

THE DANISH
INSTITUTE FOR
HUMAN RIGHTS

SECURING
AN ENABLING
ENVIRONMENT
FOR HUMAN
RIGHTS
DEFENDERS

ENHANCING
ACCOUNTABILITY IN
THE 2030 AGENDA FOR
SUSTAINABLE
DEVELOPMENT





THE DANISH
INSTITUTE FOR
HUMAN RIGHTS

The Danish Institute for Human Rights (DIHR) is Denmark's national human rights institution. Its mandate is to promote and protect human rights and equal treatment in Denmark and abroad. The Human Rights and Business Department is a specialised unit within the DIHR focusing on the role of the private sector in respecting human rights.

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“Against a backdrop of rising ethno-nationalism, populism, authoritarianism and pushback against human rights in some countries, the crisis can provide a pretext to adopt repressive measures for purposes unrelated to the pandemic”.

Landmark report by UN Secretary General: Covid-19 and Human Rights: We are all in this together.¹

ABOUT THIS PUBLICATION

The 2030 Agenda for Sustainable Development is grounded in the Universal Declaration of Human Rights and international human rights treaties. The Danish Institute for Human Rights (DIHR) has identified that more than 90% of the 169 targets of the Sustainable Development Goal (SDGs) are directly linked to human rights instruments. This is no less the case for SDG 16 on peace, justice and strong institutions. In particular, SDG target 16.10 makes an explicit commitment to ensure public access to information and protect fundamental freedoms. Seventeen international and regional human rights treaties and declarations are directly linked to this target, thereby providing a rich source of human rights standards and recommendations to guide implementation of this target and further accountability.² This paper focuses specifically on the potential for leveraging human rights standards and mechanisms for furthering the implementation and monitoring of an enabling environment for human rights defenders, primarily under SDG target 16.10, but also under other targets, as relevant. The aspirations in target 16.10 related to the enjoyment of fundamental freedoms is no less important now in view of state responses to the Covid-19 pandemic. During this period, there have been reports of illegitimate restrictions and violations to these freedoms under the guise of Covid-19 related measures.

THIS PAPER IS DIVIDED INTO THREE SECTIONS:

Section 1:

Provides key definitions and highlights the linkages between the freedoms central to an enabling environment for human rights defenders and the 2030 Agenda for Sustainable Development.

Section 2:

Explores the status of the global SDG indicator 16.10.1 and the strengths and limitations of this indicator to capture progress.

Section 3:

Explores the role of human rights mechanisms in monitoring progress on fundamental freedoms and how their data can be used to fill the accountability, monitoring and implementation gaps in relation to target 16.10 and the establishment of an enabling environment for human rights defenders.

SECTION 1

This section explains the meaning of an enabling environment for human rights defenders from a human rights perspective and highlights the linkages to the Covid-19 pandemic and the 2030 Agenda for Sustainable Development.

Fundamental Freedoms, Human Rights Defenders and Covid-19

According to the Secretary General's 2020 SDG Progress Report³, the United Nations reported 357 killings and 30 enforced disappearances of human rights defenders, journalists and trade unionists in 47 countries in 2019. This data is linked to reporting on target 16.10, and more specifically, its indicator, 16.10.1. These figures, however, only reflect the most visible and gross human rights violations. Hence, the extent and nature of restrictions in the enabling environment for human rights defenders is not reflected.


At the same time, the Covid-19 pandemic may be providing certain governments with “a pretext to adopt repressive measures for purposes unrelated to the pandemic”, as the UN Secretary General has noted.⁴ National human rights institutions have, for example, reported harassment and intimidation of journalists.⁵ According to the Covid-19 Civic Freedom Tracker,⁶ a range of restrictions have been introduced following the onset of the pandemic. These have included new criminal penalties under “fake news” laws and absolute assembly bans,

including socially distant protests, with no expiry dates. Furthermore, the UN Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions has expressed concern about reports of police killings and excessive use of force following the passing of Covid-19 emergency measures. She ascribes this to, “ill-defined laws that grant, or at least appear to grant, “exceptional” excessive powers to the police; the existence of institutional cultures in policing which tolerate – even rely upon – the use of force; greater public tolerance for police violence under circumstances of real and/or perceived threats; a weakening of institutional arrangements for monitoring, reporting and oversight; press censorship and suppressions of scrutiny from civil society; as well as dehumanization of certain groups in society.”⁷

Some of these restrictions are new. However, in other cases, they represent long unfulfilled human rights obligations and systemic gaps in the implementation of fundamental freedoms and the protection of human rights defenders.

Human Rights, an Enabling Environment for Human Rights Defenders and the 2030 Agenda for Sustainable Development

The 2030 Agenda for Sustainable Development is grounded in the Universal Declaration of Human Rights and international human rights treaties. It is a universal and comprehensive agenda, and includes goals and targets related to the full range of civil and



SDG TARGET 16.10
Ensure public access to information and protect fundamental freedoms

political and economic, social and cultural rights.

A key political commitment in the 2030 Agenda is to build more peaceful and inclusive societies.⁸ This is specifically reflected in SDG 16, which aims to “promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions”.⁹ To achieve this aim, states have committed in target 16.10 to “ensure public access to information and protect fundamental freedoms”.


