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**Promotion and protection of all human rights, civil,  
political, economic, social and cultural rights,  
including the right to development**

## **Final warning: death threats and killings of human rights defenders**

### **Report of the Special Rapporteur on the situation of human rights defenders, Mary Lawlor**

#### *Summary*

In the present report, the Special Rapporteur on the situation of human rights defenders, Mary Lawlor, analyses the situation of the killing of human rights defenders. In her report, the Special Rapporteur raises the alarm about the prevalence of killings in many parts of the world, and considers the issue of death threats that often precede the killing of human rights defenders. The report includes examples of threats to and killings of human rights defenders. She makes recommendations to relevant stakeholders to halt this trend, and calls for compliance with existing legal norms and standards. She suggests ways to protect and support defenders to prevent future killings.



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## I. Introduction

1. After having received death threats by phone for more than a year, environmental rights defender Fikile Ntshangase was shot dead in her home in Mtubatuba, South Africa, on the evening of 22 October 2020.<sup>1</sup> Three gunmen fired six shots and she died at the scene. She was 65 years old and had been involved in a dispute over the extension of an opencast mining operation. She was a prominent member of the Mfolozi Community Environmental Justice Organization. Her lawyer told the Special Rapporteur that Mama Fikile had received threats by phone in the middle of the night in June 2019, and she had reported them to the local police. A few months before she was killed, she received more.

2. Such murders of defenders are often preceded by the sorts of threats directed at Ms. Ntshangase. Sometimes the threats are direct, sometimes indirect. Some are targeted at specific individuals, while others are more general or collective. These threats are often intended to intimidate, silence and stop human rights defenders from carrying out their work. There is no more direct attack on civil society space than the killing of human rights defenders.

3. Official statistics on the number of human rights defenders killed each year are limited nationally; they are only being reported globally and regionally. Information on how these deaths are connected with death threats, and the other physical threats that often precede them, is even more limited. Despite this, available statistics paint a grim picture. In the period from 1 January 2019 to 30 June 2020 alone, the Special Rapporteur sent communications to 10 Member States on the killing of 100 human rights defenders, including 17 women human rights defenders.<sup>2</sup>

4. The Office of the United Nations High Commissioner for Human Rights (OHCHR) has observed that from 2015 to 2019, human rights defenders have been killed in at least 64 countries: Afghanistan, Algeria, Argentina, Bahrain, Bangladesh, Belize, Bolivia (Plurinational State of), Brazil, Burkina Faso, Burundi, Cambodia, Chile, China, Colombia, Costa Rica, Democratic Republic of the Congo, Ecuador, Egypt, El Salvador, Fiji, Gambia, Ghana, Guatemala, Haiti, Honduras, India, Indonesia, Iran (Islamic Republic of), Iraq, Italy, Kazakhstan, Kenya, Lao People's Democratic Republic, Liberia, Libya, Malaysia, Maldives, Mexico, Mozambique, Myanmar, Nicaragua, Nigeria, Oman, Pakistan, Peru, Philippines, Russian Federation, Saudi Arabia, Senegal, Somalia, South Africa, State of Palestine, Sudan, Syrian Arab Republic, Thailand, Turkey, Uganda, Ukraine, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, United States of America, Venezuela (Bolivarian Republic of) and Yemen.<sup>3</sup> This represents nearly one third of Member States (see map).<sup>4</sup>

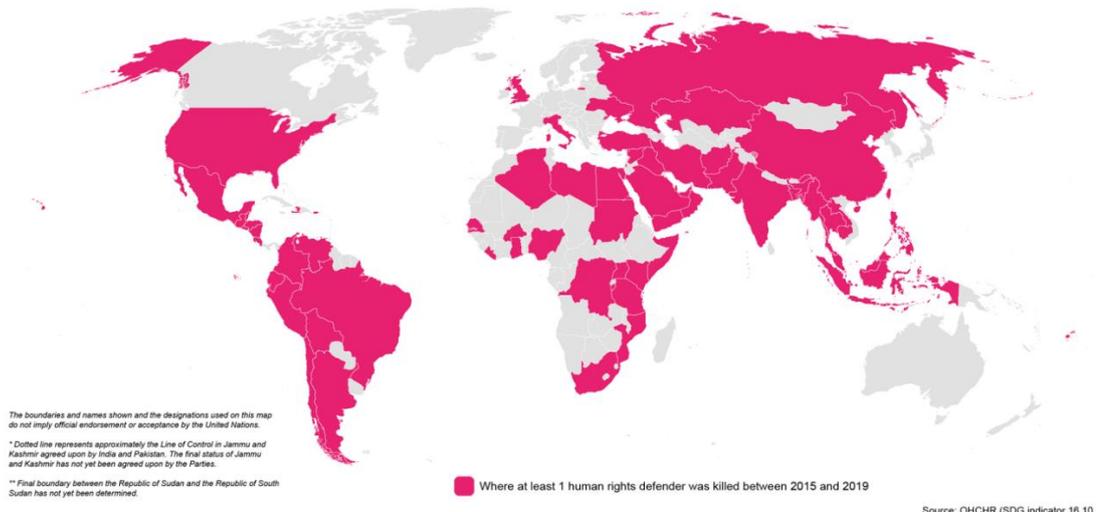
<sup>1</sup> References are made throughout the document to joint urgent appeals and allegation letters sent by the Special Rapporteur with other special procedures. All such communications are available from <https://spcommreports.ohchr.org/Tmsearch/TMDocuments>. For this case, see communication ZAF 3/2020.

<sup>2</sup> Americas (communications COL 9/2019, CRI 1/2020, HND 4/2019, MEX 13/2019 and PER 2/2020 (all in Spanish)), Asia (communications CHN 11/2020, PHL 1/2020, PHL 2/2020 and THA 4/2020) and Europe and Central Asia (communications TKM 2/2019 and UKR 5/2018). These communications exclude killings of defenders during demonstrations.

<sup>3</sup> As international custodian of Sustainable Development Goal indicator 16.10.1, and in line with its civic space monitoring mandate, OHCHR collects data on verified cases of killings and enforced disappearances of, and other attacks against, human rights defenders, journalists and trade unionists. OHCHR data on killings throughout the document have been compiled by OHCHR in the framework of Sustainable Development Goal indicator 16.10.1 (see sect. IV below).

<sup>4</sup> Metadata of Sustainable Development Goal indicator 16.10.1 is available at <https://unstats.un.org/sdgs/metadata/files/Metadata-16-10-01.pdf>.

## Killings of Human Rights Defenders: A global view



5. According to information gathered by OHCHR and supplemented by credible sources, at least 281 human rights defenders were killed in 2019. Since 2015, a total of 1,323 have been killed. Latin America is consistently the most affected region, and environmental human rights defenders are the most targeted (see sect. IV below). Those collecting data agree that underreporting is a common problem and that killings are fuelled by widespread impunity.

6. The previous mandate holder addressed the issue of impunity for attacks on human rights defenders in a report to the General Assembly in 2019. Those responsible for the killings often escape any accountability, which in turn makes such killings more likely to continue.<sup>5</sup>

7. The present report has been prepared because the killing of human rights defenders is a priority for the Special Rapporteur. She regards the killing of defenders as a red line that no State or non-State actor should ever cross. Such killings can and should be prevented. Human rights defenders have asked the Special Rapporteur to contribute useful data and ideas on how best to prevent more killings from occurring.

8. The Special Rapporteur has decided to focus part of the present report on death threats, including the extent to which they can be seen as predictors of attacks, and what interventions might be beneficial in reducing the likelihood of an attack after a death threat has been received. In “The highest aspiration: a call to action for human rights”, the Secretary-General noted how threats to human rights defenders were part of a wider attack on civil society. He noted that repressive laws were spreading, with increased restrictions on the freedoms to express, participate, assemble and associate. Journalists and human rights defenders, especially women, were increasingly being threatened.<sup>6</sup>

9. The Special Rapporteur notes that many Governments are failing in their obligations to protect human rights defenders from attacks and killings by State and non-State actors. Some States, in particular those with high numbers of such killings, have established dedicated protection mechanisms to prevent and respond to risks and attacks against human rights defenders.<sup>7</sup> While these mechanisms have been successful in part, human rights defenders often complain that the mechanisms are underresourced, or that States lack the necessary political will to properly protect defenders.<sup>8</sup>

<sup>5</sup> A/74/159.

<sup>6</sup> António Guterres, “The highest aspiration: a call to action for human rights” (2020), p. 7.

<sup>7</sup> See information on the national protection mechanisms of Colombia (A/HRC/43/51/Add.1), Honduras (A/HRC/40/60/Add.2), Mexico (A/HRC/37/51/Add.2) and Peru (A/HRC/46/35/Add.2). Other national protection mechanisms also exist, to a certain extent, in Brazil and Guatemala.

<sup>8</sup> A/HRC/43/51/Add.1, para. 58; A/HRC/40/60/Add.2, para. 58; and A/HRC/37/51/Add.2, para. 78.

