

***Check against delivery***

**Address by Ms. Navanethem Pillay  
United Nations High Commissioner for Human Rights**



**on the occasion of the Fifth Dublin Platform for Human Rights  
Defenders**

**The security and protection of human rights defenders**

**Dublin, 10 February 2010**

Dear Colleagues,  
Ladies and Gentlemen,

I am very pleased to address the 5<sup>th</sup> Fifth Dublin Platform for Human Rights Defenders. I wish to thank Frontline for its efforts to protect and promote the rights of human rights defenders all over the world. I underscore as often as I can the centrality of the role of these brave advocates. Mine is not just a ritual tribute, but rather the expression of a deeply-held conviction. I have put that conviction into practice many times in my life not only as a human rights defender and the co-founder of an international nongovernmental organization. As a judge and a UN official I also strove to be an available and attentive interlocutor of civil society as, at heart, I remain a human rights defender.

I am aware that the majority of you move in volatile and dangerous environments. Your security and ability to work is often jeopardised either by blatant repression and violence, particularly in areas of conflict, or by increasingly insidious patterns of restrictions and abuse. It is of vital importance to discuss at this forum and elsewhere--and as often and as visibly as possible--ways and means to minimize risks for human rights

defenders, improve their safety, and foster an environment conducive to human rights advocacy.

Yet, the past few years have seen an increase in attacks against defenders. In many parts of the world, defenders continue to be harassed, arbitrarily arrested, detained incommunicado and killed for their peaceful activities.

At times explicit and very public threats against advocates and those cooperating with them have come from high-level Government officials. Such deplorable positions expose defenders to abuse by both State and non-State actors.

In general, Governments have not been as determined and forceful as needed in holding perpetrators of violence against defenders to account.

New disturbing trends have also emerged to more subtly constrain and undermine the activities of defenders. In particular, I refer to intrusive legislation and regulation restricting the space, financial independence and the scope of action of human rights advocates and organizations. Much of this legislation is incompatible with human rights standards and with international

norms such as the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights, known as the Declaration on Human Rights Defenders.

Significantly, these laws and regulations may even clash with the constitutions of the very countries that have adopted them. Passed as secondary legislation, such provisions require nongovernmental organizations (NGOs) to abide by cumbersome and intrusive registration requirements which Government authorities often evaluate in opaque ways leaving no room for either scrutiny or recourse. NGOs may also be prevented from either raising or receiving international funding or both.

There have been attempts to criminalize activities of defenders, including those who advocate the rights of lesbian, gay, bisexual and transgender people (LGBT people), which have been bolstered by the adoption of laws banning same sex relations in some countries. These provisions also affect the work of civil society actors and human rights defenders engaged, for example, in protecting gender identity, and addressing vulnerability to HIV/AIDS, who are routinely exposed to intolerance, stigmatization and discrimination. As a result, their freedom of

expression and their rights to peaceful assembly and association are curtailed. Organizations working on LGBT rights also frequently encounter difficulties in getting registration and legal recognition.

Dear Colleagues,

Abuses and violence against human rights defenders are particularly acute in areas of violent conflict where advocates have often become the target of both State and non-State actors, including paramilitary groups, irregular militia and private companies. Where violent strife occurs, perpetrators of attacks against human rights advocates are more likely to remain immune. A failure to bring abusers to justice instils or perpetuates a culture of impunity which, in turn, may warp or stifle the growth of civil society when conflict subsides.

As a former judge of the International Criminal Tribunal for Rwanda (ICTR) and the International Criminal Court (ICC), I am very familiar with the conditions and risks that human rights defenders endure amidst and in the aftermath of war.

Ladies and Gentlemen,

I cannot overemphasize that, in all circumstances, it is incumbent on States to protect human rights defenders in compliance with human rights standards, including the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights. States also bear the primary responsibility to ensure that acts of intimidation and violence against human rights advocates and victims are punished. To that end, States must investigate violations and prosecute perpetrators irrespective of their affiliation. In order to do so States may need to carry out necessary reforms to improve access to justice for victims and their defenders, apply the rule of law and ensure the independence of judges and lawyers.

