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**Promotion and protection of human rights: human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms**

## Situation of human rights defenders

### Note by the Secretary-General

The Secretary-General has the honour to transmit to the General Assembly the report of the Special Rapporteur on the situation of human rights defenders, Mary Lawlor, submitted in accordance with Human Rights Council resolution 43/16 and Assembly resolution [74/146](#).

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\* [A/75/50](#).



## **Report of the Special Rapporteur on the situation of human rights defenders, Mary Lawlor**

### *Summary*

The present report is the first submitted by the current mandate holder. She outlines herein how she intends to approach and develop the subject of her mandate in the coming years. She presents her priorities and working methods and offers a brief overview of her activities in the first weeks since she took up her role. She describes the change in working methods for herself, and for human rights defenders more generally, in the immediate term brought about by the coronavirus disease (COVID-19) pandemic. She details her priorities, which include focusing on those defenders most exposed to killings and other violent attacks, including a focus on other violations, with attention paid to the most marginalized and vulnerable, among them women defenders, those defending the rights of lesbian, gay, bisexual, transgender and intersex persons, defenders who are children, defenders with disabilities, defenders working on the rights of migrants and related issues, those working on the climate crisis and defenders working in isolated and remote areas. Her priorities also include defenders serving long terms in prison, reprisals against defenders who cooperate with the United Nations on human rights, the issue of impunity for those who attack defenders, the role of businesses and financial institutions in both harming and protecting the work of defenders and strengthening follow-up to individual cases brought to her attention. She sets out her focus on how the universal periodic review mechanism can be better used for protecting defenders and how she intends to strengthen cooperation with other mandate holders. She seeks to contribute to the development and sharing of good practice among States to better protect defenders and promote their work positively.

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## I. Introduction

1. The present report is the first submitted to the General Assembly by the newly appointed Special Rapporteur on the situation of human rights defenders, Mary Lawlor, and the fortieth thematic report since the establishment of the mandate in 2000. It is submitted pursuant to Human Rights Council resolution 43/16 and Assembly resolution 74/146. The work of the Special Rapporteur is also underpinned by thematic resolutions, including Assembly resolutions on the implementation 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 Freedoms (Declaration on Human Rights Defenders) and, in particular, Council resolutions 31/32, 22/6 and 13/13, which are focused on the protection of defenders, including women defenders.

2. The Special Rapporteur has decided to focus the present report on her vision of how she intends to discharge the mandate entrusted to her and on her main priorities during her term.

3. Her appointment, and the present report, come at an extraordinary time, with the world in the throes of the coronavirus disease (COVID-19) pandemic. This tragic experience has taught many lessons and has served as a reminder of the fragile nature of the world's systems and of how human rights are interconnected and interdependent. The crisis has also expanded many people's understanding of who is a human rights defender, with many of those fighting the pandemic and its effects rightly being recognized as defenders, promoting the rights of others at their own personal risk, whether health workers, medical facility cleaners, care staff or others.

4. The Special Rapporteur also notes the importance of protecting human rights defenders, such as those women who defend the rights of their communities to food, shelter, water and education.

5. The Special Rapporteur notes with regret that, those lessons notwithstanding, the reaction to the pandemic has largely increased the threats to civic space and human rights defenders and that the global response has too often been characterized by declarations of states of emergency that are not compliant with human rights obligations and by abuse of constitutional powers.<sup>1</sup>

6. The Special Rapporteur recognizes that human rights defenders are living in difficult times and will explore how best to support their work during and after the current global health and human rights crisis. She notes that the pandemic has changed the world suddenly and forever and that the ground gained by defenders over many decades must not be lost in the coming months.

7. The following are the priority areas for her future activities:

(a) Trends and challenges in relation to defenders, including in the context of the pandemic, with analysis to be carried out regularly;

(b) Defenders most exposed to violent attacks and violations, with attention paid to the most marginalized and vulnerable, among them women human rights defenders, those defending the human rights of lesbian, gay, bisexual, transgender and intersex persons, defenders who are children, defenders with disabilities, defenders working on the rights of migrants and related issues, those working on the climate crisis and defenders working in isolated and remote areas;

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<sup>1</sup> See the joint press release entitled "COVID-19: States should not abuse emergency measures to suppress human rights – UN experts", issued on 16 March 2020. Available at [www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=25722&LangID=E](http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=25722&LangID=E).

