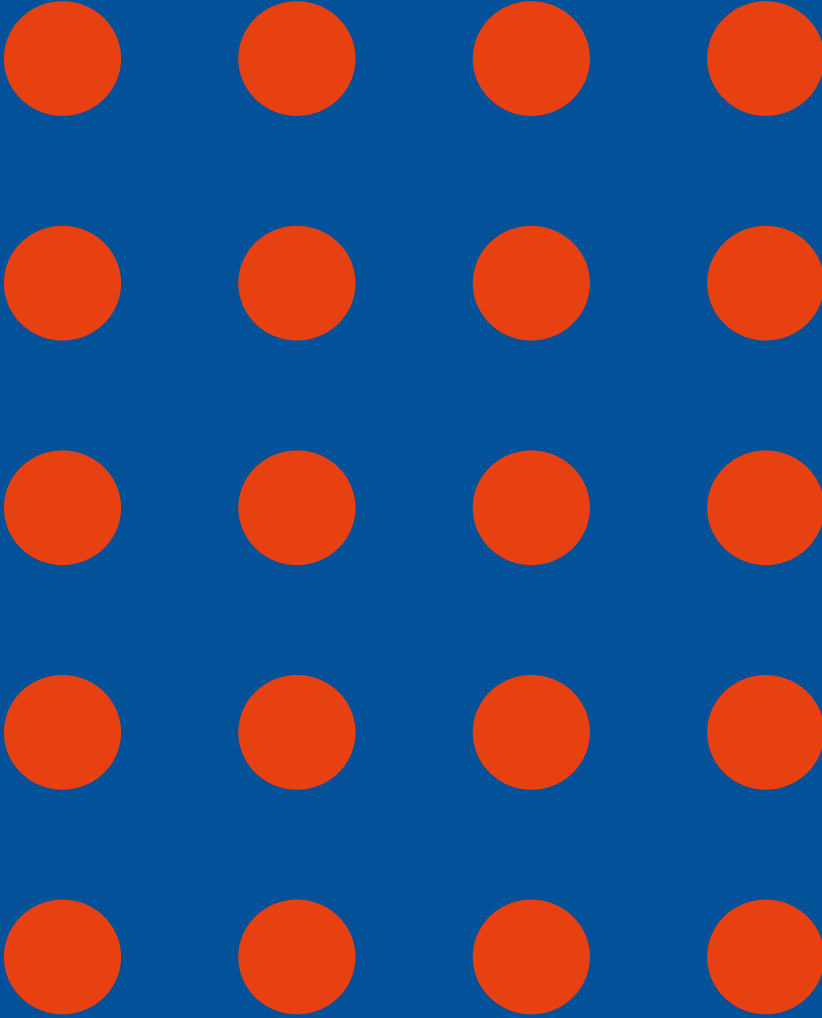




25

CELEBRATING 25 YEARS
OF THE UN DECLARATION
ON HUMAN RIGHTS DEFENDERS



RIGHTS OF DEFENDERS

Principles and standards protecting
and empowering human rights work

ABOUT HUMAN RIGHTS HOUSE FOUNDATION

Human Rights House Foundation (HRHF) envisions a world in which everyone can freely and safely promote and enjoy all human rights. Empowered human rights defenders and strong and independent civil society are key to this vision.

HRHF establishes, supports, and connects Human Rights Houses – coalitions of civil society organisations working together to advance human rights at home and abroad. Today, more than 80 civil society organisations are united in Human Rights Houses in an international network active across Eastern Europe, the Western Balkans, and the Caucasus.

Together, we advocate for the freedoms of assembly, association, and expression and the right to be a human rights defender. These four rights underpin a strong and independent civil society and protect and empower human rights defenders.

HRHF is an international non-profit organisation headquartered in Oslo with an office in Geneva and representation in Brussels and Tbilisi. HRHF holds consultative status at the United Nations and participatory status at the Council of Europe.

RIGHTS OF DEFENDERS IS ENDORSED BY MEMBERS OF THE NETWORK OF HUMAN RIGHTS HOUSES

"Rights of Defenders" was developed in consultation with the Network of Human Rights Houses and is endorsed by:



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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.

“All over the world the positive achievements of human rights defenders too often go unrecognised. Twenty-five years after States agreed on a Declaration to promote and protect the work of human rights defenders, their successes are ignored... This anniversary year of the Declaration should be one of celebration and recognition of the successes of defenders, one of not just recommitting to help them, but of showing in practical terms what that help should be.”

Mary Lawlor, UN Special Rapporteur on human rights defenders

Yet, threats, intimidation, attacks, and criminal charges against human rights defenders and restrictions on their organisations 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. The essential work of defenders is impeded by systematic and deepening restrictions on their fundamental freedoms, including in accessing information and resources.

It is essential to reverse this narrative, and to increase understanding and domestic 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 realities on the ground.

While the situation has deteriorated for defenders, international standards have been strengthened in recent years. These trends are of course connected: the greater the threats and

restrictions, the greater the need for a response from the international community, including in the form of standards and principles to protect defenders.

Yet, 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 HRHF.

The 25th anniversary of the declaration on human rights defenders should be used as a reminder of the importance of human rights defenders. It is a moment to consider the protections afforded to human rights defenders, and to strengthen their implementation in each and every country. And it is an opportunity to reverse narratives and policies that view defenders as enemies and not as allies.

