



# **POSITIVE CHANGE ACHIEVED BY HUMAN RIGHTS DEFENDERS**

**SUBMISSION TO THE REPORT BY THE SPECIAL RAPPORTEUR ON  
THE SITUATION OF HUMAN RIGHTS DEFENDERS**

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# INTRODUCTION

Amnesty International welcomes the opportunity<sup>1</sup> to share examples of contributions by human rights defenders to positive change and human rights progress despite the hostile and dangerous situations in which they operate. Recognizing their role and celebrating their work and achievements is key for their protection.

In many cases the mere existence and resistance of individuals and groups who continue to fight for human rights despite huge challenges is in itself a win and cause for hope. While not all their work can be easily quantified or described in distinct successes in the short term, their work creates the foundations for the gains of future generations of human rights defenders.

Below we summarize some concrete positive changes that have taken place in recent years thanks to the work of numerous human rights defenders and organizations, local and international. Amnesty International has lent support and campaigned for change in all these instances as one amongst many and as part of collaborative work with others. In most cases they are the product of work started in the previous decades by pioneering individuals, groups and networks, rather than the result of an individual HRD or CSO/NGO over a limited time span.

This contribution contains a mere sample of the many positive changes achieved in recent years and is organized around key themes, not just for ease of reading, but also because these changes were achieved thanks to local, national, and international networks who specialize on certain issues. This submission is not an exhaustive account of the positive contributions of human rights defenders in recent years.

## SELECTION OF HUMAN RIGHTS WINS IN THE LAST FEW YEARS

### STRUGGLE AGAINST GENDER VIOLENCE AND DISCRIMINATION, FOR BODILY AUTONOMY AND LGBTI RIGHTS

Despite rights in this field being denied in many parts of the world, there is also cause for optimism, as progress continues to be claimed by groups, networks and coalitions led by persistent human rights defenders, in particular women human rights defenders (WHRDs) and LGBTI defenders, who have been working to achieve these rights for decades. For example:

- WHRDs in 2020 managed to successfully campaign for new legislation to counter violence against women and girls: in [Kuwait](#), where Parliament approved a bill criminalizing domestic violence; in [South Korea](#), where the government passed laws to enhance the protection of women and girls from sexual exploitation and abuse; and in [Sudan](#) where the government adopted a National Action Plan for the Implementation of UNSC Resolution 1325 on women, peace, and security.
- In [Argentina](#) access to abortion was enshrined in law in 2020 - after mass mobilizations, advocacy and community organizing for health and reproductive rights over many years, and thanks in great part to the WHRDs who led movements such as “Ni una menos” (Not one less – against gender violence) and “Marea Verde” (Green wave – for reproductive rights).

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<sup>1</sup> OHCHR | [Call for input to the report of the Special Rapporteur on human rights defenders to the Human Rights Council on the positive change achieved by human rights defenders](#)

- The repeal of a total abortion ban via a referendum in [Ireland](#) in 2018,<sup>2</sup> and the decriminalization of abortion in [Northern Ireland](#) in 2019<sup>3</sup> are also success stories of movements led by WHRDs.
- Gains were also made in [Mexico](#) and [South Korea](#) in 2021, and in [Colombia](#) in 2022, where the Constitutional Courts ruled to decriminalize abortion, thanks to WHRDs advocacy.
- In [Ireland](#), wins in reproductive care rights, as well as the legalization of [same-sex marriage](#) and [gender recognition](#) in 2015, were also due to changes in attitudes triggered by the tireless work of activists who campaigned for truth and justice for the [abuses](#) committed by religious institutions against women and children over many decades.
- In [El Salvador](#), for several years, the work of national groups of feminist defenders and lawyers have helped secure the release of numerous women who were sentenced to lengthy imprisonment using punitive abortion laws,<sup>4</sup> such as in the case of [Teodora del Carmen Vázquez](#).
- [Taiwan](#) became the first country in Asia to legalize same sex marriage in 2019, thanks to the work of same sex couples who fought in court for their rights and the LGBTI defenders who continued to campaign even after the setback of a 2018 referendum.
- In recent years, defenders of the rights of trans people have achieved significant positive changes in several countries including [Greece](#), [Norway](#), [Pakistan](#), [Argentina](#),<sup>5</sup> including the right to have their gender identity recognized without having medical intervention or on the basis of self-identification.
- In [Botswana](#), despite colonial era laws that criminalised same-sex acts, LGBTI activists found an ally in the High Court in recent years. The court issued a series of progressive rulings including: the right of LEGABIBO - an LGBTI organization - to be officially registered, the right of trans people to have their gender identity [recognized](#) in their identity documents, and the decriminalization of [same-sex conduct](#).
- Sex workers groups in [India](#) have [organized](#) over years to fight for their rights, contributing to a 2022 [ruling](#) by the Supreme Court which protect the rights of sex workers.
- Following intense campaigning by survivors and their allies, legislation defining rape as sex without consent have been passed in several [European countries](#), most recently in [Spain](#) and [Slovenia](#). Activists are also pushing for a new consent-based rape law in [Switzerland](#), Slovakia and Finland.
- [Sudan](#), which has one of the highest rates of female genital mutilation in the world, outlawed the practice in 2020, following campaigning by Sudanese activists working with international groups and intergovernmental organizations prioritizing the issue.
- In 2022, a coalition of organizations successfully stopped a discriminatory anti-LGBTI referendum in [Hungary](#).

