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PROMOTION AND PROTECTION OF HUMAN RIGHTS

HUMAN RIGHTS DEFENDERS

**Report submitted by Hina Jilani, Special Representative of the
Secretary-General on the situation of human rights defenders**

Summary

This report, the fourth annual report to the Commission on Human Rights presented by Hina Jilani, Special Representative of the Secretary-General on the situation of human rights defenders, is submitted pursuant to Commission resolutions 2000/61 and 2003/64, as described in the introduction below.

Section I of the report describes the Special Representative's activities during the course of 2003, referring to cases of concern she raised with Governments, country visits to The former Yugoslav Republic of Macedonia and Thailand, as well as the postponement of a visit to Turkey. Noting the importance of country visits, the Special Representative indicates her intention to focus on Africa in 2004, but also regrets the large number of requests for invitations that have not yet received a positive response. Section I goes on to describe the Special Representative's increasing collaboration with United Nations bodies, regional intergovernmental institutions and with non-governmental organizations (NGOs). The section concludes with descriptions of some of the conferences, workshops and other events to which the Special Representative contributed during the year, including on human rights and counter-terrorism, human rights defenders and democratization, and on women human rights defenders.

Section II analyses trends and patterns in the cases of concern taken up by the Special Representative with States over the year, using these to describe the situation of human rights defenders. In 2003, 235 communications were sent to Governments, expressing her concern at violations allegedly committed against 565 individual human rights defenders and 203 organizations, in connection with their human rights work. The cases include: killings, attacks, death threats, torture, arbitrary arrest and detention, prosecution, prison sentences and fines, harassment and intimidation, surveillance, violations of freedom of expression, assembly and association and the targeting of family members. The Special Representative's analysis suggests that defenders are particularly vulnerable to violations during the publicizing of human rights concerns, peaceful demonstrations, participation in conferences and meetings, and during electoral periods. Violations of the right to physical integrity and the use of civil and criminal prosecutions are reported to be increasing, while impunity for all violations remains very widespread.

Unknown individuals, military and paramilitary forces, and private actors continue to be reported as frequent perpetrators of violations, while the courts and judicial proceedings are increasingly perceived as selectively applying the relevant law, to the detriment of defenders.

Section III of the report analyses the responses sent by Governments to the Special Representative's communications. The majority of responses received indicate that Governments have taken measures to protect defenders in the cases raised by the Special Representative. A third of the responses deny the status of human rights defenders as alleged victims, question the defenders' credibility or deny a link between the reported violation and any human rights activities. Many responses cite national law as justification for the alleged violation or as the standard against which Governments' action should be assessed. The Special Representative regrets the nature of some responses, which tend to deny the role of human rights

defenders and the application of the Declaration on Human Rights Defenders. She expresses concern at the absence of any response at all from many Governments. She notes, positively, that States from the Latin America region and States to which she has conducted country visits have shown, comparatively, much better responsiveness.

Section IV concludes by emphasizing that the number and type of violations being committed against human rights defenders, in practice, reflect severe challenges to the actual implementation and legal applicability of international human rights standards for all persons.

The report concludes a number of recommendations addressed primarily to States, but also to human rights defenders, including a suggestion that States consider the adoption and publication of a policy on human rights defenders identifying specific steps that will be taken to implement the Declaration on Human Rights Defenders.

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Introduction

1. The present report, the fourth report submitted by Hina Jilani, Special Representative of the Secretary-General on the situation of human rights defenders, is submitted pursuant to Commission on Human Rights resolutions 2000/61 and 2003/64. Section I presents an account of the activities undertaken within the framework of the mandate in the past year. Section II examines the situation faced by human rights defenders as assessed from the information received, the activities undertaken and the country visits conducted. Section III examines the responses to communications sent by the Special Representative, in particular the positive outcome of a small number of cases and the trends in responses received from Governments. Summaries of communications, including urgent appeals and allegation letters, to and from Governments, along with the Special Representative's observations, are contained in an addendum.

I. ACTIVITIES

A. Urgent appeals and allegations

2. During the period under review the Special Representative sent 235 communications on over 266 cases, including jointly with other mandate holders, regarding some 565 human rights defenders and 203 organizations conducting human rights work.

3. She notes with concern the continued increase in the number of communications sent, from about 161 cases in 2001, to 230 in 2002 and 266 in 2003. While this growth may in part be the positive result of the increased visibility of her mandate and activities, the increased reporting of serious violations of the rights of human rights defenders throughout the world attests to the continuous and serious need for the effective protection of the rights of human rights defenders and the implementation of the 1998 Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Recognized Human Rights and Fundamental Freedoms (Declaration on Human Rights Defenders).

B. Country visits

4. During the reporting period, the Special Representative undertook two country visits, to The former Yugoslav Republic of Macedonia from 27 to 30 January 2003 and to Thailand from 19 to 27 May 2003. Separate reports on these visits have been submitted to the current session of the Commission (E/CN.4/2004/94/Add.1-2). The Special Representative was scheduled to visit Turkey in December; however, the mission had to be postponed. She hopes to conduct this visit at the beginning of 2004.

5. In the first four years of her mandate, the Special Representative has conducted a total of six visits to countries in Latin America, Asia, Europe and Central Asia. In 2004, the Special Representative wishes to give particular attention to the situation of human rights defenders in Africa. She hopes to be able to conduct visits to the region next year and looks forward to receiving positive answers soon to her requests for invitations from countries in the continent. During the year under review, the Special Representative has sought to obtain invitations to visit the following countries: Angola, Chad, Egypt, India, Kenya, Mali, Mozambique, Nepal, Nigeria, Pakistan, Senegal, Turkmenistan and Zambia. She has received an invitation from Mali for

which she thanks the Government. During the first four years of her mandate, the Special Representative has sought a total of 33 invitations from countries in all regions of the world. She subsequently received 10 invitations, three requests for additional information and two refusals. The Special Representative expresses her regret that, despite having reiterated her interest on several occasions to a number of countries, through a second request, 19 of her letters remain without answers to date, including some sent in 2001, the first year of her mandate.

6. The Special Representative considers country visits as an essential element in the implementation of her mandate, providing her with essential opportunities to gain first-hand knowledge of the situation of human rights defenders in a given country and region. Meetings with key interlocutors, from civil society and State authorities, including at the highest level, provide a unique opportunity for the Special Representative to make a fair and balanced assessment of the situation from the perspective of both defenders and the authorities. She also considers that country visits provide her with an opportunity to engage Governments in a constructive dialogue on policy responses and legislative initiatives to address concerns identified on the ground.