- (c) Defenders at high risk of being killed;
- (d) Defenders sentenced to, and serving, long terms in prison;
- (e) Physical and mental integrity of defenders, including those whose well-being is threatened or damaged by online attacks;
- (f) Role of businesses and financial institutions in both harming and protecting the work of defenders;
- (g) Reprisals against defenders who have cooperated with the mandate holder and/or other human rights mechanisms and offices of the United Nations and other regional and intergovernmental organizations;
- (h) Strengthening of follow-up to individual cases brought to her attention, in particular by enhancing collaboration with stakeholders, including Governments, human rights actors at the national, regional and international levels, regional mechanisms for the protection of defenders, national institutions, the diplomatic community, field presences of the Office of the United Nations High Commissioner for Human Rights (OHCHR), human rights components of United Nations country teams and peacekeeping missions, the media, treaty bodies and other special procedures mechanisms;
- (i) How the universal periodic review mechanism is being used, and how it can be better used, to improve the situation of defenders;
- (j) Strengthening of cooperation with other mandate holders, regional mechanisms and other stakeholders.

## **II. Methods of work**

8. The Special Rapporteur draws heavily on the working methods developed by her predecessors, Hina Jilani, Margaret Sekaggya and Michel Forst. They succeeded in developing the mandate and in establishing the legitimacy and recognition of the work of human rights defenders. She intends to be guided by their previous work. She notes that they each worked, as she intends to, in accordance with the Code of Conduct for Special Procedures Mandate-holders of the Human Rights Council and the working methods described in the Manual of Operations of the Special Procedures of the Human Rights Council, adopted in June 2008 at the fifteenth annual meeting of special rapporteurs, special representatives, independent experts and chairs of working groups of the special procedures of the Human Rights Council.

9. The Special Rapporteur recognizes the vital importance of cooperating with all United Nations bodies and other intergovernmental human rights organizations. The present section contains an overview of her activities undertaken between 1 May 2020, when she took up her duties, and 30 June 2020.

### **A. Communications**

10. The Special Rapporteur has used communications and press statements to engage in dialogue with States on issues relating to some human rights defenders and legislative developments that may affect the environment in which defenders operate.

11. Communications are an essential tool for her work, addressing urgent cases that require the immediate attention of States and allowing her to raise allegations of human rights violations against human rights defenders, concerns about individuals and patterns of violations, with a view to preventing violations and ensuring accountability.

12. Between 1 May and 30 June 2020, the Special Rapporteur sent 43 communications to 30 States, of which 10 were urgent appeals, 29 were letters of allegation and 4 were other letters.

13. Many of the communications were formulated jointly with other mandate holders. The Special Rapporteur fully supports joint appeals; they have the advantage of increasing and reinforcing the impact and power of appeals, making it possible to address cases and situations more comprehensively. They emphasize the indivisibility, interdependence and interrelatedness of all human rights and show how the work of human rights defenders can overlap with all other rights.

14. The Special Rapporteur notes, however, that the greater frequency of joint communications carries the risk of slowing response times, given that the agreement of all mandate holders, in their time zones, must be secured and clearance procedures followed before action is taken. She intends to continue to support joint appeals and, where appropriate, to issue her own appeals.

15. In total, 17 communications were sent to countries in the Asia-Pacific region (40 per cent), 9 to countries in the Americas region (21 per cent), 4 to countries in the Middle East and North Africa region (9 per cent), 6 to countries in the Europe and Central Asia region (14 per cent) and 7 to countries in the Africa region (16 per cent).

16. In those communications, the Special Rapporteur highlighted the situation of more than 189 individuals, including 59 women. She sent one communication with regard to a case of reprisals against groups or individuals for having engaged with the United Nations, its mechanisms or representatives in the field of human rights or with international human rights bodies.

17. At the time of writing, five responses had been received to the communications sent since 1 May 2020, for a response rate of 12 per cent. That particularly low rate is due in part to the limited capacity of States to respond amid the COVID-19 crisis. In addition, States have a 60-day deadline, which had not, at the time of writing, elapsed for most of the States concerned. It should be noted that responses by Governments are often general or evasive in nature. The Special Rapporteur intends to increase her efforts to follow up on communications that are inadequately answered or go unanswered entirely. As at 30 June 2020, she had followed up on 14 communications.