Although not an exhaustive listing, the Danish Institute for Human Rights (DIHR) has found links in over 17 international and regional human rights instruments to target 16.10.¹⁰

This highlights the extensive body of human rights standards and related monitoring mechanisms that can be drawn on when programming, implementing, reporting and monitoring target 16.10 at national levels to further accountability.

Enabling Environment for Human Rights Defenders and SDG Target 16.10

The Office of the High Commissioner for Human Rights (OHCHR) has defined a safe and enabling environment for civil society actors as follows:

A safe and enabling environment must be supported by a robust national legal framework, grounded in international

Goal	Target	Instrument	Article / Description
 <p>Promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels.</p>	<p>16.10 Ensure public access to information and protect fundamental freedoms, in accordance with national legislation and international agreements.</p> <p>Indicators 16.10.1 Number of verified cases of killing, kidnapping, enforced disappearance, arbitrary detention and torture of journalists, associated media personnel, trade unionists and human rights advocates in the previous 12 months</p> <p>16.10.2 Number of countries that adopt and implement constitutional, statutory and/or policy guarantees for public access to information</p>	UDHR	Show all articles
		ICCPR	Show all articles
		ICERD	Show all articles
		CRC	Show all articles
		CRPD	Show all articles
		CAT	Show all articles
		ICRMW	Show all articles
		ICPPED	Show all articles
		UNDRIP	Show all articles
		DEVAW	Show all articles
		ECHR	Show all articles
		European Framework Convention on Minorities	Show all articles
		ADRDM	Show all articles
		ACHR	Show all articles
		Convention of Belém do Pará	Show all articles
ACHPR	Show all articles		
ACRWC	Show all articles		

human rights law. Freedoms of opinion and expression, association, peaceful assembly, and the right to participate in public affairs, are rights that enable people to mobilize for positive change. Everyone, individually or in association with others, should enjoy these rights.¹¹

The Special Rapporteur on the situation of Human Rights Defenders further highlighted the right of human rights defenders to be protected and the important role of access to remedies in the event of abuses and violations.

The State duty to protect against human rights abuses entails ensuring that defenders are not subjected to attacks from State actors or third parties for their activities. Discharging this duty requires that States foster an environment that is supportive of the human rights that are fundamental to the activities and safety of defenders, including the freedom of peaceful assembly and association and freedom of opinion and expression, and their right to protest, access funding and develop and discuss new human rights ideas, as well as their right to be protected and to effective remedy.¹²

The UN Declaration on Human Rights Defenders: Protecting the Right to Defend Rights

<https://undocs.org/A/RES/53/144>

The Declaration on the Right and Responsibility of Individuals, Groups, and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedom (Declaration on Human Rights Defenders) adopted by the UN General Assembly in 1998 is based on and incorporates human rights enshrined in legally-binding international instruments. The Declaration reaffirms rights that are instrumental to the defence of human rights, including, the freedom of association, the freedom of peaceful assembly, and the freedom of opinion and expression.

Target 16.10 is closely linked to the monitoring of civic space and the enabling environment for human rights defenders, not least in view of its global indicator 16.10.1. However, it is not the only target relevant for securing an enabling environment for human rights defenders. Other SDG 16 targets have explicit linkages to these fundamental freedoms, most notably SDG 16.3 and SDG 16.7. Moreover, in keeping with the indivisibility of human rights and the integrated nature of the 2030 Agenda, a number of additional SDGs have targets which are also directly relevant for securing and monitoring the enabling environment for human rights defenders.¹³



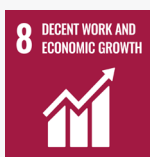
SUSTAINABLE DEVELOPMENT GOALS



5.5 Eliminate all forms of violence against all women and girls in the public and private spheres, including trafficking and sexual and other types of exploitation.



5.5 Ensure women's full and effective participation and equal opportunities for leadership at all levels of decision-making in political, economic and public life.



8.8 Protect labour rights and promote safe and secure working environments of all workers, including migrant workers, particularly women migrants, and those in precarious employment.



10.3 Ensure equal opportunity and reduce inequalities of outcome, including by eliminating discriminatory laws, policies and practices and promoting appropriate legislation, policies and action in this regard.



16.1 Significantly reduce all forms of violence and related death rates everywhere.



16.3 Promote the rule of law at the national and international levels, and ensure equal access to justice for all.



16.7 Ensure responsive, inclusive, participatory and representative decision-making at all levels.



16.10 Ensure public access to information and protect fundamental freedoms, in accordance with national legislation and international agreements.



16.a Strengthen relevant national institutions, including through international cooperation, for building capacity at all levels, in particular in developing countries, to prevent violence and combat terrorism and crime.



16.b Promote and enforce non-discriminatory laws and policies for sustainable development.

Importance of an Enabling Environment for Human Rights Defenders in the 2030 Agenda

Human rights defenders have a positive, important and legitimate role in contributing to the realisation of human rights and sustainable development.¹⁴ Their participation in the development of SDG programmes, plans and monitoring is key for the monitoring and implementation of both the legal human rights obligations of states and states' political commitments under the 2030 Agenda. As articulated by the UN Special Rapporteur on the situation of Human Rights Defenders:

In 2015, the international community reached a consensus on the 2030 Agenda for Sustainable Development, with a set of new goals as a road map for a more sustainable, prosperous and equitable future. Such a future, and those goals, are doomed to failure if the individuals and groups on the frontline of defending sustainable development are not protected at the national, regional and international levels.¹⁵

Meaningful participation of stakeholders across all sectors of society is both a target embedded in the Agenda and an indispensable element of its implementation. It is key to ensuring that no one is left behind. The scale and complexity of the transformation promised in the Agenda calls for participation and engagement of a wide range of actors. Without an enabling environment, the voices of human rights defenders and civil society and the human rights issues facing vulnerable groups in society risk being excluded in national SDG policy, planning and monitoring processes.