C. Cooperation with the United Nations system and other intergovernmental organizations

7. The Special Representative has continued to seek closer cooperation with all bodies of the United Nations system as well as regional intergovernmental organizations.

8. In that context the Special Representative received an invitation to the Fifth International Conference on New and Restored Democracies, held in Ulan Bator in September 2003. While she was unfortunately unable to attend the meeting, the Special Representative submitted a position paper to the Conference on human rights defenders and democratization processes. She is pleased that elements of this paper were highlighted in a statement by the Office of the High Commissioner for Human Rights to the Conference and that a number of the outcome documents reflected some of her recommendations.

9. In May 2002, the Special Representative had met with members of the African Commission on Human and Peoples' Rights and discussed opportunities to create a focal point for human rights defenders within the Commission. She was delighted to learn of the decision made at the ordinary session of the Commission, held in November 2003 in Banjul, to establish such a focal point within the Commission's secretariat in order to streamline and better respond to information on the situation of human rights defenders in Africa. This focal point will represent the second mechanism of the kind established at the regional level; the first was the special unit on human rights defenders, created in December 2001 within the Inter-American Court of Human Rights. She hopes that cooperation can be established between her mandate and the focal point, with a view to furthering the promotion of the Declaration on Human Rights Defenders and strengthening protection mechanisms for defenders in Africa.

10. The Special Representative reiterates her belief that the collaboration between universal and regional mechanisms for the protection of human rights is vital to ensure a coordinated and effective strategy for the protection of human rights defenders worldwide. In this respect, she

wishes to congratulate all international, regional and national NGOs that have consistently worked with the Commission towards this end. She hopes that such experiences can be replicated in other regions of the world.

11. The Special Representative has sought to further her cooperation with the European Union. In that context, on 11 June 2003, she participated in a session of the Human Rights Group of the European Parliament's Committee on Development and Cooperation, entitled "Defending human rights defenders" held in Brussels. This very constructive meeting provided her with the opportunity to present her mandate and discuss the potential role of the EU in the promotion of the Declaration and the strengthening of protection mechanisms. She thanks the Chairman of the Human Rights Group for this opportunity and hopes that regular interaction between her mandate and the human rights unit of the European Commission can be established.

12. She has also sought to develop ties with the Organization for Security and Cooperation in Europe (OSCE), in particular with its human rights component, the Office for Democratic Institutions and Human Rights (ODIHR). She hopes that, in the context of ODIHR plans to further expand its work on the issues of freedom of association and assembly, closer contacts can be established on a regular basis.

D. Cooperation with NGOs

13. The Special Representative has continued to strengthen interactions with NGOs. She wishes to reiterate that NGOs, in their daily work of advocating, publicizing, lobbying and monitoring the respect of internationally recognized human rights, are in the forefront of defenders. The data provided by international organizations, as well as regional or country-specific networks, in their reports, urgent appeals, open letters and campaigns represent an essential source of information for the Special Representative, crucial to the effectiveness and responsiveness of her mandate.

14. NGOs also have an essential role to play in furthering the implementation of the Declaration nationally and internationally. NGOs represent a vital element in the dissemination of the norms included in the Declaration and are best placed to ensure their effective implementation at the national level. While the Special Representative has limited resources and time to devote to a given situation, NGOs, in particular local NGOs, are able to concentrate their resources on following up the recommendations made in her reports and during country visits and thus enhance the promotion and protection of human rights defenders at the local level. She encourages NGOs to follow her activities closely, especially where they directly impact their country or region, and to use her work to further the respect for the rights enshrined in the Declaration. She equally encourages Governments to view NGOs as partners in the implementation of the Declaration and other internationally recognized rights.

15. In that spirit, the Special Representative tries, whenever possible, to respond favourably to invitations from civil society to take part in events organized around the issue of the promotion and protection of the rights of human rights defenders.

16. From 4 to 6 April 2003, the Special Representative attended a consultation on women human rights defenders convened by the Asia Pacific Forum on Women, Law and Development (APWLD), with the support of the Women's Human Rights Task Force in Bangkok. The

meeting brought together women human rights defenders from the region, as well as from Latin and North America, Africa and Europe. Participants discussed the risks to which women human rights defenders are vulnerable, including killing, arrest and detention, harassment, the use of religious arguments to silence them, and societal prejudices. Participants also highlighted the particular strengths of women human rights defenders and concluded with a series of recommendations, including that women human rights defenders be recognized as such. The meeting also provided momentum for additional meetings of women human rights defenders in other regions, with the objective of organizing an international conference on women human rights defenders in 2005. APWLD subsequently published the report of the meeting.

17. From 28 June to 2 July 2003, the Special Representative was invited to the Regional Human Rights Defenders Forum for Central and Southern Africa organized jointly by Amnesty International, the Observatory and Hivos in Durban, South Africa. The Forum was held as a follow-up to the All-Africa Conference on Human Rights Defenders held in Johannesburg in November 1998 and to a subregional consultation held in Senegal in 2001 in which the Special Representative also participated. The Forum aimed at examining the regional challenges faced by human rights defenders, providing training on international instruments of protection, and establishing regional plans of action in order to contribute to the effective protection of defenders in Africa. It included seminars, working groups and practical exercises and was attended by defenders from 10 countries of the subregion, as well as several from Latin America and Asia, several international NGO representatives, and the regional representative of OHCHR. At the end of the Forum, building on the Declaration and Plan of Action on Human Rights Defenders, adopted in Johannesburg, three subregional plans of actions were drafted. The very useful Forum provided an opportunity for participants to interact directly with the Special Representative and to be trained on her role, the functioning of her mandate, the definition of a human rights defender and the norms included in the Declaration.

18. The Special Representative was reinforced in her conviction that there is a need to develop strong and sustainable regional and subregional networks of defenders in Africa in order to strengthen the ties, the information sharing and the solidarity between actors in the defence of human rights on the continent. She notes that, despite efforts to establish such structures, networks in the region face difficulties of continuity. She reiterates her belief that networks offer an effective form of protection to defenders insofar as they provide visibility, ensure better communication, including to the Special Representative, and allow for the devising of situation-specific, prompt and concrete protection strategies. She notes further that there is an unmet need for practical training on the means of protection at the disposal of defenders in Africa, in particular, with regard to her mandate. The Special Representative therefore hopes that initiatives from NGOs and others to further practical knowledge about mechanisms of protection in the region will be pursued.

