



Human Rights Defenders: Protecting the Right to Defend Human Rights



Fact Sheet No.

29

Human Rights

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ABBREVIATIONS

ILO	International Labour Organization
OHCHR	Office of the United Nations High Commissioner for Human Rights
UNAIDS	Joint United Nations Programme on HIV/AIDS
UNDP	United Nations Development Programme
UNESCO	United Nations Educational, Scientific and Cultural Organization
UNHCR	Office of the United Nations High Commissioner for Refugees
UNICEF	United Nations Children's Fund
UNIFEM	United Nations Development Fund for Women
WFP	World Food Programme
WHO	World Health Organization

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INTRODUCTION

This Fact Sheet has been prepared with the aim of supporting human rights defenders in their invaluable work. It is addressed primarily to State authorities, national and international non-governmental organizations, United Nations personnel, major private sector actors (including transnational corporations) and human rights defenders themselves. The Fact Sheet is also aimed at the wider public and may be useful to journalists and others in disseminating information on the role and situation of human rights defenders.

Specifically, the Fact Sheet is intended:

- ❖ To provide Governments and a wide range of professionals who frequently come into contact with human rights defenders with a rapid understanding of what a “human rights defender” is and what activities defenders undertake;
- ❖ To support the right to defend human rights;
- ❖ To strengthen the protection of human rights defenders from any repercussions of their work;
- ❖ To provide a tool for human rights defenders in conducting advocacy and training activities.

The Fact Sheet also contains a brief analysis of the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms¹ and provides an introduction to the activities and methods of work of the Special Representative of the Secretary-General of the United Nations on human rights defenders.

The Declaration on human rights defenders states that everyone has a responsibility to promote and protect human rights. In this regard, and perhaps most importantly of all, the Fact Sheet seeks to encourage more people to defend human rights—to become human rights defenders.

¹ Hereinafter referred to as “Declaration on human rights defenders”. For the text, see annex I.

I. ABOUT HUMAN RIGHTS DEFENDERS

“Human rights defender” is a term used to describe people who, individually or with others, act to promote or protect human rights. Human rights defenders are identified above all by what they do and it is through a description of their actions (section A below) and of some of the contexts in which they work (section B below) that the term can best be explained.² The examples given of the activities of human rights defenders are not an exhaustive list.

A. What do human rights defenders do?

1. *All human rights for all*

To be a human rights defender, a person can act to address any human right (or rights) on behalf of individuals or groups. Human rights defenders seek the promotion and protection of civil and political rights as well as the promotion, protection and realization of economic, social and cultural rights.

Human rights defenders address any human rights concerns, which can be as varied as, for example, summary executions, torture, arbitrary arrest and detention, female genital mutilation, discrimination, employment issues, forced evictions, access to health care, and toxic waste and its impact on the environment. Defenders are active in support of human rights as diverse as the rights to life, to food and water, to the highest attainable standard of health, to adequate housing, to a name and a nationality, to education, to freedom of movement and to non-discrimination. They sometimes address the rights of categories of persons, for example women’s rights, children’s rights, the rights of indigenous persons, the rights of refugees and internally displaced persons, and the rights of national, linguistic or sexual minorities.

2. *Human rights everywhere*

Human rights defenders are active in every part of the world: in States that are divided by internal armed conflict as well as States that are stable; in States that are non-democratic as well as those that have a strong

² The term “human rights defender” has been used increasingly since the adoption of the Declaration on human rights defenders in 1998. Until then, terms such as human rights “activist”, “professional”, “worker” or “monitor” had been most common. The term “human rights defender” is seen as a more relevant and useful term.

democratic practice; in States that are developing economically as well as those that are classified as developed. They seek to promote and protect human rights in the context of a variety of challenges, including HIV/AIDS, development, migration, structural adjustment policies and political transition.

3. *Local, national, regional and international action*

The majority of human rights defenders work at the local or national level, supporting respect for human rights within their own communities and countries. In such situations, their main counterparts are local authorities charged with ensuring respect for human rights within a province or the country as a whole. However, some defenders act at the regional or international level. They may, for example, monitor a regional or worldwide human rights situation and submit information to regional or international human rights mechanisms, including the special rapporteurs of the United Nations Commission on Human Rights and United Nations treaty bodies.³ Increasingly, the work of human rights defenders is mixed, with the focus being on local and national human rights issues, but with defenders making contact with regional and international mechanisms which can support them in improving human rights in their countries.

4. *Collecting and disseminating information on violations*

Human rights defenders investigate, gather information regarding and report on human rights violations. They may, for example, use lobbying strategies to draw their reports to the attention of the public and of key political and judicial officials to ensure that their investigative work is given consideration and that human rights violations are addressed. Most commonly, such work is conducted through human rights organizations, which periodically publish reports on their findings. However, information may also be gathered and reported by an individual focusing on one specific instance of human rights abuse.

5. *Supporting victims of human rights violations*

A very large proportion of the activities of human rights defenders can be characterized as action in support of victims of human rights violations. Investigating and reporting on violations can help end ongoing violations,

³ For more information on international human rights mechanisms, see, for example, Fact Sheets Nos. 10 (Rev.1), 15, 16 (Rev.1), 17 and 27.

prevent their repetition and assist victims in taking their cases to courts. Some human rights defenders provide professional legal advice and represent victims in the judicial process. Others provide victims with counselling and rehabilitation support.

6. *Action to secure accountability and to end impunity*

Many human rights defenders work to secure accountability for respect for human rights legal standards. In its broadest sense, this might involve lobbying authorities and advocating greater efforts by the State to implement the international human rights obligations it has accepted by its ratification of international treaties.

In more specific instances, the focus on accountability can lead human rights defenders to bear witness, either in a public forum (for example, a newspaper) or before a court or tribunal, to human rights violations that have already occurred. In this way, defenders contribute to securing justice on behalf of victims in specific cases of human rights violation and to breaking patterns of impunity, thereby preventing future violations. A significant number of defenders, frequently through organizations established for the purpose, focus exclusively on ending impunity for violations. The same groups of defenders might also work to strengthen the State's capacity to prosecute perpetrators of violations, for example by providing human rights training for prosecutors, judges and the police.

7. *Supporting better governance and government policy*

Some human rights defenders focus on encouraging a Government as a whole to fulfil its human rights obligations, for example by publicizing information on the Government's record of implementation of human rights standards and monitoring progress made. Some defenders focus on good governance, advocating in support of democratization and an end to corruption and the abuse of power, and providing training to a population on how to vote and why their participation in elections is important.

8. *Contributing to the implementation of human rights treaties*

Human rights defenders make a major contribution, particularly through their organizations, to the material implementation of international human rights treaties. Many non-governmental organizations (NGOs) and intergovernmental organizations help to establish housing, health care and sustainable income-generation projects for poor and marginal-

ized communities. They offer training in essential skills and provide equipment such as computers to give communities improved access to information.

This group merits particular attention as its members are not always described as human rights defenders and they themselves may not use the term “human rights” in a description of their work, focusing instead on terms such as “health”, “housing” or “development” which reflect their area of activity. Indeed, many of these activities in support of human rights are described in general terms as development action. Many NGOs and United Nations bodies fall within these categories. Their work, as much as that of other human rights defenders, is central to respect for and protection and achievement of human rights standards, and they need and deserve the protection given to their activities by the Declaration on human rights defenders.

9. *Human rights education and training*

A further major action undertaken by human rights defenders is the provision of human rights education. In some instances, education activities take the form of training for the application of human rights standards in the context of a professional activity, for example by judges, lawyers, police officers, soldiers or human rights monitors. In other instances, education may be broader and involve teaching about human rights in schools and universities or disseminating information on human rights standards to the general public or to vulnerable populations.

In summary, gathering and disseminating information, advocacy and the mobilization of public opinion are often the most common tools used by human rights defenders in their work. As described in this section, however, they also provide information to empower or train others. They participate actively in the provision of the material means necessary to make human rights a reality—building shelter, providing food, strengthening development, etc. They work at democratic transformation in order to increase the participation of people in the decision-making that shapes their lives and to strengthen good governance. They also contribute to the improvement of social, political and economic conditions, the reduction of social and political tensions, the building of peace, domestically and internationally, and the nurturing of national and international awareness of human rights.

B. Who can be a human rights defender?

There is no specific definition of who is or can be a human rights defender. The Declaration on human rights defenders (see annex I) refers to “individuals, groups and associations ... contributing to ... the effective elimination of all violations of human rights and fundamental freedoms of peoples and individuals” (fourth preambular paragraph).

In accordance with this broad categorization, human rights defenders can be any person or group of persons working to promote human rights, ranging from intergovernmental organizations based in the world’s largest cities to individuals working within their local communities. Defenders can be of any gender, of varying ages, from any part of the world and from all sorts of professional or other backgrounds. In particular, it is important to note that human rights defenders are not only found within NGOs and intergovernmental organizations but might also, in some instances, be government officials, civil servants or members of the private sector.

1. *Defending human rights through professional activities—paid or voluntary*

The most obvious human rights defenders are those whose daily work specifically involves the promotion and protection of human rights, for example human rights monitors working with national human rights organizations, human rights ombudsmen or human rights lawyers.