## PROGRESS ON CLIMATE JUSTICE, ENVIRONMENTAL PROTECTION AND LAND RIGHTS

- Campaigning by multiple groups over several years, including Amnesty International, helped push the United Nations General Assembly to adopt in 2022 [a resolution](#) recognising the human right to a clean, healthy, and sustainable environment. This follows previous recognition, in 2021, of the same right at the UN Human Rights Council.
- [Fridays For Future](#), a youth-led and youth-organised protest movement on climate change started in 2018 and quickly achieved the global mobilization of over 14 million globally in over 7,500 cities around the world, popularizing the demands of the climate change movement amongst people of all ages around the globe like never before.

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<sup>2</sup> The documentary "[Story of repeal](#)" traces the history of how this change was achieved over years of fighting against stigma, advocating, campaigning and coalition building

<sup>3</sup> See a [timeline](#) of how this change happened.

<sup>4</sup> The reports of *Agrupación Ciudadana por la Despenalización del Aborto* are available [here](#)

<sup>5</sup> This [article](#) traces the history of the changes that were "forged by grassroots organisations working via political alliances, collaborating with academics, building popular support and acting both with and against the established legal order", and which led to the gender identity act in 2012, the most progressive in the world at the time.

- The Regional Agreement on Access to Information, Public Participation and Justice in Environmental Matters, known as the [Escazú agreement](#), entered into force in 2021. A first in the Latin American and Caribbean region, and in the world, it provides for the right to live in a healthy environment and specifically includes provisions on environmental rights defenders. Strong mobilisation by civil society organisations and individuals was key both for its adoption in 2018 and to push individual states to sign and ratify it.
- Thanks to sustained advocacy and litigation, Austrian company Kelkos Energy withdrew two strategic lawsuits against public participation (SLAPPs) against environmental activists Shpresa Loshaj and Adriatik Gacaferi in 2021. Both had publicly raised concerns about the environmental impact of hydropower projects in the Deçan/Dečani region in [Kosovo](#).
- In the [Solomon Islands](#) the Minister for Environment upheld a block on a bauxite mine concession that threatened local communities on Wagina Island in 2020. The concession was successfully challenged in court thanks to extensive mobilisation by the island's residents, supported by Amnesty International.
- In the [Netherlands](#), environmental activists and non-profit Urgenda Foundation sued the government for its inaction on cutting emissions. The [first judgement](#) in 2015 ordered the government to cut back emissions by 25% in five years. In 2019, the Supreme Court [upheld](#) the ruling. Following this successful lawsuit, environmental activists and organisations are suing their governments for inaction on global warming. This is the case for numerous climate lawsuits in [Australia](#), [Pakistan](#) and [all over the world](#).

