



# SITUATION OF THE WORLD'S HUMAN RIGHTS DEFENDERS

SUBMISSION TO THE UNITED NATIONS SPECIAL RAPPORTEUR ON THE SITUATION OF HUMAN RIGHTS DEFENDERS

REPORT TO THE 73<sup>RD</sup> SESSION OF THE UN GENERAL ASSEMBLY

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First published in 2018  
by Amnesty International Ltd  
Peter Benenson House, 1 Easton Street  
London WC1X 0DW, UK

Index: IOR 40/8600/2018  
Original language: English

**[amnesty.org](http://amnesty.org)**

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# 1. INTRODUCTION

Amnesty International welcomes the opportunity to contribute to the Questionnaire on the situation of human rights defenders sent by the United Nations (UN) Special Rapporteur on the situation of human rights defenders on 8 May 2018, pursuant to Human Rights resolution 35/11.

Despite the many efforts made by different UN entities, as well as by some states, civil society organizations, human rights defenders and other relevant stakeholders during the last 20 years since the adoption in 1998 of the Declaration on the Right and Responsibility of Individuals, Groups, and Organs of Society to Promote and Protect Universally Recognised Human Rights Fundamental Freedoms (the “Declaration on Human Rights Defenders”)<sup>1</sup>, Amnesty international considers that there is still a lot to be done in order to ensure its full implementation and guarantee a safe and enabling environment for all those who defend human rights.

This document presents the organization’s overall concerns on the situation of human rights defenders at a global level. It does not include a country-by-country analysis of the situation of human rights defenders for all the 159 countries and territories covered in our Annual Report, because that would be beyond the scope allowed for this submission. For a more detailed overview on attacks, threats, intimidation and harassment faced by human rights defenders worldwide, please refer to Amnesty International’s 2017/18 Annual Report,<sup>2</sup> in particular the specific chapters on the situation of human rights defenders in each region and country, and to recent global reports issued by the organization *Human Rights Defenders Under Threat: A Shrinking Space for Civil Society*<sup>3</sup> published in May 2017 and to *Deadly but Preventable Attacks: Killings and Enforced Disappearances of Those Who Defend Human Rights*,<sup>4</sup> published in December 2017.

Additionally, Amnesty International has produced specific reports in recent years on the situation of human rights defenders in countries like Cambodia,<sup>5</sup> Malaysia,<sup>6</sup> Pakistan,<sup>7</sup> Afghanistan,<sup>8</sup> Bahrain,<sup>9</sup> Iran,<sup>10</sup> Honduras, Guatemala,<sup>11</sup> Paraguay, Peru,<sup>12</sup> Turkey,<sup>13</sup> Sudan,<sup>14</sup> Cameroon,<sup>15</sup> Mauritania,<sup>16</sup> Western and Central Africa,<sup>17</sup> and including on issues such as sexual and reproductive rights.<sup>18</sup>

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<sup>1</sup> See IOR 40/8364/2018 7 May 2018, *Amnesty International’s input on the implementation of the Declaration on Human Rights Defenders*, an overview of progress and achievements by UN entities on the implementation of the UN 1998 Human Rights Defenders Declaration.

<sup>2</sup> Amnesty International, *Annual Report 2017/18, The State of the World’s Human Rights*, pp. 18-63, available at <https://www.amnesty.org/en/latest/research/2018/02/annual-report-201718/>

<sup>3</sup> Amnesty International, *Human Rights Defenders Under Threat – A Shrinking Space for Civil Society*, available at <https://www.amnesty.org/en/documents/act30/6011/2017/en/>

<sup>4</sup> Amnesty International, *Deadly but Preventable Attacks. Killings and Enforced Disappearances of Those Who Defend Human Rights*, available at <https://www.amnesty.org/en/documents/act30/7270/2017/en/>

<sup>5</sup> Amnesty International: Cambodia: *Courts of Injustice: Suppressing Activism through the Criminal Justice System in Cambodia*, available at <https://www.amnesty.org/en/documents/asa23/6059/2017/en/>

<sup>6</sup> Amnesty International, *Malaysia: Open-Ended Travel Bans Violate the Rights of Human Rights Defenders and Political Figures*, available at <https://www.amnesty.org/en/documents/asa28/6697/2017/en/>

<sup>7</sup> Amnesty International, *Human Rights Under Surveillance*, available at <https://www.amnesty.org/en/documents/asa33/8366/2018/en/>

<sup>8</sup> Amnesty International, *Their lives on the line. Women human rights defenders under attack in Afghanistan*, <https://www.amnesty.org/en/documents/asa11/1279/2015/en/>

<sup>9</sup> Amnesty International, *Bahrain: “No One Can Protect You”: Bahrain’s Year of Crushing Dissent*, available at <https://www.amnesty.org/en/documents/mde11/6790/2017/en/>

<sup>10</sup> Amnesty International, *Caught in a Web of Repression: Iran’s Human Rights Defenders under Attack*, available at <https://www.amnesty.org/en/documents/mde13/6446/2017/en/>

<sup>11</sup> Amnesty International: *We Are Defending the Land with Our Blood: Defenders of the Land, Territory and Environment in Honduras and Guatemala*, available at <https://www.amnesty.org/en/documents/amr01/4562/2016/en/> ; Amnesty International, *Guatemala: Further Information: Land Defenders Threatened and Attacked*, available at <https://www.amnesty.org/en/documents/amr34/8515/2018/en/>

<sup>12</sup> Amnesty International, *A Recipe for Criminalization: Defenders of the Environment, Territory and Land in Peru and Paraguay*, available at <https://www.amnesty.org/en/documents/amr01/8158/2018/en/>

<sup>13</sup> Amnesty International, *Weathering the Storm: Defending Human Rights in Turkey’s Climate of Fear*, available at <https://www.amnesty.org/en/documents/eur44/8200/2018/en/>

<sup>14</sup> Amnesty International, *Sudan: Courageous and Resilient: Activists in Sudan Speak Out*, available at <https://www.amnesty.org/en/documents/afr54/7124/2017/en/>

<sup>15</sup> Amnesty International, *A Turn for the Worse: Violence and Human Rights Violations in Anglophone Cameroon*, available at <https://www.amnesty.org/en/documents/afr17/8481/2018/en/>

<sup>16</sup> Amnesty International, *“A Sword Hanging over our Heads”: the Repression of Activists Speaking out against Discrimination and Slavery in Mauritania*, available at <https://www.amnesty.org/en/documents/afr38/7812/2018/en/>

<sup>17</sup> Amnesty International, *Shut Down for Speaking Out. Human Rights Defenders at Risk in West and Central Africa*, available at <https://www.amnesty.org/fr/documents/act30/6170/2017/en/>

## 2. INPUT TO THE UN SPECIAL RAPPORTEUR ON THE SITUATION OF HUMAN RIGHTS DEFENDERS' REPORT TO THE 73RD SESSION OF THE UN GENERAL ASSEMBLY

Amnesty International has closely followed the initiatives taken by both States and international and regional organizations to better protect and promote the work of human rights defenders and implement the 1998 Declaration. In Latin America, for example, several states have created national protection mechanisms to provide protective and preventative measures for human rights defenders and other groups at risk: Colombia,<sup>19</sup> Honduras,<sup>20</sup> Guatemala,<sup>21</sup> Mexico,<sup>22</sup> and Brazil.<sup>23</sup> Civil society organizations in these countries have however expressed their concern over the lack of resources and effective implementation of such mechanisms.<sup>24</sup> Other countries have passed or are discussing legislation aimed at protecting human rights defenders, including Côte d'Ivoire,<sup>25</sup> Democratic Republic of Congo,<sup>26</sup> Mongolia and Mali.<sup>27</sup> Some states, such as Norway,<sup>28</sup> Switzerland,<sup>29</sup> and Canada,<sup>30</sup> have adopted national human rights defenders guidelines that also serve to offer direction for their diplomatic staff on how to provide protection and recognition to human rights defenders in third countries.

