

("Ten messages to know defenders better" attached below)

JOINT STATEMENT

9 December 2008

"Ten years on, human rights defenders continue to pay a high price"

Five UN and regional human rights mechanisms and representatives launch a joint warning on the persistent challenges facing human rights defenders on the tenth anniversary of the adoption of the Declaration on Human Rights defenders.*

GENEVA, BANJUL, STRASBOURG, WARSAW and WASHINGTON D.C. – Ten years after the adoption of the Declaration on Human Rights Defenders, defenders continue to pay a high price while advocating for and protecting human rights, be they civil, political, economic, social or cultural.

Today marks the tenth anniversary of a landmark instrument adopted by consensus by the UN General Assembly in 1998. The Declaration has offered new possibilities for the support and protection of defenders and their activities, by articulating existing human rights in a way that makes them easier to apply to the reality of human rights defenders.

In 2000, the UN mandate on the situation of human rights defenders was established to support States in their implementation of the Declaration. It has contributed to the protection of thousands of human rights defenders throughout the world, given visibility to them and to the Declaration, and encouraged the development of networks and coalitions of human rights defenders. The mandate has also included a gender perspective in its work, and raised awareness about the situation of defenders most at risk and about violations committed against them.

In recent years, regional mechanisms have been established in Africa, Europe and the Americas to closely monitor the situation of human rights defenders and urge States to ensure an enabling environment for their work, in accordance with international and regional human rights obligations. They have significantly contributed to the implementation of the Declaration in their respective regions, by raising awareness on the work of defenders, designing protection frameworks and strategies, and promoting their human rights activities.

Despite all these achievements, in every region of the world, defenders – and often their beloved ones – continue to be subjected to threats, killings, disappearances, torture and ill-treatment, arbitrary detention, surveillance, administrative and judicial harassment, defamation, and more generally, stigmatization by State authorities and non-State actors.

They face illegitimate restrictions on the exercise of their rights to freedom of opinion and expression, access to information, access to funding, and freedoms of association -including registration-, peaceful assembly, and movement. A climate of impunity for violations committed against defenders prevails in numerous countries of the world.

Of particular concern for the signatories of this joint statement is the plight of defenders who, due to the sensitivity of their work, are most exposed to attacks and abuses. These include women defenders, defenders working on economic, social and cultural rights, on rights of Lesbian, Gay, Bisexual and Transgender (LGBT) persons, on rights of indigenous peoples and persons belonging to minorities, and fighting impunity for serious crimes and corruption, as well as youth defenders. They need specific and enhanced protection as well as targeted and deliberate efforts to make their working environment a safer, more enabling and accepting one.

The signatories of the joint statement call on Member or participating States of their respective organizations and other stakeholders to recognize the activities of human rights defenders as legitimate human rights work, ensure the removal of all obstacles, and take proactive measures to support such work.

They stress that the primary responsibility for the protection of human rights defenders lies with Governments, and that very often firm public stands in support of human rights defenders can transform a situation of vulnerability into one of empowerment for defenders.

The new decade ahead must be one in which the provisions of the Declaration on Human Rights Defenders are made a reality worldwide.

END

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Mrs Reine Alapini-Gansou, the Special Rapporteur on human rights defenders of the African Commission on Human and Peoples' Rights;

Mr Thomas Hammarberg, the Commissioner for Human Rights of the Council of Europe;

Ambassador Janez Lenarčič, Director of the OSCE Office for Democratic Institutions and Human Rights (ODIHR); and

Dr Santiago A. Canton, the Executive Secretary of the Inter-American Commission on Human Rights.

Key messages on human rights defenders¹

10 years of the Declaration on Human Rights Defenders, 10 messages to know defenders better

On the occasion of the tenth anniversary of the adoption of the Declaration on Human Rights Defenders and with the purpose of further popularizing that instrument, the Special Rapporteur wishes to bring the following messages to the attention of the international community.

1. Human rights defenders

Human rights defenders are those who, individually or together with others, act to promote and protect human rights. It is their activities in the defence of human rights that makes them human rights defenders.

2. The Declaration on Human Rights Defenders is an international instrument for the protection of the right to defend human rights

The Declaration reaffirms rights that are instrumental to the defence of human rights, including, inter alia, freedom of association, freedom of peaceful assembly, freedom of opinion and expression, and the right to gain access to information, to provide legal aid and to develop and discuss new ideas in the area of human rights. Implementing the Declaration is a precondition for the creation of an enabling environment that enables human rights defenders to carry out their work. National laws, including, in particular, legislation regulating the activities of civil society organizations, should uphold the principles of the Declaration.