A decade worth of United Nations resolutions on human rights defenders, many of them passed by consensus, 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 resolutions at the international level.

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, activists, trade unionists or development workers. Human rights defenders can be electoral observers, cultural workers, representatives of academia, whistleblowers, teachers, psychologists or athletes. Some human rights defenders are not earning revenue from their work in favour of human rights. All work within the framework of universality and the promotion of the rights of all people.

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 international standards and national law. 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.

“I deeply admire the courage and sacrifice of human rights defenders. These individuals and organisations are our eyes and ears and conscience.”

António Guterres, UN Secretary General

USING THIS BOOKLET

For effective domestic implementation of international standards, 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 20 standards, informed by the strong content of landmark international 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 Eastern Europe, the Western Balkans, and the Caucasus. To give context, the booklet then outlines the trends affecting each standard and provides recommendations for their implementation.

This booklet does not provide a complete overview of all human rights standards relating to human rights defenders. It does not include those by international bodies that have reflected at length on this topic; including for instance, the United Nations Treaty Body system, or the Venice Commission of the Council of Europe. Rather, it seeks to identify the standards that States themselves have declared through their resolutions. As such, this methodology allows each State to be held directly accountable for each of the standards outlined in this booklet.



“One person can start a movement, which is able to change the world - be that one.” - Baia Patarai
In January 2020, Salome Sagaradze's photograph of Baia Patarai (Human Rights House Tbilisi) was chosen as the winner of HRHF's 2020 "Portraits of Strength" photography competition, highlighting the work of Women Human Rights Defenders.

1. 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.¹” They should do so through “public statements, policies or laws... including by condemning publicly all cases of violence and discrimination against human rights defenders.²”

High ranking officials and political figures should refrain from smearing rights defenders. They should unequivocally condemn any smear campaigns in the media or by non-state actors.

In cases of violence and discrimination, “leaders in all sectors of society... should take a clear stance in rejection of such practices.³” This includes “political, military, social, and religious leaders and leaders in business and the media.⁴”

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. State officials should not use “disparaging” labels against human rights defenders or condone such rhetoric by others.

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, harassment 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,⁵” 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 smear campaigns and portrayed as enemies of the State, public support for their work legitimises them in society. When State actors engage in smear campaigns against defenders, they undermine and delegitimize their activities in the public eye and increase risks for the defenders’ safety.

RELEVANT RESOLUTIONS

- ▶ 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.
- ▶ December 2021 United Nations General Assembly resolution (UN Doc: A/RES/76/174), OP14.

1 UN Doc: A/HRC/RES/22/6

2 UN Doc: A/RES/70/161

3 UN Doc: A/RES/70/161

4 UN Doc: A/RES/70/161

5 UN Doc: A/HRC/13/22

2. COUNTER DISINFORMATION



Disinformation campaigns are increasingly used to deter human rights defenders from participating in the public sphere, and “women journalists, women politicians, women human rights defenders and advocates for women’s rights are targeted in particular¹”.

It has also been recognised that the Covid pandemic “exacerbated and accelerated existing challenges, both online and offline, for human rights defenders regarding their safety and participation, including misinformation and disinformation²” and “acts of intimidation, such as smear campaigns³”.

The UN underlines “that countering disinformation requires multidimensional and multistakeholder responses that are in compliance with international human rights law and the proactive engagement of international organisations, States, civil society, human rights defenders, academia, independent regulators and the private sector, including the media, online platforms and social media and technology companies, and that States are in a unique position to promote and facilitate cooperation among the involved parties⁴”.

ANALYSIS

States can combat disinformation against human rights defenders through legislation against both online and offline harassment and disinformation. They can establish mechanisms to monitor, report, and counter disinformation, in the media, on digital platforms and elsewhere.

Furthermore, they can support digital literacy programs, teaching the public how to identify and respond to disinformation. States can also take protective measures specifically for human rights defenders, providing resources for their physical and psychological well-being.

This work should be conducted alongside technology companies, NGOs, and international bodies to create a cohesive response against disinformation, ensuring other fundamental rights including freedom of opinion and expression are also upheld.

CONTEXT

Human rights defenders can be subjected to disinformation in efforts to discredit their work and suppress their voices. Tactics include character assassination with false personal information, false criminal accusations, distortion of motives, including portraying defenders as “foreign agents”, and falsifying evidence.

Online harassment, via mass trolling or “doxing” (a practice, which consists of publicising the name, telephone number, home address or other personal data of a person online), or the deployment of “troll factories” (entities conducting disinformation propaganda activities on the Internet) pose risks to the safety and mental health of defenders. Disinformation about their causes can undermine their efforts, as can fake accounts, websites and media reports. These strategies aim to discredit defenders, delegitimise their causes, and silence their advocacy, as well as leading to physical attacks on defenders, their homes and their offices.

RELEVANT RESOLUTIONS

- ▶ December 2021 General Assembly resolution (UN Doc: A/RES/76/174) PP 17.
- ▶ April 2022 Human Rights Council resolution (UN Doc: HRC/RES/49/21) OP 10, OP 23.