At the regional level, the European Union and its member states have made a number of key commitments and adopted several instruments on HRDs that guide their actions to promote and protect them in third (or non-EU) countries.<sup>31</sup> Other EU guidelines, such as those on human rights dialogues with non-EU countries, provide an important space for HRDs to engage with the EU and its member states.<sup>32</sup> At the Council of Europe, the Committee of Ministers adopted in 2008 a Declaration to improve protection of HRDs and promote their activities,<sup>33</sup> and the Commissioner for Human Rights is also mandated to support the work and protection of HRDs, including by assisting member states in fulfilling

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<sup>18</sup> Amnesty International, *Defenders Under Attack! Promoting Sexual and Reproductive Rights in the Americas*, available at <https://www.amnesty.org/en/documents/amr01/2775/2015/en/>

<sup>19</sup> The National Protection Unit (Unidad Nacional de Protección – UNP)

<sup>20</sup> The Law to Protect HRDs, Journalists, Social Commentators and Justice Officials (Protection Law)

<sup>21</sup> Internal Agreement 11-2004 of the Presidential Commission on Human Rights in Guatemala (COPREDEH)

<sup>22</sup> Law for the Protection of HRDs and Journalists

<sup>23</sup> National Programme for the Protection of HRDs

<sup>24</sup> Protection International, Focus 2014, available at <http://protectioninternational.org/publication/focus-2014/>; Amnesty International, *State Protection Mechanisms for Human Rights Defenders*, available at <https://www.amnesty.org/en/documents/amr01/6211/2017/en/>

<sup>25</sup> Law 2014-388 on the Promotion and Protection of Human Rights Defenders

<sup>26</sup> Following consultation with NGOs, law no. 13/011 was promulgated on 21 March 2013 to create a National Commission on Human Rights (CNDH). The CNDH is yet to receive a budget and Commissioners yet to sit. Taken from [www.ishr.ch/sites/default/files/article/files/drc\\_-\\_ishr\\_briefing\\_on\\_hrds.pdf](http://www.ishr.ch/sites/default/files/article/files/drc_-_ishr_briefing_on_hrds.pdf)

<sup>27</sup> <http://www.ishr.ch/news/hrc37-mali-should-establish-effective-mechanism-implement-law-protection-defenders>

<sup>28</sup> Government of Norway, Norway's efforts to support HRDs: Guide for the foreign service, 2010, available at [www.regjeringen.no/contentassets/b7384abb48db487885e216bf53d30a3c/veiledningmrforkjengelskfin.pdf](http://www.regjeringen.no/contentassets/b7384abb48db487885e216bf53d30a3c/veiledningmrforkjengelskfin.pdf)

<sup>29</sup> Government of Switzerland, The Swiss Guidelines on the Protection of HRDs, 2013, available at [www.eda.admin.ch/dam/eda/en/documents/publications/MenschenrechtehumanitaerePolitikundMigration/Leitlinien-zum-Schutz-vonHRD\\_en](http://www.eda.admin.ch/dam/eda/en/documents/publications/MenschenrechtehumanitaerePolitikundMigration/Leitlinien-zum-Schutz-vonHRD_en)

<sup>30</sup> Government of Canada, *Human Rights Defenders*, available at [international.gc.ca/world-monde/world\\_issues-enjeuxmondiaux/rights\\_defenders-defenseurs\\_droits.aspx?lang=eng](http://international.gc.ca/world-monde/world_issues-enjeuxmondiaux/rights_defenders-defenseurs_droits.aspx?lang=eng)

<sup>31</sup> European Union, *EU Guidelines on Human Rights Defenders*, available at <http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=URISERV%3A133601>; *Protecting and Supporting Human Rights Defenders - Public Guidelines of the Foreign Ministry of Finland on the implementation of the European Union Guidelines on Human Rights Defenders*, available at <http://formin.finland.fi/public/default.aspx?contentid=323946&contentlan=2&culture=en-US>

<sup>32</sup> European Union, *EU Guidelines on Human Rights Dialogues with non-EU Countries*, available at [eur-lex.europa.eu/legal-content/EN/TXT/?uri=URISERV%3A10115](http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=URISERV%3A10115)

<sup>33</sup> See: <https://www.ohchr.org/Documents/Issues/Defenders/DeclarationHRDCoECommitteeMinisters.pdf>

their obligations in this regard.<sup>34</sup> In 2014, the Organization for Security and Co-operation in Europe (OSCE) adopted specific guidelines on the protection of HRDs.<sup>35</sup>

The Inter-American Human Rights System also plays a crucial role in promoting and ensuring protection for HRDs at risk in the Americas. Both the Inter-American Commission on Human Rights and the Inter-American Court of Human Rights can grant protection measures for serious and urgent situations which create a risk of irreparable harm to a person or a group of people. These measures call on states to take appropriate steps to protect the life and physical integrity of HRDs and to investigate thoroughly the attacks and security incidents which led to the decision to grant such measures.<sup>36</sup>

Apart from a number of resolutions on the protection of HRDs,<sup>37</sup> the African Commission on Human and Peoples' Rights (ACHPR) is yet to formulate a set of comprehensive guidelines. However, in 2004, it adopted a resolution on the protection of HRDs in Africa, in which it created a Special Rapporteur on HRDs mandated to, among other things, develop and recommend effective strategies to better protect them.<sup>38</sup> The Commission has also called on member states to adopt laws and measures to promote and protect HRDs, including addressing the specific protection needs of WHRDs.<sup>39</sup>

Despite all these efforts, Amnesty International has continued to document human rights violations against human rights defenders around the world, and how the cost of speaking out continues to grow:

## 2.1 THREATS, KILLINGS AND ENFORCED DISAPPEARANCES

Rarely a day goes by without reports of attacks against human rights defenders, targeted for what they do or for who they are. In 2017 alone, Front Line Defenders received reports on the killing of 312 defenders in 27 different countries.<sup>40</sup> When a human rights defender is killed, it is often a culmination of a string of threats and warnings. In many countries, the authorities do not investigate or prosecute such threats effectively and rarely respond appropriately after attacks. This inaction allows the perpetrators to enjoy impunity, giving them a license for repeated threats and attacks.<sup>41</sup> At the same time, high levels of risk are also the result of failure by states to address systemic violence against women, LGBTI people, Indigenous peoples and other marginalized groups.

In the past year, the extreme risks and dangers of defending human rights were apparent in numerous countries in the Americas, with human rights defenders facing threats, harassment and attacks. In **Mexico**, human rights defenders were threatened, attacked and killed, with digital attacks and surveillance especially common.<sup>42</sup> **Honduras** remained one of the region's most dangerous countries for human rights defenders – especially those working to protect land, territory and the environment. They were targeted by both state and non-state actors, subjected to smear campaigns to discredit their work, and regularly faced intimidation, threats and attacks. Most attacks registered against human rights defenders went unpunished.<sup>43</sup> In **Guatemala**, threats and attacks against defenders of the environment,

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<sup>34</sup> Council of Europe, *Human Rights Defenders*, available at [www.coe.int/en/web/commissioner/human-rights-defenders](http://www.coe.int/en/web/commissioner/human-rights-defenders)

<sup>35</sup> Organization for Security and Co-operation in Europe, *Human Rights Defenders in the OSCE Region: Our Collective Conscience*, 2007, available at [www.osce.org/odihr/29714](http://www.osce.org/odihr/29714); Organization for Security and Co-operation in Europe, *Guidelines on the Protection of Human Rights Defenders*, 2014, available at [www.osce.org/odihr/guidelines-on-the-protection-of-human-rights-defenders](http://www.osce.org/odihr/guidelines-on-the-protection-of-human-rights-defenders)

<sup>36</sup> Amnesty International, *Human Rights Defenders Under Threat – A Shrinking Space for Civil Society*, p.40, available at <https://www.amnesty.org/en/documents/act30/6011/2017/en/>

<sup>37</sup> African Commission on Human and Peoples' Rights, Resolution 336 on Measures to Protect and Promote the Work of Women HRDs, ACHPR/Res. 336 (EXT.OS/XIX) 2016, available at [www.achpr.org/sessions/19th-ao/resolutions/336/](http://www.achpr.org/sessions/19th-ao/resolutions/336/); African Commission on Human and Peoples' Rights, Resolution 119 on the Situation of HRDs in Africa, available at [www.achpr.org/sessions/42nd/resolutions/119/](http://www.achpr.org/sessions/42nd/resolutions/119/); African Commission on Human and Peoples' Rights, Resolution 69 on the Protection of HRDs in Africa, available at [www.achpr.org/sessions/35th/resolutions/69/](http://www.achpr.org/sessions/35th/resolutions/69/)

