

To: Member and Observer States of the United Nations Human Rights Council

28th February 2022

HRC49: OPEN LETTER TO STATES ON THE DRAFT RESOLUTION ON HUMAN RIGHTS DEFENDERS

At its current session, the UN Human Rights Council will be discussing a draft resolution on human rights defenders operating in conflict and post-conflict situations. This is a useful and timely focus providing a means to give effect to a range of recommendations including those contained in the [report](#) of the Special Rapporteur on Human Rights Defenders in 2020.

It is important for the Council to adopt a resolution that reflects the gravity and the reality of the situation defenders face every day and is tailored to addressing the specific protection needs they face. Our organisations call on members of the UN Human Rights Council to ensure that the resolution adopted by the Council clearly:

- Acknowledges the critical role of human rights defenders in conflict and post-conflict situations, including those who report on gross and systematic human rights violations or systematic targeted violations against particular populations and communities as these can serve to provide an early warning of escalating conflict;
- Acknowledges the precariousness that human rights defenders can experience working in conflict and post-conflict situations due to the disruption to basic supplies and services and increased security risks, all of which compound the risks associated with defending human rights;
- Recognises the intersectional dimensions of discrimination, violations and abuses against specific groups of human rights defenders, including women human rights defenders, indigenous peoples, people of African descent, children, people belonging to minorities, defenders working on issues related to sexual orientation, gender identity and expression, older persons and rural and marginalized communities, and calls on States to pay particular attention to the protection needs of different groups in conflict and post-conflict situations integrating an age and gender responsive approach;
- Outlines the elements that constitute a safe and enabling environment and restates that States have the obligation to create and safeguard such an environment including in conflict and post-conflict situations;
- Includes in that overview the need to urgently lift all undue restrictions on the rights to freedom of association and collective bargaining, peaceful assembly and expression, including restrictive 'NGO Laws', foreign agent and foreign funding laws, counter-terrorism laws, 'fake news' laws and those specifically targeting women and LGBTQ+ organizations and defenders;
- Expresses deep concern at the invocation of countering terrorism and extremism as a justification to target, threaten, or limit the activities and access to funding sources of human rights defenders operating in conflict or post-conflict areas, both online and offline;
- Stresses that the use of digital surveillance tools must be regulated to ensure they are not used for violating human rights, including by targeting human rights defenders or journalists, and that mobile networks and internet access must not be shut down;
- Calls for the development of protection mechanisms and support for human rights defenders in such contexts in line with the best practice identified by the Special Rapporteur. These should

address the fact that, in some cases, state and non-state actors orchestrate ways to make defenders appear to be supporting hostilities, and that attacks against defenders constitute “collateral damage” during hostilities;

- Recognises that impunity and failure to protect and provide effective remedy prevails in several conflict and post-conflict situations, including in regard to attacks against human rights defenders, all of which can fuel further conflict;
- Acknowledges the role of women human rights defenders and women peacebuilders in the prevention, in mediation and the resolution of conflicts, and recognizes the link between their involvement and the effectiveness and long-term sustainability of those efforts;
- Recognizes that women human rights defenders are targeted for violence and subjected to intimidation and retaliation because of their efforts to ensure women’s rights, including sexual and reproductive health rights and for their demanding accountability for pervasive sexual violence and feminicides;
- Calls on States to reaffirm the positive, important, and legitimate role played by child human rights defenders for the promotion of human rights in conflict and post-conflict situations, and the role of organisations advocating for the protection of the rights of older persons in these contexts;
- Calls on States to act on their responsibility to protect against human rights abuses by non-State actors, including businesses, including in times of conflict when oversight of the operations of businesses can be weaker and human rights defenders can stand unprotected as they resist corporate abuse;
- Calls on States to monitor and report on the implementation of this resolution in a comprehensive and systematic way and share updates on challenges faced and progress made during relevant UN dialogues and debates.

We ask States to actively support the drafting of a resolution that recognizes the essential work of human rights defenders operating in conflict and post-conflict situations, outlines means to ensure their work is enabled despite the situation of conflict and uncertainty that may prevail, and formulates concrete asks of States, companies and all other actors with the power to protect and promote the right to defend rights. We also call on States to resist efforts that undermine and weaken the resolution.

Sincerely,

Access Now

African Centre for Democracy and Human Rights Studies (ACDHRS)

Al Mezan Centre for Human Rights

Al-Haq - Law in the Service of Man

Amnesty International

Amnesty International Norway

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Asian Forum for Human Rights and Development (FORUM-ASIA)

Association for Progressive Communications (APC)

Cairo Institute for Human Rights Studies (CIHRS)

Center for Reproductive Rights

Centro de Estudios Legales y Sociales (CELS)

Centro de Justicia y Paz - Cepaz

Centro para los Defensores y la Justicia (CDJ)

CIVICUS: World Alliance for Citizen Participation

Commonwealth Human Rights Initiative (CHRI)

DefendDefenders (East and Horn of Africa Human Rights Defenders Project)

Egyptian Initiative for Personal Rights (EIPR)

Freedom House

FRI - The Norwegian Organisation for Sexual and Gender Diversity

Gulf Centre for Human Rights

Human Rights House Foundation

Human Rights Watch

IFEX

International Commission of Jurists (ICJ)

International Service for Human Rights (ISHR)

KIOS Foundation

Mwatana for Human Rights

Norwegian Helsinki Foundation

Peace Brigades International

Protection International

Rafto Foundation for Human Rights

Rainforest Foundation Norway

Save the Children

Sexual Rights Initiative

UN Association of Norway

World Organisation Against Torture (OMCT)