## JUSTICE FOR VICTIMS OF HUMAN RIGHTS VIOLATIONS, INCLUDING KILLINGS AND CRIMINALIZATION

- Just in the last two years, sustained campaigning by individuals and organisations all over the world helped secure the release of individuals such as [Mohammed Hassan Jawad](#) and [Nabeel Rajab](#) in [Bahrain](#); [Germain Rukuki](#) in [Burundi](#), [Shafqat and Shagufta Emmanuel](#) and [Asia Bibi](#) in [Pakistan](#); [Maura Martinez](#) in the [USA](#); Oumar Sylla in [Guinea](#); Nasta [Loika](#) in [Belarus](#); the “[Guapinol Eight](#)” (José Daniel Márquez, Kelvin Alejandro Romero, José Abelino Cedillo, Porfirio Sorto Cedillo, Ewer Alexander Cedillo Orbin Nahún Hernández, Arnol Javier Alemán and Jeremías Martínez Díaz) in [Honduras](#); [Bernardo Caal Xol](#) in [Guatemala](#), [Sanaa Seif](#) and [Mohamed Salah](#) in [Egypt](#).
- In [Honduras](#), Berta Caceres' family and community continue to campaign so all those responsible for her killing are brought to justice. They celebrated a partial victory in the conviction of key perpetrator [David Castillo](#) in 2021.
- In [Iraq](#), parliament passed the [Yezidi Survivors Law](#) 2021, which provides a framework for reparations for many survivors of ISIS atrocities in northern Iraq, including women and girl survivors of sexual violence.
- Across [Europe](#), courts have acquitted or dropped cases against defenders prosecuted for acting in solidarity with migrants, as for example [Cédric Herrou in France](#). Many more cases remain [pending before courts](#), including three teenage asylum seekers, known as [El Hiblu 3](#) who are being criminalized in [Malta](#).
- In 2021 the International Criminal Court (ICC) announced formal investigations into the situation in the [Occupied Palestinian Territory](#), the [Philippine](#) government's deadly 'war on drugs' and crimes against humanity in [Venezuela](#). All situations have been documented in detail by human rights defenders.
- Campaigns by HRDs have supported repeated resolutions on human rights crises in several countries at the Human Rights Council, including, among others, the appointment of a Group of Human Rights Experts on [Nicaragua](#), the creation of a Special Rapporteur on [Afghanistan](#) and one on [Russia](#) as well as an Independent International Commission of Inquiry on [Ukraine](#), the creation and extension of the International Commission of Human Rights Experts on [Ethiopia](#), and the adoption and renewal of the International and Independent Fact-Finding Mission on [Venezuela](#).

- In [Nigeria](#), the ‘Kniflar Women’ movement – over 2,000 displaced women campaigning tirelessly for the release of their husbands from unlawful military detention - supported by Amnesty International, successfully secured in 2021 the release of 600 men from detention.
- In [Hungary](#), civil society organisation Hungarian Helsinki Committee successfully challenged in court the propaganda outlet Figyelő, which in 2018 published a list of 200 activists and academics – the so-called list of “Soros mercenaries”, a blacklist of government’s critics, including many defenders and members of civil society organizations. The outlet was forced to pay damages and publicly apologise to 34 affected individuals.
- In 2022, medical doctor Miranda Ruiz was acquitted in [Argentina](#) of the charge of causing an abortion without consent. She was prosecuted despite the country legalising access to abortions in 2020.
- Saharawi HRD Mohamed Dihani was [able to enter Italy](#) in July 2022 to claim international protection, thanks to support from Amnesty International. He had been targeted by Moroccan authorities and subjected to a range of human rights violations.
- In January 2022, a court in [Germany](#), [sentenced](#) Anwar Raslan, a former Syrian intelligence officer, to life in prison for crimes against humanity. The trial came after tireless work by individual Syrian HRDs and civil society organisations in Germany.
- In [Thailand](#), HRDs and families of the victims of enforced disappearances campaigned for more than a decade with authorities to criminalise torture and enforced disappearance. The Parliament [passed the bill](#) in August 2022.
- In [Guinea](#), a judicial investigation was launched against former political and police leaders for violations of the right to life, enforced disappearances, arbitrary detentions, and torture following the country’s constitutional crisis in 2020. Guinean and other human rights defenders and organizations, including Amnesty International [campaigned at length](#) for justice for the victims of these violations.