However, what is most important in characterizing a person as a human rights defender is not the person’s title or the name of the organization he or she works for, but rather the human rights character of the work undertaken. It is not essential for a person to be known as a “human rights activist” or to work for an organization that includes “human rights” in its name in order to be a human rights defender. Many of the staff of the United Nations serve as human rights defenders even if their day-to-day work is described in different terms, for example as “development”. Similarly, the national and international staff of NGOs around the world working to address humanitarian concerns can typically be described as human rights defenders. People educating communities on HIV/AIDS, activists for the rights of indigenous peoples, environmental activists and volunteers working in development are also playing a crucial role as human rights defenders.

Many people work in a professional capacity as human rights defenders and are paid a salary for their work. However, there are many others who work in a professional capacity as human rights defenders but who are

volunteers and receive no remuneration. Typically, human rights organizations have very limited funding and the work provided by these volunteers is invaluable.

Many professional activities do not involve human rights work all of the time but can have occasional links with human rights. For example, lawyers working on commercial law issues may not often address human rights concerns and cannot automatically be described as human rights defenders. They can nevertheless act as defenders on some occasions by working on cases through which they contribute to the promotion or protection of human rights. Similarly, leaders of trades unions undertake numerous tasks, many of which bear no relation to human rights, but when they are working specifically to promote or protect the human rights of workers they can be described as human rights defenders. In the same way, journalists have a broad mandate to gather information and disseminate it to a public audience through print, radio or television media. In their general role, journalists are not human rights defenders. However, many journalists do act as defenders, for example when they report on human rights abuses and bear witness to acts that they have seen. Teachers who instruct their pupils in basic principles of human rights fulfil a similar role. Doctors and other medical professionals who treat and rehabilitate victims of human rights violations can also be viewed as human rights defenders in the context of such work; and doctors have special obligations by virtue of the Hippocratic oath.

Those who contribute to assuring justice—judges, the police, lawyers and other key actors—often have a particular role to play and may come under considerable pressure to make decisions that are favourable to the State or other powerful interests, such as the leaders of organized crime. Where these actors in the judicial process make a special effort to ensure access to fair and impartial justice, and thereby to guarantee the related human rights of victims, they can be said to be acting as human rights defenders.

A similar “special effort” qualification can be applied to other professions or forms of employment that bear no obvious relation to human rights. The individuals who hold these jobs may sometimes choose to conduct their work in a way that offers specific support to human rights. For example, some architects choose to design their construction projects in a way that takes into consideration relevant human rights, such as the right to adequate (temporary) housing for the people who will work on the project, or the rights of children to be consulted on the design, if the building is of particular relevance to them.

2. *Defending human rights in a non-professional context*

Many people act as human rights defenders outside any professional or employment context. For example, a student who organizes other students to campaign for an end to torture in prisons could be described as a human rights defender. An inhabitant of a rural community who coordinates a demonstration by members of the community against environmental degradation of their farmland by factory waste could also be described as a human rights defender. A politician who takes a stand against endemic corruption within a Government is a human rights defender for his or her action to promote and protect good governance and certain rights that are threatened by such corruption. Witnesses in court cases to prosecute the perpetrators of human rights abuses, and witnesses who provide information to international human rights bodies or domestic courts and tribunals to help them address violations, are also considered to be human rights defenders in the context of those actions.

People all over the world strive for the realization of human rights according to their circumstances and in their own way. The names of some human rights defenders are internationally recognized, but the majority of defenders remain unknown. Whether an individual works as a local government official, a policeman upholding the law or an entertainer using his or her position to highlight injustices, all can play a role in the advancement of human rights. The key is to look at how such people act to support human rights and, in some instances, to see whether a “special effort” is made.

Clearly, it is impossible to catalogue the huge variety of contexts in which human rights defenders are active. However, common to most defenders are a commitment to helping others, a commitment to international human rights standards, a belief in equality and in non-discrimination, determination and, in many instances, tremendous courage.

C. Is a minimum standard required of human rights defenders?

No “qualification” is required to be a human rights defender, and the Declaration on human rights defenders makes clear, as explained above, that we can all be defenders of human rights if we choose to be. Nevertheless, the “standard” required of a human rights defender is a complex issue, and the Declaration clearly indicates that defenders have

responsibilities as well as rights. This Fact Sheet draws attention to the following three key issues:

Accepting the universality of human rights

Human rights defenders must accept the universality of human rights as defined in the Universal Declaration of Human Rights.⁴ A person cannot deny some human rights and yet claim to be a human rights defender because he or she is an advocate for others. For example, it would not be acceptable to defend the human rights of men but to deny that women have equal rights.

Who is right and who is wrong—does it make a difference?

A second important issue concerns the validity of the arguments being presented. It is not essential for a human rights defender to be correct in his or her arguments in order to be a genuine defender. The critical test is whether or not the person is defending a human right. For example, a group of defenders may advocate for the right of a rural community to own the land they have lived on and farmed for several generations. They may conduct protests against private economic interests that claim to own all of the land in the area. They may or may not be correct about who owns the land. However, whether or not they are legally correct is not relevant in determining whether they are genuine human rights defenders. The key issue is whether or not their concerns fall within the scope of human rights.

This is a very important issue because, in many countries, human rights defenders are often perceived by the State, or even the public, as being in the wrong because they are seen as supporting one side of an argument. They are then told that they are not “real” human rights defenders. Similarly, defenders who act in defence of the rights of political prisoners or persons from armed opposition groups are often described by State authorities as being supporters of such parties or groups, simply because they defend the rights of the people concerned.

This is incorrect. Human rights defenders must be defined and accepted according to the rights they are defending and according to their own right to do so.

⁴ Adopted by the General Assembly of the United Nations by its resolution 217 A (III) of 10 December 1948. See Fact Sheet No. 2, *The International Bill of Human Rights* (Rev.1).

Peaceful action

Finally, the actions taken by human rights defenders must be peaceful in order to comply with the Declaration on human rights defenders.

II. VIOLATIONS COMMITTED AGAINST HUMAN RIGHTS DEFENDERS AND OTHER DIFFICULTIES THEY FACE

Not all human rights work places human rights defenders at risk, and in some States defenders are generally well protected. However, the severity and scale of reprisals committed against defenders were one of the primary motivations behind the adoption of the Declaration on human rights defenders and the establishment of the mandate of the Special Representative of the Secretary-General on human rights defenders.

The Special Representative has expressed concern for the situation of human rights defenders in all countries, including both emerging democracies and countries with long-established democratic institutions, practices and traditions. Nevertheless, special emphasis has been placed on countries where: (a) internal armed conflict or severe civil unrest exists; (b) the legal and institutional protections and guarantees of human rights are not fully assured or do not exist at all.

A great many human rights defenders, in every region of the world, have been subject to violations of their human rights. They have been the target of executions, torture, beatings, arbitrary arrest and detention, death threats, harassment and defamation, as well as restrictions on their freedoms of movement, expression, association and assembly. Defenders have been the victims of false accusations and unfair trial and conviction.

Violations most commonly target either human rights defenders themselves or the organizations and mechanisms through which they work. Occasionally, violations target members of defenders' families, as a means of applying pressure to the defender. Some human rights defenders are at greater risk because of the nature of the rights they seek to protect. Women human rights defenders sometimes confront risks that are gender specific and require particular attention.

In most cases, acts committed against human rights defenders are in violation of both international and national law. In some countries, however, domestic legislation which itself contravenes international human rights law is used against defenders.

A. Examples of acts committed against human rights defenders

The following paragraphs describe some of the human rights violations and obstacles faced by human rights defenders in the course of their work. While some of these acts may occur only once, they often continue to have an impact on defenders and their families for months or even years afterwards. Death threats, for example, can oblige human rights defenders to change their daily routines completely, as well as those of their immediate family, or even to leave their country to seek temporary asylum abroad.

Many human rights defenders have been the victims of **killings** as a direct response to their human rights work. They have been abducted by unidentified persons and sometimes by confirmed members of security forces and later been found dead or made to disappear completely. Assassination attempts have left defenders seriously injured and requiring hospitalization and surgery.

In some regions of the world, **death threats** are used widely as a means of threatening and intimidating human rights defenders into stopping their work. Threats are often anonymous, made by telephone or letter. In some instances, however, the threats are made by persons known to the defenders, but who are not investigated or charged by the police. The lack of effective police or judicial response to killings and death threats creates a climate of impunity that encourages and perpetuates these violations.

Human rights defenders are sometimes **kidnapped**, for short or long periods, and **beaten** during their captivity. Military personnel, police and security force officials have resorted to severe beatings in an attempt to **torture** defenders into making false confessions or in reprisal for a defender's denunciation of violations committed by security forces. **Arbitrary arrest and detention** of human rights defenders are common, and most often conducted without arrest warrants and in the absence of any official charge. Periods of preventive detention, without any judicial review, are sometimes very long and occur in very poor conditions of detention. Human rights defenders can be particularly vulnerable to beatings, ill-treatment and torture while in detention.

In some instances, human rights defenders are the object of **criminal or other charges** leading to **prosecution and conviction**. Peaceful demonstrations, lodging an official complaint against ill-treatment by police, participation in a meeting of indigenous rights activists or unfurling a banner commemorating victims of human rights violations have all led to prosecution on charges as varied as bribery, public disturbance and hooliganism. Court sentences in these cases have included long terms of imprisonment, forcible commitment to psychiatric institutions and “re-education through labour”.

