. Provisions should not require re-registration, enabling organisations to be sustainable and look to the long-term.

CONTEXT

Procedures governing the registration of civil society organisations play an important role in the control of civil society space. With this in mind, the power to limit the right to freedom of association must be appropriately framed. States should not impose lengthy, burdensome or overly bureaucratic registration processes, as this would undermine the effective functioning of NGOs.

In some countries, registration applications filed by associations can take up to a month to be considered for approval, while business registration is considered complete the moment the application is filed, as stated by the UN Special Rapporteur on assembly and association.

Registration should never serve as a tool to control the establishment of organisations, but rather as a tool to provide them with a legal status in jurisdictions that require such a measure. Burdensome re-registration and reporting requirements usually do not meet the criterion of necessity, as they are solely used to control the activities of NGOs. Nor do they follow the principle of non-discrimination, as often more requirements are placed on civil society than on businesses. There are also doubts that such requirements are proportional, given the heavy requirements with regard to the budget of NGOs, in comparison to businesses for example.



END ALL FORMS OF REPRISALS

States must “refrain and ensure adequate protection from any act of intimidation or reprisals against those who cooperate, have cooperated or seek to cooperate with international institutions, including their family members and associates.”

The UN “strongly condemns the reprisals and violence against human rights defenders, for their advocacy of human rights, for reporting and seeking information on human rights violations and abuses.” Further, the UN condemns “all acts of intimidation and reprisal by State and non-State actors... against human rights defenders and their legal representatives, associates, and family members, and urges all States to give effect to the right to cooperate with international bodies.”

The Parliamentary Assembly of the Council of Europe calls upon States to “refrain from any acts of intimidation of and reprisals against human rights defenders, and in particular from physical attacks, arbitrary arrests, and judicial or administrative harassments.”

As outlined in:

- April 2013 Human Rights Council resolution (UN Doc: A/HRC/

RES/22/6), OP 14.

- December 2015 United Nations General Assembly resolution (UN Doc: A/RES/70/161), OP 6.
- March 2016 Human Rights Council resolution (UN Doc: A/HRC/RES/31/32), OP 5.
- December 2017 United Nations General Assembly resolution (UN Doc: A/RES/72/247), OP 8.
- January 2016 Parliamentary Assembly of the Council of Europe resolution (2095), OP 6.1.

ANALYSIS

This standard extends not only to situations in which human rights defenders cooperate with the UN, Council of Europe or other international organisations, but generally to every situation in which human rights defenders face reprisals related to their work. It includes retaliation for their advocacy work on human rights, and for their reporting on and seeking information on human rights violations and abuses.

This standard refers to all forms of reprisal, intimidation, pressure, smear campaigns, and all negative acts directed to intentionally harm human rights defenders, whether from State or non-State actors.

CONTEXT

Increased international visibility of human rights defenders has long been a key component of their security. Unfortunately, cooperating with international mechanisms has also become a reason for many to fear intimidation and reprisals against them, their relatives, and their organisations.

Reprisals threaten the ability of institutions to receive first-hand information from victims and witnesses of human rights violations. Civil society actors cooperating with international mechanisms need to enjoy the highest level of protection. In this sense, the Secretary General of the Council of Europe proposed in his 2016 Annual Report the establishment of a mechanism to strengthen the protection of human rights defenders, against reprisals related to their interaction with the Council of Europe.

States must refrain from any act of intimidation or reprisals against human rights defenders, and rather should help to create a safe environment by ensuring the right to cooperate with international mechanisms.

END ARBITRARY DETENTION AND ARREST



“No one shall be subjected to arbitrary arrest, detention or exile,” as set out in the Universal Declaration of Human Rights.

States should ensure that no one is subjected to “detention without due process guarantees and the deprivation of liberty that amounts to placing a detained person outside the protection of the law.”

Human rights defenders should not be arbitrarily detained or arrested for “exercising their human rights and fundamental freedoms, such as the rights to freedom of expression, or peaceful assembly and association.” States should “take concrete steps to prevent and put an end to arbitrary arrest and detention of human rights defenders.”