3. An enabling environment for human rights defenders

The activity of defending human rights can be carried out safely and effectively if the environment in which defenders of such rights operate is conducive to their work. The enjoyment of the rights and freedoms set out in the Declaration is the primary element of an enabling environment. Other factors that contribute to such an environment are: the existence of effective and independent national human rights institutions; systematic collaboration with public authorities; the systematic participation of defenders in decision-making, including in the areas of law and policy, through institutionalized processes of consultation; policies related specifically to human rights defenders; human rights education policies and programmes; and open support for defenders on the part of public authorities and the political establishment.

4. The protection of human rights defenders has a multiplying effect on the protection of human rights

Human rights defenders are on the front lines of the protection and promotion of human rights in their countries. Protecting those who defend human rights has a multiplying effect on the broader promotion and protection of human rights. Conversely, wherever human rights defenders are under attack, respect for human rights is curtailed. The situation of human rights defenders is therefore a fundamental indicator of the situation of human rights in countries, and the protection of defenders

¹ These messages are annexed to the first report of the United Nations Special Rapporteur on the situation of human rights defenders to the General Assembly, 14 August 2008, A/63/288.

is an indispensable element of the social and institutional framework for the protection of all human rights.

5. A wide range of protection measures

The primary responsibility for the protection of human rights defenders lies with Governments. Protection measures vary depending on the security risks faced by defenders. Ranging from security measures applied by the police to the analysis of patterns of attack against defenders, witness protection programmes, the investigation and prosecution of the perpetrators of attacks against defenders and public recognition and acknowledgement of the work of defenders and condemnation of attacks against them, Governments can undertake a vast array of actions to respond to the protection needs of defenders. Protection can also be ensured by other actors, including defenders themselves and their networks; the judiciary, with its fundamental role in ending impunity; human rights mechanisms at the national, regional and international levels, including those established specifically for the protection of human rights defenders; the diplomatic community, with its good offices and diplomacy tools, including the issuance of emergency visas; and the media, which report on and lend visibility and recognition to the work of defenders. A combination of a broad range of protection measures is often the best response to ensure adequate protection for defenders under threat.

6. End impunity for violations against human rights defenders

The inability to investigate, prosecute and convict perpetrators of attacks and violations against defenders exposes them to greater risks and strengthens the public perception that human rights can be violated with impunity. Breaking that vicious circle of impunity is a fundamental contribution to the protection of defenders and of human rights more broadly.

7. Political will is often a decisive factor in bringing about real change

Legislation, policies and institutions are indispensable factors in creating an enabling environment for defenders. However, the attitude of the political establishment can make a fundamental difference in the effectiveness of legislative and institutional frameworks. Very often, firm public stands in support of human rights defenders can transform a situation of vulnerability for defenders into one of empowerment.

8. Protection and recognition for defenders most exposed to attacks and violations

Attacks against defenders are targeted in particular at those who work to overcome human rights challenges deemed sensitive or controversial. This varies depending on several parameters linked to the human rights context. In general, more efforts are needed to recognize and protect women human rights defenders and defenders working to promote economic, social and cultural rights, as well as those working to uphold the rights of minorities, indigenous peoples and lesbian, gay, bisexual and transgender people. Those defenders need specific and enhanced protection, as well as targeted and deliberate efforts to make the environment in which they operate a safer, more enabling and more accepting one.

9. The gender dimension of the defence of human rights

Women defenders have been and remain a vibrant part of the human rights movement. In several countries, women defenders are the leading force in the human rights

community and women's organizations are the sector of civil society with the most social capital. However, women defenders — particularly those working in the area of women's rights — are at greater risk of being targeted by forms of prejudice, exclusion and repudiation by various parts of the social and political establishment. Analysis of the gender dimension of the work carried out in the defence of human rights is fundamental to addressing the protection needs and the legitimacy gaps that may affect women defenders. Parameters such as the level of participation, the number of organizations and the degree of representation related to women defenders, the prominence of women's rights on the agendas of defenders and patterns of gender-based violations against the human rights of defenders are to be taken into account when assessing the situation of human rights defenders.

10. Establish and strengthen regional human rights mechanisms for the protection of defenders

In recent years, mechanisms for the protection of human rights defenders have been established at the regional level within regional intergovernmental organizations. These include the Special Rapporteur on Human Rights Defenders in Africa of the African Commission on Human and Peoples' Rights, the Unit for Human Rights Defenders within the secretariat of the Inter-American Commission on Human Rights, the Commissioner for Human Rights of the Council of Europe and the Focal Point for Human Rights Defenders and National Human Rights Institutions within the Office for Democratic Institutions and Human Rights of the Organization for Security and Cooperation in Europe. Those mechanisms complement and reinforce the protection role of the United Nations Special Rapporteur on the situation of human rights defenders and are well placed to closely monitor the situation of defenders. They deserve support and resources to implement their mandates. Furthermore, consideration should be given to the establishment of a regional mechanism in Asia.