10. Businesses also have responsibilities to protect human rights defenders, and many defenders are killed after protesting negative human rights impacts of business ventures.<sup>9</sup> In too many cases, businesses are also shirking their responsibilities to prevent attacks on defenders or are even perpetrators of such attacks.

11. The Special Rapporteur notes that attacks, including killings of human rights defenders, often come in a context of structural violence and inequality, including in societies in conflict, and as the product of patriarchal, heteronormative systems. Threats and killings often happen when a context of negativity has been created around defenders generally, or around particular defenders. This can make them vulnerable to attacks. Changing how political leaders and the public perceive and speak about the value of the work of defenders, and emphasizing their positive contributions to society, could reduce the risk of defenders being attacked.

12. The more that is understood about this environment of negativity and the threats that precede the murders of human rights defenders, the more it should enable interventions to disrupt the escalation and prevent killings.

13. Human rights defenders face a range of assaults from State and non-State actors, including stigmatization, criminalization, physical attacks, arrest and torture. Human rights defenders report that smears and other abuse can escalate into physical assaults and killings. Other initiatives, including the Secretary-General's 2020 call to action for human rights, and the Esperanza Protocol, established by the Center for Justice and International Law, advocate that States design policy measures for the protection of human rights defenders that incorporate the investigation of threats.<sup>10</sup>

14. Not all death threats to human rights defenders are followed by a murder, and not all such murders are preceded by death threats. However, many killings are preceded by a threat.

15. The dimensions of threats are difficult to grasp. The Special Rapporteur recognizes that those who compile data on the threats and killings of human rights defenders stress that the figures are incomplete, that the definition of a death threat is not universally understood and that many threats go unreported.

16. Human rights defenders working on some issues appear to be particularly vulnerable to attack. They include environmental human rights defenders, those protesting land grabs or those defending the rights of people, including indigenous peoples, by objecting to Governments that are imposing business projects on communities without free, prior and informed consent. One in two victims of killings recorded in 2019 by OHCHR had been working with communities around issues of land, environment, impacts of business activities, poverty and rights of indigenous peoples, Afrodescendants and other minorities.<sup>11</sup>

17. As noted by the previous mandate holder, States must take special measures to protect human rights defenders, in particular their rights to life and to humane treatment, when there are specific threats or pre-existing patterns of violence.<sup>12</sup> Failure to adopt such measures to fulfil the heightened obligations must be considered by international bodies when determining the legal consequences of non-compliance (see sect. III below).<sup>13</sup>

18. Some violations are closely related to killings but are not included in the present report. Many human rights defenders are subjected to enforced disappearances.<sup>14</sup> Other

<sup>9</sup> According to the Business and Human Rights Resource Centre, more than 2,000 documented attacks against human rights defenders working in the area of business occurred between 2015 and May 2019. The information is available at <https://dispatches.business-humanrights.org/hrd-january-2020/index.html>.

<sup>10</sup> António Guterres, "The highest aspiration: a call to action for human rights".

<sup>11</sup> As international custodian of Sustainable Development Goal indicator 16.10.1, and in line with its civic space monitoring mandate, OHCHR collects data on verified cases of killings and enforced disappearance of, and other attacks against, human rights defenders, journalists and trade unionists.

<sup>12</sup> A/74/159, para. 30.

<sup>13</sup> *Ibid.*, paras. 25–30.

<sup>14</sup> For example, between 2015 and 2019, OHCHR recorded cases of enforced disappearance of human rights defenders in at least 25 countries. It also recorded 20 cases of human rights defenders subjected

human rights defenders with serious medical problems die in prison, despite calls for their release on health grounds. Human rights defender Azimjan Askarov was unjustly sentenced to prison in 2010 in Kyrgyzstan, and he was still in prison 10 years later. Despite appeals from the mandate holder, the United Nations, the European Union and the Organization for Security and Cooperation in Europe to the authorities for his release, and warnings of his underlying health conditions, he died in July 2020.<sup>15</sup>

## II. Methodology

19. The present report is based on discussions the Special Rapporteur has had with hundreds of human rights defenders around the world since the beginning of her mandate in May 2020, and on information she continuously receives on trends on threats and killings.

20. Human rights defenders have shared their views with her on the specific challenges of facing death threats and the risk of being killed. Owing to the coronavirus disease (COVID-19) pandemic, consultations were carried out online.<sup>16</sup>

21. The Special Rapporteur issued a call for written submissions, inviting relevant stakeholders – in particular Member States, businesses, international financial institutions and civil society, including human rights defenders – to contribute to the present report. She received 115 contributions in total: 20 from Member States, 14 from national human rights institutions, 52 from civil society organizations, 7 from human rights defenders, 9 from businesses, 7 from international financial institutions and 6 from international organizations.<sup>17</sup> The Special Rapporteur thanks all those who contributed to the report.

22. Available literature and research materials on the killings of human rights defenders and threats that precede them were also used. Other sources included previous reports of the mandate holder, and reports of regional bodies for the protection of human rights.<sup>18</sup>

23. Some shared visual examples of threats received by defenders can be viewed online (<http://protecting-defenders.org>).

## III. Regulatory framework

24. The Special Rapporteur reminds States that the General Assembly adopted the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms (Declaration on Human Rights Defenders) by consensus, representing a strong commitment of States to its implementation.<sup>19</sup>

25. The Declaration on Human Rights Defenders recognizes the right to promote and protect universally recognized human rights and fundamental freedoms peacefully (arts. 1, 5 and 13).<sup>20</sup> It also highlights that each State has a prime responsibility and duty to protect, promote and implement all human rights and fundamental freedoms (art. 2) and that everyone is entitled, individually and in association with others, to be protected effectively under

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to enforced disappearance between 1 January 2019 and 30 June 2020, according to data compiled in line with Sustainable Development Goal indicator 16.10.1. See also footnote 3.

<sup>15</sup> Communications KGZ 2/2020, KGZ 1/2011, KHG 11/2010, KGZ 8/2010 and KGZ 3/2010. See also the press release by the mandate holder on the death of Mr. Askarov (available at [www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=26138&LangID=E](http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=26138&LangID=E)).

<sup>16</sup> Since the Special Rapporteur took up her mandate on 1 May 2020, she has spoken to hundreds of defenders online, including from Africa, the Americas, Asia, Europe and the Middle East.

<sup>17</sup> Submissions of stakeholders that agreed to submission publication are available at [www.ohchr.org/EN/Issues/SRHRDefenders/Pages/CFI-killings-human-rights-defenders.aspx](http://www.ohchr.org/EN/Issues/SRHRDefenders/Pages/CFI-killings-human-rights-defenders.aspx).

<sup>18</sup> See Front Line Defenders, *Global Analysis 2019* (Dublin, 2020); and Global Witness, *Enemies of the State? – How Governments and Business Silence Land and Environmental Defenders* (July 2019).

<sup>19</sup> The Declaration is not, in itself, a legally binding instrument. However, it contains a series of principles and rights that are based on human rights standards enshrined in other international instruments that are legally binding, such as the International Covenant on Civil and Political Rights.

<sup>20</sup> See also A/74/159, para. 26.

national law in reacting against or opposing, through peaceful means, activities and acts, including those by omission, attributable to States that result in violations of human rights and fundamental freedoms (art. 12).<sup>21</sup>

26. Article 6 of the International Covenant on Civil and Political Rights recognizes the inherent right to life of every individual, including human rights defenders, and clarifies the obligations of States.

27. States must respect the right to life of human rights defenders and refrain from engaging in any conduct resulting in an arbitrary deprivation of life, including by law enforcement officials. In ensuring their right to life, States must also exercise due diligence to protect life against deprivations by persons or entities whose conduct is not attributable to the State.<sup>22</sup>

28. States also have a duty to protect the right to life and must enact a legal framework and other measures that ensure the full enjoyment of that right.<sup>23</sup> Such measures would include establishing by law adequate institutions and procedures for preventing deprivation of life, investigating and prosecuting potential cases, meting out punishment and providing full reparation, and adopting protective legal frameworks, such as the criminal prohibitions on intentional homicide and death threats.<sup>24</sup>

29. The duty to protect also places a due diligence obligation upon States parties to take reasonable positive measures that do not impose disproportionate burdens on them in response to reasonably foreseeable threats to life from persons or entities whose conduct is not attributable to the State, including threats by criminals, organized crime or militia groups, private security firms, international organizations and foreign corporations operating within their territory or in areas under their jurisdiction.<sup>25</sup>

30. Importantly, the duty to protect the right to life requires States to take special measures of protection for persons in vulnerable situations whose lives are at risk as a result of specific threats or pre-existing patterns of violence. Such persons include human rights defenders and special measures to protect them would comprise round-the-clock police protection.<sup>26</sup> Moreover, States must create and maintain a safe and enabling environment for defending human rights.<sup>27</sup> It also requires States to address the general conditions in society that may give rise to direct threats to life, such as high levels of criminal and gun violence or deprivation of indigenous peoples' land, territories and resources, which are particularly relevant for human rights defenders.<sup>28</sup>

31. Article 6 in conjunction with article 2 (3) of the International Covenant on Civil and Political Rights also gives rise to a duty for States parties to take appropriate measures or to exercise due diligence to prevent and investigate instances of potentially unlawful deprivations of life by State and non-State actors and, where appropriate, to prosecute those responsible.<sup>29</sup> The obligation to investigate has been dealt with in detail in the reports of the previous mandate holder.<sup>30</sup>

32. Investigations into alleged violations of the right to life within the context of article 6 must be independent, impartial, prompt, thorough, effective, credible and transparent. Where it is found that a violation has taken place, there must be full reparation provided, including

<sup>21</sup> See also the International Covenant on Civil and Political Rights, art. 2, and the International Covenant on Economic, Social and Cultural Rights, art. 2.