Harassment of human rights defenders is commonplace and often goes unreported. It is almost always committed by authorities and can involve a wide variety of circumstances. Human rights defenders are kept under surveillance and have their telephone lines cut or tapped. They have their travel and identity documents confiscated, preventing them from going abroad to address human rights forums. Human rights lawyers have been threatened with disbarment or placed under investigation. Defenders have suffered administrative harassment, for example being forced to pay heavy fines for trivial administrative transgressions or to report repeatedly over extended periods to an administrative office for no clear reason. Judges have been removed from presiding over particular cases or have been suddenly transferred from one jurisdiction to another, requiring the whole family to move to another part of the country.

Human rights defenders have been the victims of **defamation** campaigns, with slanderous allegations appearing in State-controlled media attacking their integrity and morals. Complaints have been fabricated to discredit independent non-governmental organizations and journalists exposing human rights abuses. Defenders and their work have been publicly misrepresented, being described as, among other things, terrorists, rebels, subversives or actors for opposition political parties. State authorities and State media have equated human rights defenders with the persons whose rights they seek to protect; for example, defenders acting in support of the rights of persons from armed opposition groups have themselves been described as being affiliated to those groups.

Policies, legislation and procedures described as “**security**” measures are sometimes applied in such a way as to restrict the work of human rights defenders and sometimes target the defenders themselves. Under the pretext of security reasons, human rights defenders have been banned from leaving their towns, and police and other members of security forces have summoned defenders to their offices, intimidated them and ordered the suspension of all their human rights activities. Defenders have been prosecuted and convicted under vague security legislation and condemned to harsh sentences of imprisonment.

In addition to violations targeting individuals, there are clear trends illustrating a strategy, in some States, of **restricting the environment in which human rights defenders operate**. Organizations are closed down under the slightest of pretexts; sources of funding are cut off or inappropriately limited; and efforts to register an organization with a human rights mandate are delayed by intentional bureaucracy. State authorities **obstruct the holding of meetings** between human rights defenders and prevent defenders from travelling to investigate human rights concerns.

The enactment and enforcement of **laws curtailing the legitimate exercise** and enjoyment of the rights to freedom of opinion and expression, religious belief, association and movement, such as laws on registration and regulation of the activities of non-governmental organizations, or legislation banning or hindering the receipt of foreign funds for human rights activities, have all been used to harass and obstruct the work of human rights defenders.

Some efforts to hinder the work of human rights defenders have focused on their place or means of work. The **offices and/or homes** of defenders are the subject of **attacks, burglary and unauthorized searches**. Premises from which human rights defenders operate have been closed by authorities, and defenders have had their bank accounts frozen. Their equipment and files, including computers, documents, photographs and diskettes, have been stolen or confiscated. Access to the Internet and international e-mail facilities has been restricted or prevented altogether.

All the above violations of the rights of human rights defenders have been compounded by a culture of **impunity** which exists in many countries in relation to acts committed against human rights defenders.

B. The situation of women human rights defenders

Women human rights defenders have faced all the acts described in section A above. However, their particular situation and role require special awareness and sensitivity both to the ways in which they might be affected differently by such pressures and to some additional challenges. It is essential to ensure that women human rights defenders as well as men are protected and supported in their work and, indeed, that such women are fully recognized as human rights defenders.

The following paragraphs provide a few examples (by no means an exhaustive list) of ways in which women human rights defenders can face different pressures from those confronting men and so require particular protection.

As discussed in section C below, the State is the primary perpetrator of violations against human rights defenders. Women human rights defenders, however, have often found that their rights are violated by members of their own communities, who may resent and oppose their human rights activities, which some community leaders may see as challenging their perceptions of the traditional role of women. In such cases, State authorities have often failed to provide adequate protection for women defenders and their work against the social forces that threaten them.

In many parts of the world, the traditional role of women is perceived as integral to a society's culture. This can make it especially hard for women human rights defenders to question and oppose aspects of their tradition and culture when they violate human rights. Female genital mutilation is a good example of such practices, although there are many others.

Similarly, many women are perceived by their communities as an extension of the community itself. If a woman human rights defender is the victim of a rape because of her human rights work she may be perceived by her extended family as having brought shame on both the family and the wider community. As a human rights defender she must carry the burden not only of the trauma of the rape, but also of the notion within her community that, through her human rights work, she has brought shame on those around her. Even where no rape or other attack has occurred, women who choose to be human rights defenders must often confront the anger of families and communities that consider them to be jeopardizing both honour and culture. The pressures to stop human rights work can be very strong.

Women human rights defenders having day-to-day responsibility for the care of young children or elderly parents often find it very hard to continue their human rights work knowing that arrest and detention would prevent them from fulfilling that role in the family.

This remains a concern for women human rights defenders even though, across the world, men are increasingly sharing responsibility for the care of dependants. However, women have also used this role to strengthen their work as human rights defenders, for example where "mothers of disappeared persons" have formed human rights organizations. The fact

that they are mothers of victims of human rights violations has provided a very strong rallying point and advocacy tool for these defenders.

The complexities that influence a particular human rights issue can sometimes impose unique pressures on women human rights defenders. In many cultures, the requirement for women to defer to men in public can be an obstacle to their publicly questioning action by men in violation of human rights. Similarly, certain interpretations of religious texts are often used to determine laws or practices having a major influence on human rights. Women human rights defenders who wish to challenge such laws or practices and their negative impact on human rights are often barred, because they are women, from acceptance as an authority qualified to interpret such religious scriptures. These women defenders are thus excluded from addressing, on equal terms with men, the primary arguments being used against them. Again, they may also face hostility from the community in which they must continue to live.

The challenges faced by women human rights defenders sometimes require a broader analysis and understanding than those confronting men.

C. Perpetrators of violations against human rights defenders

State authorities are the most common perpetrators of violations against human rights defenders yet also bear the primary responsibility for assuring their protection. However, a variety of “non-State” actors also commit, or are implicated in, acts against human rights defenders and it is important to note their responsibility.

1. *State authorities*

It is not possible to list here the full range of State authorities that have been implicated in violations against human rights defenders. It is useful, however, to note some examples and to emphasize that, most often, where one State authority is a perpetrator then other State authorities are often complicit in the violation because they have not prevented or reacted to the acts committed. State authorities, in this context, should be understood to include multiple types of authorities at the bureaucratic as well as political levels, and to include especially local authorities as well as those at the national level.

Police and other security forces are the most visible perpetrators of acts such as arbitrary arrests, illegal searches and physical violence. However, other authorities are usually also implicated. For example, where an arrest in violation of international standards is conducted with an arrest warrant issued by local authorities and leads to prosecution and conviction, police, members of the judiciary and State lawyers may all be complicit in the violation of a human rights defender's rights.

Where laws or administrative regulations are inappropriately applied so as to prevent human rights defenders from registering as non-governmental organizations or from meeting together, the civilian authorities responsible for applying those rules carry major responsibility. It is common for some State authorities falsely to push defenders into administrative "illegality" and to use this as the basis for a subsequent arrest, detention and conviction.

It can be difficult to identify with certainty the perpetrators of some acts committed against human rights defenders, such as anonymous death threats. In these situations, as with every violation, the relevant State authorities bear responsibility for investigating the acts committed, providing temporary protection if needed and prosecuting those responsible. Where State authorities do not fulfil this responsibility they are in breach of their obligations. In practice, police in some countries sometimes refuse to act on, or even to register, complaints of attacks against human rights defenders, and courts are reluctant to put the perpetrators on trial. Inaction by the authorities has sometimes allowed a violation to continue or be repeated and to worsen, with successive death threats eventually leading to the actual murder of a human rights defender.

2. *Non-State actors*

The group of "non-State" actors is very broad and extends to armed groups, businesses such as transnational corporations, and individuals. While the State bears the primary responsibility to protect human rights defenders, it is essential to recognize that non-State actors can be implicated in acts committed against them, both with and without State complicity.

Armed groups have used killings, abduction and death threats, among other acts, as regular tactics to silence human rights defenders. Some of these groups operate in active collusion with Governments, for example as a paramilitary force, while others are in conflict with the State as armed opposition groups.

Private economic interests—such as transnational corporations or major landowners—have an increasingly recognized impact on the economic and social rights of people from the community in which they are based. In some countries, where human rights defenders have conducted peaceful protests against the negative human rights impact of transnational corporations, the security forces have used violence to repress the protests. In other cases, the authorities have failed to intervene when unidentified individuals, suspected of acting on behalf of private economic interests, have attacked human rights defenders. The Special Representative of the Secretary-General on human rights defenders has noted that, in some of these attacks, the complicity and responsibility of private sector entities are clear and must be recognized.

In other examples of non-State acts, human rights defenders have been the victims of killings, beatings and intimidation instigated by religious associations, community or tribal elders, and even members of their own family, in direct reaction to their human rights work.

3. *Positive role of State and non-State actors*

In many States, the obligation to respect, protect and implement human rights is generally fulfilled effectively; and in almost every State there are, at the very least, individuals within the security and civilian authorities who work very hard to protect human rights and who themselves fulfil the role of human rights defenders. In some cases, police officers, judges, civilian members of the State bureaucracy and politicians have placed themselves at great personal risk so as to protect the human rights of others, to support justice and to end corruption.

