Introduction

On February 17th of 2019, the Moroccan police stopped the human rights defender Bachir Dkhili. Policemen jumped out of cars, arrested him without a warrant, and he was interrogated and beaten at the police station before being taken to prison. This is only one example of how human rights defenders, people that act to promote and protect human rights, all over the world are persecuted and even killed. In fact, according to the UN Special Rapporteur on the situation of human rights defenders, there were 300 recorded deaths of Human Rights defenders in 2018. According to the same UN organ, the unrecorded number of deaths is well above that.

Since the beginning of the 20th century, people that hold a special role in defending the rights of a group of people have been consistently threatened, harassed, killed and unjustly arrested by both government and non-governmental groups. This is the case especially in countries with internal armed conflict or severe social unrest. Human rights defenders in countries where human rights are not guaranteed by legal or institutional protections are also at a particular risk.

Although the harassment, threatening and killing of human rights defenders is illegal under international and most national law, national laws in some countries do not coincide with international human rights law. Particularly if the government of a country does not agree with the views of the human rights defenders, harassment, threats and persecution can often be purposely overlooked. Thus, the Human Rights Council has been tasked with finding a plan of action to protect the lives of the people that are fighting for the rights and themselves, in order to protect their human rights and allowing the fight for equal human rights to progress.

Definition of Key Terms
Human Rights

According to the United Nations, human rights are rights all human beings are entitled to regardless of race, gender, ethnicity or wealth. These rights are laid out in Universal Declaration of Human Rights (UDHR), adopted in December of 1948. Some legal experts argue that this declaration is a part of customary international law, but many domestic courts have concluded that it is not part of national law. Further, more specific human rights are laid out in International Covenant on Civil and Political Rights, and the International Covenant on Economic, Social and Cultural Rights. The office tasked with overseeing the UN’s Human Rights activities is the United Nations High Commissioner for Human Rights.

Human Rights Defenders

Human rights defenders are people who act to promote or protect human rights. These can be people working as human rights defenders professionally as lawyers, NGO employees, judges or trade union leaders. However, many human rights defenders are not professionally dedicated to protecting human rights. Many students, for example, are human rights defenders. According to the United Nations High Commissioner for Human Rights, a person does not need any qualifications to be a defender – however, a person who denies some human rights and accepts others cannot be classified as a human rights defender. Defenders also do not have to be correct in their arguments in order to be a defender. They do not have to make arguments that apply to the laws of the country, as long as they are advocating for human rights. An example of this would be demonstrating for the freedom of political prisoners.

Harassment

Harassment is defined as actions that involve aggressive pressure or intimidation. Harassment can occur in person, through others, through mass media or through other platforms such as social media or the internet. Any aggressive pressure or intimidation can be classified as harassment, regardless of whether it comes from the media, the government, individuals or other groups.

Threats

Threats are messages that state the intent of wanting to harm the person it is directed at or others often in the form of blackmail, forcing human rights defenders to stop their campaigning activities. It is
important to note that whether the person or group giving the threat has the actual intention of carrying out the actions mentioned in the threats is irrelevant.

Women Human Rights Defenders

This is a special term for human rights defenders that are either female human rights defenders or other defenders that advocate for women’s rights and gender issues. Due to controversy of issues related to gender and sex, Women Human Rights Defenders can be the victims of particular forms of harassment due to the nature of their work, especially in the field of sexual and reproductive health rights. When tackling the protection of human rights defenders, legislation specially targeted at Women Human Rights Defenders is often necessary in order for them to be adequately protected.

Background Information

Famous Human Rights Defenders Persecuted in History

Since the 20th century, there has been an emergence of Human rights defenders fighting for their rights and the rights of others. However, Human Rights defenders existed long before the concept of universal human rights was prevalent. Examples are the women involved in the woman’s suffrage movements throughout the past two centuries, fighting for the right for women to vote and become members of the government and parliament. The American Civil Rights movement was another prime example of multiple human rights defenders working together to promote change through fighting for equality of the races in the United States in the 1960’s. The widely recognised leader of this movement, Martin Luther King Jr., was an extremely influential human rights defender. Furthermore, the Anti-Apartheid movement in South Africa was another greatly influential movement lead by powerful human rights defenders. The most famous of them, Nelson Mandela, endured decades of persecution by the South African because of his activities defending the rights of the black population in South Africa.

More recently there have been many instances of famous human rights defenders being persecuted for their activities. Many human rights defenders remain unknown, but below are two that reached international recognition.

Liu Xiaobo
Liu Xiaobo was a well-known Chinese philosopher, literary critic and human rights defender who rose to fame by publicly calling for an end to the one-party communist rule in China. He wrote about the Chinese society with a focus on human rights, and was jailed repeatedly by the Chinese government for his activities, particularly his criticism of the government’s stances on Taiwan and Tibet. He was sentenced to 11 years of prison in 2009 after his involvement in a manifesto that called for multiple political reforms and human rights in China. He was awarded the Nobel peace prize for his struggles for human rights. He died in 2017 due to liver cancer.