<sup>22</sup> Human Rights Committee, general comment No. 36 (2018), paras. 7, 13, 15 and 17.

<sup>23</sup> *Ibid.*, paras. 18–31. See also International Covenant on Civil and Political Rights, art. 6 (1).

<sup>24</sup> Human Rights Committee, general comment No. 36, paras. 4 and 19–20.

<sup>25</sup> *Ibid.*, paras. 21–22. As noted in the general comment, the duty to take positive measures to protect the right to life derives from the general obligation to ensure the rights recognized in the International Covenant on Civil and Political Rights, as articulated in its art. 2 (1), read in conjunction with art. 6.

<sup>26</sup> *Ibid.*, paras. 18, 20 and 23.

<sup>27</sup> *Ibid.*, para. 53.

<sup>28</sup> *Ibid.*, para. 26.

<sup>29</sup> Human Rights Committee, general comment No. 31 (2004), paras. 8, 15–16 and 18.

<sup>30</sup> A/74/159, paras. 38–43.

adequate measures of compensation, rehabilitation and satisfaction in view of the particular circumstances of the case.<sup>31</sup>

33. The coming into force of the Regional Agreement on Access to Information, Public Participation and Justice in Environmental Matters in Latin America and the Caribbean (Escazú Agreement) is an important milestone. This is the first binding instrument that includes specific provisions for the protection and promotion of environmental human rights defenders. It obliges States parties to guarantee an enabling environment for the work of human rights defenders working on environmental issues (art. 4). It is also stipulated that States parties are to take adequate and effective measures to recognize, protect and promote the rights of human rights defenders, including the right to life, and take appropriate, effective and timely measures to prevent, investigate and punish attacks, threats or intimidations that human rights defenders in environmental matters may suffer while exercising their rights (art. 9). It must now be fully and effectively implemented by States parties.

34. The Guiding Principles on Business and Human Rights clearly establish that businesses have a responsibility to respect human rights and to address any adverse impact on rights arising from acts or omissions of their own or of their business relationships (principle 11), including the rights of human rights defenders. In order to meet their responsibility to respect human rights, they should carry out human rights due diligence. This should be an ongoing process, which includes assessments of actual and potential human rights impacts (principle 17) and involves meaningful consultation with potentially affected groups (principle 18 (b)). Where businesses identify that they have caused or contributed to adverse effects to human rights, they have a responsibility to actively engage in remediation, which does not displace the responsibility of States to ensure access to effective remedy for those affected (principle 22).

#### IV. Data on killings

35. Since 2015, OHCHR has collected data on the killings of human rights defenders, as have national and international non-governmental organizations (NGOs). The information each collects is often from different sources, and criteria vary slightly, with some focusing on the killings of human rights defenders working on specific issues.

36. In the present report, the killings considered do not include human rights defenders who have been subjected to enforced disappearance, nor does it include human rights defenders who took their own lives after receiving death threats. In addition, the report does not include human rights defenders, such as Ogulsapar Karlievna Muradova, whose death in custody was officially reported as a suicide, although she died as the result of torture in custody.<sup>32</sup> Furthermore, it does not include human rights defenders, such as Azimjan Askarov, who died in custody after deliberate neglect by the prison authorities and the Government of Kyrgyzstan in July 2020.<sup>33</sup>

37. The data considered here are drawn from sources who commonly agree that the actual number of killings is underreported and that the figures they present are lower than the real number of deaths.

38. The present report focuses primarily on killings committed and threats carried out during the period 1 January 2019 to 30 June 2020.

39. As international custodian of Sustainable Development Goal indicator 16.10.1, OHCHR has been reporting global and regional aggregated data on cases of killings of human rights defenders, journalists and trade unionists that have occurred since 2015. The work is carried out in collaboration with the United Nations Educational, Scientific and Cultural

<sup>31</sup> Human Rights Committee, general comment No. 36, para. 28.

<sup>32</sup> Communication TKM 2/2019. On 6 April 2018, the Human Rights Committee found violations in respect of Ms. Muradova's rights to life, freedom from torture, personal liberty and security, fair trial, and freedom of expression (CCPR/C/122/D/2252/2013).

<sup>33</sup> Communications KGZ 2/2020, KGZ 1/2011, KHG 11/2010, KGZ 8/2010 and KGZ 3/2010. See also the press release by the mandate holder on the death of Mr. Askarov (available at [www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=26138&LangID=E](http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=26138&LangID=E)).

Organization and the International Labour Organization, and it considers publicly available data from international and regional human rights mechanisms, Front Line Defenders, the Business and Human Rights Resource Centre, Global Witness and other civil society organizations.<sup>34</sup>

40. In 2019, OHCHR recorded the killing of 281 human rights defenders, including 38 women human rights defenders, and a total of 35 countries registered the killing of at least one human rights defender.<sup>35</sup>

41. Between 2015 and 2019, OHCHR recorded 1,323 killings of defenders, including 166 women and 22 young human rights defenders. OHCHR also tracked 45 lesbian, gay, bisexual, transgender and intersex defenders killed between 2015 and 2019. In that same period, the region of Latin America and the Caribbean consistently recorded the highest numbers of defenders killed, with 933 of the 1,323 total killings reported during those years. Killings of human rights defenders were observed in Colombia (397), Brazil (174), Mexico (151), Honduras (73), Guatemala (65), Peru (24), Nicaragua (14), Venezuela (Bolivarian Republic of) (14), El Salvador (10), Argentina (3), Chile (2), Ecuador (2), Belize (1), Bolivia (Plurinational State of) (1), Costa Rica (1) and Haiti (1). OHCHR also observed elevated numbers of such killings in the Philippines (173), India (53) and Iraq (30) during the same period.

42. The Special Rapporteur wishes to stress that the killing of any human rights defender is a tragedy for their loved ones, a tragedy for the building of just societies, a very serious attack on civic space and an indelible stain on the relevant Government's commitment to implement the Declaration on Human Rights Defenders.

### **Civil society sources on killings of human rights defenders**

43. In recent years, NGOs and others have also reported a consistent pattern of hundreds of human rights defenders being killed every year for their work.

44. The human rights defender memorial project organized by Front Line Defenders recorded 319 killings of human rights defenders in 2019.<sup>36</sup> Global Witness recorded the killings of 212 land and environmental defenders in the same period.<sup>37</sup> Both sources also identified Latin America as the worst-affected region, with the highest number of killings in 2019 having been registered, in descending order of prevalence, in Colombia, Honduras, Brazil and Mexico, according to Front Line Defenders.<sup>38</sup> In addition, Global Witness reported that 2019 was the most dangerous year on record for environmental human rights defenders, with Colombia and the Philippines recording half of all killings of environmentalists.<sup>39</sup>

45. There are a range of other national initiatives compiling data. Somos Defensores reported 124 defenders killed in Colombia in 2019.<sup>40</sup> Asociación para una Ciudadanía

<sup>34</sup> Member States, through the Inter-Agency and Expert Group on Sustainable Development Goal indicators, have approved the methodological and data-collection framework of this indicator, which is currently classified as a tier II indicator. The metadata is available at <https://unstats.un.org/sdgs/metadata/files/Metadata-16-10-01.pdf>.

<sup>35</sup> Afghanistan, Algeria, Bangladesh, Bolivia (Plurinational State of), Brazil, Burkina Faso, Cambodia, China, Colombia, Costa Rica, Democratic Republic of the Congo, Ecuador, El Salvador, Ghana, Guatemala, Haiti, Honduras, India, Indonesia, Iraq, Kazakhstan, Kenya, Mexico, Mozambique, Pakistan, Peru, Philippines, Russian Federation, South Africa, Syrian Arab Republic, Uganda, Ukraine, United Arab Emirates, United Kingdom and Venezuela (Bolivarian Republic of).

<sup>36</sup> Front Line Defenders, *Global Analysis 2019*.

<sup>37</sup> Global Witness, *Defending Tomorrow: The Climate Crisis and Threats against Land and Environmental Defenders* (July 2020). The 2019 Inter-American Commission on Human Rights report on human rights for indigenous peoples in the Pan-Amazon region also recorded the killings of 321 human rights defenders across 27 countries in 2018 ([www.oas.org/es/cidh/informes/pdfs/Panamazonia2019.pdf](http://www.oas.org/es/cidh/informes/pdfs/Panamazonia2019.pdf) (in Spanish)).

