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Key note address

by

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**4th Dublin Platform for Human Rights
Defenders**

Dublin, 22 November 2007

Mr. Foreign Minister,
Ladies and Gentleman,
Dear Friends,

It gives me great pleasure to be here and address this fourth Dublin Platform for Human Rights Defenders.

I would like to thank Front Line for all of the work involved in providing such an outstanding platform and for giving me the opportunity and privilege of addressing those committed to the defence of human rights around the world.

In his report *In Larger Freedom*, the former Secretary-General Kofi Annan stressed that “We will not enjoy development without security, we will not enjoy security without development, and we will not enjoy either without respect for human rights.” I add that we cannot realize respect for human rights without human rights defenders. They are the ones who work on the ground to ensure that where human rights violations do occur they are noticed and addressed, that questions are asked and voices raised in protest. It is through the everyday work of defenders that human rights become truly integrated into the political and cultural fabric of national and regional agendas so as to exert a positive influence toward the realization of fundamental freedoms for all.

Dear Friends,

The diversity of this gathering and the varied background of its participants bode well for your discussions over the next three days. I look forward to their outcome.

Against the background of ongoing, often brutal repression of human rights defenders throughout the world, sharing experiences and thoughts about the risks you face in your daily work is all the more compelling. Protecting the work of courageous human rights defenders, such as Asma Jahangir, the Special Rapporteur on freedom of religion or belief who has been released from house arrest following the crackdown on human rights advocates in Pakistan, and Hina Jilani, the Representative of the Secretary-General on the situation of human rights defenders, whom many had urged not to return home to Pakistan where she faced arrest, is a priority of the tallest order. Their cases and those of their colleagues represent yet another stark reminder that human rights defenders, working amidst conditions of violence and abuse, are often the first targets of repression. Their families and associates may also become targets of violations. This is indeed the most serious challenge you face.

Defenders in many parts of the world continue to be victims of assassinations, disappearances, arbitrary detention, torture, death threats and different forms of harassment. Added to this are vilification campaigns and negative propaganda which stigmatize and, sometimes, criminalise defenders as subversive elements of society.

This is particularly severe in the cases of defenders whose work challenges social structures, economic interests, traditional practices and interpretation of religious precepts.

Defenders working on economic, social and cultural rights are thus particularly affected. More often than not their activities are not recognized as “genuine” human rights work in pursuit of international standards and obligations. Rather, they are labelled and targeted as political agitators challenging the economic and social power structure and policies. This misconception—and often deliberate distortion—fuels the dramatic spiral of violations and crimes against human rights defenders engaged in these issues.

In her last report, Hina Jilani informed the Human Rights Council of having acted on the cases of more than 240 defenders working on economic, social and cultural rights who have been killed because of their advocacy of land and labour rights, and the right to food and water. Many more have been and are being threatened, physically attacked, kidnapped, arbitrarily arrested, and tortured.

Women defenders are exposed to specific risks, including certain forms of violence and restrictions. In their advocacy of women’s rights, they become more visible and thus more vulnerable to prejudices, exclusion and public repudiation by State forces, social actors and even by members of their own families. This is particularly true when they are perceived as defying cultural norms and social constructs on gender, sexuality and femininity, or when

they challenge social structures vested in economic interest or traditional practices.

Defenders working on lesbian, gay, bisexual, transsexual and intersexual rights (LGBTI) face the same intolerance, prejudice and marginalisation affecting the people whose rights they defend and promote. Violations against them are particularly acute when it comes to freedom of peaceful assembly and the right of association. Unlawful bans of gay parades, failure of the police to protect parade marchers against the harassment and intimidation of counter-protesters, or adding to it with discriminatory behaviour and degrading language, are common in many parts of the world. Organizations working on LGBTI rights encounter difficulties in getting their organization registered and legally recognised. In some countries, the level of intolerance and the climate of intimidation are so high that defenders do not want to register their organization because this would immediately expose its members to the risk of attacks and harassment.

