

REPORT ON THE SITUATION OF HUMAN RIGHTS DEFENDERS WORKING ON THE RIGHTS OF “PEOPLE ON THE MOVE”

CONCEPT NOTE

I. Introduction

The United Nations Special Rapporteur on the situation of human rights defenders, Mr. Michel Forst, in cooperation with the Office of the High Commissioner for Human Rights (OHCHR) will dedicate his next thematic report to the situation of human rights defenders working for the rights of “people on the move” (migrants, refugees, asylum seekers, IDPs, stateless, etc.). This report will be presented at the 37th session of the United Nations Human Rights Council in March 2018.

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 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, a resolution renewing the mandate for another three years was adopted by consensus by the Human Rights Council at its 34th session. .

The Special Rapporteur carries out a wide range of activities, which are in line with the mandate outlined in the Human Rights Council resolution A/HRC/34/5. As the Special Rapporteur’s mandate is broad, it requires the identification of strategies and priorities to implement it. The protection of human rights defenders is the Special Rapporteur’s 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 in order to establish cooperation with Governments and other interested actors 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 situation of those who promote and defend the rights of people on the move.**

“People on the move” is a term used to describe the situation of the more than 600 million people globally who are living away from their place of home. This includes

individuals living outside their country of nationality as well as those who have moved to a new location within their country. “People on the move” includes people who would fall within various legal definitions, including refugees, migrant workers, victims of trafficking, internally displaced person, stateless persons, and so on; it also includes people both with legal status in a country and without legal status. People on the move may have voluntarily chosen to leave their country of nationality or have been forced to flee.

The report of the UN Special Rapporteur on the situation of human rights defenders will focus on the experience of human rights defenders working on the issues facing people on the move (rather than the issues facing people on the move directly, though there may be an overlap). This includes defenders who are themselves people on the move, but also those who support their work.

In his report (A/70/217) to the United Nations General Assembly in 2015, the Special Rapporteur identified defenders working on the rights of refugees, persons who migrate due to the consequences of economic crises and various forms of discrimination as well as those working in countries at war or in areas exposed to internal conflict, as one vulnerable group of defenders. Over the last years and across certain regions like Europe, Central America or Asia-Pacific, the situation of people on the move and those who defend their rights have worsened facing the rise of hate speech, discrimination and the consequences of national security laws, amongst others.

During his official visits to Australia, Hungary and Mexico, Mr Forst highlighted the dramatic situation facing defenders who are promoting the rights of migrants, asylum seekers and refugees.

The Special Rapporteur wishes to build on these initiatives, and focus his report on the experiences and challenges faced by human rights defenders as well as on concrete steps taken by different stakeholders to prevent attacks against them.

Specific objectives of the report:

- Assess the nature of risks and threats faced by defenders working for the rights of “people on the move” around the world;
- Explore effective practices in the protection of defenders at local, national, regional and international levels;
- Assess the situation of human rights defenders who have themselves been relocated internally and internationally for reasons related to their human rights activities.
- Provide a platform for dialogue between stakeholders to share experiences and knowledge across regions;
- Discuss concrete ways to improve the implementation and dissemination of protection practices.
- Propose a series of concrete recommendations to States, UN entities and Civil Society Organizations (CSO).

IV. Methods of work

In order to achieve the specific objectives of the report, different activities are planned in order to allow the Special Rapporteur to meet with defenders and experts, assess the effectiveness of existing protection mechanisms, to analyse the communication letters which the mandate has sent to Governments and other actors related to defenders protecting the rights of people on the move, collect testimony and help identify new avenues and strategies for defenders and other relevant actors. In particular:

- A questionnaire distributed to relevant stakeholders including CSO, Member States, International and Regional Organizations as well as National Human Rights Institutions will help identify current challenges faced by human rights defenders working on the rights of people on the move, as well as good practices and lessons learnt to face these challenges.
- A consultation with defenders advocating for the rights of “people on the move” at local, national, regional and international levels will be held on 21 November 2017. This consultation will help collect testimony and identify the main challenges faced by defenders regarding protection mechanisms;
- An expert meeting will be held to assist the Special Rapporteur in the identification of recommendations to the different stakeholders involved in the protection of human rights defenders working in this field.

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 with technical support from the Centre for Applied Human Rights of the University of York. In this connection, 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 the Human Rights Council in March 2018. 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 working on the rights of people on the move.

VI. Contact

For overall questions regarding the whole process please contact defenders@ohchr.org and v.sebile@protecting-defenders.org.

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