19. The Second Dublin Platform for Human Rights Defenders was held from 10 to 12 September. Organized by Frontline, it aimed at analysing and exposing the reality of the situation of human rights defenders worldwide, promoting their work internationally, and drawing strategic lessons for prevention and protection from participants' experience. Participants included several dozen human rights defenders from all regions of the world, representatives of the Government of Ireland, the Acting High Commissioner for Human Rights, a judge from the International Criminal Court, as well as representatives from various international NGOs.

20. While in Ireland, the Special Representative had the opportunity to meet with the Chairperson of the Sub-Committee on Human Rights, a subcommittee of the Joint Parliamentary Committee on Foreign Affairs, to discuss the situation of human rights defenders in the world, especially in the context of Ireland's forthcoming presidency of the EU. The Special Representative wishes to thank the Government of Ireland for its cooperation and commitment to the protection of human rights defenders.

21. The Special Representative participated in a meeting of human rights defenders organized by the Carter Center in Atlanta, United States of America, on 11 and 12 November, attended by approximately 40 defenders from across the world and co-hosted by former President Carter and OHCHR. The meetings discussed obstacles to the work of human rights defenders in the context of international counter-terrorism actions and an international political environment that is raising new challenges to previously accepted human rights standards. Participants at the meeting adopted the Declaration of Atlanta calling for international action to support human rights and those that defend them.

22. The Special Representative notes that such events provide a valuable opportunity for defenders from across the world to meet, share experiences and network. They also provide an opportunity to raise the visibility of the issue of human rights defenders in an international public forum where actors having different perspectives, including from local and international civil society, international organizations and Government, can meet and interact. She wishes to extend particular thanks to Amnesty International, the International Service for Human Rights, the World Organization against Torture, the International Federation of Human Rights League, Frontline, Forum Asia, APWLD and the Carter Center for organizing these important events and making her participation possible.

23. The Special Representative has continued to receive invitations to attend various events around the world on issues relating to her mandate. Owing to her heavy schedule, she regrets being unable to accept a number of them.

E. Other activities

24. On 13 November, the Special Representative presented her annual report (A/58/380) to the General Assembly, which focused on her deep concern at the impact of security and counter-terrorist legislation on human rights defenders, including the deliberate use by some States of such legislation as a tool to prevent defenders from investigating and reporting human rights abuses.

II. TRENDS IN THE SITUATION OF HUMAN RIGHTS DEFENDERS

25. This section of the report provides an analysis of alleged violations of the Declaration on Human Rights Defenders as reflected in the communications sent by the Special Representative to Governments from 1 December 2002 to 30 November 2003. The communications were based upon information from sources, including international and national NGOs, professional associations, trade unions, political parties, individuals, human rights units of United Nations peacekeeping missions and human rights units of regional intergovernmental organizations. The

Special Representative relies on the information she receives. Where no information has been forthcoming, she has not been able to draw any conclusion about the situation of defenders. The trends described below are not an exhaustive account of the situation of defenders throughout the world, but rather an analysis reflecting those situations of concern which have found voices to relay them.

26. In spite of this limitation, due partly to limitations on the resources available to the Special Representative, the overall and comparative reading of communications yields evident patterns and characteristics in the types of issues in connection to which defenders are targeted, the moment when such targeting occurs, the types of violations to which defenders are exposed and the categories of alleged perpetrators.

27. The Special Representative has sent some 235 communications this year, including 165 jointly, concerning over 265 cases and regarding at least 565 defenders and 203 NGOs. Communications emanated from all regions of the world: 27.5 per cent from the Americas, 23.5 per cent from Europe and Central Asia, 20 per cent from Africa, 14.5 per cent from Asia and 14.5 per cent from the Middle East.

28. The Special Representative notes that information has been more forthcoming where civil society networks are in place. Such networks create the necessary structural relay at the national, regional and international levels capable of gathering, checking, formatting, communicating, disseminating and following up on information about human rights abuses committed against defenders, including with respect to mechanisms such as the special procedures of the Commission. Such networks perform essential work through their capacity to identify the relevant bodies competent to address a specific situation tailor the information to their needs, and to provide a link between those bodies and the individuals or organizations at the local level. Such structures allow even the most isolated defender access to the international community.

A. Which defenders are being targeted, and where?

29. The overwhelming majority of communications sent by the Special Representative concern cases in which human rights defenders have been targeted in their capacity as members of NGOs. Out of 566 individuals targeted, 442 were members of NGOs.

30. Human rights defenders continue to be targeted in their professional capacity as lawyers (62 cases), journalists (45) and doctors (7). Relatives of victims of human rights abuses (23), trade unionists (25) and students (17) also encounter serious hostility to their activities. Whereas NGO members and professionals remain the largest categories of defenders targeted, civil servants working as judges, ombudspersons, prosecutors and members of ministries, and in parliaments and national human rights institutions are increasingly targeted for their work in the defence of human rights, in particular in connection with the enforcement of the rule of law (17).

31. An alarming trend this year is the increasing targeting of international humanitarian workers, particularly in the context of ongoing and post-conflict situations. While the most infamous example is the attack against the United Nations compound in August 2003 in

Baghdad, the Special Representative has also received information of numerous other cases in which humanitarian workers from United Nations agencies and international relief agencies as well as peace activists, have been targeted and killed by the military, armed rebel groups and terrorist groups.

32. The Special Representative has also received information with regard to cases of defenders targeted for collaborating with international bodies and agencies. In particular, this year has seen some cases of defenders who were killed or disappeared after having cooperated with the special procedures of the Commission on Human Rights. The Special Representative expresses her deep concern over this emerging trend. Human rights defenders who report on the human rights situation inside their countries to the outside world, in particular to special procedures, provide an invaluable source of information. Where they remain silent for fear of retaliation, it becomes difficult, if not impossible, to assess their situation.

33. While in most instances defenders have been targeted as human rights activists in connection with their efforts to uphold general human rights norms, many have also been targeted in relation to their work on a number of specific human rights concerns.

34. In the past year, communications sent attest that defenders working on strengthening the rule of law and against impunity have been targeted in Argentina, Colombia, El Salvador, Guatemala, Haiti, Mexico, Peru and Venezuela, but also in Chad, the Gambia, India, Indonesia, Lebanon, Sri Lanka, Sudan, Thailand, the United Republic of Tanzania and Zimbabwe.

35. Cases show that defenders have also been targeted in connection with their activities in the fight against torture and inhumane treatment in Brazil, Chad, the Democratic Republic of the Congo, Honduras, India, Indonesia, Jordan, Malaysia, Mexico, Nigeria, Pakistan, the Russian Federation, Sri Lanka, Tunisia, Turkey, Uzbekistan, and Zimbabwe.