18. The Special Rapporteur sent four communications concerning developments in national legislation that could affect the environment in which human rights defenders conduct their activities. She intends to step up that type of communication with Governments to offer advisory services to those that so wish.

19. The Special Rapporteur is aware of the serious difficulties that arise in the use of communications, including the large number received and the lack of resources available to properly address all cases meriting attention.

20. During the period under consideration, the Special Rapporteur issued 17 press releases on the situation of human rights defenders in 12 countries. They address such issues as: the general situation in a country, including legislative changes that may negatively affect the situation of defenders; individual cases relating to defenders, including reprisals against those who have attempted to engage with the United Nations and its mechanisms in the field of human rights; and questions relating to certain groups of defenders working in a specific country, such as individuals who promote the rights of lesbian, gay, bisexual, transgender and intersex persons.

## B. Country visits

21. Country visits afford an excellent opportunity for the Special Rapporteur to learn about the situation of human rights defenders locally, the difficulties and risks that they face and how they address them. Visits are a vital tool to engage constructively with States at all levels, to discuss the main issues affecting the environment in which defenders work and to raise awareness of the importance of their work.

22. The Special Rapporteur regrets that she has been unable to conduct official visits owing to the COVID-19 pandemic. Instead, she has consulted human rights defenders in online forums. Since taking up her role, she has been in daily contact with defenders and has had person-to-person consultations, including with representatives of non-governmental organizations, listening to defenders from all regions working on a wide range of rights as they cope with the fast-changing environments caused by the pandemic. The current widespread travel restrictions mean that such intensive online engagement will continue for the foreseeable future.

23. As of 2020, the Special Rapporteur has outstanding visit requests, some made by previous mandate holders. They include visit requests to Afghanistan, Brazil, the Democratic Republic of the Congo, Israel, Kenya, the Marshall Islands, Nauru, Pakistan, Papua New Guinea, Saudi Arabia, Solomon Islands, South Africa, Turkey and Vanuatu.<sup>2</sup>

24. The Special Rapporteur regrets that several requests are long-standing. She intends to repeat her requests to visit some of those countries in 2021 and hopes for a positive response.

25. The Special Rapporteur welcomes the issuance, by some States, of standing invitations to all special procedure mandate holders of the Human Rights Council,<sup>3</sup> even though not all those States have later agreed to a visit. She also calls upon those Governments that have not yet issued open invitations to do so, as that would clearly reflect their commitment to cooperating with United Nations human rights mechanisms and set a good example for all States.

26. The Special Rapporteur is aware of the workload that such missions impose on the authorities of the countries visited and wishes to thank those Governments that have issued an invitation. She will follow up with those States that have issued an invitation, including Afghanistan, Brazil and the Democratic Republic of Congo, to which visits have not yet been conducted. She notes that visits should be sufficiently long to enable her to travel within the country, including outside major cities, so that she can better assess the situation and meet human rights defenders working in remote rural areas.

27. The Special Rapporteur intends to conduct follow-up visits to some countries visited by previous mandate holders. She intends to continue the good practice followed by her predecessors and will seek to undertake joint visits with relevant human rights mechanisms.<sup>4</sup>

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<sup>2</sup> See updated information on country visits, disaggregated by mandate holder, at <https://spinternet.ohchr.org/ViewMandatesVisit.aspx?visitType=all&lang=en>.

<sup>3</sup> See the list of standing invitations at <https://spinternet.ohchr.org/StandingInvitations.aspx?lang=en>.

<sup>4</sup> In 2008, the then mandate holder conducted an official visit to Togo at the invitation of the Government, accompanied by the then Special Rapporteur on human rights defenders of the African Commission on Human and Peoples' Rights. The joint visit was the first of its kind by United Nations special procedure mandate holders. For more information, see [A/HRC/10/12/Add.2](https://www.ohchr.org/en/press/media/doc/A/HRC/10/12/Add.2).