<sup>38</sup> Front Line Defenders, *Global Analysis 2019*.

<sup>39</sup> Global Witness, *Defending Tomorrow*, p. 8.

<sup>40</sup> Somos defensores, *Informe Anual 2019* (2020), p. 5.

Participativa noted the murders of 29 human rights defenders in Honduras in 2019,<sup>41</sup> while Centro Mexicano de Derecho Ambiental recorded the killings of 15 environmental defenders in Mexico that year.<sup>42</sup> In Guatemala, the organization Unidad de Protección a defensoras y defensores de Derechos Humanos de Guatemala reported the killing of 15 human rights defenders in the same year.<sup>43</sup> The Asian Forum for Human Rights and Development reported 52 killings of human rights defenders in 11 Asian countries from 1 January 2019 to 30 June 2020.<sup>44</sup>

46. In some regions, civil society's capacity to record and document killings is low and/or they face serious obstacles due to the lack of a safe and enabling environment. Often human rights defenders are not recognized by communities or governments – or even by themselves – as defenders, although those who do not identify as defenders can still be defenders. This helps to explain why some killings of defenders might not be included in the total of human rights defender deaths.

47. Despite the underreporting of deaths, the Special Rapporteur concludes – on the basis of the available data collected, documented and verified by the United Nations and civil society on the killings of defenders, and the monitoring done by the mandate holder through the communications procedures – that hundreds of human rights defenders are killed every year as a direct result of their peaceful human rights work.<sup>45</sup>

48. The Special Rapporteur notes that standardized data on killings would be welcome, as suggested in the new regional action plan for human rights defenders of the Asia-Pacific Forum on National Human Rights Institutions, which encourages national human rights institutes to collect such data.

## V. Threats

49. Testimonies of human rights defenders and civil society actors that were shared with the mandate holder, together with data built up over many years, primarily from civil society, suggest that the killings of defenders are often preceded by signs or forewarnings. Many human rights defenders report that they and their work are often demonized and stigmatized, smeared in the press and otherwise attacked, leaving them vulnerable to physical attacks or murder.

50. Killings of defenders may also be presaged by online and offline threats, including death threats. Front Line Defenders reports that 113 killings of human rights defenders in 2019 displayed a previous history of threats and that where information is available, 85 per cent of those killings were preceded by a direct threat to the defender killed or to another defender in the area.<sup>46</sup>

<sup>41</sup> Asociación para una Ciudadanía Participativa, *Honduras: Mordaza, Cárcel y Muerte para DDH – Informe situacional DDH 2019* (November 2019).

<sup>42</sup> Centro Mexicano de Derecho Ambiental, *Informe sobre la Situación de las Personas Defensoras de los Derechos Humanos Ambientales: México, 2019* (Mexico City, March 2020).

<sup>43</sup> Unidad de Protección a Defensoras y Defensores de Derechos Humanos de Guatemala, *Informe de Situación de Personas Defensoras de Derechos Humanos, Guatemala 2019 y parte del 2020* (May 2020).

<sup>44</sup> See Asian Forum for Human Rights and Development database. Available at <https://asianhrds.forum-asia.org>.

<sup>45</sup> The killing of journalists is a related, but separate, issue. On 2 November 2020, the Director-General of the United Nations Educational, Scientific and Cultural Organization noted that in the period 2010 to 2019, close to 900 journalists had been killed while doing their jobs, and that most had not been killed in conflict zones (United Nations, “Targeting journalists takes a toll on ‘societies as a whole’ – UN chief”, 2 November 2020). The United Nations Educational, Scientific and Cultural Organization is collaborating with OHCHR in the compilation of data on Sustainable Development Goal indicator 16.10.1, and in the implementation of the United Nations Plan of Action on the Safety of Journalists and the Issue of Impunity.

<sup>46</sup> See submission of Front Line Defenders, p. 9. Available at [www.ohchr.org/Documents/Issues/Defenders/CFI\\_killings/submissions/civil-societies/cso-fl-d-eng-y.pdf](http://www.ohchr.org/Documents/Issues/Defenders/CFI_killings/submissions/civil-societies/cso-fl-d-eng-y.pdf).

51. Understanding the threats against defenders becomes important for prevention and protection purposes. While there are data on the numbers of killings, it is more challenging to record and document threats, as well as hard data on patterns of the escalations that lead from threats to killings.

52. There are various reasons for this, including the greater volume of threats and the fact that some of them are context-specific, indirect or general, among other reasons. For example, the International Service for Human Rights has noted that in Colombia, the fact that there are different ways of defining who a human rights defender is complicates the recording of threats and attacks against defenders and makes it difficult to produce a consistent set of data.<sup>47</sup> In addition, it may be that the legal definition and understanding of “threat” needs to be altered to reflect the limits of data collection and the filing of complaints, when definitions fail to reflect the diversity of the type of threats that human rights defenders can face.

53. On every continent, in cities and the countryside, in democracies and dictatorships, Governments and other forces threatened and killed human rights defenders. From 1 January 2019 until 30 June 2020, the Special Rapporteur sent 41 communications on death threats against defenders to Member States and non-State actors, in all regions of the world.<sup>48</sup>

54. Human rights defenders have reported a vast range of types of death threats to the Special Rapporteur. Defenders report that threats can be veiled or explicit, individual or collective. Many are followed by murder. The protection of environmental human rights defenders, including indigenous peoples’ leaders and defenders, is inherently linked to the protection of their communities and peoples. It can only be fully achieved in the context of a holistic approach that includes the strengthening of democratic institutions, the fight against impunity, a reduction in economic inequality and equal access to justice.<sup>49</sup>

55. Threats are shouted in person, posted on social media, delivered in phone calls or text messages, or in written notes pushed under a door. Human rights defenders are threatened by being included on published hit lists, receiving a message passed through an intermediary or having their houses graffitied. Some are sent pictures through the mail showing that they or their families have been under long-term surveillance, while others are told their family members will be killed.

56. Many defenders have reported to the Special Rapporteur that threats are debilitating in themselves. They have a damaging emotional impact, leaving the recipient in a state of constant fear and seriously affecting the well-being of those defending human rights. Threats are themselves a human rights violation and can also be considered acts of torture.<sup>50</sup>

57. Some defenders are more directly threatened by public officials or others in power. On 13 April 2020, the head of Chechnya, Russian Federation, Ramzan Kadyrov posted a video on Instagram in which he issued a death threat aimed at Russian journalist Elena Milashina.<sup>51</sup> The threat followed the publication of an article she wrote about the spread of the COVID-19 pandemic in Chechnya. Ms. Milashina had also been threatened for her work in 2015.<sup>52</sup> In April 2019, during a hearing on human rights in connection with the universal

<sup>47</sup> International Service for Human Rights, *Has the Declaration Made a Difference to the Lives of Defenders? An Analysis of the Implementation of the UN Declaration on Human Rights Defenders in Colombia and Tunisia* (2018), p. 6.

<sup>48</sup> See communications IRN 1/2019, COL 1/2019, TUN 2/2019, IDN 4/2019, BRA 6/2019, OTH 16/2019, COD 1/2019, PAK 2/2019, ARM 2/2019, MUS 2/2019, HND 2/2019, CHN 9/2019, CMR 3/2019, BGD 3/2019, PAK 4/2019, URY 1/2019, COL 5/2019, GTM 5/2019, ITA 6/2019, THA 6/2019, MWI 3/2019, COD 4/2019, PAK 6/2019, DZA 3/2019, NIC 5/2019, ISR 12/2019, CUB 5/2019, NDL 3/2019, IDN 7/2019, CMR 5/2019, MDV 1/2019, PHL 6/2019, TUN 6/2019, IND 1/2020, MRT 1/2020, COL 2/2020, VEN 5/2020, NGA 3/2020, CRI 1/2020, AGO 1/2020 and MEX 7/2020.

<sup>49</sup> See Human Rights Council resolution 40/11.

<sup>50</sup> See Inter-American Court of Human Rights, *Maritza Urrutia v. Guatemala*, Judgment, 27 November 2003.

<sup>51</sup> Committee to Protect Journalists, “Chechen leader threatens journalist Elena Milashina over COVID-19 reporting”, alert dated 15 April 2020. See also CCPR/C/RUS/Q/8.

<sup>52</sup> Amnesty International, “Russian Federation: death threats against Russian journalist: Elena Milashina”, urgent action (11 June 2015).

periodic review, Lilit Martirosyan – a transgender woman human rights defender and president of the human rights organization Right Side – addressed the parliament of Armenia to highlight issues of equality, non-discrimination, the human rights situation and attacks against lesbian, gay, bisexual, transgender and intersex persons. A member of the parliament publicly called for her to be burned alive.<sup>53</sup>

## A. Context

58. Threats can take different forms, depending on the region and context, and need to be understood in the framework of the given cultural and societal context. Some defenders have told the Special Rapporteur that they interpret the kidnapping of themselves or their family members as death threats. In Iraq, the posting of pictures online of defenders with foreign diplomats was interpreted as a threat, as were attacks on the homes of human rights defenders with sound grenades.