Against this background, I commend the innovative ways that advocates all over the world have devised and developed to spur national and international networks of mutual support and advocacy, as well as security and protection programs and training for both Governments and non-State actors. Frontline is an example of such creative and resourceful action. These tools, which include the ones developed by Frontline, should be disseminated as widely as possible so that States realize that

impunity for human rights violations against defenders can no longer prevail.

Civil society's advocacy has also been pivotal in the development of international human rights law and international humanitarian law, including the Rome Statute creating the International Criminal Court. The Convention on the Elimination of All Forms of Discrimination against Women represents a milestone that women's human rights defenders have contributed to shape and establish. Their ideas and action will also enrich the forthcoming 15-year review of the Beijing Platform for Action in the context of the Commission on the Status of Women.

Similarly, human rights champions have been instrumental in framing and successfully advocating the Convention on the Rights of Persons with Disabilities.

I commend all of you and assure you that you are not alone in your endeavour. My Office strives to improve our capacity to support you and our newly created Civil Society Unit welcomes your views and proposals on how we can better address your needs. My Office also endeavours to involve the larger UN family in ameliorating the protection of your rights and security, not only

through our assistance to human rights mechanisms, but also on the ground through our field offices and field presences.

In August 2009, I presented a report on the Right to Truth to the Human Rights Council. It was a study on best practices for the effective implementation of the Right to Truth, including programs for the protection of witnesses and other persons, such as human rights defenders, involved in human rights trials. I called on States to devise and implement appropriate guidelines and practices for the protection of witnesses and other persons cooperating with courts. I also exhorted the international community to assist concerned Governments in this effort.

My Office also supports initiatives which provide defenders with protection mechanisms, including safe houses, and with direct intervention and advocacy with State authorities. We engage with civil society in strengthening their capacity to monitor and investigate human rights violations, as well as with inter-governmental and regional initiatives, such as the European Union Working Groups on human rights defenders.

Central to our efforts is the Declaration on Human Rights Defenders which offers a solid springboard for OHCHR advocacy,

as well as clear standards for States to implement. Moreover, we provide assistance and support to the Human Rights Council's Special Rapporteur on the situation of human rights defenders, Mrs. Margaret Sekaggya, who, together with her predecessor Hina Jilani, have given outstanding expertise, passionate commitment, fact-based advocacy, and high visibility to the Special Rapporteur's mandate.

Crucially, my Office takes an active role in the Protection Cluster Working Group, a participatory forum including the United Nations human rights, humanitarian and development entities as well as non-governmental and other international organizations active in protection. The mission of the Group is to facilitate effective responses by humanitarian, human rights and development actors in the face of complex emergencies, disasters and other similar situations.

We are currently leading the protection cluster group in Haiti in order to better connect the dots between the provision of humanitarian assistance and the safeguard of human rights and fundamental freedoms in the protection response. The engagement of national and international NGOs in these two protection components is essential for the welfare of civilians. Indeed, the

safety and effective functioning of these NGOs is an integral part of the protection effort both in natural and man-made calamities.

Finally, let me draw your attention to the Human Rights Council's resolution on cooperation with the United Nations, its representatives, and mechanisms in the field of human rights, adopted in October 2009.

This resolution urges Governments to prevent and refrain from all acts of intimidation or reprisal against those who seek to cooperate or have cooperated with the United Nations, its representatives and mechanisms in the field of human rights. It also calls upon States to ensure adequate protection from intimidation or reprisals for those individuals and members of groups, and reaffirms the duty of all States to end impunity for such actions by bringing the perpetrators, including accomplices, to justice in accordance with international standards and by providing an effective remedy for their victims. As requested by the Council in this resolution, my Office will report on any infringements of its provisions.

Indeed, it is vital that you are supported in your efforts to advocate on behalf of otherwise voiceless victims. You and those around you are entitled to the strongest possible protection on the part of individual Governments, as well as the international community as a whole. I look forward to hearing your experiences and ideas on how I and my Office can further contribute to your security and to the fulfilment of your indispensable tasks.

Thank you.