28. In addition to official country visits, the Special Rapporteur will accept invitations sent to her by State institutions, universities, non-governmental organizations (NGOs) and others to participate in conferences, events and workshops, at which she can help to promote the Declaration on Human Rights Defenders, recommend effective strategies to better protect defenders and exchange information on good practice from around the globe, offering explanations of the general challenges faced by defenders, the definition of defenders as set out in her mandate and her general role. Where relevant, she hopes to use the opportunities to meet the national authorities and assess possible cooperation with them and other stakeholders.

### **C. Thematic studies**

29. In addition to communicating with Governments and undertaking country visits, the Special Rapporteur will seek to engage in activities aimed at consolidating the information accumulated by previous mandate holders and will consider new activities that will provide an opportunity to improve the implementation of the Declaration on Human Rights Defenders, as well as numerous aspects of the work of defenders in terms of the difficulties that they have to overcome.

30. The Special Rapporteur intends to make action against the widespread killing of human rights defenders a central feature of her activities. She will research the issue and demonstrate in a future report the extent and nature of the problem, recommend how States can prevent such killings, with a strong focus on accountability, and remind States of their responsibilities to protect those peacefully defending rights.

31. Some human rights defenders most at risk of physical attack and other violations are the most marginalized defenders. Some complain that they are often neglected by the authorities, United Nations mechanisms and national and international NGOs because they are based in remote rural areas. Some are at enormous risk, working far from the protection of national human rights institutions or foreign embassies. The Special Rapporteur intends to make engagement with them central to her work.

32. Other marginalized human rights defenders who will be a focus of attention include those working to promote the rights of lesbian, gay, bisexual, transgender and intersex persons, women defenders, defenders with disabilities, those working on the rights of migrants and related issues, defenders working on corruption and children who are defenders.

33. The Special Rapporteur also intends to make combating the long-term imprisonment of human rights defenders a central focus of her work, highlighting the cases of those given lengthy sentences for their work as defenders, drawing attention to patterns of pretexts for imprisoning those peacefully defending the rights of others and outlining the need for the authorities to immediately release such prisoners and refrain from imposing similar sentences in future.

34. Human rights defenders are increasingly using the Internet, new technology and online space to promote and protect human rights. In doing so, they are finding important opportunities, but are also more and more exposed to abuse and threats, including with regard to their families, smears and intimidation, ridicule, stigmatization and defamation. They are also subjected to unlawful surveillance, which has led or often leads to other human rights violations, including arbitrary detention (see A/HRC/41/35). The Special Rapporteur will produce a study based on the experiences of defenders who are targets of such attacks and illegal surveillance, and consult with Governments and relevant businesses on how to better prevent such attacks and ensure accountability, making recommendations in that regard.

35. Businesses, while responsible for protecting human rights defenders, are often complicit in attacks on them, including on those working on land rights, indigenous rights and environmental rights. Many such defenders are among those working in remote rural areas. The responsibilities of businesses and financial institutions will be a focus of the work of the Special Rapporteur.

36. The Special Rapporteur has consistently heard reports from human rights defenders of reprisals against those who have addressed, made statements, sent documents or messages to or cooperated with the United Nations. Such complaints were regularly heard by previous mandate holders. Reprisals or the threat of reprisals can take extremely sophisticated forms and States themselves have become aware of the power of reprisals to silence defenders or prevent them from speaking out. According to statements heard during consultations with defenders, such attacks may take various forms, both online and offline, including personal threats or threats against family members, smear campaigns, travel bans, death threats, physical attacks, kidnapping, judicial harassment, murder and less severe forms of harassment or intimidation.

37. The Special Rapporteur has been alarmed by the number and gravity of the threats made against human rights defenders who directly contact international organizations devoted to the protection and promotion of human rights in order to inform them of a situation or to report abuses or violations.

38. The Special Rapporteur intends to engage in specific work in the area of reprisals in cooperation with the Assistant Secretary-General for Human Rights, the Special Rapporteur on human rights defenders of the African Commission on Human and Peoples' Rights<sup>5</sup> and other relevant officials of the inter-American system, the Council of Europe and the Organization for Security and Cooperation in Europe.

39. The Special Rapporteur intends to engage in specific work around the issue of follow-up to better track developments and to enhance the degree of information and accountability in relation to individual cases.