36. Defenders have been targeted in relation to their work on minority rights in Azerbaijan, Bulgaria, China, Egypt, Greece, Indonesia, Israel, the Russian Federation, Slovakia, the Syrian Arab Republic and Turkey, in particular in the context of the right to self-determination.

37. Those working on democratic rights have encountered serious obstacles in Armenia, Azerbaijan, Belarus, Georgia, Kyrgyzstan, and Turkmenistan, and also in Cuba, the Democratic Republic of the Congo, Guatemala, Iran (the Islamic Republic of), Pakistan, Tunisia and Zimbabwe.

38. Reports of defenders targeted in connection with their work on indigenous and land rights have come mainly from Angola, Bolivia, Brazil, Colombia, Guatemala, Honduras and Mexico, but also from Cambodia, Egypt, Nepal and Viet Nam.

39. Communications from Bolivia, Colombia, the Democratic Republic of the Congo, Malaysia, the Republic of Korea, Thailand and Zimbabwe indicate that defenders have also been targeted for their activities in favour of labour rights.

40. In the past year, peace activists have been targeted in the Democratic Republic of the Congo, Egypt, Israel, the Sudan and the United States of America.

41. Finally, allegations of human rights defenders being targeted in connection with their work on women's rights have been received from Azerbaijan, Colombia, Egypt, Guatemala, Nigeria, Slovakia and the Sudan.

B. Moments of vulnerability

42. The information received by the Special Representative has enabled her to identify moments when those working in the defence of human rights appear to become particularly vulnerable.

43. The communications sent indicate that human rights defenders are disproportionately targeted before, during, or just after publicizing human right issues. In particular, defenders have been targeted at the time of the publication of reports, articles, petitions, open letters, radio broadcasts, public statements and campaigns denouncing human rights violations, criticizing the Government and State authorities for policies and practices not in compliance with internationally recognized human rights standards.

44. Defenders have also been particularly vulnerable to attacks in the context of denouncing human rights abuses during peaceful public demonstrations, rallies and strikes. Defenders are increasingly targeted in the run-up to the organization of peaceful protests; in particular, they have encountered administrative harassment in securing authorization for such events. They have also suffered from the use of excessive force by authorities during peaceful protests, including violent anti-riot methods, as well as hasty and often arbitrary detention before, during, and in the aftermath of such events.

45. In view of the many cases sent in this respect this year (40), the Special Representative is particularly concerned that Governments, in the context of their internal and international fight for greater security, are showing an undue willingness to overly restrict the right of their population to peaceful dissent, in particular through unwarranted violent methods to control peaceful crowds. She reiterates the concern expressed in her previous report to the Commission that the right to peacefully protest against violations of human rights has come under particular strain. Indeed, the abuse of force on the part of State authorities has turned peaceful assemblies into riots, for which, in her view, those who use such force are responsible.

46. Defenders have also frequently been targeted in the context of the investigation of human rights abuses, in particular when it becomes likely that the rule of law will be enforced or that judicial or other institutions responding to the complaints of human rights defenders will provide redress, and when defenders cooperate nationally and internationally with judicial and other authorities by giving testimonies, acting as witnesses in court cases or sharing their forensic, medical, or legal expertise to further the advancement of the rule of law.

47. Participation in conferences, seminars, workshops and meetings, and travel to and back from these events have also prompted and provided occasions for greater targeting of defenders.

48. The run-up to and the aftermath of an election are also periods of particular vulnerability for human rights defenders. The Special Representative has received numerous communications from defenders who have been arbitrarily detained, physically assaulted and threatened in the context of an electoral process in connection with their activities to secure respect for democratic rights and accountability for past human rights abuses of candidates.

C. What types of violations are allegedly being committed against human rights defenders, and where?

49. The Special Representative notes with concern that the communications sent this year indicate an increase in the number of cases alleging grave human rights abuses against defenders, and a shift from low-level targeting such as intimidation and harassment to more serious violations such as detention, prosecution, conviction and threat to their physical integrity.

1. Using the law to violate human rights: arrest, detention, prosecution and imprisonment of human rights defenders

50. The majority of communications sent by the Special Representative to Governments this year concern cases of human rights defenders who have been arrested (88), detained (77) and prosecuted (46) in connection with their activities in the defence of human rights, a marked increase over previous years.

51. In the past year, human rights defenders across the world have been arrested and detained, many without warrants, for asking for authorization to hold a demonstration; for contesting the payment of a fine; for distributing posters and leaflets; for participating in demonstrations, meetings, seminars and workshops; for investigating or reporting on cases of human rights abuses; and for making critical statements against the authorities. Many were detained without charges only to be released days, in certain instances weeks, later without having had access to a lawyer, been informed of the reason for their arrest, or had access to a judicial process.

52. The communications also indicate that State authorities are increasingly using courts and restrictive legislation, including security legislation, as a means to deter defenders from carrying out their activities and to sanction their work. In one case, a human rights defender was charged with "maliciously publishing false news" for releasing a report on the torture and ill-treatment of migrant workers. In another case, a defender was charged with "disinformation" for statements denouncing violence perpetrated by law enforcement officials during a demonstration in favour of environmental rights. Defenders have faced charges of subversion for setting up Internet-based human rights web sites, of being spies for disseminating information abroad, and of aiming to overthrow the Government and damage the country's reputation for reporting on the internal human rights situation at international human rights conferences. Others have been accused of treason, terrorist activities, aiding and abetting an illegal organization, and endangering the integrity of the State for acts such as making public statements in a minority language or publishing reports about minority rights.

53. While a number of court cases against defenders have resulted in acquittal, many others have resulted in their conviction, with penalties ranging from fines to life imprisonment. Examples include defenders being sentenced to life in prison for participating in a campaign

calling for the organization of a referendum on democratic reforms, and a defender being condemned to 12 years' imprisonment on charges of espionage for sharing information about a protest concerning land rights with groups outside the country. Some sentences were passed after closed trials, some by security and military courts. In some cases, the defence was not heard, evidence was not presented and the court decisions were not reasoned.

54. Legal proceedings against defenders are not only increasingly frequent, they are multiple and repeated. Some defenders and their organizations face as many as several hundred cases against them in court. Others have faced extremely long procedures with one defender on trial for seven years. In some instances, despite having been acquitted, defenders have faced further legal prosecution on the basis of the same facts but with different charges against them. In the past year, incidents of this type have been reported in Algeria, Cuba, the Democratic Republic of the Congo, Egypt, Georgia, India, Indonesia, the Islamic Republic of Iran, Malaysia, Tunisia and Turkey.