<sup>38</sup> African Commission on Human and Peoples' Rights, Resolution on the Appointment of a Special Rapporteur on Human Rights Defenders in Africa, 2010, available at <http://www.achpr.org/sessions/48th/resolutions/171/>

<sup>39</sup> African Commission on Human and Peoples' Rights, Resolution on Measures to Protect and Promote the Work of Women Human Rights Defenders, ACHPR/Res. 336 (EXT.OS/XIX) 2016, available at [www.achpr.org/sessions/19th-ao/resolutions/336/](http://www.achpr.org/sessions/19th-ao/resolutions/336/)

<sup>40</sup> <https://www.frontlinedefenders.org/en/resource-publication/annual-report-human-rights-defenders-risk-2017>

<sup>41</sup> Amnesty International, *Human Rights Defenders Under Threat – A Shrinking Space for Civil Society*, available at <https://www.amnesty.org/en/documents/act30/6011/2017/en/>

<sup>42</sup> Amnesty International, *Mexico's Misinformation Wars*, available at <https://medium.com/amnesty-insights/mexico-s-misinformation-wars-cb748ecb32e9>

<sup>43</sup> Amnesty International: *We Are Defending the Land with Our Blood: Defenders of the Land, Territory and Environment in Honduras and Guatemala*, available at <https://www.amnesty.org/en/documents/amr01/4562/2016/en/>

territory and land have dramatically soared, with for example seven defenders killed in four weeks.<sup>44</sup> There was an increase in the number of attacks against human rights defenders in **Colombia**, especially community leaders, defenders of human rights related to the land, territory and the environment, and those campaigning in favour of the peace agreement, with attacks perpetrated by a variety of actors, including by paramilitary groups.<sup>45</sup> In **Cuba**, human rights defenders and political activists continued to be harassed, intimidated, dismissed from state employment and arbitrarily detained to silence criticism.<sup>46</sup> In **Argentina**, activist Santiago Maldonado was found dead after going missing in the context of a demonstration marred by police violence in an Indigenous Mapuche community.<sup>47</sup> In **Chile**, the closure by the authorities of an investigation into the alleged abduction and torture of Mapuche leader Víctor Queipul Hueiquil sent a chilling message to human rights defenders across the country, as it appeared that no comprehensive and impartial investigation was carried out.<sup>48</sup> In **Uruguay**, human rights defenders investigating human rights violations that took place during the military regime (1973-1985) reported receiving death threats, the sources of which were not investigated.<sup>49</sup>

Similarly, in several countries in the Asia-Pacific region, human rights defenders were subjected to threats, harassment and killings. Human rights defenders in **Afghanistan** faced constant threats to their life and security from armed groups and state actors.<sup>50</sup> In **Pakistan**, the authorities failed to protect journalists, bloggers, and civil society and activists who faced constant harassment, intimidation, threats, smear campaigns and attacks from non-state actors. Instead, the authorities increased restrictions on the work of scores of NGOs, and subjected many activists to attacks, including torture and enforced disappearances.<sup>51</sup> In **Bangladesh**, the government intensified its crackdown on public debate and criticism. Media workers were harassed and prosecuted under draconian laws. The government failed to hold accountable armed groups that carried out a high-profile spate of killings of secular bloggers and LGBTI activists. Activists regularly received death threats, forcing some to leave the country.<sup>52</sup> In **Cambodia**, the government's relentless crackdown on civil society and political activists intensified ahead of a general election scheduled for 2018. Human rights defenders were monitored, arrested and imprisoned, and harassment of civil society through misuse of the criminal justice system escalated.<sup>53</sup> An on-going crackdown on civil and political rights by **Malaysia's** government included harassment, detention and prosecution of critics through the use of restrictive laws; an increase in open-ended, arbitrary travel bans that violated human rights defenders' freedom of movement; and the arrest and investigation of Indigenous rights activists and journalists for peacefully demonstrating against abuses.<sup>54</sup> In **India**, defenders of discriminated groups such as Dalit and Adivasi, are at on-going risk of attack, as are critics of nationalist policies and communal violence.<sup>55</sup>

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<sup>44</sup> Amnesty International, *Guatemala: Further Information: Land Defenders Threatened and Attacked*, available at <https://www.amnesty.org/en/documents/amr34/8515/2018/en/> and <https://www.amnesty.org/en/latest/news/2018/06/guatemala-seven-human-rights-defenders-killed-in-four-weeks/>

<sup>45</sup> On attacks to human rights defenders in Colombia, see Annual Report of the United Nations High Commissioner for Human Rights on the situation of human rights in Colombia (A/HRC/37/3/Add.3), pp.3-4, available at [http://www.ohchr.org/EN/HRBodies/HRC/RegularSessions/Session37/Documents/A-HRC-37-3-Add\\_3\\_EN.docx](http://www.ohchr.org/EN/HRBodies/HRC/RegularSessions/Session37/Documents/A-HRC-37-3-Add_3_EN.docx)

<sup>46</sup> Amnesty International: *Cuba: "Your Mind Is in Prison" - Cuba's Web of Control over Free Expression and Its Chilling Effect on Everyday Life*, available at <https://www.amnesty.org/en/documents/amr25/7299/2017/en/>

<sup>47</sup> Amnesty International, Urgent Action: *Santiago Maldonado Found Dead*, available at <https://www.amnesty.org/download/Documents/AMR1374502017ENGLISH.pdf>; Amnesty International, Urgent Action: *Argentina: Forced Disappearance in Mapuche Community: Santiago Maldonado*, available at <https://www.amnesty.org/download/Documents/AMR1369072017ENGLISH.pdf>

<sup>48</sup> Amnesty International, *Chile: Closure of Investigation into Crimes against Mapuche Leader Puts Indigenous Peoples at Risk*, available at <https://www.amnesty.org/en/latest/news/2017/05/chile-cierre-de-investigacion-por-crime-nes-contra-lider-mapuche-pone-a-pueblos-originarios-en-peligro/>

<sup>49</sup> Amnesty International, *Annual Report 2017/18, The State of the World's Human Rights*, p.389 available at <https://www.amnesty.org/en/latest/research/2018/02/annual-report-201718/>

<sup>50</sup> *Idem*, p.68

<sup>51</sup> Amnesty International, *Pakistan: End Impunity for Attacks on Journalists*, available at <https://www.amnesty.org/en/latest/news/2018/01/pakistan-end-impunity-for-attacks-on-journalists/>

<sup>52</sup> Amnesty International, *Caught Between Fear and Repression: Attacks on Freedom of Expression in Bangladesh*, available at <https://www.amnesty.org/en/documents/asa13/6114/2017/en/>

<sup>53</sup> Amnesty International: *Cambodia: Courts of Injustice: Suppressing Activism through the Criminal Justice System in Cambodia*, available at <https://www.amnesty.org/en/documents/asa23/6059/2017/en/>; Amnesty International, Urgent Action: *Cambodia: Environmental Activists Arbitrarily Jailed*, available at <https://www.amnesty.org/en/documents/asa23/7635/2017/en/>; Amnesty International, *Cambodia: Activist Immediately Jailed after Forcible Return: Sam Sokha*, available at <https://www.amnesty.org/en/documents/asa23/7866/2018/en/>

<sup>54</sup> Amnesty International, *Malaysia: Open-Ended Travel Bans Violate the Rights of Human Rights Defenders and Political Figures*, available at <https://www.amnesty.org/en/documents/asa28/6697/2017/en/>

<sup>55</sup> Amnesty International, *Deadly but Preventable Attacks: Killings and Enforced Disappearances of Those Who Defend Human Rights*, available at <https://www.amnesty.org/en/documents/act30/7270/2017/en/>

## 2.2 REPRISALS

The ability to communicate and interact with inter-governmental organisations is essential for the work of human rights defenders. Despite the commitment of the UN Assistant Secretary-General for Human Rights to do more to counter reprisals against human rights defenders engaging with the UN and its mechanisms, a lot remains to be done to prevent and address reprisals.