1 UN Doc: HRC/RES/49/21

2 UN Doc: A/RES/76/174

3 UN Doc: A/RES/76/174

4 UN Doc: HRC/RES/49/21

3. ENSURE PUBLIC PARTICIPATION AND ENGAGEMENT



The United Nations has acknowledged the “important contribution of civil society, human rights defenders, journalists and media workers, to the promotion of human rights, democracy and the rule of law¹”.

States are furthermore urged to “promote good governance at all levels and to develop effective, accountable and transparent institutions and more responsive, inclusive, participatory and representative decision-making processes²”, including for human rights defenders.

ANALYSIS

States can foster the public participation and engagement of human rights defenders by implementing legislation that protects the freedoms of expression, assembly, and association. States should ensure a transparent and inclusive decision-making process, and actively invite human rights defenders to contribute. Safeguarding defenders against intimidation, harassment, or violence is crucial, and States should hold perpetrators accountable for such actions.

States can facilitate access to necessary information, resources, and capacity building, which enables effective engagement. Establishing consultation mechanisms, like public hearings or advisory councils, can provide platforms for dialogue and input. Human rights defenders must be able to engage in meaningful and results-oriented participatory processes with State institutions and must not be excluded from the government cooperation formats due to their critical positions.

Importantly, States should respect and recognise the role of human rights defenders and promote their engagement as essential to a healthy democracy, rather than viewing it as a threat. This encourages an environment conducive to public participation, and ensures that the rights and voices of all citizens are represented.

CONTEXT

Human rights defenders often struggle to participate in public processes, including legislative processes, due to a variety of barriers. These include restrictive laws limiting freedom of opinion and expression, and the freedoms of peaceful assembly and association. This makes it difficult for them to voice their concerns and advocate for change. Intimidation, harassment, or violence from state and non-state actors can create a climate of fear, deterring participation.

Lack of access to necessary information, resources, or capacity building can hinder effective engagement. Moreover, non-transparent or non-inclusive decision-making processes may deliberately exclude them. These obstacles can prevent defenders from bringing their crucial perspectives to legislative processes, and undermine the principles of democracy and human rights that they strive to uphold.

High ranking officials and businesses increasingly propagate judicial harassment of human rights defenders to obstruct and discourage their public activities. Strategic lawsuits against public participation (SLAPPs) are vexatious lawsuits often brought as a civil defamation case, but sometimes as a criminal complaint. They result in either lengthy, expensive, and exhausting proceedings, or unfounded criminal investigation, or expedited judgement imposing disproportionate fines.

RELEVANT RESOLUTIONS

- ▶ March 2021 Human Rights Council resolution (UN Doc: A/HRC/RES/46/4), OP 2.
- ▶ March 2023 Human Rights Council resolution (UN Doc: A/HRC/RES/52/22), OP 24.

1 UN Doc: A/HRC/RES/46/4
2 UN Doc: A/HRC/RES/52/22

4. DON'T CRIMINALISE DEFENDING HUMAN RIGHTS



States must ensure that “the promotion and the protection of human rights are not criminalised,¹” and that human rights defenders “are not prevented from enjoying universal human rights owing to their work.²” 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.”

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, treating protection of human rights as illegal.

This could be criminal charges to “protect the honour” of public officials (defamation), abuse of counter terrorism, anti-extremism and national security related laws, application of politically motivated charges, misuse of precautionary measures, resorting to false accusations, bogus application of private sector-related criminal law provisions or 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.

As underscored by the European Court of Human Rights in *Intigam Aliyev v Azerbaijan*, criminalisation of individual human rights defender’s NGO activities has the chilling effect on all of civil society, discouraging other defenders from promoting and defending 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 offence 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.

RELEVANT RESOLUTIONS

- ▶ 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).
- ▶ December 2021 United Nations General Assembly resolution (UN Doc: A/RES/76/174), PP14.

1 UN Doc: A/HRC/RES/22/6

2 UN Doc: A/HRC/RES/22/6

5. 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.”¹

“No law should criminalise or delegitimise human rights activities based on the origin of funding.”² Legislation governing the funding of civil society should be “transparent” and “non-discriminatory”³.

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, including 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.

The Venice Commission outlines that abstract concerns or suspicions about the legality of civil society funding, “without pointing to a substantiated concrete risk analysis concerning any specific involvement of the NGO sector in the commission of crimes, such as corruption or money-laundering cannot constitute a legitimate aim justifying restrictions to this right”. Reasons prompting authorities to impose restrictions on the financing received from foreign sources must be “evidence-based” and “case-specific”.

CONTEXT

An increasing number of countries are adopting restrictive and stigmatising laws and practices that hinder foreign funding for civil society, especially human rights organisations and defenders. HRHF documented this trend in a 2017 “[Funding Civil Society](#)” report. A 2019 report by the Leibniz Institute for Peace and Conflict Research identified 58 countries that have adopted legislation creating legal foreign funding restrictions on NGOs, including in Azerbaijan, Belarus, Russia, India, and Ethiopia, with the trend expanding to countries such as Hungary.