55. The Special Representative expresses her deep concern over the growing use by States of the legal system to harass human rights defenders and hinder their work. Such harassment has resulted in defenders' reputations being undermined and in their time and financial resources being diverted from their human rights work. She is particularly concerned where existing laws criminalize the activities of defenders in favour of the defence of human rights. During the reporting period, the Special Representative has sent several communications with regard to laws drafted and passed by Governments and parliaments that restrict the space in which human rights activities may be carried out. In particular, communications were sent regarding laws overly restricting the right to freedom of expression and freedom of association to the Governments of Egypt, Georgia, the United Republic of Tanzania and Zimbabwe. Such laws raise serious concerns as they provide the basis for judicial authorities to legitimize the detention and conviction of defenders in connection with their human rights activities.

2. Violation of the rights of human rights defenders to life, and mental and physical integrity

56. The number of cases sent in 2003 regarding human rights defenders killed (18), those on whose life attempts have been made (10), those assaulted (46), kidnapped or abducted (18), those tortured or otherwise ill-treated (42), and those against whom threats have been proffered (69) point to an increase in reports of the most serious forms of violations. The Special Representative is deeply disturbed by such a trend, which indicates that defenders are at a heightened risk of becoming victims of physical harm, in some cases resulting in death.

57. Defenders have been subjected to ill-treatment such as beatings, including with wooden sticks, stones and axes, being blindfolded, suffocated and forced to strip. Such abuses have occurred while defenders were being arrested and en route to their places of detention. A number of defenders have faced pogrom-like assaults from the population after defamation campaigns in Government-controlled media disclosing their personal contact details and pictures. Yet others have faced assaults by groups of political supporters of known perpetrators of past human rights abuses in the run-up to elections.

58. A number of defenders detained have been held in poor conditions without access to food, water, or medical care, in confined cells with no daylight. Others have been held in incommunicado or solitary confinement with no access to their relatives or legal counsel. Defenders have also been subjected to ill-treatment and torture while in custody, including beatings, electric shocks, sexual and verbal abuse and sleep deprivation. Some have been forced to sign self-incriminating statements and commitments to stop their activities, which were later used against them in judicial proceedings.

59. Defenders have had shots fired at their homes, offices and cars. Some have had to flee for their lives while being chased by unknown armed individuals in trucks. Police and security forces have used excessive force, including live ammunition and high-calibre weapons, to repress peaceful protests, causing serious injuries and even death, to defenders. Defenders working in conflict situations have become targets of the warring parties. Humanitarian workers have been shot in cold blood by rebel forces while attempting to tend to the needs of the local population. Peace activists have been shot or otherwise killed by regular armed forces despite having signalled their neutral status by visible fluorescent clothes, some in the attempt to save lives, others to prevent homes from being destroyed. Defenders have been abducted at gunpoint by military and plain-clothes officers, have faced armed attacks on their vehicles and homes, have been shot dead in front of their houses during raids or while being abducted. In one case, a defender was poisoned while in custody and died shortly after being released.

60. Human rights defenders have also had to live for long periods in fear for their safety and that of their family. Anonymous and repeated phone calls and letters to their home and on their cell phones have threatened them with arrest, disappearance and death, explicitly in an attempt to deter them from investigating cases of abuse, from continuing to publish articles on police brutality, from testifying in a murder case, or from investigating mass graves. Defenders have seen security forces burst into their homes and threaten their families. In one case, 12 armed men with false identity cards forced themselves into a defender's house, threatening him and his family after the publication of an article on corruption of the authorities. Defenders have also received numerous insults and been verbally assaulted in connection with their activities.

61. As in previous years, Latin America was the region with the majority of communications concerning defenders who have been the subject of attacks against their person, including killings (9), kidnapping (12) and death threats (42). Allegations of such violations have been received from Bolivia, Brazil, Colombia, Guatemala, El Salvador, Haiti, Honduras, Mexico and Peru.

62. Defenders in Europe and Central Asia have also faced serious threats against their physical integrity with a number of cases reporting death threats (11), physical assaults (8), torture (7) and kidnapping (3). The Special Representative has sent communications in this regard to the Governments of Azerbaijan, Bosnia and Herzegovina, the Russian Federation, Turkey, Turkmenistan and Uzbekistan.

63. It is noteworthy that Asia has become the second region in terms of communications sent concerning defenders killed (5). Allegations of death threats (7), physical assaults (5) and attempted killings (2) in the region have also been frequent. Communications were sent in this respect to the Governments of China, India, Indonesia, Pakistan, Sri Lanka and Thailand.

64. The Special Representative has also received allegations of such violations from defenders in Algeria, Cameroon, the Democratic Republic of the Congo, the Gambia, Guinea Bissau, the Islamic Republic of Iran, Israel, Tunisia and Zimbabwe.

3. Intimidation and harassment campaigns

65. The communications sent to Governments this year attest to the continued intimidation and harassment of defenders.

66. Defenders have continued to be subjected to defamation campaigns in Government-run media in Algeria, Azerbaijan, Brazil, Colombia, Israel, Kyrgyzstan, Namibia, Nepal, Togo, Uzbekistan and Zimbabwe. Government officials, including in one case the chief of the national armed forces and the President, have made statements linking defenders to rebel groups, assimilating them to terrorists, labelling them as “enemies of the State” and “the people”, and questioning their morals. Such slanderous attacks have aimed at discrediting the aims, work and integrity of defenders in order to undermine financial and public support for their activities. In certain instances, defenders have been framed. Examples include false accusations of sexual abuse against minors, and even of drunk driving. Lawyers, judges and doctors have faced disciplinary proceedings from their professional boards, been sanctioned, at times disbarred and their licences taken away, for offering legal counsel, investigating cases of human rights abuses and writing medical certificates attesting to ill-treatment. Some have lost their jobs in connection with their action in the defence of human rights.

67. Defenders have continued to face constant surveillance, including being followed by plain-clothes officers, having armed men in cars watching their homes and offices, and having their phones tapped, their correspondence opened and their names put on intelligence lists after participating in meetings, workshops or conferences. Others have been summoned to report to the police on a regular basis and repeatedly interrogated about their organization. Harassment of this nature was reported by defenders from Azerbaijan, Cameroon, Colombia, Guatemala, Honduras, Kyrgyzstan, Mexico, the Russian Federation and Tunisia.