## ADVANCES IN ECONOMIC AND SOCIAL RIGHTS

- In 2020 the government of [Bangladesh](#) announced it would offer schooling and training to the nearly half a million Rohingya children in Bangladesh’s refugee camps after concerted advocacy and campaigning by Amnesty International and others.
- In 2019 [Sierra Leone](#)’s government overturned the ban preventing pregnant girls from attending school and sitting exams, following research, calls and successful litigation by Amnesty International and partner organisations.
- In 2020, the [Mexican](#) authorities released most migrants and asylum seekers held in the country’s 65 immigration detention centres following campaigning by a wide range of human rights activists to halt the dangerous and discriminatory detention of migrants.
- In 2019 the UN Disability Rights Convention was ratified by [Kyrgyzstan](#) following campaigning by disability rights activists.
- After years of documentation and advocacy by international [organizations](#) and a [national platform](#) of groups and individuals affected, [Peru](#) is finally taking steps to address the public health emergency caused by the mining industry, which affected thousands with heavy metals and other toxic substances released in the environment.
- Alongside anti-discrimination groups such as ERRC and Roma defenders, Amnesty International helped achieve successes in fight against the **discrimination of Roma people in Europe** in the past decade, including on [forced sterilization](#) and progress on [desegregating education](#) in the [Czech Republic](#) and [Slovakia](#). In the [Czech Republic](#), in July 2021, the Senate adopted a bill to [compensate](#) thousands of Roma women who were unlawfully sterilized by the authorities between 1966 and 2012, following a long campaign for justice by survivors.
- Working with residents and local defenders, Amnesty International helped halting forced evictions and/or obtaining justice for communities in recent years in [Paraguay](#), [Ghana](#), [Kenya](#).
- In 2018 a coalition of human rights groups supported Nell Toussaint in fighting her case against [Canada](#) before the CCPR. The Committee ruled that protecting the right to life requires states to

ensure that people who lack a regular immigration status have access to essential health care services.

- In **Lebanon**, the [national consultation](#) on the reform of the kafala system, was launched by the International Labour Organization in collaboration with Lebanon's Ministry of Labour in 2020. It started a much-needed conversation on measures needed to improve working conditions for migrant workers. Amnesty International campaigns alongside other organizations and individuals for the abolition of the kafala system in countries throughout the Middle East.
- In 2021, the **UK** Supreme Court [ruled in favour](#) of two Niger Delta communities seeking justice for environmental damage caused by Shell's **Nigerian** subsidiary. It found that the Ogale and Bille communities could bring their legal claims for clean-up and compensation in British courts. This followed long-standing work carried out by the communities, individual HRDs and civil society organisations, including Amnesty International.
- In 2021, Japanese brewing company Kirin [cut ties](#) with the **Myanmar** military-linked company Myanmar Economic Holdings Limited after the coup.<sup>6</sup>
- In 2020, the **European** Commission committed to introducing a law on due-diligence, requiring businesses to respect human rights and prevent environmental harms across their global supply chains. Amnesty International, along with many other civil society organisations and individuals, [has been campaigning](#) on the issue for over a decade.
- Four Chinese companies with gold mining operations in Bozoum, **Central African Republic**, suspended their operations in 2020 following campaigning by local and international organizations, a parliamentary inquiry and [research](#) by Amnesty International. However, accountability and remedy for abuses is still [missing](#).
- **Canada's** Supreme Court [ruled](#) in 2020 that a lawsuit against a Vancouver-based mining company can be heard in Canada for abuses – including forced labour and torture –which are alleged to have taken place in **Eritrea**.
- In 2019, the Canadian parent company of Tahoe Resources' Escobal mine accepted responsibility for violence at the hands of the company's security contractors in **Guatemala**, which led to serious injuries of peaceful protesters. The company apologised and compensated four members of the protests. Local human rights defenders had [denounced](#) the violence and campaigned against abuses for years.
- In 2019, the **Democratic Republic of the Congo** and the Organisation for Economic Co-operation and Development (OECD) hosted the first international [conference](#) on the responsible sourcing of cobalt, which aims to assess progress on child labour and hazardous working conditions in the artisanal cobalt mining sector which international and national defenders have documented and denounced for years. The DRC announced the opening of three new sites where artisanal mining can be carried out safely and without children, and a new trading centre to ensure miners receive a fair price.

## SUSTAINED GLOBAL ROLL BACK ON THE DEATH PENALTY

Although executions are rising in some countries, the anti-death penalty movement of which Amnesty is part, has made major gains in the last few years, with over 50% of countries becoming abolitionist for all crimes. Positive changes include:<sup>7</sup>

- a 2020 UNGA resolution for a death penalty [moratorium](#)
- the abolition of the death penalty for all crimes in 25 Sub-Saharan African countries, including [Sierra Leone](#) in 2021 and the [Central African Republic](#) and [Equatorial Guinea](#) in 2022.
- the mandatory death penalty was eliminated in [Barbados](#) in 2019.