A former UN Special Rapporteur on human rights in Belarus called foreign funding restrictions the “new Berlin Wall” in his foreword to the 2017 report “[Resisting Ill Democracies in Europe](#)”. The European Court of Human Rights found Russia’s “foreign agent” legislation to violate the requirement of foreseeability and predictability and thus, fail the test for the quality of law under the European Convention on Human Rights. The Special Rapporteur on assembly and association has subsequently written in 2022 in his [report on access to resources](#), that States should “refrain from applying laws and engaging in practices that interfere with the exercise of the right [to freedom of association], including with accessing funding”. The phenomenon of “foreign agent” legislation has swept across not just authoritarian countries, but also states with hybrid regimes (the classification system used by Freedom House).

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.

RELEVANT RESOLUTIONS

- ▶ 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).
- ▶ July 2023 Human Rights Council resolution (UN Doc: A/HRC/RES/53/13), PP 18.

1 UN Doc: A/HRC/RES/22/6

2 UN Doc: A/HRC/RES/22/6

3 UN Doc: A/RES/70/161

6. RESPECT NGO INDEPENDENCE



States should “fully recognise the importance of the independent voice of human rights defenders and other civil society actors,¹” including by “respecting the independence of their organisations.²”

They should “respect, protect and ensure the right to freedom of association of human rights defenders,³” and “ensure that reporting requirements placed on individuals, groups and organs of society do not inhibit functional autonomy.⁴”

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,” says 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.

RELEVANT RESOLUTIONS

- ▶ 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.

1 UN Doc: A/RES/72/247
 2 UN Doc: A/HRC/RES/22/6
 3 UN Doc: A/HRC/RES/22/6
 4 UN Doc: A/HRC/RES/22/6

7. AVOID REGISTRATION AND LEGAL RESTRICTIONS



“Where legislation and procedures governing the registration and funding of civil society organisations exist,¹” they should be “transparent, non-discriminatory, expeditious, and inexpensive.”²”

Legislation affecting the activities of human rights defenders and their organisations must be “clearly defined, determinable, and non-retroactive.”³ It must not inhibit the “functional autonomy⁴” of NGOs.

Any limitations or sanctions placed on human rights defenders must be “lawful, proportionate, non-discriminatory and necessary,”⁵ and should “allow for the possibility to appeal and avoid requiring re-registration.”⁶”

The prohibition or dissolution of an association should only be applied as a measure of last resort, when “the breach gives rise to a serious threat to the security of the state or of certain groups, or to fundamental democratic principles” [states](#) the OSCE in its Guidelines on Freedom of Association.

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. Regulations 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.

As the UN Human Rights Committee [underlines](#), the “mere existence of objective justifications for limiting the right to freedom of association is not sufficient. The State party must demonstrate that the prohibition of an association is necessary to avert a real and not only hypothetical threat to national security or democratic order, that less intrusive measures would be insufficient to achieve the same purpose, and that the restriction is proportionate to the interest to be protected”.

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

CONTEXT

Procedures governing the registration of civil society organisations play an important role in the control of civil society space. 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. This would undermine the effective functioning of NGOs. When States fail to act in a timely manner, this cannot serve as an unlawful de facto refusal to register an NGO. In such instances an NGO should be considered automatically registered.

In some countries, registration applications filed by associations can take months - and in some cases years - 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. 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.

RELEVANT RESOLUTIONS

- ▶ 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).
- ▶ July 2022 Human Rights Council resolution (UN Doc: A/HRC/RES/50/17), PP 17.

1 UN Doc: A/RES/70/161
 2 UN Doc: A/RES/70/161
 3 UN Doc: A/HRC/RES/22/6
 4 UN Doc: A/HRC/RES/22/6
 5 UN Doc: A/HRC/RES/22/6
 6 UN Doc: A/HRC/RES/22/6

8. 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.”¹

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.”² 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.”³

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, for the exercise of fundamental freedoms of expression and association, and for their documenting and reporting, as well as 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.

“In many countries, the civic space and the protection of the basic rights and fundamental freedoms needed to engage with the United Nations have increasingly come under attack, both online and offline.”

Ilze Brands Kehris, UN Assistant Secretary-General

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. States have responded to this trend, creating mechanisms within the Council of Europe, the United Nations, and within other international organisations, to monitor and investigate alleged acts of reprisals against defenders.

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.

RELEVANT RESOLUTIONS

- ▶ April 2013 Human Rights Council resolution (UN Doc: A/HRC/RES/22/6), OP 14.
- ▶ December 2017 United Nations General Assembly resolution (UN Doc: A/RES/72/247), OP 8.
- ▶ September 2021 Human Rights Council resolution (UN Doc: A/HRC/RES/48/17), OP 4.

1 UN Doc: A/HRC/RES/22/6

2 UN Doc: A/RES/72/247

3 UN Doc: A/RES/72/247

9. END ARBITRARY DETENTION AND ARREST



“No one shall be subjected to arbitrary arrest, detention or exile,¹” 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.”²

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.”³ States should “take concrete steps to prevent and put an end to arbitrary arrest and detention of human rights defenders.”⁴

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 of government action, applying a “heightened standard” must be conducted where human rights defenders are the subject of such prosecution (also outlined in the case of Aleksandr Bialatski v. Belarus). 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 the freedoms of expression, association, and assembly. This is underlined in “**Breaking Point in Azerbaijan**,” a 2015 report produced by Human Rights House Foundation. Widespread arrests, detentions and imprisonment of defenders have also been taking place in Belarus and Russia in recent years.

