

Introductory remarks

**by Mr. Gerald Staberock
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Side event hosted by the Delegation of Norway to the United Nations on the occasion of the launch of the 14th Annual Report of the Observatory for the Protection of Human Rights Defenders (OMCT-FIDH)

Ladies and Gentlemen,

I am pleased to present to you today the global report of the Observatory for the Protection of Human Rights Defenders. As you know the Observatory for the Protection of Human Rights Defenders is the leading global program for the protection of the woman and man that defend human rights in countries around the world often in very difficult circumstances. It is joint venture of the OMCT and the FIDH.

The global report we are presenting today and that was formally launched yesterday here at the United Nations is the result of a year-long monitoring of the situation of human rights defenders around the globe. It builds on the work of the Observatory providing urgent interventions and assistance in more than 500 individual cases, its country missions and monitoring of the situation of human rights defenders. The report is a unique and authoritative source on the situation of human rights defenders. Before leaving the floor to those defending human rights at the frontlines let me give you some overview of some of the universal issue that are coming out of this year's report.

Lessons learnt from the Arab spring:

This years' report is marked by the events of the Arab Spring which has in many ways been the expression and culmination of the cause that human rights defenders in the region have defended for long. Two quick remarks: a long way to go in overcoming the legacies of dictatorship and repression in the region – including through the dismantlement of the apparatus of repression and the creation of an environment that allows defenders to be part of the transition. Second, how can we provide more coherent and consistent support in the future – as we were for too long willing to accept at least tacitly repression for (perceived) gains of stability. Is the implication not that physical protection work need to be matched more consistently by political support for the cause human rights workers defend?

An alarming picture:

The report provides a compelling picture of the serious threats human rights defenders face, including to their lives in many part of the world. One of the points that are striking to us is that there is a certain paradox.

On one side we have achieved considerable progress in building international, including regional, mechanisms for the protection of human rights defenders and we have without doubt made enormous progress in putting the human rights defenders issue on the international agenda. We have also increased the range of networks on the regional and universal level on the protection of human rights defenders. Yet, I think it is fair to say that while there is a great deal of continuity in terms of the types of challenges human rights defenders face. This poses – as we speak here at the General Assembly – the question of how to secure the implementation of the recommendations – in individual protection cases,

in relation to country missions and in relation to overriding policy recommendations – of the reports of the universal and regional mechanisms. And it raises the question how to increase the political will to reform the legal and administrative framework to become an ‘enabling’ and not a ‘controlling’ legal framework.

Misuse of the law:

The report shows how the law is used not as a protector of rights but as a weapon against human rights defenders, in a good number of cases with the complicity of the judiciary. We tend to believe in the law as a protector of rights and we have formulated all resolutions in this way. But the reality is that the law is very often used as a tool for repression. It poses a question of the ethical and legal responsibility of judges and lawyers and prosecutors. Ultimately, the effect if the judiciary allows itself to be abused has a much more detrimental effect on the rule of law.

Connected to this is a call for a process of stocktaking on the legal and administrative systems affecting in particular freedom of association and assembly in order to move towards an enabling framework. I believe that the commentary on the declaration presented by the Special Rapporteur provides a crucial tool that states should now use to overhaul their legal framework. One of the issues where progress needs to be made is in relation to the right to receive funds for human rights work, which includes as a matter of principle the right to receive foreign funding. As you may know the process of Ales Bialecki has been fixed now for November 2nd which is one of the many examples of an abusive law and arbitrary use thereof raising the issue of foreign funding.

Repression and criminalization of social dissent:

A core theme documented in the report is thus the repression and criminalization of social protest in many parts of the world, affecting in particular those defending the weak, marginalized or poor. Not only in **North Africa and the Middle East** but also in **Latin America** we have seen attacks on human rights defenders and the misuse of the law as well as the lack of effective protection in the context of land rights, indigenous communities or other minorities. In **Asia**, too, human rights defenders working on issues, such as land rights or the rights of rural communities and social justice are often particularly vulnerable.

I think this also should be seen in the context of the economic and financial crisis as it can produce a likely deepening of social divides which in turn can affect human rights defenders in their work. This makes it even more essential now to put in place a legal and policy framework that allows dissent to be voiced within the rule of law.

Double impunity:

Finally, the report also shows that in most parts of the world working for accountability in government and against impunity for serious human rights violations can be life threatening. In **Africa** and elsewhere we continue to see serious threats to human rights defenders, including of minorities such as LGBTI defenders. As in previous years the reports illustrates the need to increase protection of human rights defenders in the context of election cycles. It begs the question whether there are early warning processes to be put in place but also question of incorporation of explicit human rights defenders protections into election monitoring schemes. The latter has been illustrated in **Eastern Europe** and the former Soviet Union notably in Belarus and Kyrgyzstan. In fact many of the cases we follow raise the question of accountability and impunity in a double sense: Human rights defenders have a key role working against impunity and they are targeted for doing so – and this is then matched with impunity.

Fundamentals for the way ahead:

In order to allow human rights defenders to be actors of change, we need a 'see change', consisting of what we may terms as five fundamentals:

A more effective system of protection for human rights defenders, including from acts of non-state actors (if we take the case of Mexico).

We also need more than physical protection but political support and solidarity to their cause. The international community needs to invest in political support for human rights defenders and their cause. This needs to be a parallel political and financial investment.

We need urgently a process of stocktaking to review the legal and administrative frameworks on association and assembly that today more often than not impede and unduly control the work of human rights defenders.

We need effective implementation of international bodies and the recommendations now on the national level. The core issue for me here is follow-up and how to use international mechanism for overcoming the accountability gap.

Ultimately, we need accountability for attacks on human rights defenders and to ensure that those responsible for physical attacks are brought to justice. The report illustrates many such instances but very little evidence of ending impunity for the attacks on human rights defenders. I think that internationally we have to think how we can invest ourselves further in this area.

Thank you for your attention.

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OMCT