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## **REPORT ON IMPUNITY FOR HUMAN RIGHTS VIOLATIONS AND ABUSES COMMITTED AGAINST HUMAN RIGHTS DEFENDERS CONCEPT NOTE**

### **I. Introduction**

The United Nations Special Rapporteur on the situation of human rights defenders, Mr. Michel Forst, will dedicate his next thematic report to the topic of **impunity for human rights violations and abuses committed against human rights defenders**. This report will be presented at the 74<sup>th</sup> session of the United Nations General Assembly in October 2019.

### **II. Background to the mandate of the Special Rapporteur**

The mandate on the situation of human rights defenders was established in 2000 by the Commission on Human Rights, the predecessor of the Human Rights Council, to support the implementation of the 1998 United Nations Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms, commonly referred to as the UN Declaration on Human Rights Defenders.

In June 2014, Mr. Michel Forst (France) was appointed by the Human Rights Council as Special Rapporteur on the situation of human rights defenders. Mr. Forst succeeded Ms. Margaret Sekaggya as former Special Rapporteur (2008-2014) and Ms. Hina Jilani as Special Representative of the Secretary General on the situation of human rights defenders (2000-2008). In March 2017, a resolution renewing the mandate for another three years was adopted by consensus by the Human Rights Council at its 34<sup>th</sup> session.

The Special Rapporteur carries out a wide range of activities in line with the mandate outlined in the Human Rights Council resolution 34/5. As the Special Rapporteur's mandate is broad, the protection of human rights defenders is the Special Rapporteur's overriding concern. Protection is understood to comprise the strengthening of their security, including by preventing and mitigating the risks they face, addressing threats and ensuring a prompt and effective investigation into acts of violence, and other human rights violations and abuses against them, and the punishment of intellectual and material authors. It also includes building support for their work and contributing to the full respect of their rights. To this end, the Special Rapporteur seeks, receives and examines information on the situation of human rights defenders from governments and other interested actors in order to establish cooperation with them, and recommend effective strategies to better protect defenders.

### III. Objectives

In line with the Human Rights Council's request to study, in a comprehensive manner, trends, developments and challenges in relation to the exercise of the right of anyone, acting individually or in association with others, to promote and protect human rights and fundamental freedoms, the Special Rapporteur **will focus his next thematic report on the impunity faced by human rights defenders for the human rights violations and abuses committed against them as well as recommendations to address such serious matter.**

Over a thousand human rights defenders, including 127 women, were killed in 61 countries across the world from 2015 to 2017.<sup>[2]</sup> Only in 2018, 321 defenders were assassinated, 49% of whom had received direct threats that had not been investigated.<sup>[3]</sup> Other violations against defenders, include sexual and gender-based violence, particularly against women, enforced disappearance, arbitrary detention, torture, threats, criminalisation, online harassment and surveillance.

In his recent report to the General Assembly in 2018 (A/73/215), the Special Rapporteur on the situation of human rights defenders identified widespread impunity for human rights violations and abuses as one of the main obstacles to the exercise of the right to defend human rights. He also emphasized that the right to be protected enshrined in the UN Declaration on Human Rights Defenders and international and regional human rights treaties requires States both to refrain from violating the human rights of defenders and to act with due diligence to prevent, investigate and punish any violation of rights.

The Special Rapporteur is concerned that violations of the rights of human rights defenders are all too often met with impunity, and that this encourages and fuels further violations, abuses and violence against defenders. This is why the Special Rapporteur has repeatedly called on States to end the cycle of impunity for human rights violations and abuses against human rights defenders. While in many countries in the world, there are structural causes that explain the prevailing impunity there is a need to analyse the various dimensions of impunity and its causes in relation to human rights defenders as well as the specific recommendations to overcome it. This is of most importance also, in light of the fact that the lack of investigation, trial and punishment of violations and abuses against human rights defenders affects not only the defenders themselves but also the society as a whole as it inhibits the defence of human rights and contributes to a shrinking civic space.

It should be noted that the Special Rapporteur is aware that the criminalization of human rights defenders is another serious obstacle faced by human rights defenders and that the same authorities responsible for diligently investigating human rights violations sometimes engage in this practice. However, for the purposes of this report, the emphasis will be on the impunity generated by the lack of due diligence in the investigation and punishment of violations and abuses of the human rights of defenders.

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<sup>[2]</sup> E/2018/64 para 131 and A/73/230 para 64.

<sup>[3]</sup> Front Line Defenders. [Global Analysis 2018](#).

### Specific objectives of the report:

- Assess the factors that lead to impunity for human rights violations affecting human rights defenders, including with a gender, age and intersectional perspective.
- Identify States' obligations in this field, based on international standards on due diligence, including in terms of investigation, prosecution and assistance, compensation and protection of victims, with a focus on its application to human rights defenders and the human rights violations they often face.
- Analyze whether the protection actions and/or mechanisms implemented in different countries include effective measures to combat impunity for human rights violations.
- Explore good state practices in fulfilling the duty to investigate with due diligence human rights violations or other practices undertaken by non-state actors.
- Identify the criteria - with a differentiated approach - that should be considered by state authorities in the prosecution of human rights violations against defenders and measures that should be adopted for that purpose.
- Propose a series of concrete recommendations to States, United Nations entities, national human rights institutions, the private sector, and civil society actors, among others.

### **IV. Methods of work**

In order to achieve the specific objectives of the report, different activities and outputs are planned. In particular:

- A questionnaire distributed to relevant stakeholders including human rights defenders and CSOs, Member States, International and Regional Organizations as well as National Human Rights Institutions will help identify the root causes and factors that lead to impunity for violations and abuse against human rights defenders. It will also help to identify as well the good practices in fulfilling the duty to investigate with due diligence human rights violations or other practices promoted by non-state actors, the main obstacles and lessons learnt with the view to overcome the prevailing impunity.
- Analysis of relevant literature, including communications affecting human rights defenders sent by the Special Rapporteur to States and other relevant stakeholders.
- Consultation(s) with human rights defenders on the question of impunity that will help collect testimonies and identify the main challenges faced by defenders;
- An expert meeting on the topic of impunity for human rights violations and abuses committed against human rights defenders will be held to assist the Special Rapporteur in the identification of recommendations to the different stakeholders.

Please note that the aforementioned activities will be held following the Chatham House Rule (participants are free to utilize the information received, but neither the identity nor the affiliation of the speaker(s) or of any other participant, may be revealed). Confidentiality and privacy concerns will be also observed. These activities are prepared by the mandate of the UN Special Rapporteur. Replies to the questionnaire may be analysed by external experts.

### **V. Expected Outcomes**

The various activities will contribute to the work of the Special Rapporteur and inform his upcoming report to General Assembly in 2019. These activities will also provide an opportunity for human rights defenders and experts to meet and exchange experiences and

ideas, which will in turn lead to improved cooperation between various actors, and strengthen the protection of human rights defenders.

## **VI. Contact**

For overall questions regarding the whole process, please contact [defenders@ohchr.org](mailto:defenders@ohchr.org).

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