In some instances, administrative detention is used as a means of harassing human rights defenders and activists, resulting in their targeted arrests prior to, or during demonstrations, or for their exercise of freedom of opinion or expression online. Sanctions of administrative detention are often applied, bypassing fair trial guarantees.

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.

RELEVANT RESOLUTIONS

- ▶ 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.
- ▶ April 2022 Human Rights Council resolution (UN Doc: A/HRC/RES/49/18), OP 9 (j).

1 UN Doc: A/RES/3/217
 2 UN Doc: A/HRC/RES/22/6
 3 UN Doc: A/RES/70/161
 4 UN Doc: A/RES/70/161

10. ACCEPT DISSENTING VIEWS



States must ensure that “dissenting views may be expressed peacefully.¹” 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.²”

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. States must refrain from interfering with the right to express dissenting views, and adopt measures to protect the expression of views in a peaceful way.

“Human rights defenders help to realise human rights. They play a key role by documenting and drawing attention to situations where states do not fulfil their human rights obligations and where human rights violations and abuses are committed.”

Norwegian guidelines for support to human rights defenders, Norwegian Ministry of Foreign Affairs, August 2023

CONTEXT

There is a trend of States trying to silence human rights defenders who express dissenting views, especially critics of the government and those divulging cases of corruption, reporting on human rights abuses, or simply criticising the ineffectiveness of the State, as was seen during the Covid-19 pandemic. Similarly, after years of progress, States are now adopting more restrictive legislation that criminalises defamation online and offline.

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.³”

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

RELEVANT RESOLUTIONS

- ▶ April 2013 Human Rights Council resolution (UN Doc: A/HRC/RES/22/6), OP 11 and 11(f).
- ▶ July 2022 Human Rights Council resolution (UN Doc: A/HRC/RES/50/17), OP 7.

1 UN Doc: A/HRC/RES/22/6

2 UN Doc: A/HRC/RES/22/6

3 UN Doc: A/HRC/RES/22/6

11. 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.”¹

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.”² States should avoid hindering people’s access to and use of media.

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 access to 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 and targeted individual journalists and bloggers. 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.

RELEVANT RESOLUTIONS

- ▶ April 2013 Human Rights Council resolution (UN Doc: A/HRC/RES/22/6), OP 7.
- ▶ April 2022 Human Rights Council resolution (UN Doc: A/HRC/RES/49/18), OP 9 (g).

“Many States have adopted laws on access to information and some even recognise access to the Internet as a legal right, but the bad news is that these laws often are not implemented effectively, and various tactics are used to restrict or deny access to information, online and offline, to investigative journalists, human rights defenders and other civil society actors.”

Irene Khan, UN Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression

¹ UN Doc: A/HRC/RES/22/6

² UN Doc: A/HRC/RES/22/6

12. 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.”¹

States must enable the conduct of assemblies “within sight and sound” of their target audience. Protestors must be allowed to erect temporary structures. Sporadic acts of isolated violence do not render the entire assembly “non-peaceful” and cannot serve as a ground for evading positive state obligations².

States should avoid the system of permits to conduct assemblies, as it undercuts the idea that a peaceful assembly is a basic right. Even if the notification system is in place, failure to notify the authorities of an upcoming assembly, does not render the act of participation in the assembly unlawful, and must not in itself be used as a basis for dispersing the assembly or arresting the participants or organisers, or for imposing undue sanctions.

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.”³

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.”⁴

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.”⁵

The Human Rights Committee notes that “the role of human rights defenders involved in monitoring or reporting on assemblies is of particular importance. They may not be prohibited from, or unduly limited in, exercising these functions, including with respect to monitoring the actions of law enforcement officials. They must not face reprisals or other harassment, and their equipment must not be confiscated or damaged. Even if an assembly is declared unlawful or is dispersed, that does not terminate the right to monitor.”⁶

ANALYSIS

States should take all necessary measures 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 public spaces 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.

Some states have imposed blanket bans on protests in the centres of their capitals. Others are using the unjustly restrictive permit system to prosecute protestors engaged in “unauthorised” or “unsanctioned” protests. As outlined by the UN Human Rights Committee, such labels are inherently dismissive of the essence of the right.

RELEVANT RESOLUTIONS

- ▶ 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.
- ▶ July 2022 Human Rights Council resolution (UN Doc: A/HRC/RES/50/21), OP 10.

1 UN Doc: A/HRC/RES/25/38

2 General Comment No. 37 (2020) on right to peaceful assembly (Article 21) of ICCPR

3 UN Doc: A/HRC/RES/22/6

4 UN Doc: A/HRC/RES/25/38

5 UN Doc: A/HRC/RES/22/6

6 General Comment No. 37 (2020) on right to peaceful assembly (Article 21) of ICCPR

13. 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.”¹

To fight against impunity, States should ensure an enabling environment for the work of human rights defenders. States must also ensure that there exists effective protection against acts of intimidation and reprisals against HRDs. Finally States must ensure that effective investigations into actions of intimidation and reprisal against human rights defenders are conducted. 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.”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. Those 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 inaction or lack of sufficient action can be perceived as tolerance of such acts. Such behaviour by States makes them as much responsible as the perpetrators of violations, while impunity condones more violence.

