



Human Rights Defenders and the United Nations

Response to OHCHR call for inputs under UNGA Resolution 72/247

13 April 2018

1. Human Rights House Foundation (HRHF) protects, empowers and supports human rights defenders and their organisations. To accomplish this, HRHF brings organisations together in Human Rights Houses, and unites the Houses in an international network. HRHF advocates with partner organisations to promote the freedoms of assembly, association, and expression, and the right to be a human rights defender at home and abroad. Today, independent human rights organisations work together in 16 Human Rights Houses in 11 countries. The Houses are located in Eastern & Western Europe, the Caucasus and the Balkans. HRHF is based in Oslo, with an office in Geneva and representation in Brussels and Tbilisi.
2. This submission is in response to an OHCHR call for inputs toward an assessment of the ways in which relevant United Nations bodies have strengthened the role and security of human rights defenders (HRDs). This call has been made within the framework of UN General Assembly resolution 72/247.
3. This submission was prepared based on input from HRHF partners, with specific examples shared by member NGOs of the Human Rights House Belgrade (Serbia) and Educational Human Rights House Chernihiv (Ukraine). Rather than providing assessment of the United Nations ability to protect, empower and support human rights defenders, this contribution provides a number of specific examples, illustrating good practices and challenges.

Protecting, supporting and empowering HRDs: examples of good practice and ongoing challenges

Ukraine: Collaboration of the UN with local civil society to support HRDs

4. The UN Human Rights Monitoring Mission in Ukraine (HRMMU) conducts regular meetings with human rights defenders to receive information for their quarterly and, in the case of Crimea, annual human rights reports. As a result of these consultations, it has been important that HRMMU has reported on the worsening legislative environment within which civil society operates in Ukraine and in taking a strong position regarding the threats to the independence of the Ombudsman and elimination of civil society from the process of the elections of the new Ombudsman.
5. The United Nations Development Programme (UNDP) in Ukraine also cooperates with human rights defenders and supports their projects and activities. For example, with

UNDP support, the Human Rights Information Centre, in cooperation with the Democratic Initiatives Foundation and Ombudsman Office, conducted the first ever national human rights baseline study in Ukraine. Ukrainian human rights defenders – over 100 of them – were one of the key groups taking part in the survey that formed the basis of the study. The study incorporated a focus on the perception of HRDs amongst the wider Ukrainian population, showing the readiness and commitment to support HRDs.

6. UNDP in Ukraine has also promoted the application and development of the Human Rights Based Approach (HRBA) in the activity of NGOs, and in community development. Materials have been jointly prepared with civil society participation, including NGO MART and Educational Human Rights House - Chernihiv (EHRH-Ch). UNDP has also assisted in the development of the network of regional facilities where training is conducted. There is room for further advancement of this work with insufficient attention paid to the implementation of HRBA in education - at the level of schools and universities, and in business campaigns.
7. UNDP in Ukraine also provides support for strengthening the capacity of the Office of the Ombudsman and the National Preventive Mechanism against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (NPM). Representatives of UNDP in Ukraine are members of NPM's supervisory board. The joint initiatives of NGOs working with NPM are supported. With the participation of the representatives of the NPM Expert Council, the staff of the Secretariat of the Commissioner for Human Rights and the general coordination of the NGO MART and EHRH-Ch, a handbook on the preparation of NPM monitors was developed. In addition, UNDP in Ukraine supports some visits to detention centres.
8. Nevertheless, although the UN initiated the World Programme for Human Rights Education, UN bodies in Ukraine pay insufficient attention to its implementation. It is important to emphasize the participation of UN bodies in Ukraine in the process of developing and monitoring the Action Plan for the implementation of the National Human Rights Strategy. At the same time, while NGOs have achieved the inclusion of the development of the National Human Rights Education Program in this Action Plan and work with the state education and judicial authorities on its development (this process is public), the UN bodies are inactive and do not provide any practical support. Such support is necessary for NGOs dealing with human rights education, and especially relevant at the stage of adoption of the Action Plan once developed.