40. The Special Rapporteur will consult human rights defenders on their experiences of using the universal periodic review mechanism of the Human Rights Council and develop recommendations on how it can be better disseminated, understood and used by defenders to raise issues with Governments and to hold Governments accountable for human rights violations, including attacks on defenders.

41. The Special Rapporteur recognizes the commonalities in her work with those of other mandate holders and the fact that other independent experts are addressing many similar issues.

### **III. Workplan**

42. In the present section, the Special Rapporteur sets out how she envisages implementing her mandate. It constitutes a road map for her activities over the coming years.

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<sup>5</sup> More information is available at [www.achpr.org/specialmechanisms/detail?id=4](http://www.achpr.org/specialmechanisms/detail?id=4).

## **A. Trends and challenges**

43. Future research will inform a more detailed analysis of traditional and emerging challenges faced by human rights defenders and how those challenges are developing. It will feed into a series of thematic reports on trends relevant for defenders.

44. A central feature of the Special Rapporteur's work since taking up her duties has been learning about how human rights defenders are responding to the COVID-19 crisis, how it has affected their work, the problems that it has caused, defenders' digital security needs and ways in which defenders are organizing and successfully tackling new challenges.

45. The Special Rapporteur has listened to human rights defenders recount a range of experiences in the context of the pandemic. She has heard from those who have contracted the virus, others who feel more vulnerable as a result of being forced to work from home and others whose work has radically changed from advocacy to service delivery, helping to supply their communities with food and medicine.

46. Regional and thematic consultations with human rights defenders, whether virtual or in person, will continue to provide important information for the identification of the main trends and challenges that defenders face around the world, for the country visits that the Special Rapporteur will be undertaking and for the development of thematic reports.

47. In addition to consulting human rights defenders, the Special Rapporteur will, with a view to establishing a constructive dialogue with States, continue to schedule meetings with State representatives, whether online or, where possible, in person. Such meetings will offer an opportunity to discuss the situation of defenders in particular countries and regions, the challenges faced and individual cases of concern, as well as information on good practice in the protection and promotion of human rights.

## **B. Identification of the threats to which human rights defenders are most exposed, with a view to providing for more effective protection**

48. The Special Rapporteur intends to pay particular attention to those human rights defenders who are most marginalized and vulnerable to violent attack. In several countries, women human rights defenders are the leading force in the human rights community but many of them, in particular those working in the area of women's rights, are at greater risk of being targeted, in the form of prejudice, exclusion and repudiation, by social and political establishments, in addition to being exposed to physical attacks, sexual violence, torture, arbitrary detention, killing and enforced disappearance.

49. Analysis of the gender dimension of the work carried out in the defence of human rights is fundamental to meeting the protection needs of and filling the legitimacy gaps that may affect women human rights 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 will be included when assessing the situation of defenders.

50. The Special Rapporteur will also focus on the severe consequences, including death threats, lethal attacks and long prison terms for many human rights defenders of their work. She notes with alarm the number of reported killings of defenders every year and will make the issue a central focus of her work.

51. The Special Rapporteur has regularly received reports of attacks, including online attacks, on the physical and mental integrity of human rights defenders. Some online attacks are death threats, while others are aimed at stigmatizing and smearing defenders and their work. Such vilification, and how to tackle it, will be key to her work.

52. In discussions with United Nations and State officials, businesses and others, the Special Rapporteur will research this theme and offer technical assistance to those who can prevent attacks and better protect human rights defenders in their work.

### **C. Role of businesses and financial institutions in both harming and protecting human rights**

53. The Special Reporter, noting the work of previous mandate holders on the impact of business ventures on human rights defenders, recalls the responsibilities of businesses and financial institutions in protecting human rights and those who defend them. Defenders play a critical role in ensuring sustainable development and the enjoyment of fundamental rights, but there has been a worrying tendency to silence critics of businesses.

54. The Special Rapporteur also notes an encouraging trend of companies' developing guidelines to ensure that development projects protect the rights of communities and human rights defenders.

55. The Special Rapporteur intends to further the work undertaken by previous mandate holders in this area, noting the close connection between corruption and attacks on human rights defenders. Corruption is both a driver of repression of defenders and a key factor in the impunity of perpetrators of attacks on them. Many of the most violent attacks on defenders occur in the context of major business projects.