Similarly, although some private actors are perpetrators of violations against human rights defenders, others provide fundamental support in addressing such acts. Transnational corporations can be a powerful force in assuring that rights are respected, and some corporations have adopted good employment policies and contributed to the economic and social rejuvenation of the communities in which they are established. Religious leaders have often been at the forefront of action to defend human rights and human rights defenders themselves.

In some cases, there may be no clear-cut separation between positive and negative non-State actors. Business interests may contribute positively to some human rights but have a negative impact on others. It is essential,

therefore, to look at how businesses and other actors respond to human rights defenders who draw their attention to the negative human rights impact of their activities.

III. UNITED NATIONS PROTECTION OF HUMAN RIGHTS DEFENDERS AND SUPPORT FOR THEIR WORK

United Nations action in favour of human rights defenders has developed from recognition of the following:

- ❖ Implementation of international human rights standards within countries depends to a great extent on the contribution of individuals and groups (working inside as well as outside the State), and support to these human rights defenders is fundamental to achieving universal respect for human rights;
- ❖ Where Governments, national legislation, the police, the judiciary and the State as a whole do not provide adequate protection against human rights violations in a country, human rights defenders become the last line of defence;
- ❖ Human rights defenders are often the target of human rights violations precisely because of their human rights work and they themselves require protection.

Recognition of the vital role of human rights defenders and the violations that many of them face convinced the United Nations that special efforts were needed to protect both defenders and their activities.

The first major step was formally to define the “defence” of human rights as a right in itself and to recognize persons who undertake human rights work as “human rights defenders”. On 9 December 1998, by its resolution 53/144, the General Assembly of the United Nations adopted the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms (commonly known as the “Declaration on human rights defenders”). The second step was taken in April 2000, when the United Nations Commission on Human Rights asked the Secretary-General to appoint a special representative on human rights defenders to monitor and support the implementation of the Declaration.

A. The Declaration on human rights defenders

Elaboration of the Declaration on human rights defenders began in 1984 and ended with the adoption of the text by the General Assembly in 1998, on the occasion of the fiftieth anniversary of the Universal Declaration of Human Rights. A collective effort by a number of human rights non-governmental organizations and some State delegations helped to ensure that the final result was a strong, very useful and pragmatic text. Perhaps most importantly, the Declaration is addressed not just to States and to human rights defenders, but to everyone. It tells us that we all have a role to fulfil as human rights defenders and emphasizes that there is a global human rights movement that involves us all.

1. *Legal character*

The Declaration is not, in itself, a legally binding instrument. However, it contains a series of principles and rights that are based on human rights standards enshrined in other international instruments that are legally binding—such as the International Covenant on Civil and Political Rights. Moreover, the Declaration was adopted by consensus by the General Assembly and therefore represents a very strong commitment by States to its implementation. States are increasingly considering adopting the Declaration as binding national legislation.

2. *The Declaration's provisions*

The Declaration provides for the support and protection of human rights defenders in the context of their work. It does not create new rights but instead articulates existing rights in a way that makes it easier to apply them to the practical role and situation of human rights defenders. It gives attention, for example, to access to funding by organizations of human rights defenders and to the gathering and exchange of information on human rights standards and their violation. The Declaration outlines some specific duties of States and the responsibilities of everyone with regard to defending human rights, in addition to explaining its relationship with national law. Most of the Declaration's provisions are summarized in the following paragraphs.⁵ It is important to reiterate that human rights defenders have an obligation under the Declaration to conduct peaceful activities.

⁵ A more detailed commentary on the Declaration is provided in the report of the Secretary-General to the Commission on Human Rights at its fifty-sixth session, in 2000 (E/CN.4/2000/95). The report also contains proposals for the implementation of the Declaration.

(a) *Rights and protections accorded to human rights defenders*

Articles 1, 5, 6, 7, 8, 9, 11, 12 and 13 of the Declaration provide specific protections to human rights defenders, including the rights:

- ❖ To seek the protection and realization of human rights at the national and international levels;
- ❖ To conduct human rights work individually and in association with others;
- ❖ To form associations and non-governmental organizations;
- ❖ To meet or assemble peacefully;
- ❖ To seek, obtain, receive and hold information relating to human rights;
- ❖ To develop and discuss new human rights ideas and principles and to advocate their acceptance;
- ❖ To submit to governmental bodies and agencies and organizations concerned with public affairs criticism and proposals for improving their functioning and to draw attention to any aspect of their work that may impede the realization of human rights;
- ❖ To make complaints about official policies and acts relating to human rights and to have such complaints reviewed;
- ❖ To offer and provide professionally qualified legal assistance or other advice and assistance in defence of human rights;
- ❖ To attend public hearings, proceedings and trials in order to assess their compliance with national law and international human rights obligations;
- ❖ To unhindered access to and communication with non-governmental and intergovernmental organizations;
- ❖ To benefit from an effective remedy;
- ❖ To the lawful exercise of the occupation or profession of human rights defender;
- ❖ To effective protection under national law in reacting against or opposing, through peaceful means, acts or omissions attributable to the State that result in violations of human rights;

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- ❖ To solicit, receive and utilize resources for the purpose of protecting human rights (including the receipt of funds from abroad).

(b) *The duties of States*

States have a responsibility to implement and respect all the provisions of the Declaration. However, articles 2, 9, 12, 14 and 15 make particular reference to the role of States and indicate that each State has a responsibility and duty:

- ❖ To protect, promote and implement all human rights;
- ❖ To ensure that all persons under its jurisdiction are able to enjoy all social, economic, political and other rights and freedoms in practice;
- ❖ To adopt such legislative, administrative and other steps as may be necessary to ensure effective implementation of rights and freedoms;
- ❖ To provide an effective remedy for persons who claim to have been victims of a human rights violation;
- ❖ To conduct prompt and impartial investigations of alleged violations of human rights;
- ❖ To take all necessary measures to ensure the protection of everyone against any violence, threats, retaliation, adverse discrimination, pressure or any other arbitrary action as a consequence of his or her legitimate exercise of the rights referred to in the Declaration;
- ❖ To promote public understanding of civil, political, economic, social and cultural rights;
- ❖ To ensure and support the creation and development of independent national institutions for the promotion and protection of human rights, such as ombudsmen or human rights commissions;
- ❖ To promote and facilitate the teaching of human rights at all levels of formal education and professional training.

(c) *The responsibilities of everyone*

The Declaration emphasizes that everyone has duties towards and within the community and encourages us all to be human rights defenders.

Articles 10, 11 and 18 outline responsibilities for everyone to promote human rights, to safeguard democracy and its institutions and not to violate the human rights of others. Article 11 makes a special reference to the responsibilities of persons exercising professions that can affect the human rights of others, and is especially relevant for police officers, lawyers, judges, etc.

(d) *The role of national law*

Articles 3 and 4 outline the relationship of the Declaration to national and international law with a view to assuring the application of the highest possible legal standards of human rights.

B. The Special Representative of the Secretary-General on human rights defenders

In its resolution 2000/61 of 26 April 2000, the Commission on Human Rights requested the Secretary-General to appoint a special representative on human rights defenders. The Commission's intention was to provide support to the implementation of the Declaration and to gather information on the situation of human rights defenders around the world. In August 2000, Ms. Hina Jilani was appointed by the Secretary-General as the first holder of this office.

1. The formal mandate of the Special Representative

The Special Representative undertakes activities in complete independence of any State, is not a United Nations staff member and does not receive a salary. The Special Representative's mandate, as set out in paragraph 3 of Commission on Human Rights resolution 2000/61, is to conduct the following main activities:

- (a) To seek, receive, examine and respond to information on the situation and the rights of anyone, acting individually or in association with others, to promote and protect human rights and fundamental freedoms;
- (b) To establish cooperation and conduct dialogue with Governments and other interested actors on the promotion and effective implementation of the Declaration;

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- (c) To recommend effective strategies better to protect human rights defenders and follow up on these recommendations;

The Commission on Human Rights urged all Governments to cooperate with and assist the Special Representative and to provide all information requested. The Special Representative was asked to submit annual reports to the Commission and to the General Assembly.

2. *The practical activities of the Special Representative*

The Special Representative's formal mandate is a very broad one, requiring the identification of strategies, priorities and activities to implement it. The "protection" of human rights defenders is the Special Representative's overriding concern. Protection is understood to include the protection of defenders themselves and the protection of their right to defend human rights.

The Special Representative makes every effort to ensure that the same standards are applied equally to each State, in keeping with the mandate's global character. Several broad types of activities are undertaken, although there is often some overlap between them, with some activities serving a number of different objectives.

(a) Contacts with human rights defenders

First and foremost, the Special Representative tries to be accessible to human rights defenders themselves by:

- ❖ Being available to receive information from defenders, including allegations of human rights violations committed against them (see "(d) Individual cases" below), and using this information in identifying concerns to be raised with States;
- ❖ Regularly attending national, regional and international human rights events (including the annual session of the Commission on Human Rights), which provide opportunities for contact with defenders from around the world.

(b) Contacts with States

The Special Representative maintains regular contacts with States.

General contacts are conducted through forums such as the annual sessions of the Commission on Human Rights in Geneva and the General Assembly in New York, during which the Special Representative presents annual reports to States, responds to their questions and can meet with

individual State delegations to discuss issues of concern, including individual cases.