Serbia: Regular engagement with civil society encourages greater participation

9. The UN in Serbia has a positive role especially with the OHCHR mission in Serbia and the Resident Coordinator. Direct contact and support of the activities of human rights organisations is visible, especially in raising the profile and understanding of the UPR process and other UN Treaty bodies reporting. The resulting collaboration and training on HRD reporting, conducted by a domestic NGO (notably YUCOM) and supported by the UN had a good impact, with Serbia among the countries with the largest number of UPR civil society submissions.
10. Additionally, collaborative meetings – albeit not regular – around specific UN high representatives' visits to Serbia are becoming a practice. Special Procedures mandate holders have also visited Serbia and their work enhanced and better used, through

collaboration. On the important and topical issue of migration, the UN was visibly active, with regular meetings and consultation. Further collaborative work is needed around the public's perception of HRDs in relation to the support they give to the migrants.

Belarus: The importance of consulting HRDs and ensuring their concerns are reflected in key decisions

11. The creation of the mandate of the Special Rapporteur on Belarus in 2012, despite receiving widespread support amongst Belarusian HRDs, saw resistance from the Office of the High Commissioner, which argued that Belarus would in any case not cooperate on civil and political rights – the main focus of the rapporteur. The local UN presence in Belarus has been unwilling to support the mandate, showing the same disregard and ignorance as the Belarusian government. Worse still, the UN accompanied Sanaka Samarasinha's nomination as the new UN Resident Coordinator to Belarus with a statement expressing 'hope that the cooperation between the UN and Belarus will continue to develop successfully.'¹
12. The mandate is essential for Belarusian HRDs, serving to raise their concerns internationally, and to ensure ongoing international attention is given to a grim human rights context that receives little other regular international attention. However, the United Nations does not always appear to support the mandate, or consult with Belarusian civil society on key human rights related decisions affecting the country.
13. Most recently, it appears that a senior human rights advisor is being appointed to Minsk², without any consultation with Belarusian civil society or human rights organisations, and seemingly without due consideration given to how the position might be used to undermine existing mechanisms, especially the mandate of the Special Rapporteur.
14. In addition, the United Nations itself (in various countries) does not push for human rights issues to be raised. It can be even a force against the promotion of human rights on the ground, as is the case in Belarus. For example, for Belarus's second review at the Universal Periodic Review (UPR), the Office of the UN Resident Coordinator in Belarus organised training for civil society, but invited only NGOs legally registered in Belarus.
15. The largest domestic human rights organisation, Viasna, could not participate, and the organisation's chairperson, Ales Bialiatski, was until recently detained. In its decision of 24 July 2007, the United Nations Human Rights Committee considered the dissolution of Viasna as a violation of the right to freedom of association, and supported Viasna's right to be re-registered. This is a ludicrous situation in which a UN legal body, acting under an instrument ratified by the concerned State, is not even respected by the UN's own representation in the country. This de facto excluded international actors working on Belarus – when international engagement is essential in such a closed country – as well as domestic NGOs who are banned from public life by Belarusian legislation.

¹ United Nations Development Programme press release, 'New UN Resident Coordinator/UNDP Resident Representative presented his credentials to the Prime Minister of Belarus', 13 May 2013, available at www.by.undp.org/content/belarus/en/home/presscenter/pressreleases/2013/05/13/new-un-resident-coordinator-undp-resident-representative-sanaka-samarasinha-presented-his-credentials-to-the-prime-minister-of-belarus-mikhail-myasnikovich.html.

² <https://careers.un.org/lbw/jobdetail.aspx?id=92947>

Armenia: The importance of the UN following up on good work

16. In Armenia, the previous Special Rapporteur on the situation of human rights defenders, Margaret Sekaggya, visited the country and reported that ‘human rights defenders operate in a difficult environment in Armenia,’³ and offered a set of recommendations to improve the situation. However, years later, NGOs are still harassed and human rights defenders verbally and physically attacked when raising issues considered delicate, such as gender equality⁴ or rights of LGBTI people.⁵
17. This is only one example of many that illustrates the need for the UN to systematically follow up the work of Special Procedures, particularly country visits, to ensure that there is accountability on the recommendations that are given in a given context.

