

# Who is a defender

“Human rights defender” is a term used to describe people who, individually or with others, act to promote or protect human rights. Human rights defenders are identified above all by what they do and it is through a description of their actions (section A below) and of some of the contexts in which they work (section B below) that the term can best be explained. [\[1\]](#) The examples given of the activities of human rights defenders are not an exhaustive list.

## A. What do human rights defenders do?

### 1. All human rights for all

To be a human rights defender, a person can act to address any human right (or rights) on behalf of individuals or groups. 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.

Human rights defenders address any human rights concerns, which can be as varied as, for example, summary executions, torture, arbitrary arrest and detention, female genital mutilation, discrimination, employment issues, forced evictions, access to health care, and toxic waste and its impact on the environment. Defenders are active in support of human rights as diverse as the rights to life, to food and water, to the highest attainable standard of health, to adequate housing, to a name and a nationality, to education, to freedom of movement and to non-discrimination. They sometimes address the rights of categories of persons, for example women’s rights, children’s rights, the rights of indigenous persons, the rights of refugees and internally displaced persons, and the rights of national, linguistic or sexual minorities.

### 2. Human rights everywhere

Human rights defenders are active in every part of the world: in States that are divided by internal armed conflict as well as States that are stable; in States that are non-democratic as well as those that have a strong democratic practice; in States that are developing economically as well as those that are classified as developed. They seek to promote and protect human rights in the context of a variety of challenges, including HIV/AIDS, development, migration, structural adjustment policies and political transition.

### 3. Local, national, regional and international action

The majority of human rights defenders work at the local or national level, supporting respect for human rights within their own communities and countries. In such situations, their main counterparts are local authorities charged with ensuring respect for human rights within a province or the country as a whole. However, some defenders act at the regional or international level. They may, for example, monitor a regional or worldwide human rights situation and submit information to regional or international human rights mechanisms, including the other special rapporteurs of the United Nations Human Rights Council and treaty bodies. [\[2\]](#) Increasingly, the work of human rights defenders is mixed, with the focus being on local and

national human rights issues, but with defenders making contact with regional and international mechanisms which can support them in improving human rights in their countries.

#### **4. Collecting and disseminating information on violations**

Human rights defenders investigate, gather information regarding and report on human rights violations. They may, for example, use lobbying strategies to bring their reports to the attention of the public and of key political and judicial officials with a view to ensuring that their investigative work is given consideration and that human rights violations are addressed. Most commonly, such work is conducted through human rights organizations, which periodically publish reports on their findings. However, information may also be gathered and reported by an individual focusing on one specific instance of human rights abuse.

#### **5. Supporting victims of human rights violations**

A very large proportion of the activities of human rights defenders can be characterized as acting in support of victims of human rights violations. Investigating and reporting on violations can help end ongoing violations, prevent their repetition and assist victims in taking their cases to courts. Some human rights defenders provide professional legal advice and represent victims in the judicial process. Others provide victims with counselling and rehabilitation support.

#### **6. Action to secure accountability and to end impunity**

Many human rights defenders work to secure accountability for respect for human rights legal standards. In its broadest sense, this might involve lobbying authorities and advocating greater efforts by the State to implement the international human rights obligations it has accepted by its ratification of international treaties.

In more specific instances, the focus on accountability can lead human rights defenders to bear witness, either in a public forum (for example, a newspaper) or before a court or tribunal, to human rights violations that have already occurred. In this way, defenders contribute to securing justice on behalf of victims in specific cases of human rights violation and to breaking patterns of impunity, thereby preventing future violations. A significant number of defenders, frequently through organizations established for the purpose, focus exclusively on ending impunity for violations. The same groups of defenders might also work to strengthen the State's capacity to prosecute perpetrators of violations, for example by providing human rights training for prosecutors, judges and the police.

#### **7. Supporting better governance and government policy**

Some human rights defenders focus on encouraging a Government as a whole to fulfill its human rights obligations, for example by publicizing information on the Government's record of implementation of human rights standards and monitoring progress made. Some defenders focus on good governance, advocating in support of democratization and an end to corruption and the abuse of power, and providing training to a population on how to vote and why their participation in elections is important.

## **8. Contributing to the implementation of human rights treaties**

Human rights defenders make a major contribution, particularly through their organizations, to the implementation of international human rights treaties. Many non-governmental organizations (NGOs) and intergovernmental organizations help to establish housing, health care and sustainable income-generation projects for poor and marginalized communities. They offer training in essential skills and provide equipment such as computers to give communities improved access to information.