SECTION 2

INDICATORS AND DATA

This section will explore the status of the global SDG indicator 16.10.1, and the strengths and limitations of both the methodology and the indicator to capture progress in the realisation of fundamental freedoms, which are key to establishing an enabling environment for human rights defenders.

The Global SDG Indicator Framework and Indicator SDG 16.10.1

An effective monitoring of progress in the 2030 Agenda requires solid indicators and data to inform policy and ensure accountability, not least to citizens. The Inter-Agency and Expert Group on SDG Indicators (IAEG-SDGs) thus elaborated the SDG Global Indicators Framework.¹⁶ This framework was agreed upon at the 48th Session of the United Nations Statistical Commission in March 2017. Since then, the Global Indicator Framework has been refined and meta data developed

The IAEG-SDGs has classified the global indicators in three tiers in accordance with the conceptual clarity and data availability for each indicator. As of April 2020, there were 115 Tier I indicators, 95 Tier II indicators and 2 indicators that had multiple tiers, i.e. different components of the indicator are classified into different tiers.

Tier Classification Criteria/ Definitions:

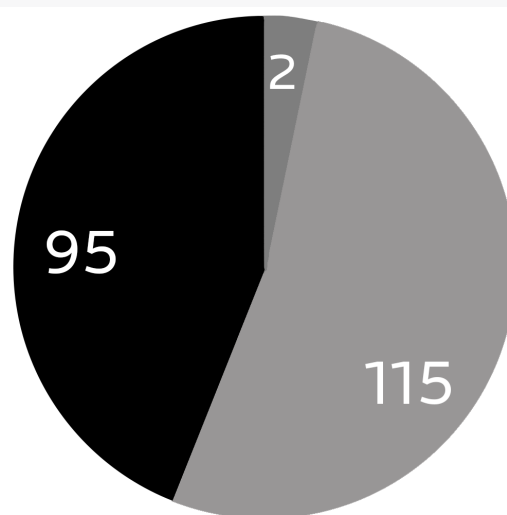
Tier 1: Indicator is conceptually clear,

has an internationally established methodology and standards are available, and data are regularly produced by countries for at least 50 per cent of countries and of the population in every region where the indicator is relevant.

Tier 2: Indicator is conceptually clear, has an internationally established methodology and standards are available, but data are not regularly produced by countries.

Tier 3: No internationally established methodology or standards are yet available for the indicator, but methodology/standards are being (or will be) developed or tested. (As of the 51st session of the UN Statistical Commission, the global indicator framework does not contain any Tier III indicators).

Tier Classification of SDG Global Indicators as per April 2020



- Tier 1
- Tier 2
- Multiple Tier

One of two global indicators to monitor progress on target 16.10 is Indicator 16.10.1. SDG 16.10.1 is classified as a Tier 2 indicator, meaning that the “indicator is conceptually clear, has an internationally established methodology but that data is not regularly produced at the national level”.¹⁷

The custodian for this indicator is the OHCHR together with two other partner agencies, the International Labour Organisation (ILO) and United Nations Educational, Scientific and Cultural Organisation (UNESCO). OHCHR contributes with data from the UN human rights monitoring system; UNESCO with data on the killing of journalists, media workers and social media producers; and the ILO with data from the ILO Committee on Freedom of Association (CFA) and other ILO-related monitoring mechanisms.¹⁸

The rationale for the content of indicator 16.10.1, as explained in the approved metadata, is that it is considered an important indicator to monitor progress on the “enjoyment of fundamental freedoms (e.g. freedom of opinion, freedom of expression and access to information, the right to peaceful assembly and freedom of association)”.¹⁹ This assessment is based on the premise that killing, enforced disappearance, torture, arbitrary detention, kidnapping and other harmful acts against journalists, trade unionists and human rights defenders have a chilling effect on the exercise of these fundamental freedoms”.²⁰

The Human Rights Relevance of Indicator SDG 16.10.1

While not all indicators in the Global SDG Indicator Framework are directly relevant for the monitoring of the corresponding human right, there are obvious synergies between indicator 16.10.1 and the human rights obligations the indicator intends to monitor. Limitations in the indicator lie elsewhere.

Under international human rights law, states have obligations to respect, protect and fulfil human rights. The OHCHR has developed comprehensive guidance for the design of human rights indicators to measure progress in states’ implementation of these human rights obligations.²¹ There are three types of indicators:

Structural indicators: measure states’ commitment to human rights, as reflected in, for example, the ratification of international treaties or the adoption of national laws and policies.

Process indicators: measure states’ efforts to transform human rights commitments into results, for example, through budget allocations, establishment of institutions, training of personnel etc.

Outcome indicators: measure the actual results or impact of states’ commitments and efforts in terms of the population’s enjoyment of human rights.