Ladies and Gentlemen,

The right to freedom of association is also being infringed in many countries through laws and regulations that do not target specific advocacy groups, but civil society in general. Such laws impose a wide range of restrictive conditions on the registration, management, operation and financing of nongovernmental organizations. Such practices and restrictive laws have been applied to control defenders selectively and intrusively, and to deny legal status to NGOs critical of government policies. They have

forced defenders to continue their work without legal protection, or worse, to terminate their activities and, in some cases, even to flee their country.

Countering restrictive laws and practices on freedom of association is, in my view, a priority area of work for defenders. We must reiterate our common efforts to make governments respect an open policy on civil society organizations in compliance with international norms and standards.

This complex and shifting background prompts me to add that the task of our discussion here is not only to examine the dangers that defenders face and to learn from each other's experiences, but also to assess the achievements made in addressing these risks. The aim is to be in a better position to strengthen progress, to enhance protection for defenders and to create or reinforce an enabling environment for their activities.

Ladies and Gentlemen,

Allow me to address this aspect of the discussion from the perspective of the UN and OHCHR to highlight what the UN is doing, what more it can do, and to share with you some ideas on how to bolster our collaboration.

Our starting point is, of course, the UN Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms, better known as the Declaration on

human rights defenders. The Declaration reaffirms rights and freedoms already recognized in other international human rights instruments, many of them of a binding nature. The added value of the Declaration is that it protects the “activity” of defending human rights by restating rights and freedoms particularly crucial and instrumental for the defence of human rights, such as freedom of opinion, association, and peaceful assembly. The Declaration is proving to be an important instrument to give recognition, legitimacy and protection to defenders worldwide.

The 10th anniversary of the adoption of the Declaration on human rights defenders falls in 2008. You will certainly celebrate by giving this important event the relevance and the visibility it deserves. I exhort you to place your celebrations in the context of another crucial milestone, the 60th anniversary of the Universal Declaration of Human Rights which also falls in 2008. Next month, we will launch a year-long campaign which will culminate on December 10, 2008. But as we celebrate, we must also recognize that the universality of the principles expressed in the Declaration and underpinning our work has increasingly come under attack. There are some who claim that universal principles are either inimical to the promotion of pluralistic diversity or to the recognition of cultural specificity. Others regard the Declaration as serving exclusively a Western liberal agenda. Yet there should be no doubt that the recognition in the Declaration of the inherent dignity and the equal and inalienable rights of all members of the human rights family is the foundation of freedom, justice and peace everywhere and accrues to all of us.

Our common inherited ideas about human rights, which are given expression in the Declaration and the other human rights instruments, derive from a range of cultures, philosophical and religious traditions and value systems that your own diversity and your shared commitment incarnate. Throughout the processes that lead to the creation of international instruments and treaties—in negotiations, consultations and drafting of documents—representatives of different States, and increasingly civil society, are involved. Geographic distribution and representation of different schools of thought and civilizations have also been key features of the United Nations mechanisms, including Special Procedures mandate holders that contribute to implementation, codification or interpretation of international human rights law.

The broad consent of States on the substance of human rights is reflected in the fact that all States have ratified at least one of the nine core human rights treaties, and 80% of States have ratified four or more giving not only concrete expression to universality, but also accepting legal obligations that must be fulfilled.

Thus, rather than embarking in exercises of dubious revisionism, States and all stakeholders should concentrate instead on how to close those gaps in knowledge, capacity, security and commitment that hamper the implementation and fulfilment of human rights standards.

I invite you to take the occasion of the Declaration's 60th anniversary to organize awareness-raising events and initiatives designed to boost, strengthen and renew efforts and commitments

to implement this instrument and all other human rights obligations and pledges which protect all of us and help us to protect others.