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.

“Now is the time for states to step up their commitments for the protection of human rights defenders not only by ensuring protection mechanisms to prevent and respond to attacks against defenders, but also to publicly acknowledge the invaluable contribution that defenders make in helping achieve more just societies.”

Mary Lawlor, UN Special Rapporteur for human rights defenders in a foreword to HRHF’s 2021 “Protecting Defenders” report.

CONTEXT

Impunity for crimes against journalists is a particular concern. The personal dangers of being a journalist, and impunity for crimes against them, infect whole societies with fear of reprisals and self-censorship. This is also true of human rights lawyers with [negative trends](#) relating to attacks against those in the legal profession, particularly those working on human rights cases. In places such as Russia, Azerbaijan and Belarus, few such attacks ever result in accountability. 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.

A 2021 “[Protecting Defenders](#)” study found that in Eurasia countries with hybrid regimes, there is a trend of radical, extreme right, ultraconservative groups harassing, intimidating (online and offline) and violently targeting human rights defenders. They operate with impunity. State failure to condemn such crimes and bring perpetrators/organisers to justice further emboldens the violent groups.

RELEVANT RESOLUTIONS

- ▶ 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.
- ▶ April 2022 Human Rights Council resolution (UN Doc: A/HRC/RES/49/18), OP 3,4,5.

¹ A/HRC/RES/31/32

² A/RES/72/247

14. 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.”¹

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.”²

To protect human rights defenders from human rights abuses by businesses, States should “promote effective prevention, accountability, remedy and reparations.”³

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.

The companies must tolerate certain disruption by human rights defenders, particularly, environmental defenders staging public protests, when such actions are “proportionate and appropriate” in light of the aims pursued by the defenders. “Private businesses **should ensure** genuine, effective, and transparent participation of environmental organisations, communities and individuals in decision-making on all policies and projects which may have an environmental impact”.

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.

“Significant efforts have been made by States and companies to prevent and mitigate [human rights violations]. . . But it’s clear that more is needed.”

Volker Turk, UN High Commissioner for Human Rights, 9th session of the Open-Ended Intergovernmental Working Group on transnational corporations and other business enterprises with respect to human rights.

CONTEXT

Environmental human rights defenders often highlight inconvenient truths for States and businesses. This can result in 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.”

In a case against Azerbaijan, the state was found responsible under international human rights law for police failure to prevent brutal beating of a journalist and a human rights defender covering a protest action in front of a state oil company, by the security guards of the latter.

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

RELEVANT RESOLUTIONS

- ▶ 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.
- ▶ April 2022 Human Rights Council resolution (UN Doc: A/HRC/RES/49/18), OP 16,17,18,19

1 A/RES/72/247

2 A/HRC/RES/31/32

3 A/HRC/RES/31/32

15. 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.¹”

States should take “all measures necessary to ensure their protection²” and integrate a “gender perspective in their efforts to create a safe and enabling environment for the defence of human rights.³” States should take an active role, including “appropriate, robust and practical steps⁴” to protect women human rights defenders.

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.

The [UN Resolution on Women HRDs](#) encourages States “to combat impunity by ensuring that those [including non-state actors] responsible for gender-based threats”, also expressed “online”, are “promptly brought to justice”. The UN Special Rapporteur on human rights defenders [called upon](#) states to “prioritise the protection of women defenders in online spaces and adopt laws, policies and practices that protect them from libel and hate speech.”

“Women Human Rights Defenders are not your enemies.”

Mary Lawlor, UN Special Rapporteur on Human Rights Defender, excerpt from message to States at UNGA78

“Women human rights defenders fight on two levels: first as human rights defenders, and second as women. There is double discrimination and double-violence.”

Lara Aharonian, director of the Women’s Resource Center in Armenia, member of Human Rights House Yerevan

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 well as “public shaming, physical attacks, sexual violence,” as outlined by the UN Special Rapporteur on human rights defenders.

HRHF’s 2021 “Protecting Defenders” study found that women human rights defenders face special threats that their male or other counterparts do not always experience. Moreover, it is usually women defenders who receive threats against their children.

RELEVANT RESOLUTIONS

- ▶ 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.
- ▶ June 2017 UN resolution on the Elimination of Discrimination Against Women and Girls (UN Doc: A/HRC/35/L.11).
- ▶ April 2022 Human Rights Council resolution (UN Doc: A/HRC/RES/49/18), OP 11

1 UN Doc: A/HRC/RES/22/6

2 UN Doc: A/RES/68/181

3 UN Doc: A/RES/68/181

4 UN Doc: A/RES/68/181

16. PROTECT HUMAN RIGHTS LAWYERS



Lawyers play a “critical role in upholding human rights¹” and should be able to “discharge their functions freely, independently and without any fear of reprisal.²”

To guarantee the independence of lawyers, States must take “effective legislative, law enforcement and other appropriate measures,³” enabling lawyers to duly carry out their professional functions.

States should adopt 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.⁴”

ANALYSIS

“Human rights lawyer” refers to any lawyer who provides legal counsel to victims of human rights violations, regardless of a formal status and a membership in a professional association, such as a bar 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. 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. Human rights lawyers might be denied admission to the Bar due to their views. In both Belarus and Azerbaijan, human rights lawyers face the prospect of prosecution and even disbarment for their work defending political prisoners and working on cases that are politically sensitive.