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<sup>6</sup> In 2020, it had suspended payments to the military company following [research](#) by Amnesty International.

<sup>7</sup> See details and other positive developments highlighted in the global overviews of Amnesty International's annual death penalty reports published in [2022](#), [2021](#), [2020](#).



- In July 2021, the [USA](#) announced a temporary moratorium on federal executions though state executions continue to take place.
- **Malaysia** established a moratorium on executions in 2018 which continues to this day and pledged to abolish the mandatory death penalty. In 2022 government announced [legislation](#) to repeal the mandatory death penalty.
- Campaigning by HRDs in **Singapore** has led to greater discussion that ever before on the use of the death penalty in the country – notable efforts include work by [Transformative Justice Collective](#) and lawyer M Ravi. Activists faced reprisals for their human rights work.
- In 2022 the abolition of the death penalty for all crimes in [Kazakhstan](#) came into force — a significant win for the anti-death penalty. Kazakhstan also went on to become a state party to a key international treaty on abolition in March.

## REGAINING CIVIC SPACE AND CHALLENGING THE MISUSE OF TECHNOLOGY

- In 2021 the ECOWAS Court of Justice [ordered](#) the government of **Nigeria** to refrain from prosecuting Twitter users in the country. Numerous civil society organisations, including Amnesty International, had brought the case to the court. Social media was key in organising protests against police abuses, such as the #EndSARS campaign.
- **Tunisian** president Kais Saied's [seizure](#) of exceptional powers was followed by arbitrary travel bans imposed on many Tunisians in 2021. However, after [pressure](#) from national and international human rights defenders the president issued a [statement](#) ordering the border police “not to impose any travel ban on people unless through a judicial order”.
- In 2021, over 7,000 supporters participated in Amnesty International's [Decode Surveillance](#) project: an effort to map 15,000 surveillance cameras across New York City which can be used by the NYPD to track people using facial recognition software. The material gathered is being used to advocate for a ban on the use of this technology.
- Numerous organizations and affected defenders have been raising the lid on the abuses committed using [Pegasus](#) spyware and leading to Israeli tech company NSO Group being [blacklisted](#) in 2021 by the **USA**, as well as triggering investigations in multiple countries.
- In 2020 the ECOWAS Court of Justice ruled that internet shutdown imposed by **Togo** during mass demonstrations led by political opposition and civil society activists in 2017 violated freedom of expression. The complaint was filed in 2018 by 7 organisations – including Amnesty International – and one individual to contest this measure which only aimed to silence dissenting voices. This [landmark decision](#) sends a strong message to the authorities in the region who frequently use this repressive tool at the occasion of elections or demonstrations to stifle protests.
- In **Hungary**, a law restricting civic space and branding NGOs, including Amnesty International amongst others, as “foreign funded” in 2017, was [successfully challenged](#) by those affected. In June 2020, the Court of Justice of the European Union found the legislation to be in clear breach of EU law.
- In **Niger** in April 2022, the government amended a [cybercrime law](#) to remove prison sentences for charges of libel and outrage. Previously, several human rights defenders and journalists were [charged and detained](#) under the provision.
- In **Sierra Leone**, a law criminalising libel was [repealed](#) by the country's Parliament and President in 2020. Amnesty International and many other organisations have been [campaigning](#) on this issue for years.
- Following intense advocacy and campaigning by numerous civil society organizations, the **European Union** reached [political agreement](#) on the Digital Services Act in 2022. The regulatory framework, among other things, requires Big Tech platforms to assess and manage systemic risks posed by their services, such as advocacy of hatred and the spread of disinformation.
- In September 2022, the **UN Human Rights Council** adopted a [resolution](#) on the safety of journalists, highlighting the issue of strategic lawsuits against public participation with grave concern and urging

an end to attacks, reprisals and violence, this is an important step raised also thanks to involvement by civil society organizations and HRDs affected.

