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HUMAN RIGHTS BODIES AND MECHANISMS

Written statement* submitted by Human Rights First, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[21 February 2008]

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- This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

Statement on the Review of Mandate of the Special Representative of the Secretary General on the Situation of Human Rights Defenders

Overview of Human Rights Defenders Mandate

The Special Representative of the Secretary General on the Situation of Human Rights Defenders (Special Representative) was established on April 26 2000 by the Commission on Human Rights (E/CN.4/RES/2000/61) to support implementation of the 1998 Declaration on Human Rights Defenders (Declaration).¹ The mandate calls upon the Special Representative to: gather information on the situation of human rights defenders; enter into dialogue with governments and other interested actors; and recommend effective strategies to better protect defenders and follow up on these recommendations. The Special Representative conducts country visits, takes up individual cases of concern with governments, and reports to the Human Rights Council and General Assembly on common trends affecting defenders.

Importance of Mandate

Human rights defenders—anyone who promotes or protects human rights—are vital agents in securing compliance with human rights standards both nationally and internationally. Many U.N. mechanisms depend on reports and other first-hand information provided by human rights defenders within the countries concerned. As such, the ability of these advocates to work safely and freely has direct consequences for the effectiveness of the international system of human rights protection as a whole.

The Special Representative plays an essential role in supporting and protecting human rights defenders. Human Rights First has come to rely on the Special Representative as one of the most responsive and effective means to support the work of those defenders most at risk. The Special Representative's communications procedure has frequently led to tangible outcomes, such as the release of defenders from prison or the curtailment of attacks against them. One human rights defender told us, "the immediate intervention of the Special Representative on Human Rights Defenders after my arrest ... reminded the authorities that their practices were under close scrutiny and certainly deterred them from going too far in their persecution."²

Through country visits and close relationships with human rights defenders, the Special Representative gains a unique perspective on the human rights situation in many countries. The Special Representative therefore has the ability to warn of, and even prevent, possible widespread human rights violations. The mandate is unique among the Special Procedures because it not only works on issues of importance to human rights defenders, as many mandates do, but it also seeks to protect them. Another distinctive feature of the human rights defenders mandate is that it assists in the implementation of the Declaration and uses the Declaration as a benchmark to measure progress in states' compliance with the rights contained in it.

¹ *Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms*, A/RES/53/144, December 9, 1998.

² Samir Trad, Director, Frontiers-Ruwad Center, who was harassed and detained in 2003 in Lebanon. See *Vital Human Rights Work under Threat*: <http://www.humanrightsfirst.info/pdf/07509-hrd-gplayout06A.pdf>

The value of the mandate was made evident at a panel recently sponsored by Human Rights First and the International Service for Human Rights at the U.N. General Assembly in New York.³ Panelists from European, Asian, African and Latin American governments acclaimed the value and importance of the human rights defenders mandate. In particular, they highlighted the value of the Special Representative's country missions and the recommendations contained in her mission reports.

The myriad benefits which the Special Representative brings to human rights defenders are encapsulated in the following testimonies provided to Human Rights First:

In my view the U.N. Special Procedure on human rights defenders is the most responsive and flexible channel for victims' appeals.... This mechanism can give hope immediately to victims by providing the attention and concern of the international community after they are ignored at the domestic level. ... This mechanism can become an alarm and a way to prevent revenge attacks against our work, which we have experienced several times.⁴

It is a vital instrument to support our work and protect our lives... . It not only provides us with solidarity and protection but also elicits action from our government that we could not obtain alone. The Special Representative creates an important space for victims, thereby empowering them and amplifying their voices on an international scale.⁵

In particular Human Rights First pays tribute to the caliber of work of the current and founding Special Representative, Hina Jilani. Through her reports, country missions and recommendations, Ms. Jilani has improved the lives of human rights defenders in many countries.

By analyzing the communications she has received the Special Representative has been able to distill common trends and patterns of attacks against human rights defenders in countries and regions. She has identified categories of human rights defenders at particular risk and developed indicators to assess the situation of human rights defenders. She has also analyzed in great detail different themes as they apply to human rights defenders. Above all else, Ms. Jilani has adopted a rigorous and coherent methodology which should be continued by her successor. Human Rights First thanks Ms. Jilani for her outstanding promotion and protection of human rights.

Review of the Mandate

The review of the mandate at the 7th regular session on March 13 2008 offers an important opportunity for the Human Rights Council to affirm its strong commitment to the

³ *Challenges Faced by Women Human Rights Defenders: Showcasing the United Nations Special Representative on Human Rights Defenders*. October 24, 2007, United Nations, New York. The panel consisted of government representatives from Brazil, Indonesia, Nigeria and Norway. For more information see: http://www.humanrightsfirst.org/defenders/hrd_women/UNevent102407.asp

⁴ Usman Hamid, an Indonesian human rights activist seeking justice for the 2004 poisoning of renowned Indonesian human rights defender Munir

⁵ Ruth del Valle, former Executive Director, Guatemalan National Movement for Human Rights.

protection of human rights defenders. This is particularly timely as 2008 is the 10th anniversary of the Declaration.

Support for the mandate among member states has grown since 2000, as evidenced by the increased number of states co-sponsoring the annual resolution on human rights defenders at the General Assembly and the Commission on Human Rights/Human Rights Council. Human Rights First urges the Council to build upon these resolutions and the recommendations of the Special Representative, by renewing and strengthening the mandate. The review process should increase the capacity of the UN system to follow-up on the Special Representative's recommendations so as to further enhance the mandate's positive impact.

Therefore, Human Rights First calls on the Human Rights Council to:

- Renew the mandate of the Special Representative;
- Urge states to fully cooperate with the Special Representative especially by improving their follow-up and the quality of responses sent to the Special Representative;
- Include the treatment of human rights defenders as one of the elements of the Universal Periodic Review.

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