Accreditation procedures with the ECOSOC Committee on Non-Governmental Organizations are often used by some Member States to prevent NGOs from engaging in UN affairs.<sup>56</sup> The UN and its Member States have recognized the historic and current important and expert role NGOs play in the UN and should “facilitate, in the most effective manner possible, the contributions of non-governmental organizations to the work of the United Nations.”<sup>57</sup> To ensure this contribution is forthcoming, members of the ECOSOC and its subsidiary body, the Committee on NGOs, need to ensure a transparent process is in place to allow civil society organizations to fully engage with UN entities and participate as much as feasible in all its meetings.

Equally, since most UN sessions are held at the New York and Geneva headquarters (HRC, CSW, UNPFII, UPR, etc), it is crucial that steps are taken to ensure civil society representatives are granted visas or that other means are explored to ensure their participation, including virtually.<sup>58</sup>

## 2.3 SMEAR CAMPAIGNS AND STIGMATIZATION

Smear campaigns and stigmatization are commonly used to delegitimize human rights defenders and undermine their work. This concerns all human rights defenders, but women human rights defenders, LGBTI defenders, and other defenders who are systematically discriminated and marginalized for who they are, are some of the most affected. The UN has an important role to play in counteracting these attacks by exposing and condemning intersecting forms of discrimination, insisting on the legitimacy and importance of human rights defence work, championing individual human rights defenders and groups, and providing them with public statements of support and a public platform at national and international level. Different UN experts, including the Special Rapporteur on human rights defenders (A/HRC/37/51/Add.2) have, for example, urged the government of Mexico to counter the current stigmatisation campaign against human rights defenders.<sup>59</sup> This relatively simple exercise is key to enhancing the legitimacy and recognition of human rights defenders but is not done systematically by UN entities at all possible opportunities, including during sessions at headquarters, country visits and by national offices.

Amnesty International has documented how those defending human rights related to land, territorial and environmental issues in the Americas are often subject to smear campaigns and carry out their activities in a hostile environment.<sup>60</sup> In **Guatemala, Honduras, Peru and Paraguay** for example, individuals and communities fighting to protect their access to water and land are stigmatized and their work is delegitimized through public statements and false rumours. Their communities are forcibly evicted from their homes or face the risk of eviction without due process guarantees. In addition, human rights defenders face unfair and unfounded criminal proceedings as a form to silence them and obstruct their work. They are prosecuted and tried without evidence for crimes solely related to their work to defend human rights.<sup>61</sup>

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<sup>56</sup> <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=22844&LangID=E>

<sup>57</sup> <http://www.un.org/documents/ecosoc/res/1996/eres1996-3.htm>

<sup>58</sup> <https://www.ishr.ch/news/csw62-visa-restrictions-keep-defenders-away-ishr-launches-report-barriers-participation>

<sup>59</sup> <https://news.un.org/en/story/2016/04/526112-un-experts-urge-mexico-counter-current-smear-campaign-support-right-defenders>;  
<http://www.ohchr.org/EN/Issues/SRHRDefenders/Pages/CountryVisits.aspx>

<sup>60</sup> Amnesty International, *Annual Report 2017/18, The State of the World's Human Rights*, p.33, available at <https://www.amnesty.org/en/latest/research/2018/02/annual-report-201718/>

<sup>61</sup> Amnesty International, *A Recipe for Criminalization: Defenders of the Environment, Territory and Land in Peru and Paraguay*, available at <https://www.amnesty.org/en/documents/amr01/8158/2018/en/>; Amnesty International, *Americas: "We Are Defending the Land with Our Blood: Defenders of the Land, Territory and Environment in Honduras and Guatemala"*, available at <https://www.amnesty.org/en/documents/amr01/4562/2016/en/>



## 2.4 WOMEN HUMAN RIGHTS DEFENDERS (WHRDS) AND OTHERS WHO EXPERIENCE INTERSECTING FORMS OF DISCRIMINATION

Human rights defenders who experience intersecting forms of discrimination and structural inequality are at an increased risk of attack for what they do and who they are. Discrimination and oppression may be based on age, sex, gender, language, ethnicity, sexual orientation, gender identity, race, caste or class, Indigenous identity, disability, religion or belief, nationality or other status. These different forms of discrimination can overlap and interact, intensifying and diversifying an individual's experience. They are often denied resources, opportunities and security, and are commonly excluded from decision-making.<sup>62</sup>

Worldwide, WHRDs face forms of gender-based violence including sexual violence, and threats, harassment and defamation campaigns linked to their status as women. WHRDs are frequently targeted not only because of their activism but also because of their gender and their activities are repeatedly delegitimized and denigrated. Many of them operate in an environment of blatant hostility against the interests they promote. Those who challenge gender stereotypes and who work on issues like sexual and reproductive health and rights, or defend more widely the human rights of women and girls, are often especially vulnerable to gender-based attacks and threats. WHRDs in **Afghanistan, Azerbaijan, Brazil, El Salvador, India, Iran, Mexico, Nepal, Pakistan**, and the **Philippines**, for example, were subjected to violent attacks, arbitrary arrests, online stigmatization and their work was discredited.<sup>63</sup>

In countries like **Argentina, Brazil, Honduras, Indonesia, South Africa, Turkey, Uganda** and **Ukraine**, LGBTI defenders were subjected to intimidations and attacks.<sup>64</sup>

Young human rights defenders also face specific risks and harm. They tend to be at the bottom of many hierarchies and face age-based discrimination intersecting with other forms of oppression. As a result, in addition to the general stereotype that young people are troublemakers, idealistic and/or immature, many young human rights defenders are discredited and silenced. In many countries, including **Azerbaijan, Democratic Republic of Congo, Myanmar, Singapore** and **Thailand** for instance, young activists were subjected to excessive use of force by police, imprisoned and threatened while in custody.<sup>65</sup> Amnesty International has also documented cases of human rights violations against human rights defenders who are sex workers, or who defend the rights of sex workers. These human rights defenders are attacked for who they are, for the work they do as sex workers and for their activism. Cases of killings of human rights defenders who are sex workers were reported in **Argentina, El Salvador, Honduras and Turkey**.<sup>66</sup>

Indigenous and Afro-descendent communities have long experienced deprivation, exclusion, poverty, dispossession and displacement. According to Global Witness, 40% of human rights defenders working on issues related to the land, territory and the environment killed in 2016 were Indigenous people.<sup>67</sup> Forced displacement and the misappropriation of land, often through violence and intimidation, have been a defining feature of **Colombia's** internal armed conflict, targeting above all Indigenous, Afro-descendent and peasant farmer communities.<sup>68</sup> In **Honduras**, human rights defenders with the Independent Lenca Indigenous Movement of La Paz (Movimiento Indígena Lenca Independiente de La Paz, MILPAH) have been challenging the consultation process for the construction of a hydroelectric plant. Five of its members have been killed in the last few years and numerous people – including

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<sup>62</sup> See Amnesty International, *Deadly but Preventable Attacks. Killings and Enforced Disappearances of Those Who Defend Human Rights*, pp.15-20, available at <https://www.amnesty.org/en/documents/act30/7270/2017/en/>

<sup>63</sup> Amnesty International, *Human Rights Defenders Under Threat – A Shrinking Space for Civil Society*, pp.34-37, available at <https://www.amnesty.org/en/documents/act30/6011/2017/en/>; Amnesty International, *Deadly but Preventable Attacks. Killings and Enforced Disappearances of Those Who Defend Human Rights*, pp.15-16, available at <https://www.amnesty.org/en/documents/act30/7270/2017/en/>

<sup>64</sup> Amnesty International, *Human Rights Defenders Under Threat – A Shrinking Space for Civil Society*, pp.36-37, available at <https://www.amnesty.org/en/documents/act30/6011/2017/en/>; Amnesty International, *Brazil: Authorities Must Investigate the Killing of Human Rights Defender Marielle Franco*, available at <https://www.amnesty.org/en/latest/news/2018/03/brazil-authorities-must-investigate-the-killing-of-human-rights-defender-marielle-franco/>

<sup>65</sup> Amnesty International, *Human Rights Defenders Under Threat – A Shrinking Space for Civil Society*, pp.37-38, available at <https://www.amnesty.org/en/documents/act30/6011/2017/en/>; Amnesty International: *South-East Asia: Bravery Punished: Repression of Young Human Rights Defenders in South-East Asia*, available at <https://www.amnesty.org/en/documents/asa03/7257/2017/en/>