68. Defenders’ offices have been raided, vandalized and arbitrarily shut down. Their equipment, including computers, cameras and files, has been destroyed, stolen and seized. In one case, the bank account of a human rights organization was barred from receiving funds from the European Commission destined to finance its projects. Defenders have seen their travel documents, identity cards, clients’ files and photographs confiscated and faced refusal to return them. Incidents of this nature have been reported in Armenia, Azerbaijan, Brazil, Chile, El Salvador, Guatemala, Honduras, Kyrgyzstan, Mexico, Peru, the Russian Federation, the Sudan, Tunisia, Turkey and Zimbabwe.

69. Defenders have been barred from travelling abroad by having their travel documents seized, being refused access to planes and detained at airports in order to prevent them from reporting about the situation inside their country to international forums and bodies, including the Commission on Human Rights. Some have been detained, searched and interrogated upon their return from travelling abroad. Others have been refused visas, barred from access to places

of human rights abuses, denied renewal of their residence permits and even deported as retaliation for their human rights work. Defenders have encountered such obstacles in Cameroon, Israel, Lebanon, Malaysia, Morocco, Nigeria, the Sudan, Tunisia, Turkmenistan, Uzbekistan and Zimbabwe.

70. Defenders have faced increasing administrative harassment in connection with the registration and the status of their organization. Citing security needs, Governments have embarked on national campaigns to register all NGOs, during which well-established human rights organizations have seen their registration denied. Human rights defenders have faced difficulties registering their organization in Belarus, Egypt, Honduras, the Russian Federation, Tunisia, Uzbekistan and Zimbabwe. Defenders have also seen their work hindered by burdensome administrative authorization requirements, in particular for holding meetings, demonstrations and strikes. An emerging trend is the administrative closure of NGOs. In Belarus and the Russian Federation more than 20 NGOs received warnings and faced legal proceedings to be shut down. Human rights organizations have been closed by local courts on complaints from government ministries for minor administrative irregularities such as having a different street address from that registered, the absence of quotation marks surrounding their names on their letterheads, and undertaking activities deemed outside the scope of their charter. The use of such pretexts by Governments to close organizations has forced defenders to continue their work without registration. This has resulted in a criminalization of their activities, making them even more vulnerable to legal proceedings.

4. Lack of response from the authorities and impunity for abuses against defenders

71. Defenders frequently have had to face a lack of response by the authorities to their situations or complaints. This has resulted in impunity for those abusing their rights. Police forces have failed to intervene to stop assaults against defenders by private actors, have stood by and watched offices being attacked, and have failed to investigate complaints lodged with them. In some cases, defenders have been interrogated, investigated and detained for having reported such incidents.

72. Judicial authorities worldwide have shown a disturbing lack of diligence in examining cases of abuse against defenders and particular leniency towards suspected perpetrators, especially members of the security and armed forces. The information received by the Special Representative shows that a majority of cases brought by defenders have not resulted in convictions, but in acquittals. In the few instances where perpetrators have been convicted, the sentences have been particularly lenient. In certain cases, police officers convicted of torture have been able to convert their prison terms into fines. In some countries, the regulations in place require authorization prior to prosecuting police or military officers and accused officers are not suspended from their duties while on trial. In others, legislation sets extremely low maximum penalties for convicted officers and confers immunity for a number of actions, in particular those conducted in "good faith" in the context of the fight against terrorism.

73. The Special Representative is deeply disturbed by such trends, which attest to the fact that impunity for human rights abuses against defenders remains unacceptably widespread. Far from fulfilling their duty of protection, a number of States seem to criminalize the activities of defenders and tolerate, and in some cases legitimate, the abuses perpetrated against them.

5. Perpetrators

74. Some half of the communications sent by the Special Representative (134) concern abuses reportedly committed by police and security forces, such as riot police, gendarmes, intelligence forces and immigration officials, worldwide. Police and security forces have been particularly involved in abuses such as physical assaults, raids on offices and homes, arbitrary detention, ill-treatment in custody and surveillance. As mentioned above, in many cases they have also failed to respond appropriately to abuses against defenders.

75. The Special Representative notes with deep concern that, in numerical terms (103), communications concerning courts, including security and military courts, administrative bodies such as the Ministries of Social Affairs, the Interior and Justice and, in some cases, the parliament, as perpetrators of violations appear to have taken precedence over those concerning military and paramilitary forces. This worrying trend suggests the institutionalization of acts against defenders. It is particularly noticeable in information from Belarus, the Russian Federation, Slovakia and Turkey, especially in connection with judicial harassment, registration issues, closure of NGOs and, in some cases, defamation campaigns. To a lesser extent, it is also visible in cases from Algeria, Egypt, Malaysia, Mauritania, Morocco, Pakistan, the United Republic of Tanzania, Tunisia and Zimbabwe.

76. In a worrying number of cases (47), the identity of the perpetrators remains unknown. This is typically the case for violations of the gravest nature including killings, attempted killings, kidnappings and death threats. Information was received in this respect from Argentina, Armenia, Bolivia, Brazil, Burundi, Chile, Colombia, El Salvador, Guatemala, Haiti, Honduras, Mexico, Nigeria, the Russia Federation and Uzbekistan.

77. Military, paramilitary and rebel armed forces continue to be responsible for abuses against defenders in many cases (38), in particular in regions facing open armed conflict or a growing rebellion. Armed forces are mainly responsible for killings, serious injuries, disappearances and incommunicado detentions. The Special Representative has received communications to that effect from Colombia, the Democratic Republic of the Congo, Indonesia, Liberia, Mexico, Nepal, the Russian Federation, the Sudan and Zimbabwe, and from the Occupied Palestinian Territories.

78. Finally, a growing number of communications (22) concern violations perpetrated by private actors. This category of perpetrators includes groups of citizens conducting pogrom-like assaults, neighbours, mafia networks and corporate business interests, in particular in connection to land, indigenous and labour rights. Cases were received in this respect from Azerbaijan, Bolivia, Brazil, China, Guatemala and Pakistan.

III. FOLLOW-UP OF CASES AND TRENDS IN GOVERNMENT RESPONSES

79. This section of the report gives a brief overview of the outcome of a small number of cases for which the Special Representative has received follow-up information. It also analyses the trends in responses received, up to 30 November 2003, from Governments

to the communications sent by the Special Representative. In particular, it examines the responsiveness of different regions and countries and the types of arguments used by Governments in their responses.

80. It is important to note that the analysis below is based on the relatively small amount of data available to the Special Representative. The rate of response by States to cases sent is low. However, a number of cases sent to Governments in 2003 may receive responses in the course of 2004. Nonetheless, as in the analysis of the communications sent, an analytical reading of the government responses received so far yields some evident patterns, which are described below.