- In **India**, the Supreme Court [temporarily suspended](#) in 2022 the application of the sedition law, which severely hampers freedom of expression in the country. Many HRDs have been criminalized using the sedition law and civil society has campaigned against this tool which has been used systematically against perceived opponents of the authorities.
- In **Uganda**, the Constitutional Court [nullified](#) in 2020 parts of a law which gave police excessive powers to prohibit public gatherings and protests. The law had been used to prohibit and brutally disperse rallies organised by opposition leaders.
- HRDs, particularly journalists, have been active in exposing cases of **corruption** around the world, for example in [Morocco](#), [Sierra Leone](#), [Russia](#), the [Occupied Palestinian Territories](#), [China](#), [Honduras](#) in recent years.
- In **Thailand**, children and young human rights defenders have, since 2020, been at the forefront of mass protest for reform and human rights. Their engagement was supported by a range of Thai civil society organizations, who helped strengthening the capacity of young people and children to represent their own concerns through peaceful protest, and by providing protest monitoring and emergency support to make demonstrations a safe space for children.<sup>8</sup>

## FIGHT BACK ON COVID-19 RELATED ABUSES

- In **Madagascar**, after months of refusing to acknowledge Covid-19, in 2021 the Malagasy government finally dropped its policy of refusing to order Covid-19 vaccines civil society and international organizations – giving more people a chance to access life-saving vaccines.
- In March 2020, **Sri Lanka** started requiring that all those who died of, or were presumed to having died of COVID-19, were cremated. This practice did not allow Muslim communities in the country to properly carry out their traditional mourning rituals, which use burials instead of cremations. Families of victims, activists and members of the Muslim community advocated tirelessly with the government, until in February 2021, the government [repealed](#) the practice.
- In **El Salvador**, thousands of people detained for breaching Covid-19 rules in the early months of the pandemic were finally released thanks to [campaigning](#) by local and international human rights defenders.
- In **Slovenia**, authorities [withdrew](#) proceedings against activist and theatre director Jaša Jenull for covering the costs of policing protests in 2020 against restrictions on the rights to freedom of expression and peaceful assembly imposed in the context of the Covid-19 pandemic. The lawsuits included financial claims for almost 40,000 euros. He was one of several protesters who faced exorbitant claims for compensation and lawsuits.
- In **Niger**, journalist Mamane Kaka Touda was released after being detained for three weeks in Niamey Prison, for publishing a post on social media regarding a suspected case of COVID-19 infection in Niamey Reference Hospital. Human rights defenders and international organizations [campaigned](#) for the journalist's release.
- In countries like **Chile** and **Colombia**, feminist activists [re-organised](#) their activities and support for women due to COVID-19 lockdowns in place, especially for access to safe abortions. Some organised transportation to where abortion was available, while others pushed for increased access to tele-health, so that women did not have to go to clinics to receive the medication they needed.

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<sup>8</sup> See also: [Home : Mob Data Thailand](#)

# HOW CHANGE HAPPENS AND THE IMPORTANCE OF COOPERATION BY MULTIPLE ACTORS

What many of the successes listed above have in common is the fact that change is usually the result of long-term work of several actors relying on local, regional and international solidarity and cooperation, building capacity and learning together. For example, in the case of abortion rights in Argentina, this included learning and adapting well tested tactics, fostering solidarity and creating connections between different generations of human rights defenders from the Mothers of Plaza de Mayo to the more recent “Marea Verde”.<sup>9</sup> It also included the organizing of a regional movement for reproductive rights and reaching out to international civil society and support from donors; as well as litigation around key cases and campaigning to demonstrate the impact of the abortion ban; and building astute alliances with a range of allies, including receptive authorities. Of key importance was the awareness by WHRDs that this was a long game and therefore were not deterred when they encountered hurdles, for example when a first vote on the issue in parliament was lost.<sup>10</sup>

In other cases, sudden positive rulings by national or international courts can appear to come out of the blue but are the result of a build-up of both targeted and mass campaigning, media and communication work including collaboration with the arts; as well as lobby and advocacy work with decision makers; documentation supported by academic or human rights research; and evidence and recommendations by national human rights institutions, international human rights mechanisms or parliamentary enquiries. This all adds up to support progressive judges and lawyers who rely on the existence of this work so that they can deliver rulings that support human rights.

Similarly, the weight of mass campaigning, international attention and “naming and shaming”, still has a powerful effect on many states and has been a key tool used by national regional and international campaigners to achieve change for several decades, particularly for individuals at risk.