<sup>66</sup> Amnesty International, *Deadly but Preventable Attacks. Killings and Enforced Disappearances of Those Who Defend Human Rights*, pp.17-18, available at <https://www.amnesty.org/en/documents/act30/7270/2017/en/>; Amnesty International, *Sex workers at risk: A research summary on human rights abuses against sex workers*, available at <https://www.amnesty.org/en/documents/pol40/4061/2016/en/>

<sup>67</sup> Global Witness, *Defenders of the Earth*, available at [www.globalwitness.org/en-gb/campaigns/environmental-activists/defenders-earth/](http://www.globalwitness.org/en-gb/campaigns/environmental-activists/defenders-earth/)

<sup>68</sup> Amnesty International: *Colombia: Indigenous People Threatened and Displaced*, available at <https://www.amnesty.org/en/documents/amr23/8572/2018/en/>; Amnesty International, *The Colombian State Must Address the Structural Causes of Violence*, available at <https://www.amnesty.org/en/latest/news/2018/05/el-estado-colombiano-debe-abordar-las-causas-estructurales-de-la-violencia/>

pregnant women and children – have been assaulted by police and armed civilians. Others have been threatened, arbitrarily detained and unjustly prosecuted.<sup>69</sup> Afro-descendent and Indigenous Peoples fighting for their lands in **Brazil** have often been violently confronted by large landowners and killed.<sup>70</sup> The Secretary-General of TINDOGA (Tribal Indigenous Oppressed Group Association), an Indigenous peoples' organization near Quezon City in the **Philippines**, was shot dead in February 2017.

Amnesty International has also documented intimidation and attacks against ethnic and racial minorities, including Dalit human rights defenders and Adivasi community defenders in **India**, Kurdish defenders in **Turkey**, defenders from the Haratines and Afro-Mauritanians groups in **Mauritania** and from the Ahwazi Arab minority in **Iran**.<sup>71</sup>

## 2.5 SHRINKING SPACE FOR CIVIL SOCIETY

The rights to freedom of peaceful assembly, association, expression, and movement are increasingly under attack at global level. Human rights defenders and civil society organizations, especially those critical to those in power, are particularly affected by undue restrictions and at times are forced to limit or wind down their activities. Laws curtailing civil society activities and their funding have been proposed or enacted recently in more than 90 states.<sup>72</sup>

Over the past year, Africa's human rights landscape was shaped by violent crackdowns against human rights defenders and civil society organizations. In **Angola, Cameroon, Chad, Equatorial Guinea, Ethiopia, Mauritania, Madagascar, Sudan, Uganda, Zambia, and Zimbabwe** opposition activists and human rights defenders were arbitrarily arrested and detained, prosecuted, harassed and intimidated. Draft bills in **Nigeria** and the **Democratic Republic of Congo** and draft amendments to **Malawi's** NGO law introduced excessive, intrusive and arbitrary controls on the activities of NGOs, including human rights groups.<sup>73</sup>

In the Asia-Pacific region, many countries have seen a shrinking space for civil society. In the last year, Amnesty International has documented cases of intimidation and attacks in **Japan, Mongolia and South Korea**. In **China**, human rights defenders are specifically targeted and continue to be detained, prosecuted and sentenced on the basis of vague and overbroad charges, while more and more national legislation restricting independent civil society, freedom of expression and religious freedom continues to be introduced.<sup>74</sup> In **Hong Kong**, the repeated use of vague charges against prominent pro-democracy movement figures appeared to be an orchestrated and retaliatory campaign by the authorities to punish and intimidate those advocating democracy or challenging the authorities.<sup>75</sup> In **India**, the authorities are openly critical of human rights defenders, contributing to a climate of hostility and violence against them; and repressive laws were used to stifle freedom of expression, while journalists and press freedom came under increasing attack.<sup>76</sup> **Thailand's** military government has continued its systematic suppression of dissent, preventing people from speaking or assembling peacefully, and criminalizing and targeting civil society. Dozens of human rights defenders, pro-democracy activists and others face investigation and prosecution under draconian laws and decrees, many facing lengthy, unfair proceedings before military courts.<sup>77</sup> Amendments to **Singapore's** Public Order Act has given the authorities greater powers

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<sup>69</sup> Amnesty International, 'We are defending the land with our blood': Defenders of the land, territory and environment in Honduras and Guatemala, available at <https://www.amnesty.org/en/documents/amr01/4562/2016/en/>

<sup>70</sup> Amnesty International, *Annual Report 2017/18, The State of the World's Human Rights*, p.101, available at <https://www.amnesty.org/en/latest/research/2018/02/annual-report-201718/>;

<sup>71</sup> Amnesty International, *Deadly but Preventable Attacks: Killings and Enforced Disappearances of Those Who Defend Human Rights*, p.20, available at <https://www.amnesty.org/en/documents/act30/7270/2017/en/>

<sup>72</sup> CIVICUS, quoted in UN Special Rapporteur on HRDs, 2016, Report of the Special Rapporteur on the situation of human rights defenders, UN Doc. (2016), para. 28

<sup>73</sup> Amnesty International, *Annual Report 2017/18, The State of the World's Human Rights*, pp. 19-21, available at <https://www.amnesty.org/en/latest/research/2018/02/annual-report-201718/>; OHCHR, Democratic Republic of Congo: UN Experts Urge Review of Draft NGO Bill, available at <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=23170&LangID=E>

<sup>74</sup> Amnesty International, *Annual report 2017/2018*, <https://www.amnesty.org/en/countries/asia-and-the-pacific/china/report-china/>

<sup>75</sup> Amnesty international, *Hong Kong: "Vindictive" Jail Terms for Pro-Democracy Leaders*, available at <https://www.amnesty.org/en/latest/news/2017/08/hong-kong-vindictive-jail-terms-for-pro-democracy-leaders/>; Amnesty international, *Hong Kong: Court Overturns Unjust Jail Terms for Young Pro-Democracy Activists*, available at <https://www.amnesty.org/en/latest/news/2018/02/hong-kong-unjust-jail-term-young-pro-democracy-overturned/>

<sup>76</sup> Amnesty International, *Annual Report 2017/18, The State of the World's Human Rights*, p.38, available at <https://www.amnesty.org/en/latest/research/2018/02/annual-report-201718/>

<sup>77</sup> Amnesty international: *Thailand: Continuing Crackdown on Free Online Expression*, available at <https://www.amnesty.org/en/documents/asa39/6480/2017/en/>; Amnesty international, *Thailand: Civil Society Under Attack as Authorities Criminalize Dissent*, available at <https://www.amnesty.org/en/latest/news/2017/02/thailand-criminalizing-civil-society/>; Amnesty International,

to restrict or ban public assemblies, and human rights defenders have been investigated by police for taking part in peaceful protests.<sup>78</sup> A crackdown on dissent in **Viet Nam** has intensified, forcing numerous activists to flee the country while a recently proposed cyber security law threatens to stamp out online freedom.<sup>79</sup>

In the **USA** the use of heavy-duty riot gear and military-grade weapons and equipment to police demonstrations has been documented. For example, protests in and around Standing Rock, North Dakota, against the Dakota Access Pipeline to transport crude oil, despite being largely peaceful, drew heavy police response from local and state law enforcement authorities.<sup>80</sup>

The space for civil society continued to shrink across **Europe and Central Asia** region, where a discourse hostile to human rights remained prevalent. Across the region, the rights to freedom of association and peaceful assembly and the right to freedom of opinion and expression are under attack. The crackdown on dissenting voices in **Turkey**,<sup>81</sup> **Poland**,<sup>82</sup> **Ukraine**,<sup>83</sup> **Romania**,<sup>84</sup> **Moldova**<sup>85</sup> has been evident.<sup>86</sup> Since the failed coup in 2015, Turkey has seen an on-going and acute deterioration of the environment for human rights defenders, civil society organizations and independent media, with closures, detentions and judicial persecutions, including of Amnesty International staff. In **Tajikistan**, **Kazakhstan**, **Uzbekistan** and **Crimea** journalists and activists face intimidation, harassment, arbitrary arrests and politically motivated prosecutions. Protests in the **Russian Federation** and **Kyrgyzstan** have been subjected to excessive use of force by the police while in **Kazakhstan** organizing or participating in a peaceful demonstration without the authorities' prior authorization remains an offence.<sup>87</sup> In **Hungary**, the government presented a set of draft laws (LexNGO2018, also known as "Stop Soros package") in January 2018 in yet another attempt to target non-governmental organizations and obstruct the work of human rights defenders. These proposals mark the latest initiative in the government's escalating effort to crackdown on the legitimate work of NGOs. A new draft of the laws, tabled in Parliament in May 2018, criminalizes migration-related work by activists and NGOs.<sup>88</sup> Elsewhere inside the European Union, people and groups who act in solidarity with migrants in distress, or who provide humanitarian help, including search and rescue missions in the Mediterranean are the target of smears and