Case study: Euromaidan and the need for an urgent response mechanism

18. In November 2013, Ukrainian police reacted violently to protests in Kyiv’s Maidan Nezalezhnosti (Independence Square), producing massive protests in December 2013. Soon after more than a hundred people were shot in the streets and mass violence erupted in Kyiv, leading to President Viktor Yanukovich leaving Ukraine and ultimately the presidency.
19. The UN was slow to respond, with its first reaction to EuroMaidan coming in a statement on 21 January 2014, in which the High Commissioner for Human Rights called on ‘all parties to exercise restraint,’ but made no mention of the excessive use of violence and provocation by police agents – even as information was available on the now infamously brutal Berkut units. This statement followed Ukraine’s adoption of repressive legislation on 17 January 2014 aimed at a ‘complete restriction of fundamental rights.’
20. The second official UN reaction came on 19 February 2014 following the death of 22 protestors in Kyiv. While condemning the killings, the High Commissioner urged ‘the Government and protestors to act to defuse tensions and to take a swift action to find a peaceful solution to the ongoing crisis.’
21. These statements do not encourage UN action, and in this case failed to have any impact on the situation. Clear and early UN condemnation of police violence should have come; this could have helped to stem the violence. The UN said even less in its response to Russia’s invasion of Crimea and the immediate human rights consequences.
22. In HRHF’s intervention at the Human Rights Council on 7 March 2014, HRHF asked the High Commissioner to document the work relating to EuroMaidan undertaken by the UN’s team in Ukraine, which was already quite strong at the time and included a human rights presence. HRHF expressed regret that ‘the High Commissioner’s Office

³ United Nations Special Rapporteur on the situation of human rights defenders Margaret Sekaggya, Report to the Human Rights Council, Mission to Armenia, 23 December 2010 (UN Doc: A/HRC/16/44/Add.2), available at <http://www2.ohchr.org/english/bodies/hrcouncil/docs/16session/A-HRC-16-44-Add2.pdf>.

⁴ The smear campaign and attacks against the Women Resource Centre in 2013 serve as another example, available at <http://humanrightshouse.org/Articles/19558.html>

⁵ PINK Armenia, ‘US Ambassador, UN, and Frontline Defenders condemned the harassment of Armenian LGBTI community,’ available at <http://www.pinkarmenia.org/en/2015/11/us-un-frontline>.

has not been more proactive in Ukraine,’ and called on the Office to ‘establish a rapid response in the context of protests.’

23. The Council itself took action on Ukraine with a resolution on cooperation between the UN and Ukraine. This did not reference the obligations of the Ukrainian State to investigate the EuroMaidan violence and hold those guilty accountable, and it made little reference to the structural reforms needed. Significantly, the resolution was led by Ukraine and simply signed off by its international partners in the West, and other resolutions and statements have since been made by the Council in the same manner. This process reflects a complete misuse of the Council, which should base its resolutions on UN reporting and other sources. This resolution was not adopted to hold Ukraine and non-State actors in Ukraine to their human rights obligations in the aftermath of the EuroMaidan crisis, but rather as a tool by European countries to show political support to Ukraine.
24. The OHCHR should create an urgent response mechanism that can react quickly to attacks against human rights defenders. The mechanism should be in a position to offer a robust response to developing situations, capable of escalating issues quickly and efficiently with governments and at the highest level within the United Nations system, and coordinating the United Nations’ overall response.

Contact person at HRHF:

Matthew Jones, International Advocacy Officer
Human Rights House Foundation HRHF
Tel: +41 22 332 25 56
Email: matthew.jones@humanrightshouse.org