In addition, OHCHR has elaborated illustrative indicators for a range of rights and freedoms, including the freedoms specifically alluded to in the meta data for indicator 16.10.1.²² Formulations similar to 16.10.1 are found in these tables as one of the possible outcome indicators for the rights to Freedom of Opinion and Expression and Freedom of Association and Assembly.²³ Indicator 16.10.1 is thus meant to measure results according to the aforementioned methodology, i.e. a reduction in “verified cases of killing, kidnapping, enforced disappearance, arbitrary detention and torture of journalists, associated media personnel, trade unionists and human rights advocates in the previous 12 months”.²⁴

While outcome indicators are relevant to ultimately measure whether the target is being reached, they are often slow moving and less sensitive to capturing momentary changes. They have limited potential to measure states’ more immediate commitment and efforts, or lack thereof.

To pursue a more comprehensive monitoring of SDG implementation, it may therefore be relevant to supplement global outcome indicators with structural and process indicators with a shorter response time at the national level, which can directly measure states’ commitments and effort in relation to the protection of these fundamental freedoms.

The meta data for indicator 16.10.1 also recognises limitations in the methodology, which may lead to under-

reporting. These factors have been identified as “changes and biases in victim reporting behaviour, changes in police and recording practices or rules, new laws, processing errors and non-responsive institutions”.²⁵ A further challenge in being able to assess global progress with the data from this outcome indicator is that restrictions, abuses and violations that do not amount to killings, kidnappings, disappearances, arbitrary detention or torture - but which still have a chilling effect on the right of human rights defenders to defend rights - are not captured. These can include, for example, vague definitions of an act of terrorism in counter-terrorism legislation; threats and harassment of peaceful demonstrators by security officers; disproportionately restrictive NGO legislation; state surveillance of human rights defenders etc.

According to the metadata, global data for this indicator will be based on administrative data on violence against journalists, trade unionists and other human rights defenders. OHCHR will compile and integrate the data using a common data management tool. However, national human rights institutions, national statistical offices, other government agencies as well as civil society organizations and networks are expected to play an important role in the collection of data. OHCHR, UNESCO and ILO will work jointly with national stakeholders to build capacity, harmonize data collection procedures and produce globally comparable results.²⁶

Furthering Participatory National Monitoring and Accountability

In view of the acknowledged gaps in the SDG indicator 16.10.1 and the fact that official national data is still not readily available, the following steps could be taken at the national level to strengthen monitoring and complement both the data and indicators under target 16.10.

- Develop participatory and inclusive country-level processes for the monitoring of indicator 16.10.1 and other SDG indicators relevant for the enabling environment for human rights defenders and include human rights defenders in these processes. In keeping with a human rights-based approach, the 2030 Agenda also stipulates that Follow-up and Review mechanisms should, among others, promote respect for human rights and further accountability to citizens; be gender sensitive and have a particular focus on vulnerable groups and those furthest behind; and ensure inclusion, participation, and transparency.²⁷
- Consider developing complementary target 16.10 national indicators using the OHCHR human rights indicator methodology. In particular, identify structural and process indicators that can better measure the commitment and efforts made by the state to implement their human rights obligations related to an enabling environment for human rights defenders and the related fundamental freedoms of association, assembly, and opinion and expression.

- Build inclusive data ecosystems in order to enhance accountability and close data gaps. There is a need for collaborative efforts to develop creative, innovative, efficient and cost - effective approaches to monitoring and data collection, which can supplement data based on global indicators. The next section will show how data and recommendations from UN human rights mechanisms can be an integrated part of such a data ecosystem for furthering accountability for an enabling environment for human rights defenders under SDG 16.10 and other related targets.

SECTION 3

USING THE HUMAN RIGHTS MONITORING MECHANISMS FOR ACCOUNTABILITY IN SDG 16 IMPLEMENTATION

This section will provide an overview of key human rights mechanisms and show how human rights recommendations and observations can be used to bridge the accountability and implementation gaps.

The 2030 Agenda seeks to “realise human rights of all”²⁸ and is explicitly grounded in international human rights standards. The mechanisms established to monitor the implementation of states’ obligations under a range of human rights treaties can thus be used to identify and address gaps in the implementation of the Agenda.

International Human Rights Mechanisms and an Overview of Recommendations for the Implementation of SDG 16.10

International human rights monitoring is undertaken through a range of UN human rights mechanisms. The key UN mechanisms are:

- Treaty Bodies
- Universal Periodic Review (UPR)
- Special Procedures

The Treaty Bodies

Treaty Bodies are committees of independent experts who monitor the implementation of human rights

treaties and provide guidance on their implementation. State parties periodically report to these Treaty Bodies. In addition to these state reports, Treaty Bodies also consider a wide range of information on the implementation of the treaties from UN bodies, National Human Rights Institutions, and civil society organisations.

The Universal Periodic Review²⁹

The Universal Periodic Review (UPR) is a peer-review mechanism under the UN Human Rights Council that examines the record of all UN member states. Reviews take place through an interactive discussion between the state under review and all other Member States, who can raise questions or comments and make recommendations. These recommendations are either “supported” or “noted”. National human rights institutions and civil society can provide information for the periodic reviews of the different states.