56. The Special Rapporteur also notes that local government officials, police officers and the judiciary have often been involved in corruption to protect perpetrators and ensure impunity. Among those human rights defenders most likely to be killed are investigative journalists exposing corruption. She intends to make the issue another key aspect of her work.

### **D. Reprisals against human rights defenders**

57. The Special Rapporteur has been struck by the number and gravity of the threats to human rights defenders who enter into direct dialogue with regional or international organizations for the protection and promotion of human rights.

58. Reprisals may take various forms, including threats against human rights defenders themselves or their families, defamation campaigns, death threats, physical violence, travel bans, the stripping of citizenship, abductions, assassinations or various forms of harassment and intimidation by the police.

59. The Special Rapporteur intends to focus on the issue and on the role of the United Nations and other relevant regional mechanisms and focal points in dealing with it. She will also urge States to uphold their responsibilities. She intends to work closely with the Assistant Secretary-General for Human Rights and other United Nations officials in tackling the problem and to increase cooperation with regional human rights mechanisms and focal points on reprisals.

## **E. Improved follow-up to communications and country visits**

60. The database of communications sent to States and the replies thereto reveals how many Governments engage adequately with the mandate holder. It also reflects those that fail to reply to communications, urgent appeals or letters of allegation, however well documented, or that do not respond in substance to the issues and questions raised. The replies do not always properly cover the situation or the case concerned, but simply set out the issue, often in very general terms, without recognizing its seriousness.

61. The Special Rapporteur believes that those engaging with her and sharing information on alleged human rights violations against human rights defenders should have their submissions acknowledged and receive the necessary guidance on the process to follow. She has put a system in place through the activation of an automatic reply feature that provides the necessary information in the six official languages of the United Nations. Furthermore, defenders seeking to contribute to her work by submitting information for her thematic reports to the Human Rights Council and the General Assembly, or input for the preparation of country visits, should be invited to do so, with clear guidance on the process to follow, including the time frame, and should have their contributions duly acknowledged and made public as appropriate.

62. The Special Rapporteur intends to make the question of follow-up to the communications sent to States and other relevant stakeholders on alleged violations against human rights defenders, recommendations included in her reports and official country visits one of the major features of her activities.

63. The Special Rapporteur will regularly provide the Human Rights Council and the General Assembly with detailed information on the responses received to her communications, or lack thereof. In that regard, the average response rate by States for the past three years has ranged from 50 to 56 per cent. She will regularly remind those States that fail to respond of the number of such cases and will acknowledge those States that have cooperated positively and substantively. She will draw attention to cases that have had a positive outcome and show the good practice that can be reproduced in order to increase the likelihood of obtaining further positive results. Where possible, she will include success stories in her reports in order to show the relevance or effectiveness of a good practice.

64. Previous mandate holders demonstrated the useful role that national human rights institutions can play in following up on recommendations and the treatment of individuals.

65. Following up on country visits will also be an important element of the Special Rapporteur's activities. She intends, where possible, to engage in technical cooperation and undertake short follow-up visits to States in order to follow up on recommendations and communications.

66. Where appropriate, public and private discussions will be organized with all relevant stakeholders to address the situation in a particular country and identify the best way of ensuring more effective follow-up to recommendations.

67. The Special Rapporteur will take the opportunity to offer technical assistance, based on observed best practice, in order to provide Governments with appropriate tools to implement recommendations more effectively.

## **F. Use of the universal periodic review mechanism to protect human rights defenders**

68. The universal periodic review is a State-driven mechanism of the Human Rights Council, at which the human rights records of States Members of the United Nations are reviewed on a yearly basis. Each Member State is reviewed once every four years.

69. While civil society is given a voice in the universal periodic review process to discuss issues related to human rights defenders, the Special Rapporteur notes that previous mandate holders found that the usefulness of the discussions varied by review and by report.

70. The Special Rapporteur intends to consult all relevant stakeholders, including human rights defenders, States, OHCHR and international organizations, and assess the usefulness and potential for improvement of the universal periodic review mechanism in protecting defenders.