A. Outcome and follow-up of cases

81. Owing to restricted resources, it has proved difficult for the Special Representative to systematically follow up on the outcome of cases upon which she took action. Nevertheless, in a few of them, she received information both from Governments and defenders, enabling her to draw further conclusions. In many instances, the information received prompted the Special Representative to send follow-up communications to Governments as the violation was reportedly continuing. These are included in the addendum.

82. Nevertheless, the Special Representative notes with satisfaction that in a small number of cases, she has received information confirming that the violation has stopped. The majority of cases for which positive follow-up information was received concerns human rights defenders in detention. Out of the 76 cases of detention raised in her communications, she received information that at least 10 resulted in the release of the defenders concerned. In two cases, the Special Representative received information that the court cases against defenders were dropped. In one particular case, all charges were dropped and previous questionable judgements condemning the defender in absentia were quashed. This allowed for the defender, who had been living in hiding for almost a decade, to return to normal life.

83. The Special Representative also notes that in a number of responses (13) concerning threats to the physical integrity of the defenders, States report having taken protective measures. This is particularly noticeable in responses from Colombia, El Salvador, Guatemala and Mexico, especially when such measures were requested by the Inter-American Court of Human Rights. The Special Representative welcomes these positive steps. Nevertheless, she would like to stress that many defenders refused the protection of police and the military because they represent the majority of the alleged perpetrators of violations against them and their presence does not give the defenders a sense of security.

B. States' responsiveness to communications

84. Of the 235 communications sent to Governments by the Special Representative this year, a total of 103 had received responses as of 30 November 2003. In numerical terms, responses from Latin America have been the most numerous (55) with some amounting to dozens of pages and including very detailed information about each case. Far fewer responses were received from Europe and Central Asia, the Middle East and Asia (respectively 17, 16 and 14). Finally, the lowest number of government responses so far in 2003 came from Africa (6).

85. An analysis of the number of government responses received against communications sent indicate that countries in Latin America are by far the most responsive and those in Africa the least. Countries from the Middle East are the second most responsive.

86. The Special Representative is pleased to note that this represents a slight increase in the responsiveness of Governments from 2002 when 72 responses were received. Nonetheless, the Special Representative regrettably notes that over 50 per cent of cases sent remain without responses and that Governments' responsiveness thus remains poor.

87. The Special Representative is happy to report that countries to which she has conducted a country visit - Colombia, Guatemala, Kyrgyzstan, The former Yugoslav Republic of Macedonia and Thailand - have shown a very good level of responsiveness to her communications. She believes that such an attitude on the part of Governments builds very positively on the dialogue started during her country visits.

C. Types of arguments used by Governments in responding

88. An analysis of the content of responses received indicates a general consistency in the nature of the arguments used by Governments. Two regional trends can be identified. A majority of the responses stating that steps have been taken in relation to a violation come from Latin America, while responses denying the human rights defenders the status of alleged victim come mostly from countries in the Middle East.

1. Taking steps

89. In the majority of responses received by the Special Representative (36), Governments show a willingness to cooperate with the Commission mechanisms. They report, some at great length, that steps have been taken to ensure the protection of the alleged victims.

90. In 13 responses, 12 from Latin America, protective measures are reported to have been granted to the defender at risk. Though in a number of responses investigations are said to be ongoing, only four report that the perpetrators have been identified and judicial proceedings started. To date, no responses indicate that the perpetrators have been indicted or sentenced. Judicial proceedings, where mentioned, seem to be ongoing. This confirms the trend underlined earlier in this report that, even where violations against defenders are recognized as such by Governments, impunity remains the norm. This represents a serious challenge to the implementation of the Declaration.

2. Denial of human rights defender status or of a link to human rights work

91. Approximately a third of the responses received question the credibility of the reported victim. A number of them deny their human rights defender status, while others seek to undermine their credibility by alleging that they are involved in criminal activities or violent or politically motivated acts. Some also suggest that the individual in question is suffering from a mental disorder. Other responses deny the existence of a connection between the alleged events and the human rights activities of the defender. Examples include responses in which violations, such as the theft of human rights databases, are treated as common crimes.

3. National law

92. Almost a third of the responses refer to national law either as a justification for the alleged violation, or as the standard against which Governments' compliance with human rights norms should be judged. State responses frequently argue that they are in compliance with national legislation and internal rules in order to legitimate the lawfulness of the reported violation, despite its possible qualification as a violation under international law, and seldom refer to their international obligations in that context.

93. In such instances, the facts alleged in the communication sent are often re-qualified in the State response according to terminology used in national legislative provisions, thereby purportedly bringing the facts within the scope of application of such legislation. For example, facts described as the exercise of freedom of expression by defenders are qualified in a response as a "disturbance of public order", "threat to the State" or "incitement to hatred". The maintenance of "public order" is often cited as the legitimization of action taken against defenders. Similarly, the lawfulness of the alleged violations under national law, or their endorsement by national institutions (such as courts), is sometimes cited as legitimating the violations committed against defenders. Only four responses mention international law as the standard against which compliance should be judged. In each of them, the Government reported that its national law was in conformity with international norms.

4. Denial of facts

94. While two thirds of the responses do not question the veracity of the facts alleged, in the remaining third, Governments claim that the reported facts are false. In most cases, they provide alternative facts. It is significant to note that, despite their small number, all responses to communications on cases concerning torture or ill-treatment of defenders deny those violations. This trend is confirmed by responses received to many communications sent by the Special Rapporteur on the question of torture.

5. National remedies were not sought

95. Some responses also report that no complaint was lodged with the national authorities by the defender. Governments thus often state that as the violation has not been reported to national authorities, no response can be given to the Special Representative. Responses reporting the absence of a complaint are most frequent in the context of problems of gaining access to a lawyer while in detention.

6. Public order

96. Other responses refer to the necessity of maintaining public order and security as a justification for permitting or suppressing a particular activity. Few of these, however, give an explanation as to the exact manner in which a defender's activities may have caused a disturbance of public order.

7. Questioning the legitimacy of the mandate

97. In a small number of responses, Governments suggest that the Special Representative is acting outside the scope of the mandate. These include communications sent with regard to the issuance of visas to foreign human rights defenders, to specific national legislation, and to individuals not considered by the State to be human rights defenders. The Special Representative is concerned that such responses indicate a misunderstanding of the Declaration and of her mandate on the part of a number of States.

