

The right to defend human rights in the Americas

Human rights defenders in the Americas are united by their commitment to protecting and upholding the dignity and rights of their fellow citizens.

They are individuals and groups who pressurize governments to live up to obligations enshrined in human rights treaties adopted by intergovernmental organizations such as the United Nations.

Human rights defenders expose human rights violations, such as torture and “disappearances”, committed by state agents. They speak out on behalf of marginalized social groups, children, indigenous and poor people. They seek to end impunity by challenging the perpetrators of human rights violations and reminding all states of their obligation to bring perpetrators to justice and to uphold the rule of law.

In some countries of the Americas, human rights defenders are often the only credible source of information regarding human rights violations. Not surprisingly their work can entail considerable dangers. Human rights defenders in the Americas have been the victims of extrajudicial executions, “disappearances”, death threats, detentions and harassment by state agents. In some countries, the situation of human rights defenders has deteriorated far below levels acceptable to the international community.

In other instances, governments eager to conceal violations committed by their agents and officials attempt to curtail or hamper the work of human rights defenders by monitoring their activities, encouraging defamation campaigns against them, or subjecting them to investigations on unsubstantiated criminal charges. Making it difficult for them to get a job or threatening members of their family are more subtle forms of harassment.

In clear recognition of the important work of local human rights groups, 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) was adopted by the UN General Assembly on 9 December 1998. This Declaration sets down a series of principles and standards aimed at ensuring that states fully support the efforts of human rights defenders and ensure that they are free to conduct their legitimate activities without hindrance or fear of reprisals.

Although the Declaration is not a formal treaty and does not compel states to report on their compliance with it, the UN has appointed a special representative to monitor the implementation of the Declaration. Key articles in the Declaration include the right to be informed about fundamental rights and freedoms, and to meet and assemble peacefully for the purpose of promoting universally recognized human rights. The Declaration also confirms the right to criticize government policy and action in relation to human rights, and the right to adequate protection and an effective remedy when an individual's rights are violated as a result of efforts to promote fundamental rights and freedoms.

The Organization of American States (OAS) agreed to “recognize and support the work carried out by Human Rights Defenders and their valuable contribution to the promotion, observance, and protection of fundamental rights and freedoms in the Americas” when its General Assembly adopted resolutions on human rights defenders on 7 June 1999 and again in June 2000.

In order to ensure that the expressions of political will set out in the UN Declaration on Human Rights Defenders and the OAS resolutions are translated into concrete actions and policies aimed at protecting

human rights defenders and allowing them to work freely without hindrance, Amnesty International has urged all governments in the Americas to adopt its 11 recommendations on human rights defenders.

Amnesty International's recommendations for the protection of human rights defenders in the Americas

Governments should:

1. Ensure that the principles contained in 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, adopted by the UN General Assembly on 9 December 1998, are fully incorporated into national law and mechanisms, including national human rights commissions, for the protection of human rights. Authorities at all levels of government should explicitly commit themselves to promoting respect for human rights, and to the protection of human rights defenders.
2. Ensure that, in the interest of fulfilling obligations contained in international human rights treaties and standards, state officials at every level of the state apparatus, including lower-ranking officials, fully collaborate with and facilitate the work of members of non-governmental human rights organizations.
3. Ensure that prompt, thorough and impartial investigations are conducted into all human rights violations committed against human rights defenders, that those responsible are brought to justice and the victims or their relatives provided with adequate reparation. The results of such investigations should be made public. Members of the security forces under formal investigation for human rights violations should be immediately suspended from active service until all investigations have concluded. Governments should also set up information systems to ensure that no agent of the security forces dismissed because of possible involvement in human rights violations against human rights defenders is employed in a position where he could commit such violations again.
4. Effectively disband, disarm and prosecute paramilitary groups which operate with the complicity or acquiescence of the security forces.
5. Ensure that the perpetrators of human rights violations against human rights defenders do not benefit from any legal measures exempting them from criminal prosecution or conviction. Previous legislative measures that prevent full and conclusive investigations into the cases of human rights violations against human rights defenders should be repealed.
6. Take effective action to ensure that all state agents, including all law enforcement officials and the security forces, recognize the legitimacy of the work of human rights defenders and abstain from making unsubstantiated allegations against human rights defenders. Statements of this nature must be rectified publicly and promptly and those responsible should face disciplinary action.
7. Effective disciplinary action should be taken against state agents and officials who abuse the criminal process to the detriment of members of human rights and social organizations, with the intention of harassing them or curtailing their legitimate activities for the defence of human rights and fundamental freedoms. Governments should ensure that human rights defenders have equal access to the law and that judicial investigations and proceedings against them are conducted in accordance with international fair trial standards set out in the American Declaration of the Rights and Duties of Man, the American Convention on Human Rights and the International Covenant on Civil and Political Rights.
8. Adopt integrated programs for the protection of human rights defenders that include preventative measures, such as thorough criminal investigations into attacks and threats against human rights defenders, education for security force agents on the rights of human rights defenders to carry out legitimate activities, as well as security measures to assist human rights defenders and their families with immediate safety issues. Such programs should ensure that all measures to protect human rights defenders are adopted in accordance with the wishes of the person receiving protection.
9. Ensure full implementation of comprehensive witness protection programs for the protection of individuals, including human rights defenders, involved in investigations or other proceedings against those accused of human rights violations.

10. Ensure the full implementation of recommendations by international organizations and resolutions regarding human rights defenders, including precautionary or provisional measures, by the inter-American human rights system, including the OAS General Assembly, and the UN. Appropriate measures should be taken to monitor the implementation of these recommendations.

11. Ensure full support for human rights protection mechanisms and initiatives within the UN and inter-American human rights systems, including special rapporteurs, which support human rights defenders and their work. Also, governments should recognize the jurisdiction of the Inter-American Court of Human Rights, the UN Human Rights Committee and the UN Committee against Torture so that complaints regarding violations against human rights defenders can be submitted to these bodies.

For further information please write to: Americas Human Rights Defenders Program, International Secretariat, Amnesty International, 1 Easton Street, London WC1X 0DW, United Kingdom. Or contact your nearest section of Amnesty International:

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Front photograph: Human rights defenders of the *Coordinadora Nacional de Derechos Humanos*, National Human Rights Coordination, Peru, carry out their work. July 2000. © Private

The girlfriend of Jairo Bedoya Hoyos campaigns for his release in Medellín, Colombia. The human rights defender with the *Organización Indígena de Antioquia*, Indigenous Organization of Antioquia, has not been seen since 2 March 2000 when he “disappeared”. March 2000. © Private

Human rights defenders of the *Agrupación de Familiares de Detenidos Desaparecidos*, Association of Relatives of the Detained Disappeared in Chile, have received death threats because of their work to bring to justice those responsible for the “disappearance” of their relatives. 1997. © AI

Jesús Ramiro Zapata Hoyos, human rights defender with the *Comité de Derechos Humanos del Nordeste Antioqueño*, Human Rights Committee of Northeast Antioquia, in Colombia, was killed on 3 May 2000 after being abducted by individuals believed to be army-backed paramilitaries. 2000. © El Colombiano