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.

RELEVANT RESOLUTIONS

- ▶ 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.
- ▶ July 2022 Human Rights Council resolution on Independence and impartiality of the judiciary, jurors and assessors, and the independence of lawyers: participation of women in the administration of justice (UN Doc: A/HRC/RES/50/5) OP 11

1 UN Doc: A/HRC/RES/35/12

2 UN Doc: A/HRC/RES/35/12

3 UN Doc: A/HRC/RES/35/12

4 UN Doc: A/HRC/RES/50/5

17. 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.”¹

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.”²

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 ethnic, racial, and religious minority groups as well as indigenous persons. 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 and the UN Independent Expert on Protection against violence and discrimination based on sexual orientation and gender identity.

Defenders of minorities need specific and enhanced protection from violence and discrimination. States must express public support for these defenders and reject 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 smear campaigns, especially on the internet and in social media. They can become subject of political manipulation, particularly, before elections. LGBTI defenders also have to contend with the pressure or physical attacks exerted by certain religious, as well as violent, ultraconservative, radical, extreme right 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. The Council of Europe Commissioner for Human Rights [notes](#) the increased attacks against LGBTI defenders and particularly negative impact of COVID-19 pandemic on their already challenging work.

Human rights defenders and grassroots activists working on the rights of asylum-seekers and migrants also face threats – to their person and their families – due to increased politicisation and criminalisation of their work: whether at sea or at land borders.

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

RELEVANT RESOLUTIONS

- ▶ 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.
- ▶ December 2021 United Nations General Assembly resolution (UN Doc: A/RES/76/174), OP 22.

1 UN Doc: A/RES/70/161
2 UN Doc: A/HRC/RES/32/31

18. PROTECT ENVIRONMENTAL DEFENDERS



The United Nations has recognised and is deeply concerned that “human rights defenders working in environmental matters, referred to as environmental human rights defenders, are among the human rights defenders most exposed and at risk¹”.

States are called upon “to take all measures necessary to ensure the rights, protection and safety of all persons, including environmental human rights defenders, who exercise, inter alia, the rights to freedom of opinion, expression, peaceful assembly and association, online and offline, which are essential for the promotion and protection of human rights and the protection and conservation of the environment²”.

ANALYSIS

States can better protect environmental human rights defenders by enforcing safeguards for their freedoms of expression, assembly, and association. They should ensure transparent processes around land use and environmental impact assessments, allowing defenders to scrutinise and challenge harmful projects.

States need to provide access to information regarding proposed projects and their environmental and human rights implications. They should also hold accountable those responsible for threats, harassment, or violence against defenders. Capacity building and financial resources for these defenders can empower their advocacy. Collaborating with international bodies and NGOs can bolster their protection frameworks.

Finally, recognition of the legitimate and crucial role of environmental defenders in policy-making and sustainable development is crucial. These steps can create an enabling environment where defenders can carry out their work safely and effectively.

CONTEXT

Environmental human rights defenders face unique challenges due to the contentious nature of their work. Often, they oppose powerful interests related to land use, extractive industries, and large-scale development projects, leading to conflicts.

Environmental human rights defenders can face criminalisation, harassment, intimidation, and even physical violence, which is often carried out with impunity. Legal barriers, such as restrictive laws, can limit their freedoms of expression and assembly. They may also face defamation campaigns and disinformation designed to discredit their work. Lack of access to information regarding environmental projects and their impacts can hinder their advocacy. In rural or remote areas, the lack of resources, connectivity, and infrastructure can further complicate their work. Strategic lawsuits against public participation (SLAPPs) are particularly rampant against environmental defenders.

The [Protecting Defenders](#) study identified environmental defenders as one of the most vulnerable and targeted groups. The Council of Europe Commissioner for Human Rights [notes](#) several instances of environmental defenders being subject to surveillance and preventive detentions ahead of the UN Climate Change Conferences. There have been reports of beatings, suspicious death and attacks.

Environmental human rights defenders often struggle for recognition and support from governments and the public, despite the vital role they play in safeguarding environmental and human rights.

RELEVANT RESOLUTIONS

- ▶ April 2019 Human Rights Council resolution (UN Doc: A/HRC/RES/40/11) PP 9 & OP 3.
- ▶ December 2021 General Assembly resolution (UN Doc: A/RES/76/174)

1 UN Doc: A/HRC/RES/40/11

2 UN Doc: A/HRC/RES/40/11

19. 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.¹” They should condemn such acts publicly and ensure that family members are “not prevented from enjoying universal human rights.²”

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.³”

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. This includes protections for family members in relationships not recognised by a domestic government, but which are recognised under international human rights law.

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, exclusion from universities and schools, 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. In cases where human rights defenders are forced to flee from danger with their families, the essential rights of family members are impeded, 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.

RELEVANT RESOLUTIONS

- ▶ 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.
- ▶ December 2021 United Nations General Assembly resolution (UN Doc: A/RES/76/174), OP 5.