Ladies and Gentlemen,

An additional and crucial entry point for a broader reflection regarding how to sharpen understanding and action on human rights may be offered by the emerging doctrine of responsibility to protect which the World Summit endorsed in 2005. I will address this subject in detail tomorrow at Trinity College, but allow me to offer here a short preview of my discussion.

At the World Summit leaders acknowledged that State sovereignty carries responsibilities as well as prerogatives and that the exercise of sovereign power entails a permanent duty to protect individuals against state-sponsored or state-tolerated atrocities. Thus, not only all States have an obligation to protect their own people, but more crucially, the international community has a duty to step in on behalf of civilians at risk of genocide, crimes against humanity, war crimes and ethnic cleansing whenever a government is either directly responsible for these crimes or incapable of stopping them. To this effect, the protection duty encompasses a continuum of prevention, reaction, commitment to rebuild and to punish, spanning from early warning, to diplomatic pressure, to coercive measures, to conflict resolution and post-conflict reconstruction assistance as well as accountability for perpetrators.

There is a distinct role for human rights defenders to play not only in advocacy of the doctrine, but regarding several aspects of the preventive, reactive, as well as the reconstruction and accountability elements, of the responsibility to protect norm. This is because defenders are routinely engaged in a vast spectrum of country-specific and thematic coverage. They provide indispensable assessments of particular situations, as well as national “state of the field” appraisals. Defenders constantly highlight action that needs to be taken to address both chronic and acute human rights conditions. Their work also provides early warnings that should enable the international community to exercise prior protection before situations of concern escalate into full scale brutality or irreparable damage. In the face of abuse, it is often incumbent upon defenders to record violations and to identify perpetrators. Their work fosters crisis responsiveness and indicates appropriate remedies when emergencies are overcome and institutions, as well as communal trust, have to be rebuilt. These aspects of defenders’ work squarely fit the goals of the responsibility to protect doctrine.

They can also greatly inspire or enhance the posture of the Human Rights Council with respect to this body’s own responsibility to protect. As you know, the Human Rights Council is currently undergoing a process of institution-building. Its aim is finding more efficient ways to prevent and address the human rights deficits of Member States, as well as ensure the implementation of international human rights standards. This process is at an early stage. There are, thus, opportunities to participate in its

undertakings, to help mould and shape initiatives, approaches and practices.

In particular, the Universal Periodic Review (UPR) may open up such space of intervention. Through the UPR, all UN Member States will be reviewed on the basis of universal and equal parameters and standards. It may offer a baseline to evaluate progress, correct deficiencies, and devise remedial actions measured against a State's own individual and continuous capacity and performance. Crucially, the UPR may also prevent violations and sound an early warning on impending crises. The review is meant to be a participatory one with civil society's contributions to the report that each Government will present to the Council as the basis for the review. As you know, OHCHR is tasked with the preparation of two other reports that, together with the reports presented by the Governments, will form the basis for the review. One report is a compilation of UN information while the other is a summary of contributions by various stakeholders, including civil society organizations and human rights defenders. Participating in the preparation of the Government report and providing input for the report compiled by OHCHR are two clear entry points for participation in the UPR. I strongly encourage you to participate in the this new human rights procedure which, we hope, will not only contribute to improve the implementation of human rights standards by all UN Member States, but may also, in time, enable the Council to refine the parameters and scope of the responsibility to protect norm.

Further, I invite you to ensure that your input to this process, in addition to focusing on the human rights situation in your country, includes information on achievements and challenges in implementing the Declaration on human rights defenders so that their situation becomes an integral element of the UPR.

Dear Colleagues,

Let me now turn to other aspects of the Human Rights Council in relation to the work of human rights defenders. As you know, the mandate of the Special Representative of the Secretary-General on the situation of human rights defenders was established in 2000 by the then Commission on Human Rights to support implementation of the Declaration on human rights defenders. Hina Jilani has held this mandate since 2000. I am sure that you will agree with me in saying that her work has been of tremendous value and assistance to defenders. Hina has succeeded in enhancing visibility, recognition and protection to defenders worldwide. Indeed, the communications mechanism of the Special Representative has been among the most prolific within the special procedures system, and it served as a form of protection for thousands of defenders whose cases have been raised by the Special Representative at the national and international levels.