As outlined in:

- Universal Declaration of Human Rights, 10 December 1948, (A/RES/3/217), article 9.
- April 2013 Human Rights Council resolution (UN Doc: A/HRC/RES/22/6), OP 10 (c).
- December 2015 United Nations General Assembly resolution (UN Doc: A/RES/70/161), OP 8.

ANALYSIS

Arbitrary detention is the violation of the right to liberty outside of the confines of nationally recognised laws and international standards. This principle applies to all people, including human rights defenders – who are more subjected to these practices due to the nature of their activities.

The UN Working Group on Arbitrary Detention has identified an emerging trend of States arbitrarily depriving individuals of their liberty for being human rights defenders. The Group underscores that a “particularly intense review” must be conducted where human rights defenders are the subject of such prosecution. Further, when authorities detain people under “ordinary” criminal laws, but with a wrongful underlying purpose, they render these detentions as arbitrary.

Human rights defenders are particularly vulnerable to such practices, with authorities in some cases arbitrarily arresting and detaining defenders to prevent them from taking part in demonstrations or meetings.

CONTEXT

Authorities in some countries use arbitrary detention – pre-trial and imprisonment – as a tool to systematically repress human rights defenders, journalists, and activists. This practice violates procedural fair trial rights and substantive human rights such as freedom of expression, association, and assembly. This is underlined in “Breaking Point in Azerbaijan,” a report produced by Human Rights House Foundation.

States must create, review, and amend existing laws in order to have a complete and clear legal framework on detentions and arrests, which is consistent with international standards. They must closely monitor the implementation of these measures to ensure effective protection of the right to liberty.



ACCEPT DISSENTING VIEWS

States must ensure that “dissenting views may be expressed peacefully.” In this regard, they must refrain from taking measures aimed at criminalising freedom of expression and limit penalties for defamation, to “ensure proportionality and reparation commensurate to the harm done.”

As outlined in:

- April 2013 Human Rights Council resolution (UN Doc: A/HRC/RES/22/6), OP 11 and 11 (f).

ANALYSIS

Human rights defenders must feel secure, protected, and empowered to peacefully express their views, without pressure, self-censorship, or fear of reprisals. This means creating an environment in which a vibrant and strong civil society can flourish. Leaders should avoid stigmatising people with dissenting views and prevent attacks against human rights defenders who express dissenting views, including conducting proper investigations into such acts against them.

The manifestation of dissenting views can take different forms. It can be through peaceful protests or media, during public events, or through calling for boycotts, such as of an electoral process or a referendum. States must comply with both negative and positive obligations. That is, refraining from interfering with the right to express dissenting views, and adopting measures to protect the expression of views in a peaceful way.

CONTEXT

There is a trend for States to try to silence human rights defenders that express dissenting views, especially critics of the government and those divulging cases of corruption or reporting on human rights abuses. Similarly, after years of progress, States are now adopting more restrictive legislation that criminalises defamation online and offline.

In the case of boycotting elections, criminalisation of this dissenting view restricts the democratic space and diminishes the chances of political opposition, as underlined by the UN Special Rapporteur on human rights in Belarus.

Mindful of the significant negative impact of measures that restrict dissenting views, the Human Rights Council has sought to encourage States to address this trend. It has welcomed steps – such as decriminalising defamation – that “protect human rights defenders from being prosecuted for peaceful activities.”

Human rights defenders must be able to carry out their work without fear of retaliation for expressing critical points of view.

ENSURE FREE ACCESS AND CHOICE OF MEDIA



States must ensure that human rights defenders have “access to and use of information technologies and the media of one’s choice, including radio, television, and the Internet.”

This “should be promoted and facilitated at the national level... as an integral part of the enjoyment of the fundamental rights to freedom of opinion and expression.” States should avoid hindering people’s access to and use of media.

As outlined in:

- April 2013 Human Rights Council resolution (UN Doc: A/HRC/RES/22/6), OP 7.

ANALYSIS

Any unjustified and abusive action taken by governments to control and monitor online or offline media, such as censorship of the Internet, is a violation of the right to freedom of expression. People should be able to access and use information technologies or media of their choice. They should not face external pressure or abusive control by public authorities.