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*Thailand: End of Escalating Crackdown on Peaceful Protests*, available at <https://www.amnesty.org/en/latest/news/2018/01/thailand-end-escalating-crackdown-on-peaceful-protests/>

<sup>78</sup> Amnesty International, *Singapore: Freedom of Expression Undermined in Hearings on "Fake News"*, available at <https://www.amnesty.org/download/Documents/ASA3681602018ENGLISH.pdf>

<sup>79</sup> Amnesty International, *Viet Nam: New Research Reveals almost 100 Prisoners of Conscience as Crackdown on Dissent Intensifies*, available at <https://www.amnesty.org/en/latest/news/2018/04/viet-nam-new-research-reveals-almost-100-prisoners-of-conscience-as-crackdown-on-dissent-intensifies/>; Amnesty International, *Viet Nam: Proposed Cybersecurity Law Threatens to Stamp Out Online Freedom*, available at <https://www.amnesty.org/en/latest/news/2018/06/viet-nam-proposed-cybersecurity-law-threatens-to-stamp-out-online-freedom/>

<sup>80</sup> Amnesty International, *Annual Report 2016/17, The State of the World's Human Rights*, p.38, available at <https://www.amnesty.org/en/latest/research/2017/02/amnesty-international-annual-report-201617/>

<sup>81</sup> Amnesty International, *Weathering the Storm: Defending Human Rights in Turkey's Climate of Fear*, available at <https://www.amnesty.org/en/documents/eur44/8200/2018/en/>

<sup>82</sup> <https://www.humanrightsfirst.org/sites/default/files/Poland-Report-August-2017.pdf>; [http://www.hfhr.pl/wp-content/uploads/2017/09/HFHR\\_situation\\_ngos\\_in\\_Poland\\_brief.pdf](http://www.hfhr.pl/wp-content/uploads/2017/09/HFHR_situation_ngos_in_Poland_brief.pdf)

<sup>83</sup> <https://freedomhouse.org/article/ukraine-government-proposals-ngos-would-curtail-their-work>

<sup>84</sup> <https://www.opensocietyfoundations.org/sites/default/files/romania-legal-briefing-20180205.pdf>; <https://monitor.civicus.org/newsfeed/2018/03/13/state-proposes-further-restrictions-ngos-latest-amendment-ngo-law/>

<sup>85</sup> <https://monitor.civicus.org/newsfeed/2017/09/01/moldova-civil-society-monitor-changes-ngo-law>

<sup>86</sup> <https://www.opensocietyfoundations.org/sites/default/files/romania-legal-briefing-20180205.pdf>; <https://monitor.civicus.org/newsfeed/2018/03/13/state-proposes-further-restrictions-ngos-latest-amendment-ngo-law/>; <https://monitor.civicus.org/newsfeed/2017/09/01/moldova-civil-society-monitor-changes-ngo-law>

<sup>87</sup> <https://www.humanrightsfirst.org/sites/default/files/Poland-Report-August-2017.pdf>; [http://www.hfhr.pl/wp-content/uploads/2017/09/HFHR\\_situation\\_ngos\\_in\\_Poland\\_brief.pdf](http://www.hfhr.pl/wp-content/uploads/2017/09/HFHR_situation_ngos_in_Poland_brief.pdf); <https://freedomhouse.org/article/ukraine-government-proposals-ngos-would-curtail-their-work>; <https://www.opensocietyfoundations.org/sites/default/files/romania-legal-briefing-20180205.pdf>; <https://monitor.civicus.org/newsfeed/2018/03/13/state-proposes-further-restrictions-ngos-latest-amendment-ngo-law/>; <https://monitor.civicus.org/newsfeed/2017/09/01/moldova-civil-society-monitor-changes-ngo-law>

<sup>88</sup> Amnesty International, *Annual Report 2017/18, The State of the World's Human Rights*, p.47-48, available at <https://www.amnesty.org/en/latest/research/2018/02/annual-report-201718/>

<sup>89</sup> Amnesty International, *Hungary: Laws are cruel attempt to criminalize those helping asylum-seekers*, available at <https://www.amnesty.org/en/latest/news/2018/05/hungary-laws-are-cruel-attempt-to-criminalize-those-helping-asylum-seekers/>; Amnesty International, *Hungary: Authorities Must Stop New Attempt to Choke Civil Society*, available at <https://www.amnesty.org/en/documents/eur27/7785/2018/en/>

delegitimization campaigns<sup>89</sup> as well as police harassment<sup>90</sup> and spurious or excessive judicial proceedings<sup>91,92</sup> in order to discourage them.

Across the Middle East and North Africa, governments repression of civil society both offline and online increased in an attempt to prevent or punish reporting on human rights violations or other criticism directed at them or their allies, often on the pretext that they were combating threats to national security or corruption. Human rights defenders, activists and journalists critical of official institutions faced threats, harassment, prosecutions and arbitrary imprisonments in **Bahrain, Egypt, Iran, Israel, Kuwait, Kurdistan Region of Iraq, Morocco, Saudi Arabia** and **Yemen**.<sup>93</sup> For example, in **Egypt**, the draconian 2017 NGO law is being used to annihilate civil society and silence dissent.<sup>94</sup> In **Saudi Arabia**, the crackdown on HRDs has intensified in the last few months<sup>95</sup> including with the recent detention of several prominent women human rights defenders who campaigned against the driving ban and against male guardianship.<sup>96</sup>

## 2.6 SURVEILLANCE, INTERNET CENSORSHIP AND ONLINE HARASSMENT

Mass surveillance and targeted surveillance of human rights defenders – on and offline – continues to grow worldwide, whether conducted by States, corporates or other non-State actors. Internet censorship, also on the rise, takes different forms as States use the criminal justice system or administrative sanctions to prosecute individuals for expressing their views online.

As activism has evolved to include social media platforms as a powerful place to organize and share information about human rights abuses – threats, intimidation and harassment against human rights defenders, and in particular women’s rights activists, have also moved to these same platforms.<sup>97</sup>

In **Mexico**, evidence emerged of surveillance against journalists and human rights defenders, using software that the government was known to have purchased.<sup>98</sup> In **Pakistan**, civil society is under attack by a malicious digital campaign: human rights defenders are increasingly targeted by digital attacks and subject to surveillance.<sup>99</sup> Equally, great challenges are posed by mass surveillance to human rights defenders, activists and dissidents in countries like **Uzbekistan**,<sup>100</sup> **Belarus**<sup>101</sup> and **Azerbaijan**.<sup>102</sup>

Since May 2017, **Egyptian** authorities blocked more than 400 websites, including those of independent newspapers and human rights organizations.<sup>103</sup> The **State of Palestine** adopted the Electronic Crimes Law in July of 2017, permitting the arbitrary detention of journalists, whistle-blowers and others who criticize the authorities online. The law allows for prison sentences and up to 25 years’ hard labour for anyone deemed to have disturbed “public order”, “national unity” or “social peace”.<sup>104</sup> **Jordan** authorities

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<sup>89</sup> Amnesty International, *Italy: Losing the Moral Compass: Innuendoes against NGOs which Rescue Lives in the Central Mediterranean*, <https://www.amnesty.org/en/documents/eur30/6152/2017/en/>

<sup>90</sup> Human Rights Watch, “Like a Living Hell”, <https://www.hrw.org/report/2017/07/26/living-hell/police-abuses-against-child-and-adult-migrants-calais>

<sup>91</sup> Amnesty International, *How Italy’s Seizure of an NGO Ship Exposes Europe’s Dangerous Policy*, <https://www.amnesty.org/en/latest/news/2018/03/how-italys-seizure-of-an-ngo-ship-exposes-europes-dangerous-policy/>

<sup>92</sup> Amnesty International France, Martine Landry’s case, <https://www.amnesty.fr/refugies-et-migrants/actualites/martine-landry-une-militante-experimentee-damnesty>