59. The Special Rapporteur has noted that in the Philippines, being “tagged” as “red”, or communist, is a serious threat to defenders, and that some defenders who have been so tagged have been murdered.<sup>54</sup> In her 2020 report on the situation of human rights in the Philippines, the United Nations High Commissioner for Human Rights noted that for decades, red-tagging – labelling individuals and groups as communists or terrorists – has been a persistent and powerful threat to civil society and freedom of expression.<sup>55</sup>

60. Red-tagging is just one example of context-specific death threats. Human rights defenders have also reported incidents in which threats have been made against them, their colleagues and their organizations through symbolic actions or gestures. Some examples include a bullet being left on a dining room table in their home; a coffin being delivered to the office of an NGO; edited pictures of them being posted on Twitter, showing them having been attacked with axes or knives; and an animal head being tied to the door of their organization’s office.<sup>56</sup>

61. Defenders explain that a pattern of behaviour can also signal an imminent attack: for example, when a certain unit of security force appears in the community, or when other human rights defenders in the vicinity are attacked. As Protection International notes, there are also cases of indirect threats, when a defender close to your work is threatened and there are reasons to believe that you might be threatened next.<sup>57</sup>

62. On the basis of information gathered through online interviews with defenders since 1 May 2020, and in submissions received under the mandate, the Special Rapporteur concludes that online and offline abuse of defenders is common.<sup>58</sup>

63. During the 2019 Dublin Platform for human rights defenders at-risk, held from 2 to 4 October 2019, Front Line Defenders conducted a survey of 74 defenders. A total of 90 per cent of respondents (97 per cent of women defenders, and 86 per cent of male defenders) had experienced threats, smear campaigns and verbal abuse in the previous two years.

64. The Special Rapporteur has received testimonies from multiple defenders indicating that killings and attempted killings are often the culmination of a series of acts involving abuse, vilification and threats. One described it as “a sliding scale of escalating attacks.”

<sup>53</sup> Communication ARM 2/2019. See also Amnesty International, *Human Rights in Eastern Europe and Central Asia – Review of 2019* (London, 2020), p. 7.

<sup>54</sup> Communication PHL 5/2020.

<sup>55</sup> A/HRC/44/22, para. 49.

<sup>56</sup> From direct testimony to the Special Rapporteur.

<sup>57</sup> Protection International, *Protection of Human Rights Defenders: Best Practices and Lessons Learnt* (2012), p. 140.

<sup>58</sup> A/HRC/38/47, para. 28. See also American Bar Association Center for Human Rights, *Invisible Threats: Online Hate Speech against Human Rights Defenders in Guatemala* (Washington, D.C., 2019).

## B. Gender-based threats

65. Defenders advocating for lesbian, gay, bisexual, transgender and intersex rights, and women and transgender human rights defenders are often attacked with gendered threats. The Special Rapporteur notes that many threats are gendered, and that specific types of threats are made against women and transgender human rights defenders. In his 2019 report to the Human Rights Council, the previous mandate holder discussed the particular risks and threats facing women human rights defenders. He noted that women human rights defenders whose actions were perceived as challenging patriarchal and heteronormative systems tended to face threats and attacks, as they questioned understandings about women's identity and their place and role that were taken for granted, and disrupted gendered power relations.<sup>59</sup>

66. Some women human rights defenders may not want to report threats, including death threats, due to their highly defamatory nature, often involving women's personal lives, including their marital status, lifestyle and religious beliefs.

67. The following cases help illustrate the type of gendered threats faced by women human rights defenders and lesbian, gay, bisexual, transgender and intersex defenders.

68. On 18 January 2019, Fátima Mimbire, a woman human rights defender in Mozambique, received intimidating messages and death threats on social media. On 3 May 2019, Alice Tomás, a member of the parliament from the ruling party – the Political Committee of the Mozambique Liberation Front – posted on Facebook a message calling for Fatima to be raped by 10 strong and energetic men to teach her a lesson.<sup>60</sup>

69. Clara Devis is a trans woman human rights defender working in the area of sex-worker rights in the United Republic of Tanzania. She reported that in June 2020, while she was out of the house, two men broke into her home and brutally assaulted and raped two members of the lesbian, gay, bisexual, transgender and intersex community who had been staying with her. The defender reported that the attackers had inquired about her whereabouts and threatened to come back and repeat the assault if she did not stop her activism.<sup>61</sup> It is often difficult for lesbian, gay, bisexual, transgender and intersex rights defenders to report threats and attacks, and to access health care.

70. Lodya Remon Albarti is a defender working with the Al-Firdaws association to promote the rights of women and youth in Iraq.<sup>62</sup> In 2018, she was the victim of a defamation campaign, and was forced to relocate for several months, owing to fears for her safety. In January 2020, she received death threats following the publication of a photograph of her with the Consul General of the United States of America in Basrah, and she was forced to relocate again for another several months. On 17 August 2020, as she was leaving her house in Basrah, several unknown masked men in a car shot at her, and at two colleagues who were waiting for her in a car. She informed the police about the assassination attempt and an investigation into the incident was opened, but protection measures had not been put in place by the time a communication was sent to the Government of Iraq. Since the assassination attempt, she has been subjected to a defamation campaign and slander on social media.

## VI. Case studies

71. The cases below are illustrative examples of a recurrent pattern in the killing of human rights defenders, in which threats or even attempted assassinations precede the actual killing. They also showcase the type of death threats that human rights defenders from across all

<sup>59</sup> A/HRC/40/60, para. 29. For an analysis by the Asia Pacific Forum on Women, Law and Development of patriarchy, globalization, fundamentalism and militarism, see <https://apwld.org/about-us/our-analysis-on-patriarchy-and-globalisation-fundamentalism-and-militarism/>.

<sup>60</sup> Submission of Ms. Mimbire; and Amnesty International, *Turn the Page! A Human Rights Manifesto for Mozambican Political Parties and Candidates, October 2019 Election* (London, 2019), p. 13.

<sup>61</sup> Submission of Front Line Defenders.

<sup>62</sup> Communication IRQ 5/2020.

regions face. The examples are all taken from communications sent recently by the Special Rapporteur on the situation of human rights defenders, jointly with other mandate holders.

### A. Killings following threats

72. In March 2019, indigenous Bribri leader Sergio Rojas Ortiz was killed in Costa Rica. He had worked for more than four decades defending the rights of indigenous peoples against the illegal occupation of their territories. He had been repeatedly threatened over a number of years before his murder and had survived an assassination attempt in 2012 when a car he was in was shot at six times. At the time of his killing, he had been living alone to avoid putting his family at risk.<sup>63</sup>

73. On 11 September 2020, human rights defender Roberto Carlos Pacheco was shot dead by unknown attackers. He and his father, Demetrio Pacheco, who is a well-known environmental human rights defender, had been receiving threats since 2012 that were linked to their opposition to illegal mining in the Tambopata Reserve, Madre de Dios region, in the Amazon in Peru. Over the years, they had been beaten up and threatened at gunpoint. In 2017, a bullet was left on Demetrio's dining room table and Roberto had a gun pointed at him by attackers.<sup>64</sup>

74. In July 2019, the NGO Karapatan in the Philippines received a text message from an unknown individual containing a death threat against Zara Alvarez, a woman human rights defender on its staff. In April 2020, a text message was sent to Ms. Alvarez, purportedly from State security forces, harassing her after she had distributed rice to impoverished members of her community during lockdowns enforced in the context of the COVID-19 pandemic. On 17 August 2020, she was shot dead on the street in Bacolod City.<sup>65</sup> She had previously been red-tagged, and de facto named as a terrorist by the Department of Justice.<sup>66</sup>

### B. Death threats

75. On 29 January 2019, Cacique Babau, an indigenous leader and human rights defender from Brazil, received information from a confidential source about a plan to assassinate him and at least four of his relatives, namely three of his brothers and one of his nieces. Reportedly, the plan was developed in a meeting with local farmers and representatives of civil and military police.<sup>67</sup> Mr. Babau has been formally included in the Government's programme for the protection of human rights defenders.<sup>68</sup> However, he apparently still faces severe threats in his community, and no investigation was opened into the alleged assassination threats.

76. Elvis Brown is legal advisor at OFFGO, an NGO in Cameroon. He reported receiving threats since 2017. During 2018, the threats were also focused on his children. On 19 February 2019, he was kidnapped from his home and released two hours later.<sup>69</sup> His younger brother Roderick was then kidnapped from the family home by two men and tortured on 16 May 2019. He also reported that the kidnappers had threatened to kidnap Mr. Brown's wife and children. According to the information received by the Special Rapporteur, in October 2019 he was attacked in his home by gunmen, and his security guard was also attacked in a separate incident. On 27 March 2020, Mr. Brown's brother-in-law was shot twice in the leg in the presence of Mr. Brown. When leaving, the armed men told Mr. Brown that it was a warning message.

