

**Statement of the Special Representative of the Secretary General
on the Situation of Human Rights Defenders to the Human Rights Council
22 September 2006.**

Mr. President, Distinguished delegates, Ladies and Gentlemen,

In addition to an account of the activities conducted under my mandate in the past year, my report to the Council presents a comprehensive review of the six years of implementation of this mandate. I have highlighted the areas of progress and the remaining challenges in the implementation of the Declaration. In Addendum 5 to my report, I have presented an assessment of the situation of human rights defenders in 118 countries. I am grateful to the Governments, the United Nations offices in the field, the National Human Rights Institutions and all NGOs who have replied to my request for information.

Some of the positive developments mentioned in my report include public recognition of the role and status of human rights defenders by several governments; the establishment of focal point for defenders under the direct authority of the head of state or within important ministries; initiatives to include provisions of the Declaration and other human rights standards in domestic laws and efforts to broaden spaces for consultation with the human rights community at the national level. I am also encouraged to note that parliaments of at least two European countries have passed resolutions that made express reference to the situation of human rights defenders and to the mandate itself.

My report also mentions initiatives and measures adopted by regional inter-governmental bodies and by agencies of the United Nations to protect human rights defenders, to strengthen their capacity and to promote the Declaration.

The civil society, in most parts of the world, is gaining in maturity and continues to mobilize for the defense of human rights. Their contributions to the promotion of human rights and in rendering their own work more effective are also outlined in the report. I particularly appreciate the numerous human rights defenders' programmes launched by larger human rights

organizations in the past six years, and the creation of special units within larger organizations dedicated to work on human rights defenders.

Notwithstanding these positive developments, serious concerns persist with regard to the protection of human rights defenders and the effective implementation of the Declaration. I particularly wish to draw the attention of the Council to reprisals against human rights defenders who have cooperated with international bodies or availed national or international mechanisms to complain against or seek redress for human rights violations.

I also emphasize the negative impact of the attempts to discredit or stigmatize human rights defenders or their work and to influence public opinion against them. I have found that in countries where defenders have benefited from popular support, barriers against their targeting are stronger. I, therefore, urge the Council to take suitable measures to discourage the increasing tendency to label human rights defenders as criminals, terrorists, unpatriotic, seditious and *sacrilegious by reference either to national security and ideology, or to religious beliefs or cultural specificity.*

Finally, I must alert the Council that governments are increasingly adopting legislation, ostensibly to give legal status to NGOs, but in fact imposing controls that affect their independence and autonomy. This is seriously impairing the freedom of association and is undermining the ability of the civil society to take organized and collective action for the promotion and protection of human rights.

Mr. President, although it is only stating the obvious, I must emphasize that democracy, an independent and efficient judiciary, respect for the rule of law, and general commitment to human rights principles, are essential requisites for creating conditions in which an effective implementation of the Declaration is possible.

I conducted three country visits under my mandate during the period under review. I thank the governments of Nigeria, Israel and Brazil for issuing me the invitation and for their cooperation during my visit to their respective countries.

I conducted an official visit to Nigeria from 3 to 12 May 2005. My report on this visit welcomes the visible commitment of the Nigerian Government to include human rights in its national and state policies and acknowledges the contributions of a very engaged civil society.

The transition from military to civilian rule has resulted in the emergence of democratic institutions that promote respect for human rights and fundamental freedoms necessary for the functioning of human rights defenders. The environment for the functioning of defenders is expected to be further strengthened through the initiatives that are underway for reorientation and sensitization of government departments and state authorities on human rights.

I am particularly encouraged by the work performed by the National Human Rights Commission and the recognition it has received from the defenders' community. There are other institutions that have been established to address human rights issues at the local level. However, I note that some of these institutions have not started to function in practice and others still present serious shortcomings. Further, success in any such initiatives can only be achieved with the active participation of civil society and the human rights community.

I detect no policy or systematic harassment of human rights defenders or of obstruction to their work in general. It is also apparent that there is no resistance on the part of government to engage with the civil society and to involve defenders in its human rights programs. However, involvement of the defenders remains formal and outcome of such cooperation is limited because of a serious lack of response from the government to the concerns expressed by the defenders community.

While the overall climate in which defenders operate has significantly improved, my report does raise concerns over the situation of defenders working on issues perceived as sensitive by the government. This includes journalists and labour leaders who have suffered harassment through arrests, intimidation and physical violence. I am particularly struck by the difficulties encountered by women's rights and economic, social and environmental rights activists including those active in the Niger Delta. Many of these difficulties spring from inadequacies of the legal framework in protecting activities for the promotion and protection of human rights. I have particularly mentioned the limitations placed on the freedom of assembly and association,

and the restriction on access to information and to sites of violations as trends that undermine the work of human rights defenders.

I am aware of challenges that such a period of transition presents in achieving transformation of state structures as well as in political, social and economic conditions that affect the enjoyment and protection of human rights. Nevertheless there must be sufficient progress at a pace that guarantees the completion of transition and prevents transitional hurdles from becoming fixed in state practices. The Government can not maintain credibility for its commitment to progress and change by pointing to the improvement from the past. Defenders expectations from the state now are those from a democratic government. Their aspirations of participation and active engagement in monitoring and advocacy can not be satisfied by improvements only relative to the practices of the past.