By interfering unduly in the access and use of information technologies, States impede the exercise of fundamental rights, including freedom of opinion and expression, the right to life, and a range of economic, social, and cultural rights, as underlined by the UN Special Rapporteur on freedom of opinion and expression.

CONTEXT

In some countries, authorities have blocked independent media that are critical of the government and cover human rights related issues. They have sought to shut down social media accounts of independent media outlets, bloggers, and human rights defenders.

The use of offline and online media is an essential tool for human rights defenders to promote their work and participate in the public debate. Actions that hinder them from accessing and promoting their views in the media aim to reduce their impact and their ability to reach out to the wider public.

States must realise the overall impact of ensuring access and use of media of one’s choice and take an active role in promoting and facilitating this, including through taking legislative steps abstaining from interference.



FACILITATE PEACEFUL PROTESTS

States should ensure that “human rights defenders can perform their important role in the context of peaceful protests.” To do so, they should facilitate peaceful protests by “providing protestors with access to public space and protecting them, without discrimination, where necessary, against any form of threat and harassment.”

In this regard, no one should be subject to “excessive or indiscriminate use of force, arbitrary arrest or detention, torture or other cruel, inhuman, or degrading treatment or punishment, enforced disappearance, abuse of criminal and civil proceedings, or threats of such acts.”

In the context of peaceful protests, States must ensure “accountability for human rights violations and abuses through judicial or other national mechanisms,” and provide victims with “access to a remedy and redress.”

Legislation designed to guarantee public safety and public order should not be used to “impede or restrict the exercise of any human right, including freedom of expression, association and peaceful assembly, which are essential for the promotion and protection of other rights.”

As outlined in:

- April 2013 Human Rights Council resolution (UN Doc: A/HRC/RES/22/6), OP 4 and OP 6.
- April 2014 Human Rights Council resolution on the promotion and protection of human rights in the context of peaceful protests (UN Doc: A/HRC/RES/25/38), OP 4 and 19.

ANALYSIS

States should take all means necessary to ensure that law enforcement officials do not use excessive or disproportionate force during peaceful protests. States must refrain from using unjustified pretences to abusively restrict the right to protest, such as through misusing anti-terrorism or national security measures. Rather, they should facilitate access to the public space and ensure the smooth holding of protests, without undue use of violence by law enforcement officials. Countries’ legal frameworks must contain effective, clear, and reasonable provisions on the right to protest; limitations should be a last resort. The right to protest lies in the recognition and protection of rights that include freedoms of expression and opinion, association, and peaceful assembly.

CONTEXT

Human rights defenders play a pivotal role in ensuring that protest and criticism are expressed in a peaceful and constructive manner. Yet, there is a systematic and deliberate pattern of authorities employing a crackdown on defenders and civil society groups during periods where public engagement is most needed, such as elections.

“States have criminalised the participation in and organisation of peaceful assemblies during election time, with a view to sanctioning or deterring those willing or intending to do so,” as underlined by the UN Special Rapporteur on assembly and association.

FIGHT AGAINST IMPUNITY, SHOW ACCOUNTABILITY



States must “combat impunity by investigating and pursuing accountability for all attacks and threats by State and non-State actors against any individual, group or organ of society that is defending human rights.”

To fight against impunity, States should “ensure an enabling environment for the work of human rights defenders and effective protection against acts of intimidation and reprisals against them, and conduct effective investigations into any such acts.”

“The responsibility for protecting human rights defenders lies first and foremost with States, and in some circumstances States may also be held responsible for the actions of non-State actors.” The fight against impunity will only be effective if “those responsible for violations and abuses against human rights defenders, including against their legal representatives, associates and family members, are promptly brought to justice through impartial investigations.”

As outlined in:

- December 2017 United Nations General Assembly resolution (UN Doc: A/RES/72/247), OP 7.
- March 2016 Human Rights Council

resolution (UN Doc: A/HRC/RES/31/32), OP 6.