More specific contacts are conducted on a bilateral basis in meetings or in writing and these are used by the Special Representative to raise specific issues of concern with individual States and to seek State support, for example, in addressing a case or in obtaining an invitation to visit.

(c) *Contacts with other key actors*

The Special Representative meets, during the year, with numerous other actors of relevance to the mandate and its activities, including national parliaments; regional intergovernmental organizations; and groups of States having a commitment to improving the role and situation of human rights defenders.

(d) *Individual cases*

The Special Representative takes up with the States concerned individual cases of human rights violations committed against human rights defenders. Information on such cases is received from a variety of sources, including State authorities, non-governmental organizations, United Nations agencies, the media and individual human rights defenders.

As information arrives, the Special Representative first seeks to determine if it falls within the mandate. Secondly, every effort is made to determine the probable validity of the allegation of human rights violation and the reliability of the source of the information. Thirdly, the Special Representative makes contact with the Government of the State where the alleged violation is said to have occurred. Contact is usually conducted through either an “urgent action” or an “allegation” letter addressed to the State’s Minister for Foreign Affairs and copied to its diplomatic mission to the United Nations in Geneva. The letter provides details of the victim, the human rights concerns and the alleged events. The primary objective of the letter is to ensure that State authorities are informed of the allegation as early as possible and that they have an opportunity to investigate it and to end or prevent any human rights violation.

- ❖ “Urgent action” letters are used to communicate information about a violation that is allegedly ongoing or about to occur. The intention is to ensure that the appropriate State authorities are informed as quickly as possible of the circumstances so that they can intervene to end or prevent a violation. For example, a death threat reportedly made against a human rights lawyer in

response to his or her human rights work would be addressed through an urgent action letter.

- ❖ “Allegation” letters are used to communicate information about violations that are said to have already occurred and whose impact on the human rights defender affected can no longer be changed. This kind of letter is used, for example, in cases where information reaches the Special Representative long after the human rights abuse has already been committed and reached a conclusion. For example, where a human rights defender has been killed, the matter would be raised with the State through an allegation letter.

In both types of letter, the Special Representative asks the Government concerned to take all appropriate action to investigate and address the alleged events and to communicate the results of its investigation and actions. Allegation letters focus primarily on asking the State authorities to investigate the events and to conduct criminal prosecutions of those responsible. The letters sent to Governments are confidential and remain so until the end of the reporting year, when the Special Representative submits an annual report to the Commission on Human Rights on communications with Governments on specific cases.

The Special Representative constantly consults with United Nations special rapporteurs whose own mandates are involved in a particular case and frequently sends joint letters of concern with these mandate holders.

Annex II to this Fact Sheet sets out guidelines on the kind of information the Special Representative requires in order to take action on a case and on how the information should be submitted.

(e) *Country visits*

The Special Representative is mandated to conduct official visits to States. Some States have issued standing invitations, and in other cases the Special Representative writes to the Government requesting that an invitation be extended. These visits provide an opportunity to examine in detail the role and situation of human rights defenders in the country, to identify particular problems and to make recommendations on how these could be resolved. By the nature of the mandate, the Special Representative is required to look critically at the situation of human rights defenders in a country. Nevertheless, the process is intended to provide an independent and impartial assessment which will be of use to

all actors in strengthening both the contribution of defenders to human rights and their protection.

Country visits usually take place over a period of 5 to 10 days, during which the Special Representative meets with heads of State and Government, relevant government ministers, independent human rights institutions, United Nations agencies, the media and human rights defenders themselves, among others.

Issues raised during such visits include: violations committed against human rights defenders; the strength of the “environment” within which defenders conduct their human rights work, including freedoms of association and expression, access to funding and the support to defenders provided by domestic legislation; and efforts undertaken by the authorities to protect human rights defenders from violations.

A few months after each visit, the Special Representative issues a report on the visit indicating, among other things, main concerns and recommendations for action. The report is then formally presented by the Special Representative at the next session of the Commission on Human Rights.

(f) Workshops and conferences

Every year, the Special Representative attends a number of events—including workshops and conferences—organized around the central theme of human rights defenders, or around broader themes relevant to defenders, such as democratization. These events may be organized by States, the United Nations, academic institutions, non-governmental organizations or other actors.

(g) Strategies

The Special Representative may identify themes that are considered to have a fundamental bearing on the role and situation of human rights defenders across the world and seek to support defenders through action specifically in those areas. Some such themes are democratization processes, the responsibilities of local authorities and the impact of security or anti-terrorist legislation on human rights defenders. One consistent strategy for supporting defenders has been the establishment and strengthening of regional protection networks for them.

(h) Reports

The Special Representative’s annual reports to the Commission on Human Rights and to the General Assembly, required under the mandate, pro-

vide a record of the year's activities, describe the primary trends and concerns identified during the year, and make recommendations for how these should be addressed. Some reports examine major themes of concern, for example the impact of security legislation on human rights defenders and their work. The reports are very useful indicators of the problems confronted by defenders in specific countries and regions, as well as of particular themes of global concern. The recommendations outlined in each report provide a basis for action by States, United Nations agencies, human rights defenders themselves, the private sector and a range of other actors. The Special Representative's reports are available on the web site of the Office of the United Nations High Commissioner for Human Rights (www.ohchr.org).

The goal of all the above groups of activities is to contribute to the protection of human rights defenders and the implementation of the Declaration.

3. *Logistical and resource arrangements—the role of OHCHR*

Like United Nations special rapporteurs,⁶ the Special Representative has access to only limited resources. Strategies and activities need to be adapted accordingly.

The Special Representative receives substantive support in the implementation of the mandate from the Office of the United Nations High Commissioner for Human Rights, in particular through the relevant “desk officer(s)”.⁷ These are OHCHR staff members, based in Geneva, who are responsible for managing, under the instructions of mandate holders, day-to-day activities of the thematic mandates established by the Commission on Human Rights. For example, OHCHR desk officers regularly receive information on alleged violations committed against human rights defenders, which they analyse and communicate to the Special Representative. They support the Special Representative in drafting reports and help in the preparation and conduct of country visits. Day-to-day external contacts with the mandate—by embassies, non-governmental organizations and United Nations staff—are most frequently maintained via contact with the desk officers. The Administrative Services of OHCHR provide support in the organization and funding of travel and other activities.

⁶ See Fact Sheet No. 27 for more information on United Nations special rapporteurs.

⁷ Depending on the availability of resources, there may be more than one person providing support to the Special Representative.

A small amount of funds is provided from the United Nations budget for travel by the Special Representative to conduct about two official country visits per year, to attend the sessions of the Commission on Human Rights and the General Assembly and to participate in consultations in Geneva. Occasionally, United Nations agencies and NGOs provide additional resources to support the holding of workshops, the publication of research reports and other general activities related to the mandate.

Information on making contact with the Special Representative is included in annex II to this Fact Sheet, which sets out guidelines on communicating alleged violations against human rights defenders.

IV. HOW CAN HUMAN RIGHTS DEFENDERS BE SUPPORTED AND PROTECTED IN THEIR WORK?

The fact that the most serious human rights violations continue to be inflicted upon human rights defenders shows that much more needs to be done to support their role and protect them from harm. This chapter provides a number of suggestions for action that can be taken to implement the Declaration and thereby support and protect human rights defenders at the local, national, regional and international levels. These suggestions are addressed to States, human rights defenders themselves, civil society, the United Nations and, in some instances, the private sector and other actors. They do not constitute an exhaustive list of what can be done, but they provide a basis on which more specific activities and strategies can be developed according to the needs of each region and country.⁸ The different suggestions cover:

- ❖ The legislative basis for the work of human rights defenders and their protection, including the rights to freedom of expression and association;

⁸ Additional recommendations for action can be found in the report of the Secretary-General to the Commission on Human Rights in 2000 (E/CN.4/2000/95) and in the reports of the Special Representative to the General Assembly (A/56/341, A/57/182 and A/58/380, annex) and to the Commission on Human Rights (E/CN.4/2001/94, E/CN.4/2002/106 and Add.1 and 2 and E/CN.4/2003/104 and Add.1-4). These and future reports of the Special Representative will be found on the OHCHR web site (www.ohchr.org) through the "Index".

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- ❖ Protection by the law and courts in practice;
 - ❖ Access to training and information;
 - ❖ The roles of national and local authorities and of the United Nations, and the influential force of the private sector;
 - ❖ Monitoring and dissemination of information on the situation of human rights defenders through the media and informal networks of civil society;
 - ❖ Protection and support for human rights defenders abroad;
 - ❖ The responsibilities and high standards required of human rights defenders.

It is important to emphasize again that efforts to support and protect human rights defenders will also help to secure the implementation of human rights standards. Protecting defenders and supporting them in their work should be central to the human rights strategies of States, to the work of the United Nations as a whole and to the activities of relevant non-governmental organizations. Support for human rights defenders should be an integral aspect of all international cooperation in the context of development, democratization and similar processes.

A. Action by States

Annual General Assembly resolutions on the Declaration on human rights defenders, beginning in 1998, have called upon all States to promote and give effect to the Declaration.⁹ Annual resolutions of the Commission on Human Rights, beginning in 2000, have also called upon all States to implement the Declaration and to cooperate with and assist the Special Representative.¹⁰ These resolutions reflect a political commitment by individual States and the international community to act. Suggestions for specific action by States are set out in the following paragraphs.