## **G. Promotion of closer cooperation with all relevant stakeholders**

71. The Special Rapporteur has been struck by the number of cases that are related to her mandate and also to other mandates, including those focused on freedom of association and freedom of expression, extrajudicial executions, the rights of indigenous peoples, sexual orientation and gender identity, and human rights and the environment.

72. The Special Rapporteur intends to strengthen existing connections with other mandate holders. She has already supported joint communications, public press releases and statements and will explore ways, including writing joint media articles and undertaking joint visits with other mandate holders, to improve cooperation.

73. The Special Rapporteur hopes to develop a series of joint activities with other thematic mandate holders also dealing with cases of threats to, attacks on or violations of the rights of human rights defenders.

74. The Special Rapporteur recognizes the importance and relevance of the Sustainable Development Goals, including Goal 16, to promote peaceful and inclusive societies, and will work with all relevant United Nations bodies and others to improve progress on those elements, which relate to the situation of human rights defenders.

75. The United Nations system has a vital role to play in contributing to the protection of human rights defenders exposed to risk. That applies in particular to OHCHR in its efforts to raise the visibility of the work of defenders and to promote a positive narrative around them.<sup>6</sup>

76. United Nations peacekeeping missions, in particular where they have a specific human rights mandate, also play an important role in the protection of human rights defenders. The Special Rapporteur will maintain contact with OHCHR field presences to enhance cooperation and reinforce efforts to protect defenders. She plans to reach out to the heads of peacekeeping missions and the Department of Peace Operations in New York to present her mandate and set out possible areas of cooperation to ensure better protection for defenders facing conflict, internal disturbance or post-conflict situations.

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<sup>6</sup> More information is available at [www.ohchr.org/EN/Issues/CivicSpace/Pages/ProtectingCivicSpace.aspx](http://www.ohchr.org/EN/Issues/CivicSpace/Pages/ProtectingCivicSpace.aspx).

77. Relationships with United Nations resident and humanitarian coordinators and United Nations country teams, specialized institutions and bodies of the United Nations system could be strengthened in order to ensure that, acting in accordance with their individual mandates, they can contribute more effectively to the protection of human rights defenders.

78. The Special Rapporteur will continue to build on relationships developed by her predecessors with the African, inter-American and European regional human rights mechanisms.

79. It is the primary responsibility of States, above all, to protect human rights defenders by such means as the adoption of legislative or regulatory measures aimed at their protection.

80. The Special Rapporteur will urge all States to implement the Norwegian-led resolutions on human rights defenders adopted by the General Assembly and the Human Rights Council. She also intends to exchange information with States on good practice in the promotion and protection of defenders, including the adoption of ad hoc legislation and the establishment of national mechanisms for the protection of defenders, some of which already exist, with varying levels of development and success, in Brazil, Colombia, Côte d'Ivoire, Honduras, Mexico and Peru.

81. While acting in accordance with the Code of Conduct for Special Procedures Mandate-holders of the Human Rights Council and the relevant working methods and upholding the independence required, the Special Rapporteur intends to continue and develop relationships with national human rights institutions and with local, national and international NGOs working to protect human rights defenders.

82. Such organizations perform remarkable work in protecting and training human rights defenders, but training and support must go beyond that offered to defenders who live in major cities. A central focus of her work will be engagement with defenders in remote isolated areas.

83. The Special Rapporteur is open to cooperating with national, regional or international courts to act in individual cases by observing trials, where possible, and as a third party by filing amici curiae briefs, where appropriate.

84. Lastly, with regard to cooperation with other entities, the Special Rapporteur recalls the increasingly vital role played by the media and social media in promoting the Declaration on Human Rights Defenders and the protection of defenders afforded by media visibility. She will publish regular opinion pieces, including in the national and international press, whether on her own or jointly with other mandate holders.

85. Many cases involving journalists and bloggers covering human rights issues have come to the attention of the Special Rapporteur and previous mandate holders. She intends to extend and strengthen her cooperation with the media as part of the implementation of her mandate.

86. The Special Rapporteur will also engage with businesses and corporations in terms of their impact on the work of human rights defenders.

#### **IV. Approach to the mandate**

87. The Special Rapporteur stresses how important it is that the special procedure mandate holders be able, and be seen, to act with independence. In her case, such independence means that she is primarily and ultimately responsible for the decisions and action that she will take in performing the mandate entrusted to her, for which she will be accountable before the Human Rights Council.