This group merits particular attention as its members are not always described as human rights defenders and they themselves may not use the term “human rights” in a description of their work, focusing instead on terms such as “health”, “housing” or “development” which reflect their area of activity. Indeed, many of these activities in support of human rights are described in general terms as development action. Many NGOs and United Nations bodies fall within these categories. Their work, as much as that of other human rights defenders, is central to respect for and protection and achievement of human rights standards, and they need and deserve the protection given to their activities by the Declaration on human rights defenders.

## **9. Human rights education and training**

Further action of significance undertaken by human rights defenders is the provision of human rights education. In some instances, education activities take the form of training for the application of human rights standards in the context of a professional activity, for example by judges, lawyers, police officers, soldiers or human rights monitors. In other instances, education may be broader and involve teaching about human rights in schools and universities or disseminating information on human rights standards to the general public or to vulnerable populations.

In summary, the gathering and dissemination of information, advocacy and the mobilization of public opinion are often the most common tools used by human rights defenders in their work. As outlined in this section, however, they also provide information to empower or train others. They actively participate in the provision of the material means necessary to make human rights a reality – building shelter, providing food, strengthening development, etc. They work on democratic transformation in order to increase the participation of people in the decision-making that shapes their lives and to strengthen good governance. They also contribute to the improvement of social, political and economic conditions, the reduction of social and political tensions, the building of peace, domestically and internationally, and the nurturing of national and international awareness of human rights.

### **B. Who can be a human rights defender?**

There is no specific definition of who is or can be a human rights defender. The Declaration on human rights defenders (see annex I) refers to “individuals, groups and associations ... contributing to ... the effective elimination of all violations of human rights and fundamental freedoms of peoples and individuals” (fourth preambular paragraph).

In accordance with this broad categorization, human rights defenders can be any person or group of persons working to promote human rights, ranging from intergovernmental organizations based in the world's largest cities to individuals working within their local communities. Defenders can be of any gender, of varying ages, from any part of the world and from all sorts of professional or other backgrounds. In particular, it is important to note that human rights defenders are not only found within NGOs and intergovernmental organizations but might also, in some instances, be government officials, civil servants or members of the private sector.

### **1. Defending human rights through professional activities – paid or voluntary**

The most obvious human rights defenders are those whose daily work specifically involves the promotion and protection of human rights, for example human rights monitors working with national human rights organizations, human rights ombudsmen or human rights lawyers.

However, what is most important in characterizing a person as a human rights defender is not the person's title or the name of the organization he or she works for, but rather the human rights character of the work undertaken. It is not essential for a person to be known as a "human rights activist" or to work for an organization that includes "human rights" in its name in order to be a human rights defender. Many of the staff of the United Nations serve as human rights defenders even if their day-to-day work is described in different terms, for example as "development". Similarly, the national and international staff of NGOs around the world working to address humanitarian concerns can typically be described as human rights defenders. People educating communities on HIV/AIDS, activists for the rights of indigenous peoples, environmental activists and volunteers working in development are also playing a crucial role as human rights defenders.

Many people work in a professional capacity as human rights defenders and are paid a salary for their work. However, there are many others who work in a professional capacity as human rights defenders but who are volunteers and receive no remuneration. Typically, human rights organizations have very limited funding and the work provided by these volunteers is invaluable.

Many professional activities do not involve human rights work all of the time but can have occasional links with human rights. For example, lawyers working on commercial law issues may not often address human rights concerns and cannot automatically be described as human rights defenders. They can nevertheless act as defenders on some occasions by working on cases through which they contribute to the promotion or protection of human rights. Similarly, leaders of trades unions undertake numerous tasks, many of which bear no relation to human rights, but when they are working specifically to promote or protect the human rights of workers they can be described as human rights defenders. In the same way, journalists have a broad mandate to gather information and disseminate it to a public audience through print, radio or television media. In their general role, journalists are not human rights defenders. However, many journalists do act as defenders, for example when they report on human rights abuses and bear witness to acts that they have seen. Teachers who instruct their pupils in basic principles of human rights fulfill a similar role. Doctors and other medical professionals who treat and rehabilitate victims of human rights violations can also be viewed as human rights defenders in the context of such work; and doctors have special obligations by virtue of the Hippocratic oath.