The Special Procedures

The Human Rights Council has established a wide range of Special Procedures in the form of Independent Experts, Special Rapporteurs and Working Groups. These bodies focus on thematic issues, a specific group of rights-holders, or a country with ongoing human rights issues. Besides producing reports, Special Procedures can undertake country visits to examine issues of concern.

English Français العربية Español 中文 Русский
About Methodology

THE DANISH INSTITUTE FOR HUMAN RIGHTS

SDG - Human Rights Data Explorer

EXPLORE ALL COUNTRIES GROUPS SDGS MECHANISMS

Making the link between human rights and sustainable development

Use information from the international human rights monitoring system to develop a human rights-based approach to the SDGs

LEARN MORE > EXPLORE THE DATA >

Find your country

Type in the name of a country or region, and explore the links between human rights recommendations and the SDGs

Country

ALL REGIONS AND COUNTRIES >

The SDG-Human Rights Data Explorer is a free online tool that facilitates the visualisation of the connections between the recommendations produced by the main international human rights monitoring bodies and the 169 SDG targets. Information can be filtered to specific countries, groups of rightsholders or human rights mechanisms. This tool enables the integrated implementation of and reporting on human rights and SDGs, and it helps identify supplementary national SDG indicators to reflect countries' commitments to human rights obligations. <http://sdgdata.humanrights.dk>

These bodies play an essential role in monitoring the implementation of the human rights obligations of states and provide important recommendations and observations to address identified gaps. The recommendations and observations from these bodies are

a rich source of qualitative data for securing accountability and addressing context-specific gaps in human rights and SDG implementation.

In relation to SDG target 16.10, UN human rights bodies have already

Recommendations and Observations on Target SDG16.10 by each Recommending Body



*Some recommendations and observations are counted twice as recommendations and observations can address several rights.

produced 8,297 recommendations³⁰ that are directly relevant for filling the implementation and accountability gap.

As can be noted from the above chart, the UPR has produced **4,166** recommendations of relevance to SDG 16.10; the Treaty Bodies **3,038**

observations; and the UN Special Procedures **1,093** recommendations. Focusing in on the recommendations and observations linked to 16.10 but **specifically referring to the fundamental freedoms of association, assembly, opinion and expression**, human rights monitoring

Number of Recommendations under SDG 16.10 linked to Fundamental Freedoms



*Some recommendations and observations are counted twice as recommendations and observations can address several rights.

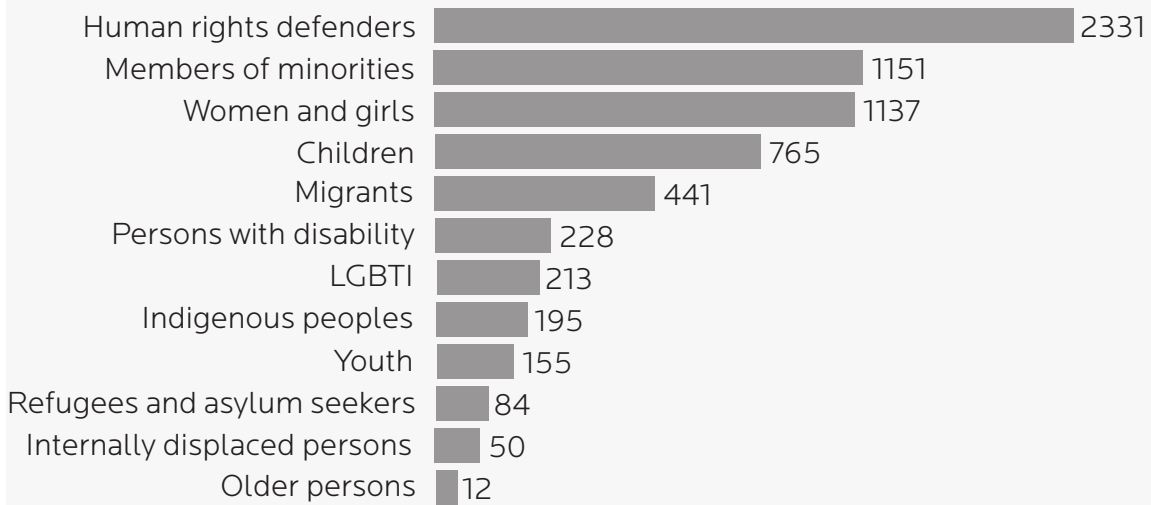
mechanisms have produced a total of **2,435 recommendations and observations**. Although there are recommendations regarding all three freedoms, freedom of opinion and

expression is by far the fundamental freedom with the largest number of recommendations and observations. A further analysis of the recommendations and observations



i love my HISTORY
i love my CULTURE
i love my PEOPLE
i love ME

Number of Recommendations and Observations on SDG target 16.10 linked to each Group