⁹ See, for example, General Assembly resolutions 56/163 of 19 December 2001 and 57/209 of 18 December 2002.

¹⁰ See Commission on Human Rights resolutions 2000/61 of 26 April 2000, 2001/64 of 25 April 2001, 2002/70 of 25 April 2002 and 2003/64 of 24 April 2003.

1. *Using the Declaration on human rights defenders*

- ❖ **Conformity of domestic legislation with the Declaration:** Ensure that domestic legislation is in conformity with the Declaration on human rights defenders. Give particular attention to ensuring that there are no legislative obstacles limiting defenders' access to funding, their independence or their rights to freedom of association, assembly and expression.
- ❖ **The Declaration as a national legal instrument:** The adoption of the Declaration as a legally binding national instrument would strengthen its potential as a support tool for human rights and human rights defenders. Its inclusion within a State's domestic legislation would facilitate its application by the judiciary and respect for it by State authorities.
- ❖ **Implementation of the Declaration:** Implement the Declaration's provisions, monitor the progress made and publish a report every two years indicating what steps have been taken and those articles in relation to which concerns remain. Consider developing, in consultation with civil society, and publishing a plan of action for the implementation of the Declaration.
- ❖ **Disseminate and provide training on the Declaration:** Disseminate the Declaration through information and training programmes targeting, for example, human rights defenders themselves, State officials, intergovernmental organizations and the media.

2. *Protection in practice*

- ❖ **Monitoring:** Ensure that there is a strong, independent, well-resourced mechanism—such as a national human rights commission—that can receive information from human rights defenders on violations they are addressing in their work or violations targeting them personally. Support the development of a regional human rights monitoring mechanism that can provide additional oversight and protection to defenders.
- ❖ **Justice and impunity:** Ensure that human rights defenders benefit from the full protection of the judiciary and that violations committed against them are promptly and fully investigated, with appropriate redress being provided.
- ❖ **The role of local government:** Emphasize the role and responsibilities of local government authorities in supporting and pro-

protecting human rights defenders. Implementation of the Declaration should be pursued at local as well as national levels. Processes of decentralization of State authority should acknowledge that responsibility for protecting human rights is a part of local, as well as national, governance. Local government officials should have access to human rights education programmes and should be supported and encouraged by national authorities in their efforts to respect human rights standards. Local authorities could be asked to contribute information to the national report on the implementation of the Declaration.

- ❖ **Cooperation with the Special Representative:** Extend a standing invitation for a country visit to the Special Representative on human rights defenders, as well as to other special procedure mandates created by the Commission on Human Rights. Respond promptly to communications on cases raised by the Special Representative and give due consideration to recommendations made in the Special Representative's reports.

3. *Action by individual State entities*

- ❖ **The legislative body** could adopt an agenda that supports the Declaration and human rights defenders; give particular attention to ensuring that legislation, for example on security, is not inappropriately used to limit the work of human rights defenders; establish a parliamentary committee with oversight for defenders; and encourage individual parliamentarians to "adopt" defenders who are under threat and publicly advocate on their behalf. This initiative could be developed on behalf of defenders within the State as well as those in other countries.
- ❖ **The office of the head of State and/or Government** could establish a focal point for human rights defenders to ensure, among other things, that all government ministries take action to welcome and support work by human rights defenders that relates to their areas of responsibility.
- ❖ **The Ministry of Foreign Affairs** could ensure that the concerns of human rights defenders working in other countries are reflected in the Government's foreign policy and international trade actions; and provide support to defenders fleeing persecution in other countries by facilitating their entry into the State and temporary residence. Some Governments have adopted

official policies on human rights defenders and instructed their embassies to provide special support to them.

- ❖ **The Ministry of the Interior** could ensure that all internal security officials, including the police, receive human rights training and that they are supportive of the role of human rights defenders and of the rights and responsibilities defined in the Declaration.

B. Action by non-State actors—including civil society and the private sector

- ❖ **The media** can fulfil a vital role in support of human rights defenders by providing information on the Declaration, reporting on violations committed against defenders and nurturing public support for defenders' work. Initiatives to strengthen the role of the media in this regard could be taken by media organizations and other non-governmental organizations and might involve human rights training or securing improved and regular access, by the media, to information on human rights concerns. The media could make particular efforts to counter any attempts to defame human rights defenders, for example by promptly challenging statements wrongly accusing defenders of being terrorists, criminals or against the State.
- ❖ **Transnational corporations** should be attentive to the legitimate concerns of human rights defenders addressed to them. They should, in particular, take great care not to request or encourage, explicitly or implicitly, repression by State authorities of defenders' criticism of the activities of transnational corporations. Such corporations could also express concern to authorities about violations committed against human rights defenders, for example when negotiating trade and other agreements with the State.
- ❖ In developing their approach to human rights defenders, transnational corporations and other private sector entities could refer to the Declaration on human rights defenders and to the principles of the United Nations Global Compact programme.¹¹
- ❖ **Networks of support:** Civil society in general could establish informal monitoring networks to ensure that, whenever a

¹¹ See www.unglobalcompact.org

human rights defender faces the threat of a violation, the information is quickly shared among a wide group. Such monitoring can have a strong protective role, helping to prevent violations. Networks should be established at the local, national and regional levels. There should also be links with relevant international mechanisms, such as international human rights non-governmental organizations.

C. Action by United Nations departments, offices and programmes

Annual General Assembly resolutions on the Declaration on human rights defenders request all concerned United Nations agencies and organizations, within their mandates, to provide all possible assistance and support to the Special Representative on human rights defenders. In addition, a series of United Nations initiatives such as the Secretary-General's support for the mainstreaming of human rights in the Organization's development programming, the United Nations reform process and the Millennium Campaign to promote the development goals agreed by States at the 2000 Millennium Summit all encourage and in some cases require strong United Nations involvement in the implementation of human rights standards. There are strong links between the role and objectives of human rights defenders and those of United Nations Country Teams. In fact, the Special Representative indicated in the 2003 report to the Commission on Human Rights that many United Nations staff are themselves human rights defenders and that human rights defenders are often key partners of the United Nations at the country level.¹² Thus support by the United Nations system as a whole for the Declaration on human rights defenders, and especially by United Nations Country Teams, is support for the core goals of the Organization.

1. At the country level

United Nations Country Teams should be active in the implementation of the Declaration and in providing support, within their mandates, to human rights defenders. Specific action could include:

- ❖ **Promoting the Declaration**, its dissemination and translation into local languages, and the adoption of its provisions into national legislation;

¹² E/CN.4/2003/104, paras. 5 and 54.

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- ❖ **Organizing private meetings** between the heads of United Nations country offices and human rights defenders working in the country (including those from within both civil society and the State), during which defenders can present human rights concerns and recommendations relevant to the mandates of the United Nations agencies, programmes or offices concerned;
 - ❖ **Taking note of human rights concerns** that affect the United Nations country mandate and raising those concerns with the relevant State authorities;
 - ❖ **Allowing human rights defenders** working with non-governmental organizations having a recognized human rights role to make use of United Nations facilities, such as a conference centre, to hold human rights training programmes or similar workshops;
 - ❖ **Taking note of relevant recommendations** made by the Special Representative on human rights defenders and United Nations special rapporteurs.

Officials within United Nations Country Teams whose work may be of particular relevance to human rights defenders (depending on the country and office) include:

- ❖ The United Nations Resident Representative or Resident Coordinator;
- ❖ The heads of the various United Nations offices and programmes, including ILO, OHCHR, UNAIDS, UNDP, UNESCO, UNHCR, UNICEF, UNIFEM, WFP and WHO;
- ❖ Programme Coordinators, Protection Officers and Human Rights Officers (notably within UNHCR, UNICEF, OHCHR and ILO);
- ❖ Staff responsible for liaising with civil society;
- ❖ Staff working on good governance;
- ❖ Staff responsible for education and information campaigns.

2. *At the regional and international levels*

At the regional and international levels, the United Nations system can be extremely supportive of human rights defenders. Specific action can include:

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- ❖ **Ensuring** that a focus on human rights defenders, and on the Declaration itself, is included in regional and international training programmes for staff;
 - ❖ **Analysing the role** played by human rights defenders in supporting implementation of the particular United Nations agency's or programme's mandate, and identifying any problems restricting defenders' support for that mandate;
 - ❖ **Ensuring** that a focus of support for relevant human rights defenders is included in policy documents;
 - ❖ **Maintaining contact** with regional organizations and networks of human rights defenders working on human rights issues related to a particular United Nations mandate. Remaining aware of any protection needs that defenders may have and advocating in support of them;
 - ❖ **Receiving and analysing the reports and recommendations** of the Special Representative on human rights defenders and transmitting them to the relevant country offices.

D. Action by human rights defenders

As discussed earlier in this Fact Sheet, human rights defenders are found within State authorities, within civil society, in the private sector and in numerous other capacities. Thus the preceding sections A to C are addressed to human rights defenders themselves as well as to the broader categories of State, non-State and intergovernmental actors. This final section provides some additional suggestions for action by human rights defenders as a group.

1. *Quality of work*

- ❖ Establish and maintain impartiality and transparency.
- ❖ Establish professional practices for reporting on human rights violations.
- ❖ Develop credibility through accurate reporting.
- ❖ Help to ensure that other human rights organizations maintain similarly high standards.