## HOW HUMAN RIGHTS IMPACT ENGENDERS MORE RISK

Human rights impact is the goal of all human rights defenders, yet defenders also know that success can attract negative attention and backlash from those in power who do not want to be held accountable or change the status quo. Increased risk due to human rights wins is sadly a reality many HRDs have to contend with and is a powerful tool to deter others from becoming involved and taking action.

They face added risk not only due to what they do, but also for who they are, as multiple and intersectional forms of discrimination contribute to their targeting and marginalization. The discrimination they face (whether because of their identities, or because the causes they fight for are seen as taboo or marginal) can also be an obstacle to being listened to and accessing the spaces where decisions are made.

Many of those involved in bringing about the wins listed above have faced different forms of retaliation for their work. The fact that so many defenders carry on with their work and so many new defenders continue to emerge, is a testament to their bravery.

For example, the environmental group Mother Nature [Cambodia](#) is a prominent campaign group in Cambodia which has won several major environmental victories using a combination of community mobilization, direct action and public awareness raising. In 2015 they successfully convinced the authorities to drop plans to build a major hydroelectric dam which had gravely threatened local Indigenous communities. In 2016, their work to expose widespread environmental destruction and human rights abuses linked to the mining and export of sand from coastal areas led to a total export ban on coastal sand. As a result of these successes, the authorities have used criminal justice system to silence and stop these activists. Several activists have been imprisoned on baseless criminal charges of “incitement”. The group has been accused of “causing chaos in society” and characterized as “illegal” by Cambodia’s Ministry of the

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<sup>9</sup> See for example [https://www.researchgate.net/publication/352247916\\_Stories\\_of\\_Success\\_Strategic\\_Connections\\_Between\\_the\\_Madres\\_de\\_Plaza\\_de\\_Mayo\\_and\\_the\\_Marea\\_Verde\\_in\\_Argentina](https://www.researchgate.net/publication/352247916_Stories_of_Success_Strategic_Connections_Between_the_Madres_de_Plaza_de_Mayo_and_the_Marea_Verde_in_Argentina)

Also on how other countries can learn from Argentina: <https://www.aljazeera.com/opinions/2022/6/29/latin-america-can-now-lead-the-way-on-abortion-rights>

<sup>10</sup> See also this for lessons learnt in Europe <https://www.amnesty.org/en/latest/news/2021/09/change-is-inevitable-people-demand-the-human-right-to-access-safe-abortion-across-europe/> and for a history of the movement in Ireland see “[Story of repeal](#)”.

Interior because it is not registered under the country's highly restrictive NGO Law. More recently, three young activists with Mother Nature Cambodia, were convicted to between 18 and 20 months in prison for seeking to protest against government plans to fill and privatize a major lake in the capital, Phnom Penh.

In [Poland](#), three women human rights defenders campaigning for LGBTI rights have spent months on trial accused of "offending religious beliefs" for distributing posters of the Virgin Mary with a rainbow halo, the colours of the LGBTI pride flag, in context of hate and intolerance. The initial prosecution and the fact that both their acquittals in 2021 and 2022 have been appealed by the authorities, suggest they are being made an example of. However, it also stands testimony to the resilience and determination of WHRDs to fight for justice and against hate and discrimination against LGBTI groups and activism in Poland.

## HOW BUSINESS ENTERPRISES CAN HELP

Business enterprises can help by respecting human rights wherever they operate, as per the UN Guiding Principles of Business and Human Rights (UN Guiding Principles).<sup>11</sup> This responsibility requires companies to avoid causing and contributing to human rights abuses through their own business activities and to address adverse impacts with which they are involved, including by remediating any actual impacts. It also requires them to seek to prevent or mitigate adverse human rights impacts directly linked to their operations or services by their business relationships, even if they have not contributed to those impacts.

In order to do this, businesses must implement human rights due [diligence processes](#). HRDs should be included in the due diligence process as particularly vulnerable rights holders or as key stakeholders. For example, businesses should conduct meaningful consultations and meetings with HRDs 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 and the environment.

Generally, businesses should see HRDs as [allies](#) in ensuring their long-term success, stability, and legitimacy rather than as obstacles to their profitability or as a tool to whitewash their operations.

## ASSISTANCE BY THE SPECIAL RAPPOREUR ON THE SITUATION OF HRDS

The Special Rapporteurs have done precious work in conducting advocacy, raising awareness, and demanding justice and protection for human rights defenders since the post was established. This should continue.