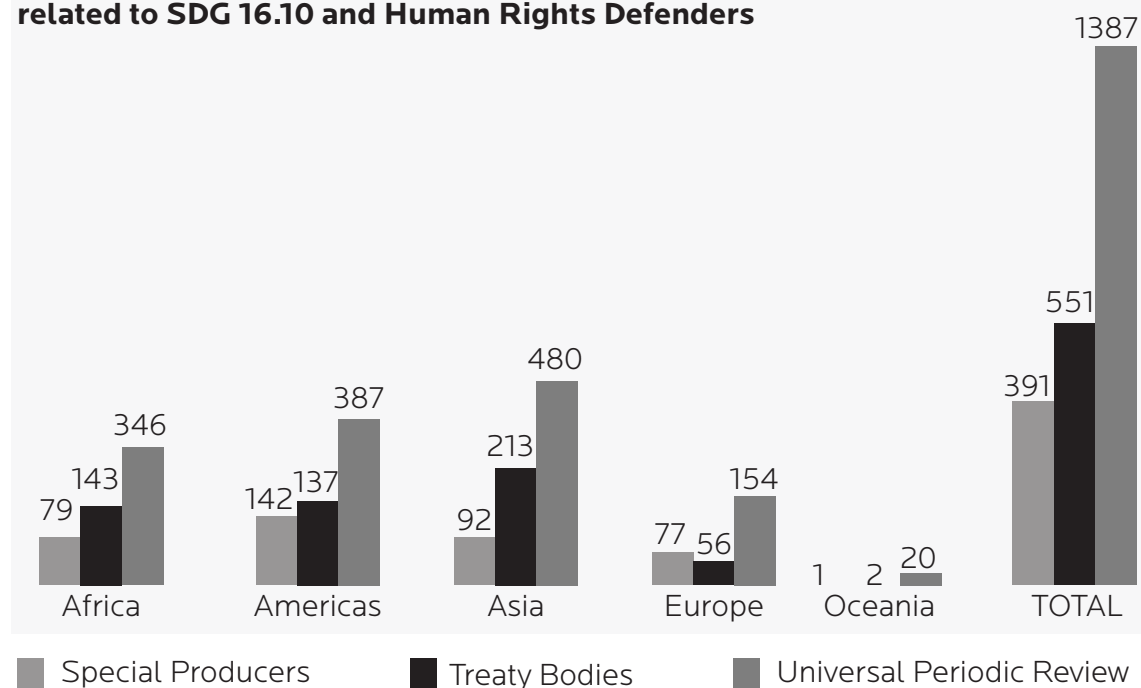


*Some observations and recommendations may be counted twice, for example, a recommendation that spans two groups.

reveal that 2,331 recommendations directly related to human rights defenders. This suggests that human rights defenders are one of the groups at greatest risk in relation to SDG 16.10. An analysis of the distribution of the recommendations and observations across geographic regions reveals

that relevant human rights data is available for all regions with respect to human rights defenders. Asia and the Americas are the regions receiving the most recommendations including observations in this regard, followed closely by the African region.

Number of Recommendations per Region, per Human Rights Mechanism related to SDG 16.10 and Human Rights Defenders



*Some recommendations and observations are counted twice as recommendations and observations can address several rights.

Specific Issues identified by the Human Rights Mechanisms

DIHR has reviewed these recommendations and observations to highlight some examples of the specific gaps and measures identified by these mechanisms, which can contribute to SDG programming, planning and monitoring for an enabling environment for human rights defenders at national levels.

The recommendations and observations have been organised below drawing on elements identified by the UN Special Rapporteur on the situation of Human Rights Defenders as key for securing an enabling environment for human right defenders. These elements are: a conducive legal, institutional and administrative framework; access to justice and an end to impunity for violations against defenders; strong and independent national human rights institutions; effective protection policies and mechanisms paying attention to groups at risk; specific attention to women defenders; non-State actors that respect and support the work of defenders; safe and open access to international human rights bodies; and a strong and dynamic community of defenders.³¹

Conducive Legal, Institutional and Administrative Framework

A key element in a safe and enabling environment for defenders is the existence of laws and administrative provisions that protect, support and empower them. These frameworks

must be in compliance with international human rights law and standards. The Special Rapporteur has further highlighted that institutional frameworks should also be developed in ways that are receptive and supportive of defenders.³²

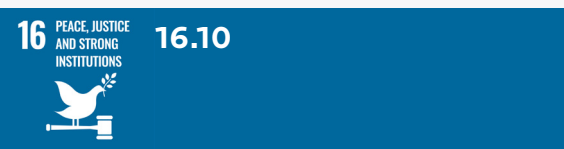
A number of human rights recommendations and observations, however, identify specific gaps in and propose concrete measures regarding national laws and policies that are not in line with fundamental freedoms.

These include, among many others, recommendations to reform defamation legislation, counter-terrorism legislation, NGO legislation, media legislation, and laws regulating demonstrations.



Azerbaijan (Universal Periodic Review) 2018

Remove libel and defamation as criminal offences and take further steps to ensure journalists may work freely and without fear of retribution.



Bangladesh (Treaty Body) 2017 Human Rights Committee (CCPR)

The State party should ensure that: (a)

Counter-terrorism legislation is in full conformity with the Covenant; (b) Acts of terrorism are defined in a precise and narrow manner, and that legislation adopted in that context is limited to crimes that would clearly qualify as acts of terrorism; (c) The death penalty is not imposed for offences, such as the financing of terrorism, which do not constitute the “most serious crimes” within the meaning of article 6 (2) of the Covenant; (d) Counter-terrorism measures are not used to restrict freedom of expression and opinion of journalists and human rights defenders.



