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To:

Peggy Hicks

Director

Thematic Engagement, Special Procedures and Right to Development Division

Office of the High Commissioner for Human Rights

### **Joint Organizational Input – Twentieth anniversary and promotion of the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms**

We, two human rights organizations in Israel are happy to contribute our inputs on the assessment of the ways in which the relevant United Nations offices, departments and specialized agencies can take into account the Declaration and the reports of the Special Rapporteur on Human Rights Defenders in their work and assist the State of Israel in strengthening and role and security of human rights defenders, active in Israel and the Occupied Palestinian Territories.

#### **1. Progress, achievements and challenges:**

a. **Public relationship and support for Human Rights Defenders from UN bodies** - There is a need for action to transform the relationship between Human Rights Defenders and UN body representatives from a secretive, unseen relationship to an open, public and constant connection, particularly at the national level. The importance of an open, public relationship and support and proactive use of the various tools and mechanisms the UN provides for protecting Human Rights Defenders cannot be overstated. Human rights defenders face serious legal persecution, expressed, inter alia, in criminal proceedings against them, false incrimination, arrests and indictments. When security forces have no legal cause to restrict the actions of political activists, they resort to warnings, threats, detainments and other forms of harassment. Women Human Rights Defenders face higher risk under these practices, marked, inter alia, by gender-based violence and sexual violence. These wrongful practices are meant to give activists a clear message, even if it is not always expressly stated, that they are “marked” by the authorities because of their activism and that they had better cease it. All this is done in an effort to silence their legitimate protest, and mostly to remove them from the community in which they are active and undermine the struggle of that community. The authorities’ targeting of defenders is often motivated by an effort to undermine the organization of a community that is fighting for its rights. Harming defenders and their work is, in fact, a method to break the struggle. In the context of campaigns to delegitimize Human Rights Defenders and illegal attempts to suppress their actions, public support from UN body representatives and a professional relationship between them and Human Rights Defenders is extremely important. **Such recognition is helpful in reaffirming, backing and providing public legitimacy for the status of Human Rights Defenders.** In so doing, such support bolsters their

demand for protection from the authorities and other bodies and helps put issues relating to Human Rights Defenders on the public agenda in conditions in which it is currently difficult to mainstream discourse around human rights into the local discourse. An open, ongoing, systemic public relationship with Human Rights Defenders along with support and recognition, pursued through individualized examination with defenders whether or not they desire such support and in consultation with individuals providing legal representation, if needed, to make sure declarations of support do not harm them, would serve as a platform for: 1) Preventing widespread use of harassment and intimidation tactics; 2) Enhancing the work of Human Rights Defenders as Human Rights Defenders.

**b. Pressure to have UN Special Rapporteurs invited to Israel and pressure to implement SR's recommendations as part of the bilateral discourse between Israel and the UN**– In addition to the monitoring and research roles performed by the Special Rapporteur, the Rapporteur also receives complaints from victims of human rights violations. In this capacity, the Rapporteur must report his or her research and its outcomes to the UN and provide recommendations for improving the state of human rights, subject to his or her mandate. Israel's refusal to invite UN Rapporteurs (with the exception of the Special Rapporteur on Violence against Women) constitutes a severe violation of the rights of the Palestinian population which is living under occupation and considered, under international humanitarian law, to be protected persons who are entitled to involvement from UN monitoring mechanisms. Pressure must be put on Israel to officially invite UN Rapporteurs in order to allow them to identify human rights violations and breaches of international humanitarian law, investigate them and take action against them. Special emphasis must be put on investigating cases of harm to human rights defenders that do not fall in line with the protection afforded to them in the UN Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms, commonly known as the Declaration on Human Rights Defenders (HRDs).

**c. Investing in monitoring and public advocacy around incitement and violence against HRDs, with an emphasis on violence against women and violence with gender and sexual overtones** - Incitement to violence as well as verbal violence is constantly perpetrated against women and men on social media networks as well as directly during human rights defense action on the ground. Publicizing a position on the importance of investigating and enforcing laws against incitement and violence and the responsibility of the authorities for the safety and security of those who set out to defend human rights is a vital step. There is concern that lack of enforcement and the practice of turning a blind eye to such attacks are meant to enhance their chilling effect on HRDs, while forfeiting the safety of HRDs.

## 2. Good Practices:

a. **Publication of rules for legal actions against Human Rights Defenders** - The special protection provided by the Declaration to Human Rights Defenders expresses the understanding that Human Rights Defenders serve a public cause and therefore, in addition to their universal human rights, they are entitled to extra protection to ensure their contribution to society is possible. Therefore, and given that one of the most common ways to restrict defenders' work in Israel and the OPT is legal persecution involving arrests and criminal action, there is a need to **develop and issue international rules that would define the limits that should be placed on law enforcement authorities and prevent arbitrary, unjust use of legal action against HRDs in an attempt to interfere with their work.** In Israel, legal persecution of Human Rights Defenders inside the country or in the occupied Palestinian territories takes place in the context of statements and actions made by state officials which create hostility toward Human Rights Defenders. Issuing rules that put in place monitoring mechanisms for legal action against defenders (from arbitrary arrests, through administrative action to restrict activity to criminal indictments) would obligate the authorities to use legal action carefully and would reduce legal action as a means to restrict the work of human rights defenders.

b. **Publicizing a list of “dos and don'ts” for OHCHR funding of HRDs** – Imposing restrictions on activities in defense of human rights has proliferated in recent years, and it is one of the main challenges facing HRDs around the world and in Israel in particular. These developments could have an extremely detrimental impact on NGO work that is vital for society. In our view, developing and publicizing principles on the permissible limitation of funding for HRDs could contribute to the fight against his dangerous practice. The trends seeking to limit funding for HRDs defy the rules of international law which demand states acknowledge the work carried out by human rights organizations and institute an obligation to allow them freedom of association and freedom of expression. The right to secure funding forms part of the right to freedom of association which is built into the principles of international law, and specifically protected in the Declaration. It should be noted that the restrictions currently forming do not fall within the recognized limitations on freedom of association and the rights of organizations to raise funds under international law. Clearly, the right to secure funding is subject to reasonable rules of transparency and monitoring, meant, for instance, to prevent money laundering and terrorism funding. However, these worthy causes are often abused in order to restrict and encumber the work of civil society organizations and create a chilling effect on them. Establishing standards and directives on restricting HRD funding could help the fight against arbitrary restrictions on the work of organizations and individuals seeking to promote and protect human rights.



### 3. Other recommendations

**Expanding research and public profile of HRD as a legal status** (similarly to medical staff, lawyers and journalists) - As is known, HRDs have been recognized as a group that makes a special contribution to society and is therefore deserving of special legal protection. This is a legal status. International law includes other, older statuses afforded to civil society groups such as journalists, staff of humanitarian aid organizations and medical crews. We believe further research and discussion around the special status to be given to HRDs is necessary. Expanding research would provide a tool in legal advocacy for HRDs and reinforce the legitimacy required for recognizing HRD as a special legal status.

#### **SIGNING ORGANIZATIONS:**

- [Human Rights Defenders Fund](#)
- [Coalition of Women for Peace](#)