77. Many defenders experience multiple threats. Jani Silva is a woman and environmental human rights defender in Colombia. In January 2020, an unidentified person followed her

<sup>63</sup> Communication CRI 1/2019.

<sup>64</sup> Communication PER 9/2020.

<sup>65</sup> Communication PHL 5/2020.

<sup>66</sup> Communication PHL 5/2018.

<sup>67</sup> Communication BRA 6/2019.

<sup>68</sup> See State response to communication BRA 6/2019, dated 16 August 2019.

<sup>69</sup> Communication CMR 3/2019.

home and to her workplace. In May 2020, it was revealed that she was among at least 130 people under illegal digital surveillance by army cyberintelligence.<sup>70</sup> In July 2020, the organization Comisión Intereclesial de Justicia y Paz received information that an armed group was planning to kill Ms. Silva. Because of the threats, dating back to 2017, Ms. Silva has personal protection provided by the State, which includes a conventional vehicle and two security people. In addition, she has been assigned a mobile telephone and a bulletproof vest.<sup>71</sup>

## VII. Responses to threats and killings and responsibilities

### A. States

78. The Special Rapporteur recognizes and welcomes the steps taken by some States, which have passed national laws designed to protect human rights defenders. The following table, produced by the International Service for Human Rights in November 2020, outlines a range of laws, regulations, protocols and mechanisms for the protection of human rights defenders. It reflects the ongoing efforts to the best of the organization's knowledge; however, there may be other examples, or updates to the present ones. The table should therefore not be considered to be a fully exhaustive list.

#### Laws, regulations, protocols and mechanisms for the protection of human rights defenders

<i>Country</i>	<i>Law, regulation, protocol or mechanism</i>
Brazil	<p>Programme for the protection of human rights defenders of the Secretariat of Human Rights of the Presidency of the Republic. Decree No. 6.044, 12 February 2007. National Policy for the Protection of Human Rights Defenders</p> <p>Available at <a href="http://www.camara.leg.br/proposicoesWeb/prop_mostrarintegra;jsessionid=8D802A88BEBDC2E6B2BFF0EA3083843B.proposicoesWebExterno1?codteor=702658&amp;filename=PL+4575/2009">www.camara.leg.br/proposicoesWeb/prop_mostrarintegra;jsessionid=8D802A88BEBDC2E6B2BFF0EA3083843B.proposicoesWebExterno1?codteor=702658&amp;filename=PL+4575/2009</a></p> <p>Decree No. 9,937 of 24 July 2019</p> <p>Available at <a href="http://www.planalto.gov.br/ccivil_03/_Ato2019-2022/2019/Decreto/D9937.htm">www.planalto.gov.br/ccivil_03/_Ato2019-2022/2019/Decreto/D9937.htm</a></p>
Burkina Faso	<p>Law No. 039-2017/AN on the protection of human rights defenders in Burkina Faso</p> <p>Available at <a href="http://www.refworld.org/docid/5d42bc664.html">www.refworld.org/docid/5d42bc664.html</a></p>
Colombia	<p>Decree No. 4,065 of 2011 – Creation of the National Protection Unit</p> <p>Available at <a href="http://www.ishr.ch/sites/default/files/documents/colombian_law.pdf">www.ishr.ch/sites/default/files/documents/colombian_law.pdf</a></p> <p>Interior Ministry resolution 1,085 of 21 August 2015 issuing the protocol for the implementation of the Collective Protection Roadmap within the prevention and protection programme of the Interior Ministry and the National Protection Unit</p> <p>Available at <a href="http://www.unp.gov.co/wp-content/uploads/2018/05/resolucion-1085-de-2015-mininterior.pdf">www.unp.gov.co/wp-content/uploads/2018/05/resolucion-1085-de-2015-mininterior.pdf</a></p>

<sup>70</sup> Communication COL 5/2020. See also Semana, “Las carpetas secretas”, 5 January 2020.

<sup>71</sup> Amnesty International, “Colombia: further information: protect human rights defender at risk”, 8 July 2020. See also communication COL 5/2020; Comisión Intereclesial de Justicia y Paz, “Nuevos planes para atentar contra lideresa Jani Silva”, 2 July 2020; and Comisión Intereclesial de Justicia y Paz, “Riesgo de ataque en contra de lideresa Jani Silva”, 26 March 2020.

Country	Law, regulation, protocol or mechanism
Côte d'Ivoire	<p>Law No. 2014-388 of 20 June 2014 on the promotion and protection of human rights defenders</p> <p>Available at <a href="http://ci-ddh.org/wp-content/uploads/2014/08/Loi-N%C2%B0-2014-388-du-20-Juin-2014-portant-pro-motion-et-protection-des-d%C3%A9fenseurs-des-droits-de-l'Homme.pdf">http://ci-ddh.org/wp-content/uploads/2014/08/Loi-N%C2%B0-2014-388-du-20-Juin-2014-portant-pro-motion-et-protection-des-d%C3%A9fenseurs-des-droits-de-l'Homme.pdf</a></p> <p>Decree No. 2017-121 of 22 February 2017 on the application of Law No. 2014-233 of 20 June 2014 on the promotion and protection of human rights defenders</p> <p>Available at <a href="http://www.ishr.ch/sites/default/files/documents/ci_adopted_decree_2017-121_du_22_feb_2017_promotion_et_protection_des_.pdf">www.ishr.ch/sites/default/files/documents/ci_adopted_decree_2017-121_du_22_feb_2017_promotion_et_protection_des_.pdf</a></p>
Democratic Republic of the Congo	<p>Several texts submitted to Parliament:</p> <p><i>Senate</i>: Bill on the protection and responsibility of human rights defenders</p> <p>Available at <a href="http://www.ishr.ch/sites/default/files/documents/loi_protection_ddh_adoptee_par_senat.pdf">www.ishr.ch/sites/default/files/documents/loi_protection_ddh_adoptee_par_senat.pdf</a></p> <p><i>National Assembly</i>: Bill on the protection and activities of human rights defenders</p> <p>Available at <a href="http://www.ishr.ch/sites/default/files/documents/loi_ddh_-_version_la_plus_recente.pdf">www.ishr.ch/sites/default/files/documents/loi_ddh_-_version_la_plus_recente.pdf</a></p> <p><i>National human rights institution</i>: Bill on the protection and responsibility of human rights defenders</p> <p>Available at <a href="http://www.ishr.ch/sites/default/files/documents/proposition_de_loi_relative_a_la_protection_et_a_la_responsabilite_texte_harminise.pdf">www.ishr.ch/sites/default/files/documents/proposition_de_loi_relative_a_la_protection_et_a_la_responsabilite_texte_harminise.pdf</a></p> <p><i>Edict</i>: Edict No. 001-2016 of 10 February 2016 on the protection of human rights defenders and journalists in South Kivu</p> <p>Available at <a href="http://www.protectioninternational.org/wp-content/uploads/2016/02/edit.pdf">www.protectioninternational.org/wp-content/uploads/2016/02/edit.pdf</a></p> <p><i>Edict</i>: Edict No. 001/2019 of October 2019 on the protection of human rights defenders in North Kivu</p> <p>Available at <a href="http://www.ishr.ch/sites/default/files/documents/edit_portant_protection_des_defenseurs_des_droits_humains_au_nord-kivu.pdf">www.ishr.ch/sites/default/files/documents/edit_portant_protection_des_defenseurs_des_droits_humains_au_nord-kivu.pdf</a></p>
Guatemala	<p>Agreement on the creation of an analysis body (2008)</p> <p>Available at <a href="http://acuddeh.org/IMG/pdf/rtu_proteccion_defensores_vol1.pdf">http://acuddeh.org/IMG/pdf/rtu_proteccion_defensores_vol1.pdf</a> (Annex 8)</p> <p>National Prevention and Protection Policy for Human Rights Defenders and Other Vulnerable Groups (2009)</p> <p>Available at <a href="http://acuddeh.org/IMG/pdf/rtu_proteccion_defensores_vol1.pdf">http://acuddeh.org/IMG/pdf/rtu_proteccion_defensores_vol1.pdf</a> (Annex 7)</p>
Honduras	<p>Law for the Protection of Human Rights Defenders, Journalists, Social Communicators and Justice Workers (2015)</p> <p>Available at <a href="https://irb-cisr.gc.ca/en/country-information/research/Pages/honduras-attach.aspx">https://irb-cisr.gc.ca/en/country-information/research/Pages/honduras-attach.aspx</a></p>