<sup>93</sup> Amnesty International, *Annual Report 2017/18, The State of the World’s Human Rights*, p.47-48, available at <https://www.amnesty.org/en/latest/research/2018/02/annual-report-201718/>

<sup>94</sup> Amnesty International, *Egypt: NGO Law Threats to Annihilate Human Rights Groups*, <https://www.amnesty.org/en/latest/news/2017/05/egypt-ngo-law-threatens-to-annihilate-human-rights-groups/>

<sup>95</sup> Amnesty International, *Saudi Arabia should invest in human rights, not PR campaign*, <https://www.amnesty.org/en/latest/campaigns/2018/03/saudi-arabia-should-invest-in-human-rights-not-pr-campaigns/>

<sup>96</sup> Amnesty International, *Joint Statement: Crackdown on Saudi women human rights defenders sets off alarms*, <https://www.amnesty.org/en/documents/mde23/8549/2018/en/>

<sup>97</sup> See <https://www.amnesty.org/en/latest/research/2018/03/online-violence-against-women-chapter-2/>

<sup>98</sup> Amnesty International, *Mexico: Human Rights Defenders and Journalists Should Be Protected against Illegal Surveillance*, available at <https://www.amnesty.org/en/latest/news/2017/06/mexico-human-rights-defenders-and-journalists-should-be-protected-against-illegal-surveillance/>

<sup>99</sup> Amnesty International, *Human Rights Under Surveillance*, available at <https://www.amnesty.org/en/documents/asa33/8366/2018/en/>

<sup>100</sup> *We Will Find You, Anywhere: The Global Shadow of Uzbekistani Surveillance*, available at

<https://www.amnesty.org/en/documents/eur62/5974/2017/en/>;

<sup>101</sup> *It’s Enough for People to Feel it Exists: Civil Society, Secrecy and Surveillance in Belarus*, available at <https://www.amnesty.org/en/documents/eur49/4306/2016/en/>

<sup>102</sup> *False Friends: How Fake Accounts and Crude Malware Targeted Dissidents in Azerbaijan*, <https://medium.com/amnesty-insights/false-friends-how-fake-accounts-and-crude-malware-targeted-dissidents-in-azerbaijan-9b6594cafe60>

<sup>103</sup> Amnesty International, *Dozens of New Sites Blocked as Egypt Ramps Up Digital Censorship*, available at <https://www.amnesty.org/en/latest/news/2017/06/dozens-of-news-sites-blocked-as-egypt-ramps-up-digital-censorship/>

<sup>104</sup> Amnesty International, *Joint Statement: Palestine: Reform Restrictive Cybercrime Law Amended Draft Better, but Still Short of International Standards*, available at <https://www.amnesty.org/en/documents/mde15/7632/2017/en/>

continued to block access to certain websites, including online forums and in **Oman** the online publication of Mowaten newspaper was blocked, which together with the effect of trials against Azam newspaper and some of its journalists continued to reverberate following its publication in 2016 of allegations of corruption in the government and the judiciary.<sup>105</sup> In **Iran**, in early 2017, judicial officials attempted to block the popular messaging application Telegram, but failed because of opposition from the government;<sup>106</sup> other popular social media websites including Facebook, Twitter and YouTube were still blocked.<sup>107</sup> Similarly, the **Russian Federation** attempted to block the Internet messaging service Telegram, which have resulted in extensive violations of the rights to freedom of expression and access to information, including mass collateral website blocking.<sup>108</sup>

## 3. RECOMMENDATIONS

### 3.1 TO STATES:

*EXPLICITLY RECOGNIZE THE LEGITIMACY OF HRDS AND PUBLICLY SUPPORT THEIR WORK, ACKNOWLEDGING THEIR CONTRIBUTION TO THE ADVANCEMENT OF HUMAN RIGHTS. IN PARTICULAR:*

- Develop and implement public awareness campaigns about the work of human rights defenders and ensure their wide dissemination;
- Promote and widely disseminate the UN Declaration on human rights defenders, and adopt national legislation for its effective implementation;
- Publicly acknowledge the particular and significant role played by women human rights defenders and those who work on women's rights or gender-related issues, and ensure they are able to work in an environment free from violence and discrimination of any sort;
- Adopt and implement legislation which recognizes and protects human rights defenders; and repeal or amend legislation that may place obstacles in the way of legitimate activities to promote and defend human rights, including with regard to the rights to freedom of peaceful assembly and association;
- Publicly condemn the attacks, threats and intimidation against human rights defenders;
- Refrain from using language that stigmatizes, abuses, disparages or discriminates against human rights defenders, including by characterizing them as criminals, "foreign agents", terrorists, undesirables or of being morally corrupt, threats to security, development or traditional values.

*ENSURE A SAFE AND ENABLING ENVIRONMENT IN WHICH HRDS ARE EFFECTIVELY PROTECTED AND WHERE IT IS POSSIBLE TO DEFEND AND PROMOTE HUMAN RIGHTS WITHOUT FEAR OF PUNISHMENT, REPRISAL OR INTIMIDATION. IN PARTICULAR:*

- Effectively address threats, attacks, harassment and intimidation against human rights defenders, including, where applicable, by thoroughly, promptly and independently investigating human rights violations and abuses against them and bringing the suspected perpetrators to justice in fair trials without recourse to the death penalty, and providing effective remedies and adequate reparations to the victims;
- Establish, in consultation with human rights defenders and civil society organizations, national protection mechanisms for defenders at risk which incorporate preventative, collective and gender-sensitive approaches;

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<sup>105</sup> Amnesty International, *Annual Report 2017/18, The State of the World's Human Rights*, p.57, available at <https://www.amnesty.org/en/latest/research/2018/02/annual-report-201718/>

<sup>106</sup> Amnesty International, *Iran: Stop Increasingly Ruthless Crackdown and Investigate Deaths of Protesters*, available at <https://www.amnesty.org/en/latest/news/2018/01/iran-stop-increasingly-ruthless-crackdown-and-investigate-deaths-of-protesters/>

<sup>107</sup> Amnesty International, *Annual Report 2017/18, The State of the World's Human Rights*, p.57, available at <https://www.amnesty.org/en/latest/research/2018/02/annual-report-201718/>

<sup>108</sup> Amnesty International, *Russia: Telegram Block Leads to Widespread Assault on Freedom of Expression Online*, available at <https://www.amnesty.org/en/documents/eur46/8322/2018/en/>

- Ensure women human rights defenders receive the specific protection they need against gender-threats and violence they may face due to their work, recognizing the particular challenges and risks they face, including specific forms of violence;
- Take appropriate measures to recognise and protect young human rights defenders and youth-led organisations engaged in the defence and promotion of human rights, including by removing age based discriminatory practices which restrict participation of young people in public decision-making, as well as by providing resources for the work of young human rights defenders and youth led organisations;
- Ensure that justice systems are not misused to target or harass human rights defenders and refrain from bringing criminal charges or any other proceedings or administrative measures against them that stem solely from the peaceful exercise of their rights.

*FACILITATE AND SUPPORT PROGRAMMES TO GUARANTEE THAT HRDS HAVE ACCESS TO THE NECESSARY SKILLS, TOOLS AND TRAINING THEY REQUIRE SO THAT THEY ARE ENABLED AND EQUIPPED TO CONDUCT THEIR HUMAN RIGHTS WORK. IN PARTICULAR:*

- Develop concrete ways to strengthen the knowledge, skills and abilities of human rights defenders, including on how to protect their rights and to manage their security;
- Strengthen national human rights institutions and provide them with the necessary human and financial resources to carry out their duties effectively, including having a specific mandate covering the protection and promotion of human rights defenders.