1 UN Doc: A/HRC/RES/22/6

2 UN Doc: A/RES/70/161

3 UN Doc: A/RES/70/161

20. PROVIDE MORE SUPPORT IN CONFLICT & POST- CONFLICT SITUATIONS



The United Nations has strongly condemned “the violence against and the criminalization, intimidation, attacks, torture, enforced disappearance, killing of and all other human rights violations or abuses against human rights defenders, including women, environmental and indigenous human rights defenders, by State and non-State actors¹” in the context of conflict and post-conflict situations.

States have been called upon to “combat impunity by conducting prompt, impartial and independent investigations and pursuing accountability for all forms of attacks and threats by State and non-State actors against any human rights defender, or against their legal representatives, family members and associates, and by condemning publicly all forms of violence, discrimination, intimidation and reprisal, underlining that such practices can never be justified²”.

ANALYSIS

States can better protect human rights defenders in conflict and post-conflict situations by ensuring the rule of law, including functioning judicial systems that can hold perpetrators accountable for threats or violence against defenders. Implementing protective measures, like emergency response mechanisms, can offer immediate assistance in high-risk situations. States should also facilitate safe and secure communication and operation for defenders. They also have a duty to protect and assist defenders who are forced to flee their countries as a result of conflict.

In post-conflict situations, ensuring transitional justice mechanisms, including truth and reconciliation commissions, can address past violations and abuses and prevent future ones. Including defenders in peacebuilding and reconstruction processes can help integrate a human rights approach. International cooperation can offer additional protection through monitoring, pressure on non-compliant states, and support for capacity building. These steps can create an environment where defenders can continue their critical work even in times of conflict and transition.

CONTEXT

The work of human rights defenders becomes even more significant and vital during conflicts, whether it is through assistance to vulnerable groups, documenting rights violations and alleged international crimes, or international advocacy. In Ukraine, the work of human rights defenders has been instrumental in prompting the International Criminal Court to issue an arrest warrant against the acting Head of State due to unlawful deportation and transfer of Ukrainian children to the Russian Federation.

However, in conflict and post-conflict situations, human rights defenders face heightened challenges. These include increased violence, threats, and intimidation from various parties involved in the conflict. They may encounter a lack of rule of law and judicial recourse due to weak or non-existent legal systems. Their ability to protect themselves, as well as to communicate, organise, and mobilise may be restricted due to censorship, surveillance, or infrastructure damage.

In post-conflict situations, they may face a lack of transitional justice mechanisms and inadequate reconciliation efforts. They may be targeted for their work in documenting war crimes, calling for accountability, or advocating for marginalised groups. The overall volatile and insecure environment, coupled with the possibility of retaliation for their work during conflict, can significantly hinder their ability to safeguard and advocate for human rights.

RELEVANT RESOLUTION

- ▶ March 2022 Human Rights Council resolution (UN Doc: A/HRC/RES/49/18) OP 3 & OP 5

1 UN Doc: A/HRC/RES/49/18

2 UN Doc: A/HRC/RES/49/18

RESOLUTIONS CONSULTED FOR THIS BOOKLET

Year	Body	Res.	Short title
Dec 1947	UNGA	3/217	Universal Declaration on Human Rights
Dec 1998	UNGA	53/144	Declaration on Human rights defenders
Dec 2007	UNGA	62/152	Human rights defenders
March 2008	HRC	7/8	Mandate of Special Rapporteur on human rights defenders
Dec 2011	UNGA	66/164	Human rights defenders
April 2013	HRC	22/6	Human rights defenders
Dec 2013	UNGA	68/181	Women human rights defenders
April 2014	HRC	25/38	Peaceful protest
Dec 2015	UNGA	70/161	Human rights defenders
March 2016	HRC	31/32	Human rights defenders
June 2017	HRC	35/18	Elimination of discrimination against women and girls
June 2017	HRC	35/12	Independence of judges and lawyers
Dec 2017	UNGA	72/247	Human rights defenders
April 2018	HRC	37/3	Independence of judges and lawyers
July 2018	HRC	38/11	Peaceful protest
July 2018	HRC	38/12	Civil society space
Oct 2018	HRC	39/6	Safety of journalists
March 2019	HRC	40/11	Environmental Human rights defenders
Oct 2019	HRC	42/28	Cooperation with the UN (Reprisals)
Dec 2019	UNGA	74/146	Human rights defenders
June 2020	HRC	43/16	Human rights defenders
July 2020	HRC	44/9	Independence of judges and lawyers
July 2020	HRC	44/12	Freedom of opinion and expression
July 2020	HRC	44/20	Peaceful protest
Oct 2020	HRC	45/18	Safety of journalists
March 2021	HRC	46/4	Human rights, democracy, rule of law
July 2021	HRC	47/3	Civil society space
Oct 2021	HRC	48/17	Cooperation with the UN (Reprisals)
Dec 2021	UNGA	76/174	Human rights defenders
April 2022	HRC	49/18	Human rights defenders

Year	Body	Res.	Short title
April 2022	HRC	49/21	Disinformation
July 2022	HRC	50/5	Independence of judges and lawyers
July 2022	HRC	50/15	Freedom of opinion and expression
July 2022	HRC	50/17	Freedom of assembly and association
July 2022	HRC	50/21	Peaceful protest
Oct. 2022	HRC	51/9	Safety of journalists
April 2023	HRC	52/22	Human rights, democracy, rule of law
July 2023	HRC	53/13	Civil society space

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