My second country visit during the reporting period was to Israel and the Occupied Palestinian Territories conducted from 5 to 11 of October 2005.

My report describes the context in which human rights defenders operate in Israel and the Occupied Palestinian Territory. I have presented my assessment of the situation of defenders in the light of the issues with which they are engaged and the legal framework for the promotion and protection of human rights.

Human rights defenders in Israel and the Occupied Palestinian Territory carry out their activities against a backdrop of occupation, conflict, military operations in Palestinian civilian centres, including refugee camps, and in an institutionalized fear of terrorism. Security-driven laws and practices have created an environment in which activities for the defense of human rights have not escaped suspicion and repression. This has heightened the level of harm and risk that defenders confront in carrying out their activities.

The dominant concern for human rights defenders, even amongst many of the Israeli organizations, is the violation of the human rights of the Palestinian population under Israeli occupation. The solidarity and cooperation between human rights defenders in Israel and in the Occupied Palestinian Territory, despite the tensions surrounding them, is inspiring.

While the Government of Israel generally respects the rights of Israeli human rights defenders and does not pursue a policy of restraining their activities within Israel, the same human rights organizations and defenders face difficulties in promoting and protecting the rights of minorities, including the Arab and Palestinian communities in Israel. The Government shows even less tolerance for their activities for the protection of the rights of the Palestinian population in the Occupied Palestinian Territory or criticism of the practices of occupation.

Regarding the situation of human rights defenders in the Occupied Palestinian Territory, I find that the practice and policies of the occupation result in conditions that place these defenders at grave risk and present serious obstructions in every aspect of their work. Human rights monitors and field workers, peace activists, lawyers, journalists, health professionals and those providing humanitarian assistance and care have all been affected by the situation of occupation and militarization.

I have received credible accounts of serious harm, including killings, that human rights defenders have suffered and of oppressive practices that have affected their freedom of expression, their access to places of violations, their ability to seek justice for victims and to provide humanitarian assistance.

Restrictions on the freedom of movement resulting from the Wall and other barriers, checkpoints, closures, requirement of permits and bans imposed on defenders to travel; use of excessive force on peaceful action to protest; use of security and anti-terrorism laws to place defenders under administrative detention; unsubstantiated allegations to undermine their credibility and other forms of harassment, intimidation and humiliation of defenders has rendered their situation absolutely incompatible with international norms and standards of human rights or the principles set forth in the Declaration.

The difficulties of human rights defenders in the Occupied Palestinian Territory are compounded because of the failure of the Palestinian Authority to respect human rights and the rule of law in the areas under its control. Conditions of lawlessness and impunity for human rights violations have affected the security of human rights defenders, especially those who expose violations committed by security personnel. I have identified torture, repression of the freedom of

expression and assembly, and a failure to address the threats against women human rights defenders as some of the more serious concerns.

I believe that the exceptional conditions resulting from conflict and occupation demand a more active human rights community to address the serious violations faced by the civilian population in the Occupied Palestinian Territory. Instead, the human rights community is being weakened by the risks that they are placed under and by the impunity for violation of their right to life, liberty and physical security. *Any prospects for peace and security in the region are being diminished by the constraints placed on freedoms in general and particularly the freedom to defend human rights.*

I have made recommendations both to the Government of Israel and the Palestinian authority and have reminded them that the "duty to protect" does not override the principle enunciated in the Declaration that the "absence of peace and security does not excuse non-compliance with international human rights norms and international humanitarian law". I have also called upon the United Nations to take note of the situation of human rights defenders in the Occupied Palestinian Territory and have recommended *measures for their protection.*

Mr. President, I visited Brazil from 5 to 20 December, 2005. I will introduce the preliminary report of this mission that was submitted to the Commission on Human Rights and hope to present the final report in the session of the Council in March. I greatly appreciate the understanding and cooperation of the Government of Brazil in this regard.

I have noted, with appreciation, the Government's depth of understanding of the issues related to the security of human rights defenders and its adoption of measures that are essential for facilitating human rights activities. Some of the initiatives have been taken as a positive response to civil society demands, notably, *the establishment of the Special Secretariat for Human Rights.* However, despite government initiatives and the efforts of an active and experienced civil society, serious concerns regarding the situation of human rights defenders persist because of a wide gap between the declaration of policy and its implementation on the one hand, and the creation of mechanisms and their effectiveness, on the other.

In their efforts to attain social, economic, environmental and cultural rights, in seeking to expose human rights violations and to end impunity for these violations and in resisting discrimination

or marginalization, human rights defenders often experience extremely serious harm. Their right to life, liberty and physical security continues to be threatened. I received alarming accounts of assassinations and attempts on the lives of defenders in Brazil. I also received reports and met with defenders who had to flee their homes because of the threats to their life and security.

I was greatly disturbed by reports indicating that when human rights activists organize they are accused of forming criminal gangs and when they mobilize for collective action to protest violations of rights they are accused of creating public disorder. I observed that peaceful public action for defence of human rights has frequently been met with disproportionate use of force.

I believe that more uniformity of commitment and complementary efforts to implement human rights policies by the federal and state governments could mitigate many of these concerns. I sense an urgent need for critical adjustments in the role of the judiciary in order that practical implementation of the social policy of the State, enunciated in the Constitution, is better ensured.

Thank you Mr. President.