*ENABLE PARTICIPATORY APPROACHES TO ENSURE THAT HRDS ARE CONNECTED WITH EACH OTHER, WITHIN THE COMMUNITY IN WHICH THEY OPERATE AND HAVE ACCESS TO DECISION MAKERS AT THE NATIONAL, REGIONAL AND INTERNATIONAL LEVELS IN A SECURE MANNER. IN PARTICULAR:*

- Facilitate the establishment of national and regional networks for the support and protection of HRDs;
- Establish participatory processes within civil society that include human rights defenders working in rural areas or in community-based settings, when adopting laws and mechanisms for their protection;
- Ensure that domestic laws governing the surveillance of communications are in accordance with international law and standards, including by containing effective safeguards against indiscriminate mass surveillance, and guarantee that human rights defenders have access to the necessary tools to secure their communications, including encryption;
- Fully co-operate with the different UN human rights mechanisms and, in particular, extend an invitation to the Special Rapporteur on the situation of human rights defenders to conduct visits without restrictions on duration or scope and ensure s/he is allowed to meet with human rights defenders without hindrance;
- Ensure that public policies are developed and implemented in a participatory manner in which HRDs and communities affected are able to actively, freely and meaningfully participate;
- Take all necessary measures to prevent and deter acts of intimidation and reprisals against human rights defenders in relation to their communications and interactions with international and regional organizations.

### 3.2 TO COMPANIES:

- Implement adequate human rights due diligence processes, as set out in the UN Guiding Principles on Business and Human Rights, to ensure that the human rights of individuals and communities, including human rights defenders, affected by activities of companies or those of subsidiaries, subcontractors or suppliers are respected;
- Refrain from making statements or expressing views that discredit, denigrate or stigmatize human rights defenders;
- Conduct meaningful consultations and meetings with human rights defenders at critical phases of project planning and implementation, and disclose in a timely manner all relevant information about business projects, including potential impacts on human rights;

- Adopt a policy of zero-tolerance of acts of violence, threats or intimidation committed against HRDs opposing or expressing their views about the company's projects;
- Collaborate with the state authorities in the investigation of any attack, threat or intimidation perpetrated against human rights defenders because of their work in opposing or expressing their views on a company's projects.
- Refrain from invoking criminal defamation laws and/or instigating criminal defamation proceedings against those who criticise or oppose their activities. In its assessment of whether to pursue a civil claim for alleged defamation, a company should be mindful of the potential negative impact on the human rights of critics and opponents, including HRDs, to freedom of expression and association;
- States have the ultimate duty to ensure a safe and enabling environment in which human rights defenders are able to work without fear of reprisals, and UN entities must make efforts to play a key role in assisting states in strengthening the role and security of human rights defenders.

### 3.3 TO UN ENTITIES:

Amnesty International therefore recommends that **UN entities** systematically and regularly put pressure on Member States by:

- a. Publicly recognizing the role and importance of HRDs and the need for States to ensure a safe and enabling environment in which they can defend and promote human rights without fear of punishment, reprisal or intimidation;
- b. Publicly acknowledging the role played by women human rights defenders, including LGBTI defenders and other human rights defenders who systematically face intersecting forms of discrimination, and make sure they are able to work in an environment free from violence and discrimination.
- c. Publicly condemning threats and attacks against human rights defenders and carry out prompt, thorough, independent and impartial investigations into attacks against human rights defenders, including killings and enforced disappearances;
- d. Closely following-up on the implementation of recommendations issued by the different UN bodies on the protection of human rights defenders at national level;
- e. Guaranteeing a space for dialogue to, as part of the country pledges presented at the elections process to serve in the Human Rights Council, States commit to recognize the role of human rights defenders and pledge to work to ensure a safe and enabling environment in which they perform their essential functions.

In addition, Amnesty International urges all **UN entities** to:

- a. Strengthen the coordination amongst UN entities in country to support the implementation of UN recommendations on the protection of human rights defenders;
- b. Strengthen the coordination with national governments to implement UN recommendations on the protection of human rights defenders;
- c. Promote greater inter-agency integration and coordinated work on ensuring the creation of a safe and enabling environment for human rights defenders and on following-up on reprisals and other human rights violations;
- d. Adopt an intersectional approach to human rights defenders in all strands of work, taking into account the specific needs of women human rights defenders and others facing discrimination;
- e. Adopt measures to ensure the implementation of recommendations made by international human rights mechanisms and monitor and assess State's compliance with them;
- f. Work more closely with regional mechanisms to ensure the creation of a safe and enabling environment for HRDs and the implementation of follow-up procedures on reprisals and other human rights violations;
- g. Provide technical assistance to States for the adoption and implementation of legislation to recognize and effectively protect human rights defenders at national level;
- h. Strengthen the mechanisms for and the continuous engagement of human rights defenders with the different UN bodies and ensure their participation in all meetings, visits and other activities;

- i. Introduce accessible procedures to enable HRDs to report reprisals.
- j. Adopt a holistic approach to ensuring protection and security of human rights defenders, that interlinks physical security with digital security and includes attention to gender-specific threats and security needs;
- k. Urge companies to take concrete steps to improve how they identify, address and prevent attacks and other forms of abuse against human rights defenders, in particular women human rights defender;
- l. Protect both digital and physical security of human rights defenders whenever these are communicating and interacting with UN mechanisms and providing information on human rights incidents;
- m. Strengthen coordination on cases of reprisals and intimidations against those who engage with the UN system.

In relation to **Treaty Bodies**, Amnesty International considers that these entities should:

- a. Strengthen the participation of civil society organizations and their involvement in the execution of the Treaty Bodies' mandates, such as periodic reviews, petitions and inquiries through the provision of private and safe spaces to present information;
- b. Provide the opportunity for human rights defenders at risk with safe remote participation alternatives if they are not able to travel to New York, Geneva or elsewhere;
- c. The Treaty Bodies that have not yet formally adopted the San Jose Guidelines should do so without further delay;
- d. Make available, in an easily accessible and visible place of the OHCHR website, how to report acts of reprisals or intimidations for their engagement with UN entities;
- e. Take into consideration the promotion and protection of human rights defenders when considering State parties' reports and conducting country enquiries.

In relation to **Special Procedures of the Human Rights Council**, Amnesty International considers that these entities should:

- a. Strengthen the cooperation amongst Special Procedures and with other UN mandates working on human rights defenders;
- b. Strengthen and expand their public awareness-raising mandate in relations to violations against human rights defenders;
- c. Ensure meetings with human rights defenders during their country visits, in particular with those who face higher risk or lack of visibility, due to systemic marginalization and discrimination.
- d. Ensure a proper discussion at the Human Rights Council in relation to reprisals and intimidations, including attacks against Special Procedure mandate holders.
- e. Make available, in an easily accessible and visible place of the OHCHR website, how to report acts of reprisals or intimidations for their engagement with UN entities;
- f. Advise victims of human rights violations, including human rights defenders, whether a communication has been issued concerning their situation or not.<sup>109</sup>
- g. Protect the digital security of human rights defenders whenever they are engaging with UN mechanisms;
- h. Incorporate safeguards to protect human rights defenders and mitigate any security risks when receiving, collecting, classifying, analysing and storing sensitive human rights data that could place them at risk;
- i. Pay particular attention to the specific digital security risks faced by women human rights defenders.

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<sup>109</sup> Report of the Bureau of the fifty-fourth session of the Commission on Human Rights submitted pursuant to Commission decision 1998/112 (E/CN.4/1999/104), p.39 Observation 17 and Manual of operations, adopted at the 6th Annual Meeting of Special Procedures: 25.



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# SITUATION OF THE WORLD'S HUMAN RIGHTS DEFENDERS

## SUBMISSION TO THE UNITED NATIONS SPECIAL RAPPORTEUR ON THE SITUATION OF HUMAN RIGHTS DEFENDERS

Despite the many efforts made by different UN entities, as well as by some states, civil society organizations, human rights defenders and other relevant stakeholders during the last 20 years since the adoption in 1998 of the Declaration on the Right and Responsibility of Individuals, Groups, and Organs of Society to Promote and Protect Universally Recognised Human Rights Fundamental Freedoms (the “Declaration on Human Rights Defenders”), Amnesty international considers that there is still a lot to be done in order to ensure its full implementation and guarantee a safe and enabling environment for all those who defend human rights.

This document presents the organization’s overall concerns on the situation of human rights defenders at a global level. It does not include a country-by-county analysis of the situation of human rights defenders for all the 159 countries and territories covered in our Annual Report, because that would be beyond the scope allowed for this submission. For a more detailed overview on attacks, threats, intimidation and harassment faced by human rights defenders worldwide; please refer to Amnesty International’s 2017/18 Annual Report.

INDEX: IOR 40/8600/2018

JUNE 2018

LANGUAGE: ENGLISH

[amnesty.org](https://www.amnesty.org)