Her mandate will be reviewed by the Human Rights Council in March 2008. As has been the case for the review of special procedures as a system, the Council's discussions may present both opportunities to improve the mechanism, as well as the risk

that this very mechanism might be weakened. In our respective roles and capacities, we must spare no effort to support the current mandate on human rights defenders. We must preserve its achievement and ensure that future mandate holders are also strengthened so as to achieve continuous and optimal protection.¹

Dear Friends,

Let me elaborate further on partnerships and measures that could both help to protect defenders and bring added value to their action. In addition to international mechanisms, pertinent jurisprudence to this effect has been developed at the regional level. This jurisprudence, particularly on freedom of peaceful assembly or on freedom of association, has greatly contributed to advance the understanding and the implementation of rights and freedoms, many of which concern directly the activities of defenders. In this respect, the work of the African Commission on Human and Peoples' Rights and the European Court of Human Rights is of particular relevance.

Expanding your capacity to make full use of the existing national, regional and international human rights mechanisms will no doubt have a positive impact on the effectiveness and leverage of your work, as well as on your own protection.

¹ Please note that the Special Representative will not attend the Platform this year. It is therefore important to say a few words on her work and the need to support the mechanism in the forthcoming months in view of the review of the mandate by the Human Rights Council in March 2008. Questions on risks lying ahead in this respect are to be expected from the floor. Norway, the sponsor of the resolution on human rights defenders, expects serious attacks against the mandate, in particular regarding the ability of receiving and acting on communications, one of the vital functions of the mandate.

Allow me to relay to you an example that illustrates this point. Last week, a woman defender from Colombia visiting OHCHR in Geneva stated that the report on the country visit to Colombia of the Special Representative on human rights defenders is being used as evidence in a case currently pending before the Inter-American Court of Human Rights. This clearly shows how different mechanisms employed by defenders at the regional and international levels can mutually reinforce each other.

Since the primary element of vulnerability for a defender is isolation, breaking this condition is fundamental for any defender at risk. Your own networks, which express the sentiment of a community and reinforce the advocacy of their members, also assist you in providing and attaining protection. They can also facilitate access to international mechanisms that are often too distant for grass root level organizations and activists, while sensitizing these mechanisms to the needs of local communities that otherwise may remain unheard or unexpressed in international fora. In sum, being part of networks and coalitions can bolster your credibility, enhance your visibility and lend a multiplier effect to your advocacy. Networks also make your work known to defenders in other parts of the world, and thus help you share crucial experiences and knowledge.

This platform is itself an excellent opportunity to reinforce your networks and contacts. It is important to replicate in a creative manner activities aimed at forging and supporting communities of defenders that at different levels can express solidarity and give protection to colleagues and partners under attack or at risk.

I wish to conclude this address by saying few words regarding how OHCHR works with defenders. In addition to supporting the mandate of the Special Representative, OHCHR interacts and collaborates intensely with defenders in all areas and regarding the whole span of the promotion and protection sequence, including building capacity and monitoring human rights situations. I believe that an area where OHCHR can be more supportive to defenders is on the ground. It is in the field that contact can become day to day interaction. It is in the field that common human rights goals can be turned into national strategies and plans in which both OHCHR field presences and defenders have a role to play. It is in the field that day to day human rights monitoring takes place and recommendations of international human rights mechanisms must be followed up.

In sum, I believe that the ongoing expansion of OHCHR field activities, as well as the bolstering of our capacity at headquarters, will pay back with my Office's additional support for your work.

Your endeavor is vital, and I congratulate you. You know that you have my full support and my best wishes. I look forward to discussing our collaboration further.

Thank you.