## V. Conclusions

88. The present report constitutes a plan for the Special Rapporteur to establish a way forward for the activities that she has begun to undertake. Further consultations will continue to provide a clear vision of how she will carry out her tasks.

89. The Special Rapporteur welcomes the extension of her mandate and will bear in mind Human Rights Council resolution 43/16, which she sees as constituting the focus of her future work.

90. The Special Rapporteur intends to publish, at the end of the first three years of her term, an assessment of the implementation of her vision and her priorities, together with information on the difficulties and obstacles encountered, and to share her assessment with the international community.

## VI. Recommendations

91. States should:

(a) **Ensure that human rights defenders can exercise their functions within a national framework properly supported by the appropriate legislative and regulatory texts, taking into account regional and national specificities, and remove the obstacles that some national laws may place in the path of legitimate activities to promote and protect human rights engaged in by defenders, with a view to providing them with more effective protection;**

(b) **Combat impunity for threats and violations aimed at human rights defenders by undertaking impartial enquiries and ensure that perpetrators stand trial and that victims obtain compensation;**

(c) **Respond more satisfactorily to communications received from the Special Rapporteur by providing her with the information required, thereby facilitating a better understanding of the situations addressed in such communications, and put a stop to threats or rights violations directed at human rights defenders;**

(d) **Extend an open invitation to the Special Rapporteur, allow her to conduct any visit that she wishes to undertake without restricting its duration or scope and enable her to move around the national territory, including outside the major cities, especially in large countries, so that she can meet human rights defenders who are isolated;**

(e) **Invite the Special Rapporteur to pay short follow-up visits, whether directly or on the occasion of seminars, lectures or panel discussions, in order to enable her to consider the best way of assisting States to implement recommendations;**

(f) **Pay particular attention to the most exposed groups, in particular those working in remote or isolated areas, environmental defenders, defenders of the rights of lesbian, gay, bisexual, transgender and intersex persons, women human rights defenders and those who work for women's rights, defenders who are children, defenders working on the climate crisis, defenders working in the area of business and human rights, defenders working on migrant rights and related issues and defenders working on the rights of persons with disabilities;**

(g) **Ensure that human rights defenders can participate without hindrance in the mechanisms of the United Nations and regional**

intergovernmental organizations, in particular within the framework of the universal periodic review and reports to the human rights treaty bodies;

(h) Ensure that acts of intimidation and reprisals against human rights defenders who cooperate with the United Nations, its representatives and mechanisms in the field of human rights and international human rights bodies are firmly and unequivocally condemned;

(i) Undertake to implement and translate into their national language and local languages the Declaration on Human Rights Defenders in order to enable all human rights defenders to obtain access to it;

(j) In the case of countries that have adopted guidelines on the protection of human rights defenders, ensure that those guidelines are translated and widely promoted and that their embassies properly assess the effectiveness of their implementation;

(k) Provide embassies with funds earmarked for human rights defenders and facilitate access by defenders to international funding;

(l) Devote a chapter specifically to the question of human rights defenders in national or international reports on the human rights situation;

(m) Support the implementation of the Norwegian-led resolutions on human rights defenders adopted by the General Assembly and the Human Rights Council;

(n) Support the draft United Nations instrument on business and human rights.

92. The United Nations should:

(a) Ensure that all agencies and programmes are made more aware of the situation of human rights defenders;

(b) Ensure that specific measures relating to human rights defenders are included in programmes and activities;

(c) Ensure that resident coordinators provide human rights defenders who are subjected to threats with systematic support and protection.

93. National human rights institutions should:

(a) Take effective measures to protect human rights defenders when they are in danger;

(b) Participate in the follow-up to recommendations by the Special Rapporteur on the situation of human rights defenders;

(c) Commit the regional network of human rights defenders to which they belong to holding meetings with other regional networks so that they can together plan joint action to protect defenders and promote the Declaration on Human Rights Defenders and guidelines on defenders.

94. Businesses should put in place a system of mandatory human rights and environmental due diligence that involves identifying, assessing and monitoring the impacts of a company's operations on an ongoing basis and implementing the findings in the form of internal practice to ensure that human rights defenders are protected.