



**COMMITTEE
FOR JUSTICE**



HUMAN RIGHTS DEFENDERS W A T C H

METHODOLOGY

Methodology of the Human Rights Defenders Watch Project

Human rights defenders are defined globally based on the United Nations General Assembly Declaration on Human Rights Defenders as individuals or groups working to promote, protect, or seek to protect and fulfil by peaceful means universally recognized human rights and fundamental freedoms.¹ The declaration guaranteed the freedom and right of all persons to defend human rights by all peaceful means, whether through meeting, gathering, forming organizations, groups, or non-governmental associations and affiliation with them, and contacting non-governmental organizations or intergovernmental organizations.

Through its articles, the Declaration accorded additional protection to the category of "human rights defenders", by holding countries and local governments responsible for their safety while carrying out their peaceful activities, and empowering them with their right to:

- Seeking to protect and implement human rights at the national and international levels.
- Exercising human rights individually or in association with others.
- Formation of independent associations and organizations.
- Seeking, receiving and retaining human rights information.
- Developing and discussing human rights ideas and principles.
- Submitting criticisms to governmental bodies, institutions and organizations concerned with public affairs, to improve their performance, and to draw attention to any aspect of their work that may impede the realization of human rights.
- Submitting complaints about official policies and actions related to human rights, and reviewing these complaints.
- Offering and providing professional legal aid or other advice and assistance in defense of human rights.
- Attending plenary sessions, proceedings, and trials in order to assess their compliance with national law and international human rights obligations.
- Unhindered access to, and communication with, NGOs and IGOs.
- Effective protection under national law in response to or objection, by peaceful means, to acts or violations attributable to the State which lead to human rights violations.
- Soliciting, receiving and making use of resources for the purpose of protecting human rights.

¹ <https://www.ohchr.org/en/instruments-mechanisms/instruments/declaration-right-and-responsibility-individuals-groups-and>

The adoption of the Declaration on Human Rights Defenders marked a turning point in the development of the global human rights system, as it is an unprecedented step that goes beyond the principle of protecting victims and their rights, to protecting actors interested in promoting these rights. This is despite the fact that the Declaration did not explicitly define or mention the term “human rights defender”² until 2004, when the Office of the United Nations High Commissioner for Human Rights issued Document No. 29 entitled “Human Rights Defenders - Protecting the Right to Defend Human Rights”, as a supplement to the first declaration, naming and clarification of the term. The document reconfirmed the general wording in defining human rights defenders as not limited to practitioners only. It stressed that criteria such as gender, age, professional qualifications, the amount of time devoted to human rights activism, or the presence of an official title “human rights activist” or “human rights organization” are not relevant to the designation of human rights defenders, and that what defines a “defender” is the nature of the human rights work that s/he practices. The document also added a minimum number of requirements that must be met by a human rights defender, namely: 1) defending, promoting and protecting human rights (2) doing so in a peaceful, non-violent manner (3) lack of belief that any human rights can be violated or denied.³

Other regional documents echoed the term and its definitions in the same manner as the Universal Declaration, most notably: The European Union Guidelines on Human Rights Defenders, which state that human rights defenders are defined as⁴ “individuals, groups and organs of society that promote and protect universally recognized human rights and fundamental freedoms,” and that the range of rights advocated by defenders includes civil and political rights, as well as economic, social and cultural rights and the rights of vulnerable and marginalized groups. The definition is also found in some local laws, such as the Brazilian Presidential Decree 6,044/200758.⁵

Sometimes there have been attempts to narrow the definition of human rights defenders, especially in domestic laws, which was noted by Protection International during its domestic study in several countries such as Colombia, where human rights defenders involved in human rights education do not have access to protection programmes. Moreover, Mexican legislation excludes unregistered NGOs from government recognition as defenders, and in Nepal, the Code of Conduct for Human Rights Defenders can exclude some categories of defenders for different reasons and criteria. Sometimes this narrowing, and sometimes a lack of definition at other times is one of the greatest risk factors for defenders, because it may lead to the exclusion of some defenders when certain institutions or governments do not wish to include them. Given the potential value of the HRD brand, and the level of international protection it may offer,

² Jaraisy, R. and Feldman, T. 2013. Protesting for Human Rights in the Occupied Palestinian Territory: Assessing the Challenges and Revisiting the Human Rights Defender Framework. *Journal of Human Rights Practice*, 5(3): 421-35.

³ OHCHR. 2004. Human Rights Defenders: Protecting the Right to Defend Human Rights. Fact Sheet No. 29.

⁴ European Union. 2004. Ensuring Protection: European Union Guidelines on Human Rights Defenders. https://eeas.europa.eu/sites/eeas/files/eu_guidelines_hrd_en.pdf

⁵ Pereira Terto Neto, U. 2016. Law and the Protection of Human Rights Defenders. oaji.net/pdf.html?n=2016/3528-1469499867.pdf

especially to marginalized and at-risk groups who challenge states and elites, it is important to adhere to the broad concept and logical foundation of the term, that anyone can be a human rights defender.⁶

The Committee for Justice adopts the aforementioned global standards in describing "human rights defenders". Our project will support those who are subjected to persecution, detention, prosecution and security harassment based on their peaceful human rights activism in defense of civil, political, economic and social rights, whether they are professionals, affiliated with organized entities or independent, as long as they meet the criteria of lawyers, journalists, researchers, human rights activists, workers, defenders of the right to freedom from discrimination based on gender and sexual orientation, and defenders of the right to freedom of opinion, thought and belief. The project will deal with any violations and harassment of human rights defenders, such as security and judicial prosecutions against defenders and human rights organizations and their leadership, threatening and intimidating defenders and preventing them from practicing their work and activities, imprisoning defenders and accusing them of terrorism, prosecuting them with defamation and stigmatization, restricting the freedom of movement of defenders, preventing them from traveling, confiscating passports, and so on.


CFJ will also work on the various outputs of the project, including reports, research and documentation studies, publications and media data, following a research methodology based on field and media monitoring, interviews and documented testimonies with actors in the human rights field or their families, and secondary research using international, regional and local conventions and laws, as well as human rights and academic publications.

⁶ Polina Malkova, Exploring the Term 'Human Rights Defender' through the Lens of Professionalisation in Human Rights Practice: A Case-Study of Russia, University of York, January 2018.





COMMITTEE FOR JUSTICE

 Chemin de Balexert 7
1219 Chatelaine
Switzerland

 +41 22 940 35 38

 oc@cfjustice.org

 www.cfjustice.org

  [@cfjusticeorg](https://www.facebook.com/cfjusticeorg)