Cambodia (Universal Periodic Review) 2019

Amend the law on political parties, the trade union Law and the law on associations and non-governmental organizations to bring them into line with the State’s international human rights obligations, in consultation with affected stakeholders and civil society

Access to Justice and an End to Impunity

A systematic human rights gap raised in many of the human rights observations and recommendations analysed is the question of impunity and access to remedies for human rights defenders. As noted by the UN Special Rapporteur on the situation

of human rights defenders, “a state’s lack of investigation into violations could be seen as condoning attacks against defenders and could nurture an environment where further attacks are perceived as tolerated”.³³

These observations and recommendations are linked not only to the implementation of SDG 16.10 but also to SDG 16.3, which aims to “promote the rule of law at the national and international levels and ensure equal access to justice for all”.³⁴

Specific recommendations and observations call for prompt, effective, thorough, independent and impartial investigations of instances of intimidation and harassment of human rights defenders.

Some recommendations identify specific groups of human rights defenders at risk in the particular context.

Recommendations also remind states of their human rights obligations to bring those responsible for abuses and violations to justice, including providing compensation to victims and members of their families.

Excessive use of force by police and security forces against human rights defenders is a recurring violation. There are observations and recommendations calling for the incorporation of human rights education in police training programmes. These are linked not only to target 16.10 but also to target 4.7 on human rights education.

16 PEACE, JUSTICE AND STRONG INSTITUTIONS

 16.1
 16.10
 16.3

**Honduras
 (Special Procedures) 2019**

Prioritize the fight against the impunity of perpetrators of murders, attacks and threats against rights defenders, support the work of the Office of the Attorney General, set up the Office of the Special Prosecutor for the Protection of Human Rights Defenders, Journalists, Media Professionals and Justice Officials and provide it, and all other special prosecutors' offices and specialized units, with adequate financial support and the human resources needed to investigate violations against defenders;

16 PEACE, JUSTICE AND STRONG INSTITUTIONS

 16.10
 16.3

**Afghanistan
 (Treaty Bodies) 2017**

Committee against Torture (CAT)
 The Committee urges the State party: (a) To ensure that human rights defenders are able to conduct their work and activities freely in the State party, without fear of reprisals or attacks; (b) To investigate promptly, thoroughly and impartially all violations committed against human rights defenders, prosecute and punish appropriately those found guilty and provide redress to the victims.

16 PEACE, JUSTICE AND STRONG INSTITUTIONS

 16.10
 16.3

**Belarus
 (Treaty Bodies) 2018
 Human Rights Committee (CCPR)**

The State party should bring its administrative detention legislation and practices into compliance with article 9 of the Covenant, taking into account the Committee's general comment No. 35 (2014) on liberty and security of person. It should ensure that the principles of legality and proportionality are strictly observed in any decisions restricting the right to liberty and security of individuals and that due process rights are fully respected. The State party should end the practices of the preventive detention of human rights defenders and journalists and the arbitrary forced psychiatric hospitalization of human rights defenders, which are inconsistent with the State party's obligations under articles 9, 14, 19 and 21 of the Covenant.

4 QUALITY EDUCATION

 16 PEACE, JUSTICE AND STRONG INSTITUTIONS

 16.10
 4.7

**Kenya
 (Universal Periodic Review) 2015**

Take measures to address all allegations of abuse or intimidation against human rights defenders by the security forces, and integrate human rights education into police training programmes;

Strong and Independent National Human Rights Institutions

The Special Rapporteur on the situation of Human Rights Defenders has also identified strong, independent and effective national human rights institutions as an important institution in the support of an enabling environment for human rights defenders.³⁵ They have a unique role to guide and advise governments on their human rights obligations in this regard and ensure that domestic law is in compliance with these standards.

Recommendations and observations have proposed specific measures that NHRIs can take depending on their mandate. These include acting on individual complaints, public support when violations are committed, visiting defenders in detention, and capacity building.



Hungary (Special Procedures) 2017

The Special Rapporteur also recommends that the Ombudsman expand the scope of his activities to provide protection for human rights defenders, as it is inherent in his mandate. Human rights defenders could be considered as a specific group at risk and, as such, could fall within the mandate. This protection could be offered in a number of ways, including through formal complaints mechanisms

and protection programmes; advocacy and awareness-raising; public support when violations are committed against defenders; and capacity-building. Protection could also be offered with more specific and direct means, including acting on individual complaints; visiting defenders in detention; and providing legal aid in the context of violations of the rights of defenders.

Effective Protection Policies and Mechanisms

The UN Special Rapporteur has also identified protection policies and mechanisms as a key component in the enabling environment for human rights defenders.


A number of recommendations and observations include concrete measures that national states can also take in this regard.

There are, for example, recommendations to establish an Observatory on Human Rights Defenders in collaboration with organizations that defend human rights in the country; for the extension of protective measures and the creation of early warning systems; and more effective implementation of Human Rights Defender Acts through, inter alia, adequate financial and human resources.

Recommendations and observations also address the need for states to carry out awareness activities on the essential role played by human rights

defenders within their national contexts and to disseminate widely the United Nations Declaration on Human Rights Defenders.

16 PEACE, JUSTICE AND STRONG INSTITUTIONS **16.10**
16.3



Brazil

(Universal Periodic Review) 2017

Take further steps to protect human rights defenders, including those working in relation to the rights of indigenous, including through ensuring impartial, thorough and effective investigations into all attacks, harassment and intimidation against human rights defenders and prosecution of all alleged perpetrators of such offences; and further, fully implement the national programme to protect human rights defenders through the adoption of a specific legal framework, allocation of a budget and the setting up of multi-disciplinary teams to implement it.