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- ❖ Insofar as conditions and national laws respect the Declaration on human rights defenders and other international human rights instruments, ensure that laws and regulations concerning, for example, the registration of non-governmental organizations are respected by human rights defenders.

2. Training

- ❖ Organize regular human rights training workshops for yourself and your colleagues and also for others, such as police, journalists, teachers and the public in general. Training for human rights defenders should include training on professionalizing their work as well as on relevant security precautions.
- ❖ Events such as these can serve the additional purpose of drawing attention to human rights concerns and to the work of human rights defenders.

3. Networks and channels of communication

- ❖ Create support networks among human rights defenders and also with other key actors, such as the media, the church, civil society in general and relevant private sector actors. Networks are especially important at the local, national and regional levels, but are also useful at the international level.
- ❖ Networks can be used to monitor the safety of human rights defenders, rapidly disseminate information about a defender at risk and also ensure that the defender community is broad and representative of the full range of human rights. When using networks to transmit information on human rights abuses in general, defenders should identify their key partners and provide them with information in an easily usable form.
- ❖ These channels of communication could include a public dissemination strategy.

4. Analysis

- ❖ Clearly define the fundamental problems facing human rights defenders in particular States and develop recommendations to the relevant authorities on how these could be addressed.

5. *Supporting improved State protection for human rights*

- ❖ Advocate for the appointment of officials with human rights training to key positions such as Minister of Justice, key judges and prosecutors, chief of police, etc.
- ❖ Promote the establishment of State and independent institutions that will implement and protect human rights standards.
- ❖ Encourage State authorities to investigate human rights violations and urge an end to impunity.

6. *Protection strategies*

- ❖ Define a strategy and procedures for the urgent protection of human rights defenders facing threats. A strategy should include criteria for deciding whether the situation of risk justifies communicating information to the regional and international protection networks, in which case great care must be taken to present accurate and complete information.
- ❖ A protection strategy should include referring cases to the Special Representative on human rights defenders. Annex II to this Fact Sheet provides information on how this can be done.

7. *Using the Declaration on human rights defenders*

- ❖ Making the best possible use of the Declaration should form a part of any human rights defender's strategy.
- ❖ The Declaration can be disseminated and be the subject of training campaigns, and human rights defenders can advocate for it to be adopted into national legislation or for a plan of action for its implementation, tailored to the local situation.

ANNEXES

Annex I

Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms

**Adopted by General Assembly resolution 53/144
of 9 December 1998**

The General Assembly,

Reaffirming the importance of the observance of the purposes and principles of the Charter of the United Nations for the promotion and protection of all human rights and fundamental freedoms for all persons in all countries of the world,

Reaffirming also the importance of the Universal Declaration of Human Rights and the International Covenants on Human Rights as basic elements of international efforts to promote universal respect for and observance of human rights and fundamental freedoms and the importance of other human rights instruments adopted within the United Nations system, as well as those at the regional level,

Stressing that all members of the international community shall fulfil, jointly and separately, their solemn obligation to promote and encourage respect for human rights and fundamental freedoms for all without distinction of any kind, including distinctions based on race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status, and reaffirming the particular importance of achieving international cooperation to fulfil this obligation according to the Charter,

Acknowledging the important role of international cooperation for, and the valuable work of individuals, groups and associations in contributing to, the effective elimination of all violations of human rights and fundamental freedoms of peoples and individuals, including in relation to mass, flagrant or systematic violations such as those resulting from apartheid, all forms of racial discrimination, colonialism, foreign domina-

tion or occupation, aggression or threats to national sovereignty, national unity or territorial integrity and from the refusal to recognize the right of peoples to self-determination and the right of every people to exercise full sovereignty over its wealth and natural resources,

Recognizing the relationship between international peace and security and the enjoyment of human rights and fundamental freedoms, and mindful that the absence of international peace and security does not excuse non-compliance,

Reiterating that all human rights and fundamental freedoms are universal, indivisible, interdependent and interrelated and should be promoted and implemented in a fair and equitable manner, without prejudice to the implementation of each of those rights and freedoms,

Stressing that the prime responsibility and duty to promote and protect human rights and fundamental freedoms lie with the State,

Recognizing the right and the responsibility of individuals, groups and associations to promote respect for and foster knowledge of human rights and fundamental freedoms at the national and international levels,

Declares:

Article 1

Everyone has the right, individually and in association with others, to promote and to strive for the protection and realization of human rights and fundamental freedoms at the national and international levels.

Article 2

1. Each State has a prime responsibility and duty to protect, promote and implement all human rights and fundamental freedoms, *inter alia*, by adopting such steps as may be necessary to create all conditions necessary in the social, economic, political and other fields, as well as the legal guarantees required to ensure that all persons under its jurisdiction, individually and in association with others, are able to enjoy all those rights and freedoms in practice.

2. Each State shall adopt such legislative, administrative and other steps as may be necessary to ensure that the rights and freedoms referred to in the present Declaration are effectively guaranteed.

Article 3

Domestic law consistent with the Charter of the United Nations and other international obligations of the State in the field of human rights and fundamental freedoms is the juridical framework within which human rights and fundamental freedoms should be implemented and enjoyed and within which all activities referred to in the present Declaration for the promotion, protection and effective realization of those rights and freedoms should be conducted.

Article 4

Nothing in the present Declaration shall be construed as impairing or contradicting the purposes and principles of the Charter of the United Nations or as restricting or derogating from the provisions of the Universal Declaration of Human Rights, the International Covenants on Human Rights and other international instruments and commitments applicable in this field.

Article 5

For the purpose of promoting and protecting human rights and fundamental freedoms, everyone has the right, individually and in association with others, at the national and international levels:

- (a) To meet or assemble peacefully;
- (b) To form, join and participate in non-governmental organizations, associations or groups;
- (c) To communicate with non-governmental or intergovernmental organizations.

Article 6

Everyone has the right, individually and in association with others:

- (a) To know, seek, obtain, receive and hold information about all human rights and fundamental freedoms, including having access to information as to how those rights and freedoms are given effect in domestic legislative, judicial or administrative systems;
- (b) As provided for in human rights and other applicable international instruments, freely to publish, impart or disseminate to others views, information and knowledge on all human rights and fundamental freedoms;

(c) To study, discuss, form and hold opinions on the observance, both in law and in practice, of all human rights and fundamental freedoms and, through these and other appropriate means, to draw public attention to those matters.

Article 7

Everyone has the right, individually and in association with others, to develop and discuss new human rights ideas and principles and to advocate their acceptance.

Article 8

1. Everyone has the right, individually and in association with others, to have effective access, on a non-discriminatory basis, to participation in the government of his or her country and in the conduct of public affairs.

2. This includes, *inter alia*, the right, individually and in association with others, to submit to governmental bodies and agencies and organizations concerned with public affairs criticism and proposals for improving their functioning and to draw attention to any aspect of their work that may hinder or impede the promotion, protection and realization of human rights and fundamental freedoms.

Article 9

1. In the exercise of human rights and fundamental freedoms, including the promotion and protection of human rights as referred to in the present Declaration, everyone has the right, individually and in association with others, to benefit from an effective remedy and to be protected in the event of the violation of those rights.

2. To this end, everyone whose rights or freedoms are allegedly violated has the right, either in person or through legally authorized representation, to complain to and have that complaint promptly reviewed in a public hearing before an independent, impartial and competent judicial or other authority established by law and to obtain from such an authority a decision, in accordance with law, providing redress, including any compensation due, where there has been a violation of that person's rights or freedoms, as well as enforcement of the eventual decision and award, all without undue delay.

3. To the same end, everyone has the right, individually and in association with others, *inter alia*:

(a) To complain about the policies and actions of individual officials and governmental bodies with regard to violations of human rights and fundamental freedoms, by petition or other appropriate means, to competent domestic judicial, administrative or legislative authorities or any other competent authority provided for by the legal system of the State, which should render their decision on the complaint without undue delay;

(b) To attend public hearings, proceedings and trials so as to form an opinion on their compliance with national law and applicable international obligations and commitments;

(c) To offer and provide professionally qualified legal assistance or other relevant advice and assistance in defending human rights and fundamental freedoms.

4. To the same end, and in accordance with applicable international instruments and procedures, everyone has the right, individually and in association with others, to unhindered access to and communication with international bodies with general or special competence to receive and consider communications on matters of human rights and fundamental freedoms.

5. The State shall conduct a prompt and impartial investigation or ensure that an inquiry takes place whenever there is reasonable ground to believe that a violation of human rights and fundamental freedoms has occurred in any territory under its jurisdiction.

Article 10

No one shall participate, by act or by failure to act where required, in violating human rights and fundamental freedoms and no one shall be subjected to punishment or adverse action of any kind for refusing to do so.

Article 11

Everyone has the right, individually and in association with others, to the lawful exercise of his or her occupation or profession. Everyone who, as a result of his or her profession, can affect the human dignity, human rights and fundamental freedoms of others should respect those rights and freedoms and comply with relevant national and international standards of occupational and professional conduct or ethics.

Article 12

1. Everyone has the right, individually and in association with others, to participate in peaceful activities against violations of human rights and fundamental freedoms.