98. One response suggested that the Special Representative is displaying bias by virtue of sending communications only with regard to violations affecting persons who are critical of their Government. In this respect, the Special Representative would like to underline that she considers all cases submitted to her on an equal basis. Indeed, as stated above, an increasing number of communications sent by the Special Representative this year concern defenders who are civil servants and work for the State.

8. Recognition of officials' wrongdoing

99. The Special Representative notes that responses in which Governments accept responsibility for wrongdoings towards defenders are particularly rare (4).

IV. CONCLUSIONS AND RECOMMENDATIONS

100. **From her analysis of the information gathered over the year, the Special Representative is compelled to conclude that the pattern of restrictions being imposed upon human rights defenders reflects very serious challenges to the implementation of human rights standards themselves. Firstly, the 266 cases taken up - which the Special Representative considers to represent just a small proportion of what is occurring - reveal multiple allegations of defenders being victims of, inter alia, killings, attacks, death threats, torture, arbitrary arrest and detention, prosecution, prison sentences and fines, harassment and intimidation, surveillance, violations of freedom of expression, assembly and association, and the targeting of family members. Violations committed against defenders are rarely a single occurrence and usually have an impact over long periods of time, affecting defenders' professional and personal lives. A death threat against a defender and her family can change the way the family leads its life for a year or more. Multiple prosecutions of defenders exhaust their time and financial resources over several years. The Special Representative regrets that 2003 has thus revealed a continuation of the severe and widespread violations against defenders she has reported in the past, as a direct response to their human rights work. These cases provide the most direct and pressing challenge to the Declaration on Human Rights Defenders.**

101. **Secondly, cases targeting human rights defenders represent not only a violation of the defenders' rights, but also a violation of the human rights standards that the defender was working to support, sometimes on behalf of many people. Restrictions on the capacity**

of individuals, groups and organizations to fulfil their role and responsibilities in accordance with article 18 of the Declaration are also restrictions on the capacity within a State to implement and protect human rights standards. In the same way, reprisals against defenders collaborating with United Nations and other international or regional human rights mechanisms have a negative effect on the defender concerned as well as on the capacity of the international human rights framework to function. Similarly, the continuing rise in acts against international and national humanitarian workers, and other human rights defenders whose work is critical to the survival of populations in emergencies, have a rapid and heavy consequence for the human rights of thousands of people in the affected areas. The Special Representative thus underlines that violations against defenders, in several ways, have a severe impact on the general protection of human rights of all persons and on the capacity of States, civil society and the international community, including the United Nations system, to address human rights concerns.

102. Thirdly, citing security and sovereignty, and making use of domestic legislation, some Governments have manufactured sensitivity around certain issues - such as State security - as a means to deter criticism of practices and policies that violate human rights and are contrary to the principles of the Declaration. Acts previously considered as aberrations from accepted norms now find acceptance within some domestic laws and the cases described in this report reflect the high number of defenders whose rights are being restricted through the application of domestic legislation, enforced by the courts. The Special Representative is concerned that, through these actions, the universality of international human rights standards and their legal applicability within a State is being questioned. Turning both the law and the courts against human rights removes essential pillars of the international human rights system. Further, silence on the part of Governments on the communications (on cases and requests for visits) addressed to them by the Special Representative precludes the possibility of a dialogue, limits her capacity to gather information and denies the Commission on Human Rights its prerogative of contributing to the protection of international human rights standards.

103. In spite of these serious causes for concern, the Special Representative welcomes the increase in efforts by some States, some regional organizations and civil society to support the role and situation of human rights defenders. Several national parliaments have taken the initiative to conduct debates in support of defenders; one State is in the process of adopting a foreign policy on defenders and their protection; others have shown interest in adopting the Declaration on Human Rights Defenders as binding national legislation. The establishment by the African Commission of a focal point on human rights defenders is an excellent initiative accompanying similar action by the Inter-American Commission. Human rights defenders within civil society are increasingly organized at the national and regional level, and contributing to the promotion and protection of human rights. The United Nations is increasingly embracing a human rights approach and the Office of the High Commissioner for Human Rights is particularly active in supporting this transformation.

Recommendations

104. The Special Representative:

- (a) Urges States, in consultation with human rights defenders, to adopt, publish and implement a policy on defenders which:**
- (i) Has the objective of strengthening support for the role and situation of human rights defenders and fully respects the Declaration's provisions;**
 - (ii) Contains a programme of specific actions to implement the Declaration;**
 - (iii) Recognizes civil society as an essential partner in a democracy and acknowledges its role in the promotion and protection of human rights;**
- (b) Urges States:**
- (i) To review their domestic legislation to ensure conformity with the rights recognized in the Declaration, with other international human rights instruments and with the Charter of the United Nations;**
 - (ii) To consider adopting the Declaration on Human Rights Defenders as a part of domestic legislation;**
 - (iii) To provide training for judges and lawyers on the rights protected by the Declaration and consider the application of legal penalties for false prosecution of defenders;**
 - (iv) To provide training on the Declaration to police, military and other security forces and to institute and enforce sanctions against those acting in violation of its principles;**
- (c) Encourages States to create regular forums for consultation between State authorities and human rights defenders to strengthen dialogue;**
- (d) Encourages national and international NGOs:**
- (i) To create and strengthen coalitions and networks to enhance the protection of defenders;**
 - (ii) To give increased priority to training defenders on the national, regional and international protection instruments and on the ways to invoke them;**

(e) Suggests that the “periods of vulnerability”, indicated by the information she has received, be taken into account by State authorities and by human rights defenders when defining strategies for the protection of human rights defenders. She calls on Governments to be particularly vigilant in their duty to protect at such moments and to make their commitment in this respect public. She also encourages Governments to seek the cooperation of the regional and international protection systems where these can enhance the capacity of national mechanisms to provide protection to defenders;

(f) Urges that special legal regimes restricting the normal respect for human rights not be applied to defenders and that the situation of human rights defenders be more closely monitored by national authorities, as well as by the international community, in all regions under martial law or other states of exception;

(g) Urges State authorities:

(i) To establish a methodology for the prompt investigation of complaints and allegations brought to their attention by the Special Representative and other special procedure mechanisms of the Commission on Human Rights, and for timely action to prevent harm to defenders at risk;

(ii) To respond to her communications on cases as soon as possible and to be more forthcoming in these responses, with a view to strengthening opportunities for dialogue;

(iii) To give positive consideration to her requests for country visits and other opportunities to gather information on issues falling within her mandate.

(h) Assures States of her willingness to provide them with any support they might request in the implementation of the above recommendations, within the limitations of her mandate and the resources available to her.