Malala Yousafzai

Malala Yousafzai is a Pakistani activist for human rights, especially for the education of women and children in the Taliban-ruled Swat Valley in Pakistan, were the Taliban had often banned girls from attending school. In October 2012, when she was 15 years old, while in the school bus heading home, she and two other girls were shot by a Taliban member to retaliate her activism, attempting to murder her. This caused international uproar, and many governments and organisations showed their support for the student. The Taliban continued to threaten her after the incident. She later moved to the UK with her family and continues to campaign for the right to education.

Underlying Causes

There are several reasons as to why Human Rights defenders are persecuted by governments and other groups.

Traditional Belief Systems

Religious and other beliefs are often the basis for the persecution of human right defenders. Oftentimes, human rights defenders challenge values that have been ingrained in societies for many centuries, so that new beliefs are unknown and not welcome. Because of this, human right defenders are often targeted, as they are seen as immoral or not following the correct belief systems. Particularly Women Human Rights Defenders are targeted by harassment, threats and killing that stem from traditional belief systems, as they challenge gender norms that may have been discriminatory to women in the past in order to move towards a more equal
society. Traditional societies where racial or sexual divides have been prevalent for centuries often do not accept the values that human rights defenders put forward.

**Authoritarian Governments**

In countries ruled by authoritarian governments with little institutional freedom, it is much easier for governments to target individuals for opposing their political stance and challenging the system under which the country is governed. As it is often these governments that deny human rights, they can easily find a reason to persecute human rights defenders fighting for the freedoms they should have in the country. This happens most often with human rights defenders fighting for freedom of expression, which is often limited in authoritarian states. An authoritarian government can implement policies and prosecute individuals without having to consult a parliament or court, thus allowing them to threaten, harass or even kill human rights defenders in the country. Some countries currently suffering from conflict are being governed under “special circumstances”, meaning the government has more freedom to detain people without a full trial, giving the opportunities to detain human rights defenders that they believe could be harmful.

**Lack of Education**

The legislation of some member states still does not reference human rights such as freedom of expression in their legislation, or these rights are not protected. Thus, many people in these countries are not aware of the rights they should be given, and react adversely when they see human rights defenders challenging traditional values. If they were given education on what human rights are and what they entail, they would be encouraged to challenge the society they live in, and could better understand the human rights defenders. Many divides in societies stemming from race and gender are based off stereotypes that could be reversed through education. Without education, people will continue to show human rights defenders hate instead of support.

**Human Rights Defenders in the Digital Age**

With the rise of social media, the Internet is not only a new medium for activism, but also one on which human rights defenders that can be harassed and threatened on. Particularly on platforms such as Facebook and Instagram, there have been countless cases of human right defenders being threatened and harassed, forcing them to stop their activism. For example, one message from the Taliban to a...
human rights defender in Afghanistan read: "You are a servant of the Jews and in the infidels we have informed the mujahdeen to send you to hell." Furthermore, the anonymous nature of social media allows people to post comments to human right defender without being recognised, making harassment and distributing threats much easier. Even though these threats are serious, it very difficult for the perpetrators to be found and prosecuted. There is also an inherit conflict between the crime of harassment and freedom of speech, and many people still believe they should be able to say whatever they like on the internet. Thus, many governments are unsure where to draw the line between free speech and harassment. Harassment and threats on the internet particularly affect journalists that act on internet platforms, and may even force them to stop their broadcasting over social media.

**Major Countries and Organizations Involved**

**United Nations High Commissioner for Human Rights**

One of the main roles of the United Nations High Commissioner for Human Rights is to investigate the situation of human rights defenders in member states and provide protection for them if necessary. The commissioner oversaw the drafting of the Declaration on Human Rights Defenders. The office of the commissioner produces annual reports regarding the state of the protection of Human Rights defenders in member states and is tasked with raising awareness of the persecution of human rights defenders within the United Nations and the International Community.

**Amnesty International**

Amnesty International is a global NGO advocating for human rights around the World. It has recently launched the BRAVE campaign that advocates standing for human rights defenders. They work with human rights defenders within the realm of multiple of their campaigns to raise awareness of human rights violations. As a recognised organisation worldwide Amnesty International is successful in putting pressure on governments to let human rights defenders exercise their rights and protect them. They also connect human rights defenders from across the world to facilitate dialogue and promote solidarity.

**Special Rapporteur on the situation of human rights defenders**

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The Special Rapporteur’s office is subordinate to the United Commissioner for Human Rights. It is responsible for monitoring the implementation of the Declaration on Human Rights Defenders. The special rapporteur also conducts country visits regarding the protection of human rights defenders in member states and arranges bilateral meetings with governments if necessary. The Rapporteur must also meet with governments on individual cases of alleged persecution of human rights defenders if necessary.