Other actions to support defenders in achieving success could include:

- Use this report to highlight the role and positive contributions of HRDs to states, change the narrative that defenders are obstacles, opponents or trouble-makers. Reiterate that HRDs have a legitimate and central role to play in delivering human rights and call on States to meaningfully involve HRDs in the processes for drafting/amending legislation, preparing action plans, and in the implementation of such plans.
- Stay abreast of the new areas of human rights on which HRDs are breaking ground on, and support and highlight their work as they are expanding rights for more and more communities of people who are discriminated and marginalized; and the raising alarm on new ways in which violations take place.
- Emphasize the importance of a safe and enabling environment necessary for human rights defenders to thrive and achieve their goals, particularly an open civic space.

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<sup>11</sup> This responsibility was expressly recognised by the UN Human Rights Council on 16 June 2011, when it endorsed the UN Guiding Principles on Business and Human Rights (UN Guiding Principles), and on 25 May 2011 when the 42 governments that had then adhered to the Declaration on International Investment and Multinational Enterprises of the OECD unanimously endorsed a revised version of the OECD Guidelines for Multinational Enterprises. See Human Rights Council, Human Rights and Transnational Corporations and other Business Enterprises, Resolution 17/4, UN Doc A/HRC/RES/17/4, 6 July 2011, [daccess-ods.un.org/tmp/638279.914855957.html](https://daccess-ods.un.org/tmp/638279.914855957.html) ; OECD Guidelines for Multinational Enterprises, 2011, OECD Publishing, [oecd.org/corporate/mne/](https://oecd.org/corporate/mne/)

- Call out and highlight how discrimination increases the risk and marginalization faced by HRDs and is an added obstacle to achieving success, especially when they are confronted by multiple and intersecting forms of discrimination.
- Cooperate with other independent experts and human rights mechanisms, UN or regional intergovernmental organizations, to call for these conditions to be in place.
- Advocate with the UN HRC and other relevant mechanisms about the need to ensure HRDs can participate meaningfully in dialogues and debates and are safe when they engage with the UN. States and the UN must put in place arrangements that enable participation and prevent acts of intimidation and reprisals.
- Work to remove hurdles and limitations to access to funding, a condition that is key for individual HRDs, organizations, networks to carry out their work and to enable learning and sharing knowledge.
- Advocate with States to ensure that HRDs have access to reliable protection mechanisms, including relocation, and that protection mechanisms offered by States respond to the needs of HRDs.
- Insist that States should consult with HRDs when developing protection mechanisms and expand and/or modify them accordingly.
- As regional and national Courts can play a key role in protecting human rights, consider opening lines of collaboration and awareness-raising with the judiciary regarding the protection of HRDs and civic space.
- Reach out to and educate businesses about existing tools (such as the Norms on the Responsibilities of Transnational Corporations and Other Business Enterprises with regard to Human Rights, the UN Guiding Principles, the OECD Guidelines for Multinational Enterprises 2011 and the OECD Due Diligence Guidance for Responsible Business Conduct) on companies' responsibility to respect all human rights, including by meaningful engagement with stakeholders and rights holders such as HRDs when conducting due diligence around their business operations or partnerships.



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# POSITIVE CHANGE ACHIEVED BY HUMAN RIGHTS DEFENDERS

## SUBMISSION TO THE REPORT BY THE SPECIAL RAPPORTEUR ON THE SITUATION OF HUMAN RIGHTS DEFENDERS

Amnesty International welcomes the opportunity to share examples of contributions by human rights defenders to positive change and human rights progress despite the hostile and dangerous situations in which they operate. Recognizing their role and celebrating their work and achievements is key for their protection.

In this document we summarize some concrete positive changes that have taken place in recent years thanks to the work of numerous human rights defenders and organizations, local and international. Amnesty International has lent support and campaigned for change in all these instances as one amongst many and as part of collaborative work with others. In most cases they are the product of work started in the previous decades by pioneering individuals, groups and networks, rather than the result of an individual HRD or CSO/NGO over a limited time span.

This contribution contains a mere sample of the many positive changes achieved in recent years and is organized around key themes, not just for ease of reading, but also because these changes were achieved thanks to local, national, and international networks who specialize on certain issues. This submission is not an exhaustive account of the positive contributions of human rights defenders in recent years.