Country	Law, regulation, protocol or mechanism
Mali	<p>Law No. 2018-003 of 12 January 2018 relating to human rights defenders</p> <p>Available at <a href="http://www.ishr.ch/sites/default/files/documents/mali_loi_relative_aux_ddh.pdf">www.ishr.ch/sites/default/files/documents/mali_loi_relative_aux_ddh.pdf</a></p> <p>Decree No. 2020-0087 of 18 February 2020 on the implementation of the Law relating to human rights defenders</p> <p>Available at <a href="http://www.ishr.ch/sites/default/files/documents/decret_ndeg2020-0087_fixant_les_modalites_dapplication_de_la_loi_relative_aux_defenseurs_des_droits_de_lhomme_0.pdf">www.ishr.ch/sites/default/files/documents/decret_ndeg2020-0087_fixant_les_modalites_dapplication_de_la_loi_relative_aux_defenseurs_des_droits_de_lhomme_0.pdf</a></p>
Mexico	<p>Law for the Protection of Human Rights Defenders and Journalists 2012</p> <p>Available at <a href="http://www.ishr.ch/sites/default/files/documents/mexico_human_rights_defender_law_2012.pdf">www.ishr.ch/sites/default/files/documents/mexico_human_rights_defender_law_2012.pdf</a></p> <p>Regulations for the Law for the Protection of Human Rights Defenders and Journalists of 2012</p> <p>Available at <a href="http://www.ishr.ch/sites/default/files/documents/reglam_de_la_ley_para_la_proteccion_de_personas_defensoras_.pdf">www.ishr.ch/sites/default/files/documents/reglam_de_la_ley_para_la_proteccion_de_personas_defensoras_.pdf</a></p> <p>Bill on the respect, protection, guarantee and promotion of the rights of Human Rights Defenders (not adopted)</p> <p>Available at <a href="http://acuddeh.org/IMG/pdf/ini_lg_periodistas_y_defensores_de_ddhh-final.pdf">http://acuddeh.org/IMG/pdf/ini_lg_periodistas_y_defensores_de_ddhh-final.pdf</a>; <a href="http://sitl.diputados.gob.mx/LXIV_leg/iniciativaslxiv.php?comt=39&amp;tipo_turnot=1&amp;edot=T">http://sitl.diputados.gob.mx/LXIV_leg/iniciativaslxiv.php?comt=39&amp;tipo_turnot=1&amp;edot=T</a></p>
Peru	<p>Protocol for the Protection of Human Rights Defenders in Peru 2019</p> <p>Available at <a href="https://cdn.www.gob.pe/uploads/document/file/310740/RM_159_2019_JUS.pdf">https://cdn.www.gob.pe/uploads/document/file/310740/RM_159_2019_JUS.pdf</a></p>

79. The Special Rapporteur notes that, at the time of writing, legislation designed to protect human rights defenders is also pending in Mongolia and the Philippines.<sup>72</sup>

80. Various Governments have established national protection mechanisms to protect defenders, with varying degrees of success. In October 2020, the Government of Colombia indicated that it had 1,235 defenders currently under protection in its national protection unit.<sup>73</sup>

81. Some States and other entities have produced guidelines for supporting human rights defenders. European Union guidelines on protecting human rights defenders were adopted under the presidency of the Government of Ireland in 2004, updated in 2008, and are currently being updated again.<sup>74</sup> In February 2005, Norway finalized and distributed to its embassies its own guidelines on supporting human rights defenders.<sup>75</sup> According to the 2008 European Union guidelines on human rights defenders, European Union missions should

<sup>72</sup> OHCHR, “UN expert calls on Mongolia to adopt law protecting human rights defenders”, 1 December 2020. See also International Service for Human Rights, “Philippines: human rights defender protection law passes three readings in the House of Representatives”, 7 June 2019.

<sup>73</sup> Submission of the Government of Colombia. Available at [www.ohchr.org/Documents/Issues/Defenders/CFI\\_killings/submissions/states/colombia-sp-y.pdf](http://www.ohchr.org/Documents/Issues/Defenders/CFI_killings/submissions/states/colombia-sp-y.pdf).

<sup>74</sup> European Union, *Ensuring protection – European Union Guidelines on Human Rights Defenders* (2008).

<sup>75</sup> Norwegian Ministry of Foreign Affairs, *Norway’s Efforts to Support Human Rights Defenders: Guide for the Foreign Service* (December 2010).

address the situation of human rights defenders in their reporting, noting in particular the occurrence of any threats or attacks against them.<sup>76</sup>

82. Other guidelines include those produced by Canada,<sup>77</sup> Finland,<sup>78</sup> the Netherlands,<sup>79</sup> Switzerland,<sup>80</sup> the United Kingdom<sup>81</sup> and the United States.<sup>82</sup>

83. The previous mandate holder noted in 2016, in relation to communications sent under the mandate in previous years on fatal cases of human rights defenders working on the environment in Latin America, that in the vast majority of the fatal cases, the victims had previously reported threats and intimidation, but they had not received adequate protection despite a prominent decision by the Inter-American Court of Human Rights.<sup>83</sup>

84. The Special Rapporteur is aware that many States are failing in their obligations to protect defenders, which is evidenced by the consistently high number of killings of defenders every year. The specific mechanisms for protecting defenders set up by countries are often underresourced, and their performance is often criticized by defenders. In a 2017 review of State protection mechanisms for human rights defenders in the Americas, Amnesty International assessed protection mechanisms in Colombia, Guatemala, Honduras and Mexico. It found that although the schemes had saved lives, there was much room for improvement, noting an often poor response to death threats.<sup>84</sup>

85. An NGO ARTICLE 19 highlights the problem of government officials smearing human rights defenders. It stresses that public officials at all levels must cease denigrating defenders, including through the use of misogynistic language to discredit women journalists. They must publicly condemn all attacks against human rights defenders, including gender-based violence, online attacks, sexual harassment and abuse.<sup>85</sup>

## B. Business and other investors

86. In 2019, the Business and Human Rights Resource Centre tracked 572 attacks against human rights defenders focused on business-related activities.<sup>86</sup>

87. A number of NGOs, including the Business and Human Rights Resource Centre, offer practical guidance for businesses and investors to better respond to the concerns of human rights defenders.

88. FMO, an entrepreneurial development bank from the Netherlands, has committed to improving its pre-investment due diligence activities to look systematically at contextual risks, including risks to human rights defenders, in the countries and sectors it invests in, and

<sup>76</sup> European Union, *Ensuring protection – European Union Guidelines on Human Rights Defenders*.

<sup>77</sup> Government of Canada, *Voices at Risk: Canada’s Guidelines on Supporting Human Rights Defenders* (Ottawa, 2019).

<sup>78</sup> Ministry for Foreign Affairs of Finland, *Protecting and Supporting Human Rights Defenders – Public Guidelines of the Foreign Ministry of Finland on the Implementation of the European Union Guidelines on Human Rights Defenders* (November 2014).

<sup>79</sup> Government of the Netherlands, Ministry for Foreign Affairs, *Action Plan for Human Rights Defenders* (2014).

<sup>80</sup> Switzerland, Federal Department of Foreign Affairs, *Swiss Guidelines on Human Rights Defenders* (Bern, 2019).

<sup>81</sup> United Kingdom, Foreign and Commonwealth Office, *UK Support for Human Rights Defenders* (July 2019).

<sup>82</sup> United States Department of State, Bureau of Democracy, Human Rights and Labor, *U.S Support for Human Rights Defenders – Fact Sheet* (January 2017).

<sup>83</sup> A/71/281, para. 34. See also Inter-American Court of Human Rights, *Kawas-Fernández v. Honduras*, Judgment, 3 April 2009.

<sup>84</sup> Amnesty International, “Americas: State protection mechanisms for human rights defenders” (17 May 2017).

<sup>85</sup> Submission of Article 19. Available at [www.ohchr.org/EN/Issues/SRHRdefenders/Pages/CFI-killings-human-rights-defenders.aspx](http://www.ohchr.org/EN/Issues/SRHRdefenders/Pages/CFI-killings-human-rights-defenders.aspx).

<sup>86</sup> Business and Human Rights Resource Centre, *Safeguarding Human Rights Defenders: Practical Guidance for Investors* (New York, April 2020).

to implement early-warning screening for risks to human rights defenders prior to investing.<sup>87</sup> The International Finance Corporation of the World Bank Group has issued a statement stressing the principle of zero tolerance on reprisals, and more recently, it has issued guidance in the context of the COVID-19 pandemic.<sup>88</sup> In 2020, Del Monte Pacific Limited published a report, in which it stated that it would not tolerate threats, harassment or attacks against human rights and environmental defenders. It further noted that its stakeholders had to be able to engage freely with the company and its business partners, whether to provide feedback or to raise concerns. In addition, it stated that it would act to prevent and respond to any instance of reprisals, and it expected its business partners to do the same.<sup>89</sup>

89. The Adidas Group has also recognized the importance of protecting human rights defenders, and it publicly declared that it would raise the cases of targeted defenders with Governments in cases where there were credible reports of a human rights defender being threatened, intimidated or detained by the police or by government officials. It also has a third-party complaint process, in which breaches of human rights that are linked to the company's operations, products or services can be raised.<sup>90</sup>

90. The Special Rapporteur encourages initiatives such as those above, and also notes that they are the exception rather than the general rule.

91. She again welcomes the input to the present report that was submitted by businesses and international financial institutions. She also notes that while a growing number of companies and international financial institutions have human rights policies covering due diligence and free, prior and informed consent, few have public policies specifically addressing the protection of human rights defenders.