- 28 January 2016 Parliamentary Assembly of the Council of Europe resolution (2095) OP 3 and 6.2.

ANALYSIS

Fighting impunity is essential for the security of human rights defenders. No matter the nature of the incident, attacks and threats against human rights defenders must be properly investigated, with the same diligence whether it is committed by a State or a non-State actor. The people responsible must be brought to justice.

When States fail to carry out effective investigations into acts against human rights defenders committed by non-State actors, their passivity can be perceived as tolerance of such acts. The inaction of States makes them as much responsible as the perpetrators of violations.

States must provide protections and guarantees to human rights defenders and adequately protect victims of attacks during judicial proceedings, such as by expressing support for defenders and publicly condemning the attacks.

States should align their judicial system with international standards to guarantee an appropriate judicial framework. They should use any means available to effectively fight against impunity.

CONTEXT

Impunity for crimes against journalists is a particular issue. The personal dangers of being a journalist, and impunity for crimes against them, infect whole societies with fear of reprisals and self-censorship. This weakens democracies and deprives the population of the balanced information they need to make choices. In several countries, there is a higher chance of going to prison for being a human rights defender than for murdering journalists. Where States are unwilling to deter such killings, impunity silences the voice of the free press.

UPHOLD RESPONSIBILITY OF BUSINESS



States should “adopt relevant policies and laws” to hold companies accountable for “involvement in threats or attacks against human rights defenders.” Non-State actors, including transnational corporations and other business enterprises, should “respect, promote and strive to protect the human rights and fundamental freedoms of all persons, including human rights defenders.”

Businesses should “avoid, identify, assess, and address any adverse human rights impact related to their activities, through meaningful consultation with potentially affected groups and other relevant stakeholders, in a manner consistent with the Guiding Principles on Business and Human Rights.” Further, they should “cooperate in remedial action... exchange best practices, and communicate... how they address their adverse human rights impacts.”

To protect human rights defenders from human rights abuses by businesses, States should “promote effective prevention, accountability, remedy and reparations.”

As outlined in:

- December 2017 United Nations General Assembly resolution (UN

Doc: A/RES/72/247), OP 12.

- March 2016 Human Rights Council resolution (UN Doc: A/HRC/RES/31/32) OP 18 and 19.

ANALYSIS

International bodies encourage non-State actors to assess the impact of their activities on human rights defenders affected by their activities. Non-State actors should refrain from and avoid being complicit in attacks, reprisals or acts of intimidation against human rights defenders, including those exercising their rights to freedom of expression, association, assembly, and protest against the business or its interests.

To avoid such situations, non-State actors, including business enterprises, must engage with and consult human rights defenders at an early stage. This should be through an open dialogue to identify, assess, and address human rights violations against defenders that may result from their activities and operations, as underlined by the UN Special Rapporteur on human rights defenders.

In this context, States should adopt relevant legislation and be involved at all stages to ensure businesses meet their responsibilities with regard to human rights.

CONTEXT

Environmental human rights defenders often highlight inconvenient truths for States and businesses, and for this can suffer from violence or other actions by both State and non-State actors. In some cases, they are demonised by their opponents as “anti-development” or “unpatriotic.” The UN Special Rapporteur on human rights defenders has called for all actors to “urgently and publicly adopt a zero-tolerance approach to the killing of and violent acts against environmental human rights defenders, and immediately launch policies and mechanisms to empower and protect them.”

Business enterprises must be involved in the protection of human rights defenders; they must take an active role in defending and promoting human rights through offering public support to them. Considering that their network and influence over the world can change policies, they must not neglect their ability to help protect of human rights defenders.

PROTECT WOMEN HUMAN RIGHTS DEFENDERS



“Respect and support for the activities of human rights defenders, including women human rights defenders, is essential to the overall enjoyment of human rights.”

States should take “all measures necessary to ensure their protection” and integrate a “gender perspective in their efforts to create a safe and enabling environment for the defence of human rights.” States should take an active role, including “appropriate, robust and practical steps” to protect women human rights defenders.