Those who contribute to assuring justice – judges, the police, lawyers and other key actors – often have a particular role to play and may come under considerable pressure to make decisions that are favourable to the State or other powerful interests, such as the leaders of organized crime. Where these actors in the judicial process make a special effort to ensure access to fair and impartial justice, and thereby to guarantee the related human rights of victims, they can be said to be acting as human rights defenders.

A similar “special effort” qualification can be applied to other professions or forms of employment that bear no obvious relation to human rights. The individuals who hold these jobs may sometimes choose to conduct their work in a way that offers specific support to human rights. For example, some architects choose to design their construction projects in a way that takes into consideration relevant human rights, such as the right to adequate (temporary) housing for the people who will work on the project, or the rights of children to be consulted on the design, if the building is of particular relevance to them.

## **2. Defending human rights in a non-professional context**

Many people act as human rights defenders outside any professional or employment context. For example, a student who organizes other students to campaign for an end to torture in prisons could be described as a human rights defender. An inhabitant of a rural community who coordinates a demonstration by members of the community against environmental degradation of their farmland by factory waste could also be described as a human rights defender. A politician who takes a stand against endemic corruption within a Government is a human rights defender for his or her action to promote and protect good governance and certain rights that are threatened by such corruption. Witnesses in court cases to prosecute the perpetrators of human rights abuses, and witnesses who provide information to international human rights bodies or domestic courts and tribunals to help them address violations, are also considered to be human rights defenders in the context of those actions.

People all over the world strive for the realization of human rights according to their circumstances and in their own way. The names of some human rights defenders are internationally recognized, but the majority of defenders remain unknown. Whether an individual works as a local government official, a policeman upholding the law or an entertainer using his or her position to highlight injustices, all can play a role in the advancement of human rights. The key is to look at how such people act to support human rights and, in some instances, to see whether a “special effort” is made.

Clearly, it is impossible to catalogue the huge variety of contexts in which human rights defenders are active. However, common to most defenders are a commitment to helping others, a commitment to international human rights standards, a belief in equality and in non-discrimination, determination and, in many instances, tremendous courage.

### **C. Is a minimum standard required of human rights defenders?**

No “qualification” is required to be a human rights defender, and the Declaration on human rights defenders makes clear, as explained above, that we can all be defenders of human rights if

we choose to be. Nevertheless, the “standard” required of a human rights defender is a complex issue, and the Declaration clearly indicates that defenders have responsibilities as well as rights.

### **Accepting the universality of human rights**

Human rights defenders must accept the universality of human rights as defined in the Universal Declaration of Human Rights. [3] A person cannot deny some human rights and yet claim to be a human rights defender because he or she is an advocate for others. For example, it would not be acceptable to defend the human rights of men but to deny that women have equal rights.

### **Who is right and who is wrong – does it make a difference?**

A second important issue concerns the validity of the arguments being presented. It is not essential for a human rights defender to be correct in his or her arguments in order to be a genuine defender. The critical test is whether or not the person is defending a human right. For example, a group of defenders may advocate for the right of a rural community to own the land they have lived on and farmed for several generations. They may conduct protests against private economic interests that claim to own all of the land in the area. They may or may not be correct about who owns the land. However, whether or not they are legally correct is not relevant in determining whether they are genuine human rights defenders. The key issue is whether or not their concerns fall within the scope of human rights.

This is a very important issue because, in many countries, human rights defenders are often perceived by the State, or even the public, as being in the wrong because they are seen as supporting one side of an argument. They are then told that they are not “real” human rights defenders. Similarly, defenders who act in defense of the rights of political prisoners or persons from armed opposition groups are often described by State authorities as being supporters of such parties or groups, simply because they defend the rights of the people concerned.

This is incorrect. Human rights defenders must be defined and accepted according to the rights they are defending and according to their own right to do so.

### **Peaceful action**

Finally, the actions taken by human rights defenders must be peaceful in order to comply with the Declaration on human rights defenders.

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[1]The term “human rights defender” has been used increasingly since the adoption of the Declaration on human rights defenders in 1998. Until then, terms such as human rights “activist”, “professional”, “worker” or “monitor” had been most common. The term “human rights defender” is seen as a more relevant and useful term.

[2] For more information on international human rights mechanisms, see Fact Sheets Nos. 10 (Rev.1), 15, 16 (Rev.1), 17 and 27.

[3]Adopted by the General Assembly of the United Nations by its resolution 217 A (III) of 10 December 1948. See Fact Sheet No. 2, *The International Bill of Human Rights* (Rev.1).