2. The State shall take all necessary measures to ensure the protection by the competent authorities of everyone, individually and in association with others, against any violence, threats, retaliation, de facto or *de jure* adverse discrimination, pressure or any other arbitrary action as a consequence of his or her legitimate exercise of the rights referred to in the present Declaration.

3. In this connection, everyone is entitled, individually and in association with others, to be protected effectively under national law in reacting against or opposing, through peaceful means, activities and acts, including those by omission, attributable to States that result in violations of human rights and fundamental freedoms, as well as acts of violence perpetrated by groups or individuals that affect the enjoyment of human rights and fundamental freedoms.

Article 13

Everyone has the right, individually and in association with others, to solicit, receive and utilize resources for the express purpose of promoting and protecting human rights and fundamental freedoms through peaceful means, in accordance with article 3 of the present Declaration.

Article 14

1. The State has the responsibility to take legislative, judicial, administrative or other appropriate measures to promote the understanding by all persons under its jurisdiction of their civil, political, economic, social and cultural rights.

2. Such measures shall include, *inter alia*:

(a) The publication and widespread availability of national laws and regulations and of applicable basic international human rights instruments;

(b) Full and equal access to international documents in the field of human rights, including the periodic reports by the State to the bodies established by the international human rights treaties to which it is a party, as well as the summary records of discussions and the official reports of these bodies.

3. The State shall ensure and support, where appropriate, the creation and development of further independent national institutions for the promotion and protection of human rights and fundamental freedoms in all territory under its jurisdiction, whether they be ombudsmen, human rights commissions or any other form of national institution.

Article 15

The State has the responsibility to promote and facilitate the teaching of human rights and fundamental freedoms at all levels of education and to ensure that all those responsible for training lawyers, law enforcement officers, the personnel of the armed forces and public officials include appropriate elements of human rights teaching in their training programme.

Article 16

Individuals, non-governmental organizations and relevant institutions have an important role to play in contributing to making the public more aware of questions relating to all human rights and fundamental freedoms through activities such as education, training and research in these areas to strengthen further, *inter alia*, understanding, tolerance, peace and friendly relations among nations and among all racial and religious groups, bearing in mind the various backgrounds of the societies and communities in which they carry out their activities.

Article 17

In the exercise of the rights and freedoms referred to in the present Declaration, everyone, acting individually and in association with others, shall be subject only to such limitations as are in accordance with applicable international obligations and are determined by law solely for the purpose of securing due recognition and respect for the rights and freedoms of others and of meeting the just requirements of morality, public order and the general welfare in a democratic society.

Article 18

1. Everyone has duties towards and within the community, in which alone the free and full development of his or her personality is possible.

2. Individuals, groups, institutions and non-governmental organizations have an important role to play and a responsibility in safeguarding democracy, promoting human rights and fundamental freedoms and

contributing to the promotion and advancement of democratic societies, institutions and processes.

3. Individuals, groups, institutions and non-governmental organizations also have an important role and a responsibility in contributing, as appropriate, to the promotion of the right of everyone to a social and international order in which the rights and freedoms set forth in the Universal Declaration of Human Rights and other human rights instruments can be fully realized.

Article 19

Nothing in the present Declaration shall be interpreted as implying for any individual, group or organ of society or any State the right to engage in any activity or to perform any act aimed at the destruction of the rights and freedoms referred to in the present Declaration.

Article 20

Nothing in the present Declaration shall be interpreted as permitting States to support and promote activities of individuals, groups of individuals, institutions or non-governmental organizations contrary to the provisions of the Charter of the United Nations.

Annex II

Guidelines for submitting allegations of violations of the Declaration on human rights defenders to the Special Representative

Selecting the right information—Presenting it clearly

- ❖ Before sending a complaint, ensure that all the details listed in points 1 to 7 of column A (Essential information) are included in your submission. In cases of extreme urgency, it may be possible to submit a case without some of these details, but their absence makes examining the matter more difficult.
- ❖ If you have additional information, it could be helpful. Examples of useful additional information are provided in column B (Useful information). These details are not essential but can be important in some cases.
- ❖ Information may be sent in list form (as in column A), or it may be provided in a letter. Column C provides an example of case information and how it can be included in a letter. Providing the correct kind of details and expressing them clearly make a quick response easier.

Confidentiality

- ❖ The identity of a victim will always be included in any contact between the Special Representative and State authorities. The Special Representative cannot intervene without revealing the victim's identity. If the victim is a minor (below 18 years of age) the Special Representative will include his or her name in contact with the State but will not include the name in any subsequent public report. The source of the information provided or the victim may also request that the victim's name not be included in public reports.
- ❖ The identity of the source of information on the alleged violation is always kept confidential, unless the source agrees that it may be revealed. When submitting information you may indicate

whether there are any other details which you would like to remain confidential.

Contact details for sending submissions and for further correspondence

- ❖ The Special Representative's staff will acknowledge the receipt of a submission if this is requested. They can be contacted at any time for further discussion.
- ❖ E-mail contact details: urgent-action@ohchr.org The text of the e-mail should refer to the human rights defenders mandate.
- ❖ Fax: +41 22 917 9006 (Geneva, Switzerland)
- ❖ Telephone: +41 22 917 1234. This is the number for the United Nations telephone operator in Geneva, Switzerland. Callers should ask to speak with staff at the Office of the United Nations High Commissioner for Human Rights dealing with the special procedures of the Commission on Human Rights, and specifically with staff supporting the mandate of the Special Representative on human rights defenders.

A	B	C
<p data-bbox="157 954 386 975">Essential information</p> <p data-bbox="143 1026 348 1075">1. Name of alleged victim/s</p> <p data-bbox="143 1094 400 1169">Take care to give first and family names and to spell names correctly.</p> <p data-bbox="143 1189 400 1264">Victims can be individuals, groups or organizations.</p> <p data-bbox="143 1308 400 1358">2. Status of the victim as a human rights defender</p> <p data-bbox="143 1377 400 1481">In what human rights activity is the victim (person/s, organization) engaged?</p>	<p data-bbox="460 954 658 975">Useful information</p> <p data-bbox="428 1026 689 1129">If the victim is an individual, please provide information on gender, age, nationality and profession.</p> <p data-bbox="428 1161 689 1289">If the victim is an individual or an organization, please provide contact details. Contact details are treated as confidential.</p> <p data-bbox="428 1308 689 1465">Where relevant, please also indicate the city and country in which the victim (person/s, organization) conducts this human rights work.</p>	<p data-bbox="725 954 968 1007">Example of letter to the Special Representative</p> <p data-bbox="717 1026 976 1106">Ms. Aabb Ddee, a lawyer, lives in [name of city/town and country].</p> <p data-bbox="717 1308 976 1492">Aabb Ddee takes up legal cases supporting the right to adequate housing on behalf of ethnic minorities. She is also a member of the National Commission for Human Rights.</p>

3. Alleged violation/s committed against the victim

What happened? Where? When? What is the current situation?

Where an initial violation has led to a series of other acts, please describe them in chronological order. For example, if the initial concern is that a human rights defender has been arrested, details should be provided. But if he or she is subsequently detained, other useful information would include: the place of detention; whether the person has access to a lawyer; the conditions of detention; the charges; etc.

Aabb Ddee received an anonymous threat to her safety. According to our information, on [day/month/year] Ms. Ddee received a letter at her office in [name of city/town]. The letter was addressed to her and contained only the words “Be careful”. In addition, the following day Ms. Ddee was followed closely while driving home from her office by two men in a white car.

4. Perpetrators

Give any available information on who allegedly committed the violation: e.g. two men (in uniform?); rank, unit or other identification or title.

Witnesses

Were there any witnesses to the alleged violation?

Were there any other victims?

Aabb Ddee was unable to identify the two men following her or their vehicle. A friend accompanying Ms. Ddee in her car also saw the vehicle following them.

5. Action by authorities

Has the matter been reported to the relevant authorities?

What action has been taken?

Action taken by the victim or by human rights organizations

Has the alleged violation been made public?

Has this information been sent to other human rights groups?

Aabb Ddee reported both incidents to the local police office [name/address of office] the same days they occurred. The police have opened an investigation. She also reported the incidents to a local newspaper [name].

6. Link between the violation and human rights work

Why do you think the alleged violation is a response to the human rights work of the victim?

Previous incidents

If there have been previous incidents which are relevant, please give details.

A year ago [date], another lawyer representing the same ethnic group as Aabb Ddee received a threatening letter similar to Ms. Ddee’s and was later [date] killed by unknown persons.

7. Who is submitting this information?

(Confidential)

Give name and contact details. Give also professional role, if relevant.

Submissions may be made by organizations or individuals.

This letter is submitted by the National Commission for Human Rights, with which Aabb Ddee works.

Updates

Please send any updated information you have as soon as possible. It is especially important to know if there has been any change in the situation of the victim.

Updates might be given where:

- additional information becomes known (e.g. the identity of the perpetrator of the violation);
- new events occur (e.g. the victim's release from detention).

[two months later] We learned today [date] that the police investigation was closed yesterday. Two men have been arrested and detained on charges of sending a threatening letter to Aabb Ddee on [date] and of following her in their car when she left work the next day. The men are due to appear in court in two weeks. While pleased with the arrests, Ms. Ddee believes that the person who ordered these acts to be committed remains at liberty. She has asked that the police investigation be continued.

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