16 PEACE, JUSTICE AND STRONG INSTITUTIONS **17** PARTNERSHIPS FOR THE GOALS **16.3** **17.9**
16.10





Philippines

(Universal Periodic Review) 2017

Take steps to create and maintain in law and in practice a safe and enabling environment for civil society and human rights defenders, including by acknowledging publicly their important and legitimate role in the promotion of human rights, democracy and the rule of law, by simplifying the process for

forming associations and by applying the good practices set out in Human Rights Council resolution 32/31, and to request and accept technical assistance, including from OHCHR, to fulfil these commitments;

16 PEACE, JUSTICE AND STRONG INSTITUTIONS **16.10**
16.7



Honduras

(Special Procedures) 2016

Mechanisms for the protection of human rights defenders, including those granted protective measures by the Inter-American Commission on Human Rights, should be extended, strengthened and given the necessary resources to cover indigenous leaders and their families who are dedicated to the defence of their peoples' rights. Protective measures should be developed in consultation with the indigenous persons concerned. Effective early warning systems should be established and urgent action taken jointly with indigenous peoples to prevent attacks against members and leaders of the indigenous peoples.

Specific Attention to Women Defenders

Recommendations and observations also identify human rights defenders at particular risk in different contexts. These types of recommendations provide important guidance to realise the Leave No one Behind (LNOB) principle in the 2030 Agenda.

The Special Rapporteur on the situation of human rights defenders has highlighted the importance of paying particular attention to the specificities of the environment in which women human rights defenders operate.

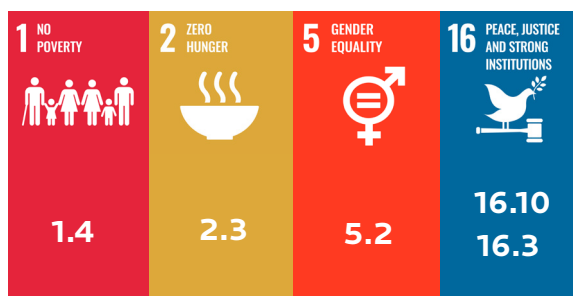
Many recommendations point to the specific abuses faced by women human rights defenders, and the measures that should be adopted to ensure gender-sensitive policies in this regard. Specific violations and abuses include defamation campaigns, sexual abuse, threats against their children, harassment and feminicide. Recommendations point to the need for a differentiated approach in national protection mechanisms to address gender-specific risks.



Colombia

(Universal Periodic Review) 2018

Prevent and investigate all attacks against human rights defenders and community leaders, including trade unionists, indigenous leaders and environmentalist defenders, and bring those responsible to justice.



Honduras (Treaty Bodies) 2016 Committee on Elimination of Discrimination against Women

The Committee recommends that the State party: (a) Adopt and apply, without delay, effective measures for the protection of women human rights defenders to enable them to freely undertake their important work without fear or threat of violence or harassment; (b) Apply the Act on the Protection of Human Rights Defenders, Journalists, Social Communicators and Justice Workers and develop a protocol with a gender perspective for investigating, prosecuting and punishing attacks and other forms of abuse committed against women human rights defenders; (c) Effectively investigate, prosecute and adequately punish all cases of violence against women human rights defenders, including cases of violence against women defending the right to land or other natural resources; (d) Decriminalize social protest and peaceful assembly and put an end to the prosecution of women human rights defenders for their activities in exercise of their human rights.

Taking Action to Bridge the Accountability Gap for Human Rights Defenders in SDG Implementation

As can be seen from the examples above, there are very concrete recommendations and observations from the human rights system on the measures states need to take to further respect for the fundamental freedoms of opinion and expression, assembly and association in their respective contexts. These fundamental freedoms are central to creating an enabling environment for human rights defenders and key to progress on SDG 16.10 and other related targets, as this briefing has shown.

The strong links between human rights and SDG target 16.10, together with the other SDG targets relevant for securing an enabling environment for human rights defenders, offer significant potential for filling the accountability gap in current SDG monitoring and reporting processes in this regard.

Concretely, these observations and recommendations can be used in SDG planning, programming and monitoring processes to further progress against the related targets by:

- Contributing to human rights analyses of the enabling environment for human rights defenders in different national contexts and to the identification of key priorities.
- Assisting in the identification of specific measures needed to further implementation, including legal reforms, policy development, and

institutional and administrative mechanisms.

- Identifying the human rights defenders most at risk in the particular national contexts and the specific measures needed to ensure that they are not left behind.
- Supplementing official data with qualitative data that reduce the reporting and monitoring burden on states to human rights monitoring and SDG processes, contributing to increased policy coherence.

In addition, national human rights Institutions, civil society groups, and other human rights defenders should continue to provide quality data on their state's national implementation of its human rights obligations to UN human rights mechanisms. The system can only be as relevant as the data it has at its disposal. Referencing the relevant SDG target in these reports can facilitate increased attention by these bodies to the links between the state's human rights obligations and its impact on implementation of specific SDG goals and targets, such as SDG 16.10.

Endnotes

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