### C. International non-governmental organizations

92. International NGOs and donors provide a range of support to human rights defenders who received death threats, including providing emergency grants to enable defenders to escape immediate danger, giving awards to defenders to increase their visibility, and pursuing a variety of diplomatic tools to try and prevent attacks on defenders who have been threatened.

93. International NGOs provide a range of security measures, including digital and physical risk assessments, wireless alarm systems, video intercom and closed circuit television (CCTV) cameras. They can also reinforce windows with armour film, and can offer temporary and permanent relocation grants.

94. Human rights defenders have told the Special Rapporteur that the recognition of winning an international award for their work helps protect them, as does the visibility of media coverage.

95. The Special Rapporteur is unable to respond to many of the reports she receives from defenders who have been targeted with death threats. A combination of a lack of resources in OHCHR dedicated to support the Special Rapporteur, and the length of the OHCHR process in responding to threats, means that it is not possible to react promptly under the mandate. This results in slow responses to information from defenders about threats they receive, and sometimes no response at all, which is a matter of deep frustration to the Special Rapporteur.

<sup>87</sup> FMO, *Human Rights: An Integral Part of Our Investment Approach* (2018).

<sup>88</sup> International Finance Corporation, "IFC position statement on retaliation against civil society and project stakeholders" (October 2018); and International Finance Corporation, "Tip sheet for IFC clients: preventing reprisals during COVID-19 pandemic – addressing increased risk of reprisals risk in the context of COVID-19" (2020).

<sup>89</sup> Del Monte Pacific Limited, *Sustaining Our Future* (Singapore, 2020), p. 39.

<sup>90</sup> Adidas Group, "The Adidas Group and human rights defenders" (2016); and Adidas Group, "Summary of third party complaint process".

## D. Human rights defenders

96. Human rights defenders report a range of actions they take upon receiving a death threat, including informing the local security authorities; publicizing the threat on social media; asking a foreign Government or United Nations official to visit them as a means of protection; informing regional offices of the United Nations, foreign embassies, and international and national NGOs; and taking legal action against perpetrators.

97. Many defenders tell the Special Rapporteur they believe that immediate, prominent media coverage of the threats is helpful for protection.

98. Some respond to death threats by organizing local protection mechanisms, including setting up networks of safe houses; checking in with colleagues at an established hour; establishing safe meeting places in advance; carrying a list of emergency numbers; and installing phone apps with high levels of security to use in emergencies. Newspaper editors in one country in Asia have a shared WhatsApp group to discuss collective responses when one of their journalists is threatened.

99. Some also recommend a holistic approach to prevention and protection, which includes broad, contextual risk analyses and psychosocial support mechanisms.

100. Some defenders relocate to a place of safety, although this is not always possible. Women human rights defenders often face particular challenges in relocating as they are often responsible for other family members. Human rights defenders have also told the Special Rapporteur that since the outbreak of the COVID-19 pandemic, travel restrictions have made it harder to relocate to safety.

101. Many defenders insist to the Special Rapporteur that the best response to threats should be defender-led and context-specific. For example, accompaniment plans need to be tailored according to gender, sexual identity, race, class and other factors. In the context of the pandemic, this is further complicated by the risk that those who accompany the defender could spread the virus to isolated communities.

102. Many defenders also recommend a differentiated approach, in which different tools are used to confront the different kinds of risks faced by different groups. They also highlight the need for collective approaches when the threats are experienced by communities of defenders.

## VIII. Conclusions and recommendations

### A. Conclusions

103. Many Governments are failing in their moral and legal obligations to prevent the killings of human rights defenders. This is primarily because of a lack of political will. States can and should intervene to prevent killings by responding more effectively to threats against human rights defenders. Such interventions include taking action to stop vilification and threats aimed at defenders, which make them more vulnerable to attacks. Businesses should also intervene when threats are made against defenders, in order to prevent them from escalating into attacks.

### B. Key recommendations

104. **States should:**

(a) **Meet their obligations to ensure that no human rights defenders are killed for their work;**

(b) **Ensure that State officials issue regular and public recognition of the value of the work of human rights defenders, and publicly denounce threats against them;**

(c) **Pass and enforce laws that specifically protect human rights defenders;**

(d) **Protect and enhance existing human rights defender protection mechanisms, and ensure that they are gender-sensitive;**

(e) **Ensure an enabling environment to protect human rights defenders, properly resource existing protection mechanisms, introduce such mechanisms where necessary and undertake further research on the effectiveness of such protection mechanisms, with a view to their improvement;**

(f) **Strengthen national collection of disaggregated data, analysis and reporting on the number of verified cases of killing, kidnapping, enforced disappearance, arbitrary detention, torture and other harmful acts against human rights defenders, in accordance with Sustainable Development Goal indicator 16.10.1, and do their utmost to make these data available to the relevant entities, in particular OHCHR;**

(g) **Support existing efforts to increase accountability for killings and other attacks on defenders, including through national-level criminal procedures and regional and international accountability mechanisms and commissions of inquiry, and ensure that authorities automatically pursue the human rights work of a human rights defender as a line of inquiry into the motivation for the killing when a defender is killed;**

(h) **Create commissions of inquiry or similar mechanisms to investigate when there is a sustained or a significantly increased number of killings of human rights defenders.**

105. **National human rights institutions should publicly document threats to and attacks on human rights defenders, and the institutions' responses to them.**

106. **OHCHR and other United Nations agencies should react faster to information on death threats to human rights defenders by increasing internal capacity at OHCHR dedicated to support the Special Rapporteur and by streamlining clearance procedures.**

107. **Academic bodies should gather empirical evidence to determine the correlation between decreases in the number of reported killings, threats and acts of violence, and specific changes in policy, e.g., the adoption of a national law or policy on the recognition and protection of human rights defenders, or increased resources to an existing protection mechanism.**

108. **Foreign embassies, in consultation with human rights defenders who receive threats, should publicly denounce the threats.**

109. **Businesses and international financial institutions should:**

(a) **Develop and publish human rights defender-specific policies, in consultation with human rights defenders, in order to better protect defenders;**

(b) **Commit to mandatory human rights standards and environmental due diligence.**

110. **Social media companies, in consultation with human rights defenders, should:**

(a) **Establish and publicize easy to access, public, rapid response mechanisms to remove threatening context;**

(b) **Close down accounts of those making the threats.**

111. **The Special Rapporteur notes that extensive recommendations for the protection of human rights defenders, including to States, businesses and international financial institutions, have been made repeatedly under the mandate, including some of those offered in the 2019 report to the Human Rights Council, focusing on impunity in relation to attacks on human rights defenders.<sup>91</sup>**

<sup>91</sup> A/74/159.

## C. Additional recommendations

### 112. States should:

- (a) Advance monitoring and reporting on Sustainable Development Goal indicator 16.10.1; respond to the Special Rapporteur's requests on follow-up to killings and threats, *inter alia*, by engaging with United Nations human rights mechanisms, in particular the universal periodic review; strengthen related data collection, including through partnerships with United Nations entities, civil society and other stakeholders; consider using Sustainable Development Goal indicator 16.10.1 as part of national monitoring and reporting on the situation of human rights defenders; and ensure that monitoring and reporting efforts include the digital, physical and psychological safety of human rights defenders, and incorporate gender-sensitive analysis;
- (b) Resource national human rights institutions to monitor the implementation of State human rights obligations, as well as responsibilities of non-State actors, including businesses, with respect to the rights of human rights defenders, including through systematic data collection and analysis;
- (c) Approach the protection of human rights defenders from a public policy angle to deal with root causes and exclusion;
- (d) Produce regular reports on killings, and ensure that progress is made on investigations into them;
- (e) Establish mechanisms to deal with smear campaigns in the media, both offline and online;
- (f) Intensify efforts to prevent excessive use of force by security forces;
- (g) Develop and implement guidelines on human rights defenders where they do not exist, as a matter of urgency;
- (h) Enable fast and efficient visa processing for human rights defenders who need to relocate;
- (i) Invite the Special Rapporteur and other relevant independent experts to conduct investigations into alleged violations against human rights defenders.

### 113. Businesses and international financial institutions should:

- (a) Invest in additional capacity to strengthen support for human rights defenders;
- (b) Acknowledge that land and environmental defenders and those defending indigenous peoples' rights are at specific risk.

### 114. Social media companies should:

- (a) Publicly recognize human rights defenders, condemn attacks against them and conduct substantial consultations with them;
- (b) Provide all necessary data to assist legal investigations into online threats;
- (c) Quickly and efficiently respond to requests to remove online threats;
- (d) Nominate points of contact for human rights defenders to easily access when they have requests to remove content.

### 115. States, businesses, NGOs and donors should support:

- (a) Local protection funds that allow for relocation both within and outside the country;
- (b) Programmes for self-protection and psychosocial support;
- (c) Projects on local protection and self-protection designed by defenders themselves and their local organizations;

- (d) **Mainstreaming support for defenders from vulnerable groups, including lesbian, gay, bisexual, transgender and intersex defenders;**
  - (e) **The development of holistic protection projects, including psychosocial support for human rights defenders.**
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