As outlined in:

- April 2013 Human Rights Council resolution (UN Doc: A/HRC/RES/22/6), OP 12.
- December 2013 United Nations General Assembly resolution (women) (UN Doc: A/RES/68/181), OP 3 and 5.
- December 2015 United Nations General Assembly resolution (UN Doc: A/RES/70/161), OP 14.
- June 2017 UN resolution on the Elimination of Discrimination Against Women and Girls (UN Doc: A/HRC/35/L.29).

ANALYSIS

International bodies call on States to tackle impunity for violations against women human rights defenders, and for States to ensure the participation of women human rights defenders in the development of effective policies and programmes related to their protection. The resolutions also underline the specific violence that women human rights defenders face, such as gender-based violence, rape, and other forms of sexual violence, harassment, and verbal abuse and attacks on reputation – online and offline.

It is not sufficient for States to adopt a gender perspective in their legal framework. They must go further, employing all means necessary and available to closely monitor the implementation of their measures to protect women human rights defenders.

CONTEXT

Women human rights defenders challenge gender inequality and stereotypes, advance sexual and reproductive rights, and promote women’s empowerment and participation in society. They are “more at risk of suffering certain forms of violence and other violations, prejudice, exclusion, and repudiation than their male counterparts,” as outlined by the UN Special Rapporteur on human rights defenders.

The determination and involvement of women human rights defenders is reflected in the UN system, where significant progress has been made in highlighting the disenfranchisement of this group and in protecting their rights. More and more resolutions focusing on the human rights situation of women are being adopted, forming a strong corpus of standards aimed at protecting them.

“Women human rights defenders fight on two levels: first as human rights defenders, and second as women. There is double discrimination and double-violence,” as indicated by woman human rights defender Lara Aharonian, director of the Women’s Resource Center in Armenia.

PROTECT HUMAN RIGHTS LAWYERS



Lawyers play a “critical role in upholding human rights” and should be able to “discharge their functions freely, independently and without any fear of reprisal.”

To guarantee the independence of lawyers, States must take “effective legislative, law enforcement and other appropriate measures,” enabling lawyers to duly carry out their professional functions.

States should adopt domestic legislation “to provide for independent and self-governing professional associations of lawyers and to recognise the vital role played by lawyers in upholding the rule of law and promoting and protecting human rights.”

As outlined in:

- June 2017 Human Rights Council resolution on independence and impartiality of the judiciary, jurors and assessors, and the independence of lawyers (UN Doc: A/HRC/RES/35/12) OP 1, 7, and 15.

ANALYSIS

“Human rights lawyer” refers to any lawyer who provides legal counsel to victims of human rights violations, regardless of membership in a professional association.

To guarantee fair trial rights, governments must avoid interfering with the rights of lawyers to represent the clients of their choice and to work on the issues they choose. They must ensure human rights lawyers have the same level of access and possibility to communicate in confidence with their clients as any other lawyers.

The independence of professional organisations of lawyers must be respected, and disbarment must only be an administrative measure aimed at ensuring professional and ethical standards of the profession, not a punishment dispensed by the government. States must refrain from interfering with the operation of professional organisations of lawyers.

CONTEXT

The negative trend of increasing risks and threats to the human rights lawyers is documented in the report “Human Rights Lawyers at Risk,” prepared by Human Rights Houses and Human Rights House Foundation. This trend has grave consequences. Human rights lawyers are not able to work safely and efficiently, and their clients are not able to exercise their right to legal defence and protection. Leaders in all sectors of society must acknowledge publicly the important and legitimate role of human rights lawyers in the promotion of human rights, democracy and rule of law, and avoid stigmatisation of human rights lawyers. States should take extra measures to ensure the protection of lawyers and judges who are at greater risk due to their dual role: as legal professionals and as human rights defenders.

It is essential to protect lawyers and their independence for the realisation of human rights.

PROTECT DEFENDERS OF MINORITIES



Human rights defenders working on issues affecting minorities play a legitimate and important role. “Individuals and associations defending the rights of persons belonging to minorities or espousing minority beliefs or views” should not face “stigmatisation and discrimination.”

