

Good practices in the protection of human rights defenders: Major new report

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A major new report by the UN Special Rapporteur on Human Rights Defenders, to be discussed at the March 2016 session of the Human Rights Council, documents good policies and practices in the protection of defenders and makes concrete recommendations to States, business enterprises, donors and other stakeholders to ensure a safe and enabling environment for defenders' work.



(Geneva) - A major new [report by the UN expert on human rights defenders](#), Michel Forst, documents good practices and policies in the protection of defenders and makes concrete recommendations to States, business enterprises, national human rights institutions, donors, civil society organisations and other stakeholders to ensure a safe and enabling environment for defenders' work. The report also articulates seven key principles that should inform the development and implementation of any measures to support and protect defenders.

Many of the key findings and recommendations contained in the report of the Special Rapporteur on Human Rights Defenders ([A/HRC/31/55](#)) are consistent with those advocated by ISHR and twelve national NGOs in a [joint submission](#) to the Office of the High Commissioner for Human Rights in October 2015.

States should develop and implement specific laws and mechanisms to protect defenders and combat impunity

Key among these is a recommendation that, in consultation with civil society, **States should develop and implement specific national laws and mechanisms to protect defenders and to investigate and ensure accountability for threats and attacks against them.** ISHR's work to develop a [model national law on the recognition and protection of human rights defenders](#) is specifically referenced in this regard.

'A number of states have recently introduced legislation that provides a framework for the protection and promotion of the work of human rights defenders. National legislation can lead to a stable and coherent protection framework,' the Special Rapporteur says in the report.

In addition to enacting laws, the Special Rapporteur recommends that States establish and adequately resource human rights defender protection mechanisms, in consultation with civil society and with a number of functions: 'Such mechanisms offer a centralised institution to monitor and report on the situation of defenders and coordinate state response to threats. In addition, they can make recommendations to reform laws and policies that conflict with the rights of defenders or place them at risk.'

According to the Special Rapporteur, such mechanisms can also play a role in combating impunity, with the report recommending that States, 'develop a mechanism to investigate complaints on threats or violations against defenders in a prompt and effective manner and initiate appropriate disciplinary, civil and criminal proceedings against perpetrators, as part of systemic measures to prevent impunity for such acts'.

A 'holistic' approach to protecting and supporting human rights defenders

Through the report, the Special Rapporteur endorses a 'holistic' approach to the protection of defenders, engaging the responsibility of a range of actors. Key insights and recommendations included in the report and advocated by ISHR in this regard include that:

- **States** should publicly recognise the vital and legitimate work of human rights defenders, disseminate and raise awareness about the Declaration and actively respect and protect 'the right to defend rights'.
- **National human rights institutions** should develop concrete action plans to support and protect defenders and establish focal points to ensure effective implementation and evaluation of such plans.
- **Business enterprises** have an important and influential role to play in protecting defenders and should be

engaged in this regard: 'The condemnation of violations by members of the business community not only legitimises defenders' concerns but also builds opposition to bad business practices,' the report says. 'In addition, due to their economic and political influence, the support of business leaders can draw in wider support of society.'

- **Donors** should provide long-term, sustainable, flexible financial support to defenders and their organisations and networks, providing for their 'holistic protection'.
- **The UN** itself should strengthen the protection of defenders and prevent violations against them, including through the 'Rights Up Front' initiative and the Sustainable Development Goals, and by strengthening its institutional response to cases of reprisals against those who for cooperate with UN human rights mechanisms. The need to prevent and ensure accountability for reprisals is particularly important given the Special Rapporteur's finding that international and regional human rights mechanisms are increasingly being turned to and relied upon by defenders either to complement and strengthen domestic advocacy efforts, or because democratic institutions and the rule of law are weak or non-existent at the national level. 'Regional and international fora provide opportunities to formulate, coordinate and develop policies for the protection of human rights defenders... Regional and international fora also provide an important mechanism for the monitoring of the situation of defenders and response to situations of risk,' the report says. Consequently, 'defenders wish to receive more support in gaining knowledge about...how to access international and regional human rights mechanisms and how to engage with the international community to amplify their concerns.'

Seven principles of good practice which should underpin all policies and practices to protect and support defenders

In addition to making concrete recommendations, the Special Rapporteur also articulates seven key principles for all stakeholders that he considers should inform and underpin all policies and practices to protect and support defenders, namely:

- Principle 1: They should adopt a rights-based approach to protection, empowering defenders to know and claim their rights.
- Principle 2: They should recognise that defenders are diverse and come from different backgrounds, cultures, and belief systems.
- Principle 3: They should recognise the significance of gender in the protection of defenders and apply an intersectionality lens to the assessment of risks and to the design of protection initiatives.
- Principle 4: They should focus on 'holistic security' of defenders, including physical security, digital security, and psychosocial wellbeing.
- Principle 5: They should not focus on the rights and security of individual defenders alone, but also include the groups, organisations, communities, and family members who share their risks.
- Principle 6: They should involve defenders in the development, choice, implementation and evaluation of strategies and tactics for their protection. The participation of defenders is key to their security.
- Principle 7: They should be flexible, adaptable, and tailored to the specific needs and circumstances of defenders.

Report to be discussed at Human Rights Council and high-level NGO side-event in Geneva

The Special Rapporteur's report will be tabled and discussed at the 31st session of the UN Human Rights Council in Geneva on 3 March 2016. The Special Rapporteur, Michel Forst, will also participate in a [high-level NGO side-event](#) to discuss the report and, particularly, the situation and protection needs of defenders of economic, social and cultural rights, on 7 March 2016. Other panelists include former High Commissioner for Human Rights, Navi Pillay.