

# AMNESTY INTERNATIONAL

## PUBLIC STATEMENT

### Human Rights Defenders endangered by attempts to undermine key UN Declaration

Joint Statement to the thirteenth session of the UN Human Rights Council (1-26 March 2010) by International Service for Human Rights, Amnesty International, Human Rights Watch, International Federation for Human Rights (FIDH), Asian Forum for Human Rights and Development (FORUM-ASIA), Canadian HIV/AIDS Legal Network, Cairo Institute of Human Rights Studies, Al Haq Law in the Service of Man

Videolink: <http://www.youtube.com/user/ISHRHumanRights>

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The Vienna Declaration and Programme of Action emphasizes the important work of human rights defenders and underlines the need for States and international organizations, in cooperation with non-governmental organizations, to create favourable conditions at the national, regional and international levels to ensure the full and effective enjoyment of human rights (Para.13).

We are thus particularly alarmed at the tone of negotiations on the resolution on protection of human rights defenders (A/HRC/13/L.24) taking place during this session of the Human Rights Council, with some governments showing themselves to be more concerned with regulating NGOs than protecting human rights defenders. The objective of the resolution is to address the protection needs of human rights defenders. States should act vigorously to protect all human rights defenders from threats, violence, harassment and abuse as is their duty under international human rights law.

Instead, many States seem intent on using the resolution to selectively quote from, rewrite, or restrict the clear provisions of the Declaration on human rights defenders <http://www2.ohchr.org/english/issues/defenders/declaration.htm>, which was adopted by consensus after being carefully negotiated over a 13-year period. We are alarmed, for example, at proposals to narrow the scope of protection to only those defenders working on issues that are “universally recognised”. This proposal would wholly undermine the Declaration, which explicitly affirms the right of defenders to promote the protection and realisation of human rights without qualification and advocate for the acceptance of “new human rights ideas and principles” (Art. 7).

We ask States to recognise the protection needs of all human rights defenders, who often face increased risks of violence, threats and harassment because of their peaceful activities. Limiting protection to persons working on rights which are “universally recognised” turns the VDDPA’s affirmation of universality on its head: “universality” means all human beings are entitled to all human rights. “Universally *recognised*” signals a desire to deny human rights to those working on issues that a government doesn’t recognise or agree with. There was a time when the right to development was seriously questioned; the relation between human rights and a healthy environment or human rights and peace continues to be questioned by many States.

A further issue of concern is the proposal requiring NGOs to disclose sources of funding, which is completely unrelated to the protection of human rights defenders. On the contrary, this proposal seeks to further regulate the activities of defenders. The Special Rapporteur on human rights defenders has documented the extent to which restrictive laws or policies are often misused by governments to discredit or hamper the activities of human rights defenders. During the drafting of the Declaration, a proposal to only allow funding for human rights defenders from a source "publicly known" was debated at length and was specifically rejected. Governments should not use this resolution to re-open those discussions. Nor should protection for human rights defenders be linked to their sources of funding.

Finally, the proposal to underscore without qualification the obligation of human rights defenders to conduct their activities in accordance with national laws overlooks the reality, highlighted by the Special Rapporteur, that national laws are frequently misused to stigmatise, harass and impede the peaceful activities of human rights defenders. Examples cited by the Special Rapporteur include wrongful arrest, invoking national security laws, public safety legislation, defamation suits, misuse of counter-terrorism legislation, administrative and public nuisance laws, and legislation regarding registration of NGOs. The Declaration makes it clear that human rights defenders work in the framework of national legislation and that these laws must comply with international standards, such as the rights to freedom of association, assembly and expression.

Every single issue currently in dispute is already addressed by the Declaration. Attempts to co-opt the resolution to rewrite the Declaration jeopardise the resolution itself. If a strong resolution protecting human rights defenders cannot be adopted by consensus, it will be an embarrassing failure for the Council, and a clear indication to the world beyond these walls of how this Council views civil society.