

Opinion: Shrinking space for human rights defenders

21.02.2013

As published in [*The Australian*](#)

Next week, national leaders, senior officials and human rights defenders from around the world will gather in Geneva to attend the UN Human Rights Council.



As published in [*The Australian*](#)

Next week, national leaders, senior officials and human rights defenders from around the world will gather in Geneva to attend the UN Human Rights Council.

The Council is the peak multilateral body for discussions and resolutions on situations of global human rights concern. The agenda for the session is typically busy, with discussions scheduled on country situations from Syria to Sri Lanka, and thematic issues from the rights of the child to the regulation of private military and security companies.

One of the first items for discussion is the Annual Report of the UN High Commissioner for Human Rights, Navi Pillay. The High Commissioner is the UN's most senior human rights official and her annual report provides a global overview of some of the cross-cutting human rights challenges facing the international community.

Key among these is the persistence and perpetuation of discrimination in all of its invidious forms, with the High Commissioner calling special attention to the incidence of discrimination on the basis of race, gender and disability. Significantly, the High Commissioner also identifies discrimination on the grounds of sexual orientation and gender identity as one of the most serious and widespread human rights violations throughout the world; a violation that "affects millions of people in all regions".

The import of the High Commissioner naming such discrimination as a global human rights challenge should not be underestimated. It is less than two years ago that the Human Rights Council narrowly passed the first ever UN resolution to "express concern" about homophobic violence and discrimination.

The timing of the report is also opportune, with Russia's parliament currently considering draft legislation to criminalise so-called "homosexual propaganda", and a bill to make homosexual activity an offence punishable by death - the so-called "Kill the Gays" bill - very much back on the agenda in Uganda. This is despite the fact that the prohibition against discrimination is a peremptory norm of international law and is enshrined in many of the major international human rights treaties, including those to which Russia and Uganda are party.

These are, of course, extreme examples but far from isolated. As the High Commissioner recognises, discrimination on the grounds of sexual orientation and gender identity remains persistent and widespread throughout the world. Such discrimination exists both in law - whether that be law which criminalises homosexual activity or fails to recognise marriage equality - and also in practice, including the failure of many states to take meaningful action to prevent homophobic discrimination or harassment.

The time for debate on these issues has passed. It is now time for all responsible members of the global community to take a principled stand in favour of equality and non-discrimination and strong action against homophobia and intolerance.

In addition to reflecting the persistence of discrimination, the Russian "homosexual propaganda" bill also exemplifies another key concern identified in the High Commissioner's report; namely, the shrinking space for human rights defenders and their susceptibility to intimidation, attacks and reprisals. The Russian bill is a paradigm example of this, with the likelihood that the law will be used to harass human rights defenders and target those who speak out on the rights of lesbian, gay, bisexual, transgender and intersex people.

It is welcome news, therefore, that Norway has recently announced that it will put a landmark resolution to the Human Rights Council this session, calling for the elimination of laws which impair or restrict the work of human rights defenders and the passage of laws which ensure that they are able to fully exercise their fundamental rights to freedom of expression, assembly, association and peaceful protest.

However, it is not only odious laws that are shrinking the space available for human rights defenders. The global financial crisis has resulted in a major contraction of funds available to support non-government and human rights organisations, with Australia even going so far as to re-direct overseas aid and development funds into paying private security companies to run immigration detention centres in Nauru and Papua New Guinea.

While not dealing with such specifics, the High Commissioner's report does express real concern about the inadequate resourcing of the UN human rights system and calls on States to commit additional resources to strengthen international human rights and the rule of law. This is a critical call. Respecting and protecting human rights is never more important than in times of austerity, with research, evidence and recent experience showing that reduced investment in human rights can inflame social tensions and impacts most adversely on the poor and vulnerable.

Conversely, increased investment in human rights over the long-term promotes security, peace and prosperity, making it not only the right thing morally and economically, but a wise exercise of enlightened self-interest.

Phil Lynch is the Director of the International Service for Human Rights in Geneva (www.ishr.ch). He is on Twitter: @PhilALynch