



**COMMITTEE
FOR JUSTICE**



**JUSTICE
FOR HRDS**

METHODOLOGY

Methodology of Justice for Human Rights Defenders Project

Human rights defenders are defined globally based on the United Nations General Assembly Declaration on Human Rights Defenders as “individuals or groups who act to promote, protect or strive for the protection and realization of human rights and fundamental freedoms through peaceful means.”¹ The declaration guarantees the freedom and right of all persons to defend human rights in all peaceful ways, whether through meeting, gathering, forming non-governmental organizations, groups or associations, joining them, and contacting non-governmental organizations or intergovernmental organizations.

Through its articles, the declaration bestowed additional protection on the category of human rights defenders by holding states 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.
- The exercise of human rights, either by working individually or in association with others.
- Formation of independent associations and organizations.
- Seeking, receiving and retaining information on human rights.
- Developing and discussing human rights ideas and principles.
- Submission of criticism 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 human rights policies and actions, and reviewing these complaints.
- Offering and providing professional legal or other advice and assistance in the 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 responding to or objecting - by peaceful means - to acts or violations attributed to the state that lead to human rights violations.
- Seeking, receiving and utilizing resources for the purpose of protecting human rights.

The adoption of this document marked a turning point in the development of the human rights system globally because 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 the term “human rights defender” nor mention it,² until 2004, when the United Nations High Commissioner for Human Rights issued Document No. 29 entitled “Human

¹<https://www.ohchr.org/en/special-procedures/sr-human-rights-defenders/declaration-human-rights-defenders#:~:text=The%20declaration%3A,fundamental%20freedoms%20through%20peaceful%20means.>

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.

Rights Defenders – Protection of the Right to Defend Human Rights” as a complement to the first declaration and as a naming and clarification of the term.

The document reaffirmed the general wording in defining human rights defenders as not being limited to those who are professionals, and stressed that criteria such as gender, age, professional qualifications, the amount of time devoted to human rights activity, or the existence of an official title “human rights activist” or “human rights organization” are criteria that are not related to the designation of human rights defenders, and that what defines a “human rights defender” is the nature of the human rights work that he practices. The document also added a minimum level of requirements that must be met by the human rights defender: 1) Defending, promoting and protecting human rights 2) Doing so in a non-violent, peaceful way 3) Not believing that any of the human rights can be overridden or denied.

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 defined them as “those individuals, groups and organs of society that promote and protect universally recognised human rights and fundamental freedoms. Human rights defenders seek the promotion and protection of civil and political rights as well as the promotion, protection and realization of economic, social and cultural rights.”³ The definition is also found in some local laws, such as Brazilian Presidential Decree 6,044/200758.⁴

Sometimes there have been attempts to narrow the scope of the definition of human rights defenders or completely discard it, especially in domestic laws. In Africa and the Middle East, there are no specific definitions of human rights defenders, and accordingly no mention of their work and protection mechanisms, with the exception of a pioneering - but incomplete - case in the Democratic Republic of the Congo, where civil society forces took the initiative in 2007 to draft a legal document on the protection of human rights defenders, and it was discussed but did not enter into agreement and ratification, nor did it contain a special protection mechanism, and it had some gaps in defining the rights of defenders. In some countries, such as Kenya, there is legislation covering the protection of certain individuals, including certain types of human rights defenders, in the form of a law whose primary purpose is witness protection, but which can also cover the protection of whistleblowers, human rights violations and other offenses.⁵

The narrow definition or lack thereof is one of the most dangerous factors for defenders, because it leads to the exclusion of some defenders when some institutions or governments do not want them to

³ European Union. 2004. Ensuring Protection: European Union Guidelines on Human Rights Defenders. https://eeas.europa.eu/sites/eeas/files/eu_guidelines_hrd_en.pdf

⁴ Pereira Terto Neto, U. 2016. Law and the Protection of Human Rights Defenders. oaji.net/pdf.html?n=2016/3528-1469499867.pdf.

⁵ Protection International. 2011. Protection of Human Rights Defenders: Best Practices and Lessons Learnt. <http://protectioninternational.org/publication/protection-of-human-rights-defenders-best-practices-and-lessons-learnt/>. <http://focus.protectionline.org/files/2012/03/chapter-three.pdf>.

be included. Given the potential value of the human rights defender label and the level of international protection it may offer especially to marginalized and at-risk groups that challenge states and elites, it is important to adhere to the broad conception of the term and its underlying rationale that anyone can be a human rights defender.⁶

The Committee for Justice adopts the aforementioned international standards in describing human rights defenders. The project will support those who are subjected to persecution, detention, prosecution and security harassment based on their peaceful human rights activities in defense of civil, political, economic and social rights in the Middle East and North Africa, whether they are professionals and affiliated with organized entities or independent, as long as they are lawyers, journalists, researchers, human rights activists, defenders of the right not to be discriminated against 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 carrying out their work and activities, imprisoning defenders and accusing them of terrorism charges and targeting them with defamation and stigmatization, restricting the freedom of movement of defenders, preventing them from traveling, confiscating passports, etc.

CFJ's definition also includes workers' rights defenders, which includes labor leaders, activists in labor unions, labor rights lawyers, advocates and/or organizers of labor protests related to labor and workers' rights such as strikes and sit-ins, who face security and judicial threats because of their labor activity and their defense of workers' rights, especially in the context of an economic crisis which particularly affects the working class, making it among the most vulnerable groups in need of protection.

For example, the Egyptian government targeted trade union activity as the most organized body that might enable workers to unify their efforts and demands into an organized entity when President Abdel Fattah El-Sisi issued, in December 2017, Decree Law No. 213/2017 on the Workers' Trade Union Organizations and Protection of the Right to Organize.⁷ Article 69 thereof stipulates the penalty of imprisonment for anyone who establishes a trade union organization, contrary to the provisions of Article 5, which prohibits the establishment or formation of a trade union organization on "religious, ideological, partisan, ethnic, or political" basis, which is considered broad wording that allows state authorities to target independent trade unions. on the basis of being political.

The project will also adopt the category of environmental human rights defenders and the promotion and protection of human rights in the context of global climate change. Such defenders are opponents of practices that lead to climate change, unsustainable management and use of natural resources, air, land and water pollution, improper management of chemicals and waste, and the negative effects of

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.

⁷ <https://manshurat.org/node/23046>

sudden and slow disasters, loss of biodiversity, and a decline in the services provided by ecosystems which may prevent the enjoyment of a safe, clean, healthy and sustainable environment. In this regard, it is worth noting that the United Nations Human Rights Council created, in October 2021, a new special rapporteur concerned with the promotion and protection of human rights in the context of climate change, after referring to the contribution of environmental human rights defenders (activists in the environmental field), to the enjoyment of human rights, environmental protection and sustainable development, while obliging states to take the necessary measures to ensure the protection of their rights and safety, as well as the responsibility of all national and international business enterprises to respect human rights, including the rights of human rights defenders, including environmental human rights defenders, and respect for their right to life, liberty and security.⁸


The various outputs of the project, i.e. reports, research and observational studies, publications and media data, will follow a research methodology based on field and media monitoring, interviews and documented testimonies with actors in Egyptian human rights or their families, and secondary research into international, regional and local charters and laws, as well as human rights and academic publications.

⁸ <https://spinternet.ohchr.org/Download.aspx?SymbolNo=A%2fHRC%2fRES%2f48%2f14&Lang=ar>.





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