Afghanistan

Recently, there have been reports of numerous human rights violations against human rights defenders in Afghanistan. These violations include threats, verbal harassment and physical violence towards the human rights defenders. The Afghan government in Kabul has continuously ignored the attacks against the activists, saying that they had “fabricated” their claims, and told them to “buy a gun to protect themselves”. In September 2016, activist Khalil Parsa was shot 7 times in a car after a series of threats.

Timeline of Events

<table>
<thead>
<tr>
<th>Date</th>
<th>Description of event</th>
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<tbody>
<tr>
<td>1947</td>
<td>Drafting of UDHR begins</td>
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<tr>
<td>December 9, 1948</td>
<td>Universal Declaration of Human Rights adopted</td>
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<tr>
<td>1962</td>
<td>South African Human Rights Defender Nelson Mandela sentenced to life imprisonment</td>
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<tr>
<td>9 December, 1999</td>
<td>Declaration of Human Rights Defenders adopted</td>
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<tr>
<td>11 August 2009</td>
<td>Aung San Suu Kyi sentenced to three years in prison</td>
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<tr>
<td>25 December, 2009</td>
<td>Human Rights Defender Liu Xiaobo sentenced to eleven years imprisonment</td>
</tr>
<tr>
<td>October 9, 2012</td>
<td>Human Rights Defender Malala Yousafzai shot</td>
</tr>
<tr>
<td>September 11, 2016</td>
<td>Human Rights Defender Khalil Parsa shot seven times in car</td>
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</tbody>
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Relevant UN Treaties and Events

- Impunity for human rights violations committed against human rights defenders, 15 July 2019 (A/74/159)
- The Declaration on Human Rights Defenders, 8 March 1999 (A/RES/53/144)
- Situation of Woman Human Rights Defenders, 10 January 2019 (A/HRC/40/60)
- Report of the Special Rapporteur on the situation of Human rights Defenders, 1 February 2016 (A/HRC/31/55)
- Large-scale development project and human rights defenders, 5 August 2013 (A/68/262)
- Use of legislation to regulate activities of human rights defenders, 6 October 2012 (A/67/292)

Previous Attempts to solve the Issue

Declaration on Human Rights Defenders

The Declaration on Human Rights Defenders was adopted in 1999, with only 48 countries voting in favour of it. The declaration defines human rights defenders and lays out the rights to protection they have. It also lays out state’s responsibilities for protecting human right defenders. While it was a good effort to raise awareness of the issue, it is not binding in any way and many countries do not support it, thus giving it only moral value without any legal value. In order for an international covenant to be effective, it must be supported by more countries and have more legal and moral value.

UN involvement

Several organs of the UN have been fundamental in raising the profile of the issue of threats, harassment and killings of human right defenders. The greatest contribution they have made is providing annual reports on the situation of human rights defenders around the world, forcing governments to become aware of the issues in their own countries. Furthermore, they have been able to put pressure on governments to protect the human rights defenders. However, there has been little success in persuading governments to take actions to protect human rights defenders. There have been some
General Assembly and Human Rights Council resolutions on human rights defenders, however those in the Security Council have failed due to the P5 nations using their veto power.

**NGO activities**

NGOs such as Amnesty International and Human Rights watch have proclaimed human rights defenders as one of their priorities and have succeeded in raising awareness of the issue through the internet. They have also reached out to some human rights defenders, but are unable to offer them tangible help them due to the dangerous situations in the countries they are active in. However, they have put pressure on governments to stop the persecution of human rights defenders.

**Possible Solutions**

Firstly, it is important that member states include the rights of human rights defenders in their national legislation in order to be able to prosecute those that harass or threaten them. This should include legislation reinforcing the human rights laid out in the UNHR. Another possible solution could be to educate people in developing countries on what human rights are, thus preventing them from being unfamiliar the and facilitating understanding between human rights defenders and the rest of the population.

The UN should also facilitate further discussions leading to a refined version of the declaration of human rights defenders, with the goal of creating a legally binding covenant. The covenant should include the rights and responsibilities of human rights defenders, as well as the responsibilities of member states to protect them. Dialogue between the UNOCR and member states should be further facilitated, providing member states with consultation on how to respond to discrimination, threats and killings of human rights defenders or setting up UN missions in member states to ensure all acts of harassment, threats and killings are prosecuted accordingly.

The UN could set up “helpdesks” in regions were human right defenders are being persecuted and provide them with safety and shelter temporarily, to provide support and consulting if necessary and prevent further prosecution.
Bibliography

The internet is currently very slow, I will continue changing this into MLA format once I get to school, we have built in VPN there.


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