



PALAIS DES NATIONS • 1211 GENEVA 10, SWITZERLAND

www.ohchr.org • TEL: +41 22 917 9000 • FAX: +41 22 917 9008 • E-MAIL: [registry@ohchr.org](mailto:registry@ohchr.org)

## **REPORT ON THE SITUATION OF HUMAN RIGHTS DEFENDERS OPERATING IN CONFLICT AND POST-CONFLICT AREAS, INCLUDING IN THE CONTEXT OF SO-CALLED FRAGILE STATES**

### **CONCEPT NOTE**

#### **I. Introduction**

The United Nations Special Rapporteur on the situation of human rights defenders, Mr. Michel Forst, will dedicate his upcoming thematic report to the situation of human rights defenders operating in conflict and post-conflict areas, including in the context of so-called fragile states<sup>1</sup>. The report will be presented at the 43<sup>rd</sup> session of the UN Human Rights Council in March 2020.

#### **II. Background on 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 the UN Special Rapporteur on the situation of human rights defenders. Mr. Forst succeeds 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, the mandate was renewed for another three years by resolution 34/5 of the Human Rights Council, adopted by consensus.

While the Special Rapporteur carries out a wide range of activities in line with the mandate outlined by resolution 34/5 of the Human Rights Council, the protection of human rights defenders remains his overriding concern. Protection is understood to include the physical and psychological protection of defenders as well as the protection of their right to defend human rights. To this end, the Special Rapporteur seeks, receives and examines information on the situation of human rights defenders, cooperates with Governments and other stakeholders and recommends strategies to better protect defenders.

---

<sup>1</sup> See for instance, but only as indicative reference: [World Bank harmonised list of fragile states](#)

This upcoming report is 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.

### **III. Rationale**

In a global context marked by both new and protracted conflicts - and in particular non-international armed conflicts, available data speaks to the particular vulnerability of human rights defenders. Among those at risk are journalists, health professionals, aid workers and those monitoring and reporting on human rights and international humanitarian law violations.

Throughout the regional consultations organised in 2014-2015 and his various activities since, including visits and exchanges on individual cases, the Special Rapporteur is alarmed by the heightened risks and threats defenders operating in these contexts face and the absence of a specific approach to mitigate them. At the same time, their role in conflict settings is of obvious and often decisive importance. Whether they investigate, document and publicise violations resulting from the operations of parties to the conflict, armed groups or armed forces and other relevant duty bearers, or whether they provide direct assistance to the civilian population affected, or they demand and engage in peace negotiations their role is critical. Equally important is their contribution to the monitoring and/or implementation of peace agreements and wider post-conflict agendas and human rights obligations, including efforts to secure accountability for past violations and to build reliable and transparent institutions.

The Special Rapporteur intends to focus his upcoming report on the contribution and experiences of these defenders, the challenges they face and will highlight concrete steps various stakeholders can take to support their work and ensure their protection.

### **IV. Scope**

The report will mainly focus on the situation of human rights defenders in areas currently or recently affected by armed conflict, whether international or internal. It will also cover the situation of human rights defenders in areas under occupation.

Specific attention will be paid to situations in which peace operations are now deployed, under a UN mandate or otherwise. Situations in so-called fragile states, whether in conflict or post-conflict settings, within areas characterised by high rates of violence, systemic human rights violations and impunity, and often a limited or inadequate deployment of public institutions, will also be within the scope of the report. Such situations include those in which organised crime (e.g. human trafficking, drug trafficking, illicit exploitation and trade of natural resource, etc.) is prevalent, and where law enforcement operations carried out by civilian or military forces also raise major human rights challenges.

The Special Rapporteur will explore the situation of human rights defenders based in conflict or post-conflict areas, but equally that of those working on these same situations from another region or from abroad. The report will integrate a gender perspective, paying particular attention to the situation of women defenders<sup>2</sup>. The report will also be an opportunity to consider profiles of defenders that are not necessarily or commonly identified as such.

---

<sup>2</sup> Résolution 7/8 of the Human Rights Council, §2.e)

## **V. Specific objectives**

### Specific objectives of the report:

- Assess the nature of risks and threats faced by defenders working in conflict and post-conflict areas worldwide, including under occupation, and in contexts of fragile States;
- Explore legal norms applicable to defenders in such situations and contexts, under both international human rights law and, whenever relevant, humanitarian law;
- Identify positive steps and practices to strengthen the protection and support of defenders at local, national, regional and international levels;
- Offer an international platform for stakeholders to share experiences and knowledge and discuss ways to improve the implementation and dissemination of protection practices;
- Provide guidance to States, UN entities and civil society with a set of concrete recommendations.

## **VI. Methods of work and activities**

The report will draw on the following sources and activities:

- Work of the mandate, including findings of official country visits; individual/joint appeals, letters of allegations, and press releases and responses received in that context; meetings and informal discussions with defenders and other relevant stakeholders;
- Submissions to a dedicated questionnaire, which will be circulated to a wide range of stakeholders, including UN Member States, international and regional organizations, national human rights institutions (NHRIs) and civil society;
- A consultation with human rights defenders operating in relevant situations, which will take place in October 2019;
- An expert meeting in December 2019;
- Recent UN documentation (resolutions, reports, etc.) of direct relevance, including those of OHCHR, the Human Rights Council and its special procedures (including country-mandates), ad hoc fact-finding missions and commissions of inquiry, the UN Secretary-General, the UN Security Council, and UN peace operations (human rights units/sections);
- A wider review of available literature and data, including legal and policy documents, reports from public institutions, civil society organisations as well as academic, research or training institutions.

## **VII. Contact**

For questions regarding the report, please contact: [defenders@ohchr.org](mailto:defenders@ohchr.org);