States should “ensure that legislation, policies, and practices do not undermine the enjoyment by such persons of their human rights or the activities of civil society in defending their rights.”

As outlined in:

- December 2015 United Nations General Assembly resolution (UN Doc: A/RES/70/161), OP 15.
- July 2016 Human Rights Council resolution on Civil Society Space, 1 (UN Doc: A/HRC/RES/32/31), OP 5.

ANALYSIS

Some activists face greater and more specific risks than others, including defenders who challenge social and cultural norms, do not fit stereotypes and prescribed roles, or who challenge power structures in society. Specifically, this includes defenders of persons belonging to sexual minorities and defenders

working on the rights of minorities and indigenous people. These defenders are often stigmatised and subjected to threats and attacks from members of society because of who they are or what they do, as underlined by the UN Special Rapporteur on human rights defenders.

Defenders of minorities need specific and enhanced protection from violence and discrimination. States must express public support and take a firm stand in rejection of such acts of violence against them. Impunity for the perpetrators of such crimes is an “insidious way of legitimising acts of violence against them,” and “protecting these groups will only be effective if a holistic and crosscutting approach is taken to their situation,” as indicated by the Special Rapporteur on human rights defenders.

CONTEXT

Despite the harsh context in which they work, defenders of minorities succeed in highlighting the situation of persons belonging to minorities and drawing the attention of the international community.

Defenders promoting the rights of lesbian, gay, bisexual, transgender and intersex (LGBTI) persons have gathered and mobilised across the world, and succeeded in changing public opinion as a result of their advocacy efforts. Yet, these defenders face numerous attempts at homophobic blackmail, extortion, and defamatory campaigns, especially on the Internet and in social media. They also have to contend with the pressure exerted by certain religious groups which depict “these defenders as a threat to traditional values and as people who promote immoral and decadent Western values,” as highlighted by the Special Rapporteur on human rights defenders.

Human rights defenders and grass-roots activists working on the rights of asylum-seekers also face threats – to their person and their families – due to increased politicisation and criminalisation of their work.

States must adopt targeted and deliberated measures to protect defenders of minorities and make it safer for them to carry out their activities.

PROTECT FAMILY MEMBERS OF HUMAN RIGHTS DEFENDERS



More than just protecting human rights defenders, States should “refrain from, and ensure adequate protection from, any act of intimidation or reprisals against... their family members and associates.”

They should condemn such acts publicly and ensure that family members are “not prevented from enjoying universal human rights.”

Both State and non-State actors responsible for violence and abuses against legal representatives, associates, and family members must be “promptly brought to justice through impartial investigations.”

As outlined in:

- April 2013 Human Rights Council resolution (UN Doc: A/HRC/RES/22/6), OP 14.
- December 2015 United Nations General Assembly resolution (UN Doc: A/RES/70/161) OP 5 and 9 (b).
- March 2016 Human Rights Council resolution (UN Doc: A/HRC/RES/31/32) OP 6.

ANALYSIS

Family members rightly benefit from the standards and protections set forth for human rights defenders, as they face the same risks by affiliation to relatives or friends who undertake human rights activities.

States have an obligation to respect, protect, and fulfil the human rights of all individual members of a defender’s family. In this context, family should be understood in a broad sense, including but not limited to, a spouse or partner, children of any age, and parents of a human rights defender.

Violence or intimidation against family members of human rights defenders is often an act of revenge. The real target is the human rights defender and their work. Targeting family members is a way to pressure human rights defenders in order to dissuade them from pursuing their work or expressing criticism.

CONTEXT

Family members of human rights defenders are increasingly under pressure in repressive States. In some countries, the families of defenders are subject to administrative and legal persecution. This includes the seizure of their assets and bank accounts, travel bans, large tax penalties, threats to their jobs or livelihoods, and even imprisonment.

When public authorities directly interfere in the privacy of human rights defenders, this is also a daily burden for family members. Further, in cases where human rights defenders are forced to flee from danger with their families, their family members are impeded of essential rights, such as their children not being able to regularly attend school.

International bodies are mindful of the danger surrounding human rights defenders and the collateral effect it could have on their family members, and have expanded protections to them in recent years.

States must adopt an adequate legal framework to protect family members of human rights defenders and closely monitor its implementation.

INTERNATIONAL STANDARDS OVER 20 YEARS

● Right to be a human rights defender

● Publicly support human rights defenders

● Don't criminalise defending human rights

● End restrictions on NGO funding

● Avoid registration and legal restrictions

● Accept dissenting views

● Ensure access and use of media of one's choice

● End all forms of reprisals

● Protect women human rights defenders

● Respect NGO independence

● Facilitate peaceful protests

● End arbitrary detention and arrest

● Protect defenders of minorities

● Protect family members of human rights defenders

● Fight against impunity, show accountability

● Uphold responsibility of business

● Protect human rights lawyers

1998

United Nations adopts Declaration on Human Rights Defenders.

2008

Council of Europe adopts Declaration on Human Rights Defenders.

2011

Following the reform of the UN Human Rights Commission, and the creation of the Human Rights Council in 2006, the thematic first resolution on human rights defenders was adopted by UN Human Rights Council in 2011 by consensus.

UN Special Rapporteur on human rights defenders, Margaret Sekaggya, presents her report on Armenia.

2013

Human Rights House Foundation supports resolutions with strong standards, adopted at UN Human Rights Council.



Anna Dobrovolskaya (Youth Human Rights Movement, Human Rights House Voronezh) speaks at Human Rights Council on need to protect human rights defenders.

2014

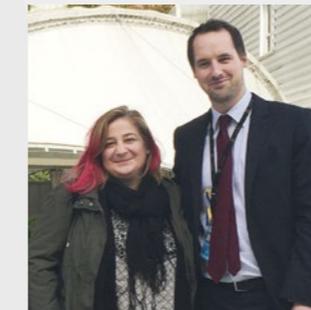
Human Rights House Foundation launches campaign illustrating international standards, to raise awareness of resolutions on human rights defenders.



Human Rights House Foundation creates photo exhibition of women human rights defenders from various Human Rights Houses. Photo: portrait of Lela Tsiskarishvili (Human Rights House Tbilisi) by photographer Daro Sulakauri.

2015

International community reaffirms call to protect human rights defenders, especially women human rights defenders. China, Russia and other States voted against the new resolution.



Lara Aharonian (Women's Resource Centre Armenia, Human Rights House Yerevan) advocates alongside Human Rights House Foundation for new resolution at UN General Assembly, pictured with Florian Irminger.

2016

UN General Assembly organises first ever highlevel event on human rights.



Milan Antonijevic (YUCOM, Human Rights House Belgrade) speaks about human rights defenders at UN General Assembly, pictured with Vesna Pusic.

2017

20th anniversary of declaration underlines valuable role of defenders, setting the scene to promote a new, positive narrative on human rights defenders.

Human Rights House Foundation calls for a resolution to praise human rights defenders on eve of 20th anniversary of Declaration.

Human Rights House Foundation organises first open-door briefing on human rights defenders to the CoE Committee of Ministers.

Danuta Przywara (Helsinki Foundation for Human Rights) speaks about the work of human rights de-fenders at the opening of the UN Human Rights Council.

Tetiana Pechonchik (Human Rights Information Centre, Human Rights House Crimea) advocates alongside Human Rights House Foundation for new resolution at UN General Assembly.

UN Special Rapporteur on human rights defenders, Michel Forst, presents his report on Hungary.

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Federal Department for Foreign Affairs FDFA

“Rights of Defenders” aims to promote and build understanding of international standards that protect and support human rights defenders.

It is a tool for human rights defenders, providing clear, accessible, and targeted insight into the standards and the context that surrounds them.

Defenders can use it to disseminate standards nationally, engage with authorities and hold them accountable to the commitments they make internationally, and initiate national conversations on the importance of human rights defenders and their work.

The booklet is divided into 16 standards, inspired by the strong content of landmark resolutions related to human rights defenders and their work. It condenses the main points of each standard as outlined in the resolutions.



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