



THE PERMANENT MISSION
OF THE
UNITED STATES OF AMERICA
TO THE
UNITED NATIONS AND OTHER INTERNATIONAL ORGANIZATIONS
IN GENEVA

April 24, 2018

Mr. Saranbaatar Bayarmagnai
Office of the High Commissioner for Human Rights

Dear Mr. Bayarmagnai:

Thank you for your letter dated March 22, 2018, requesting input to assist the Secretary-General in his report on Human Rights Defenders.

Please find the response of the United States attached.

Sincerely,

A handwritten signature in blue ink that reads "Jason Mack".

Jason R. Mack
U.S. Deputy Permanent
Representative to the UN Human
Rights Council

SUBJECT: U.S. response to OHCHR on request for input on Human Rights Defenders

The United States remains concerned about the global situation of human rights defenders. Civil society and human rights defenders continue to face harassment, intimidation, and even attacks for doing their work. States pass restrictive NGO laws and restrict the freedoms of peaceful assembly, association, and expression. Some countries exercise reprisals against human rights defenders for cooperating with the United Nations. Human rights defenders also face challenges and threats in the international community, including within the UN. They face reprisals for participating in their country's Universal Periodic Review (UPR) in Geneva. They face bans on travel to the UN Human Rights Council (HRC) for meetings, and the UN Economic and Social Council's (ECOSOC) Committee on NGOs increasingly delays action which stifles civil society and human rights defenders' voices in the United Nations. The international community, including the United Nations, must redouble its efforts to protect the rights of human rights defenders. To this end, the United States welcomed the appointment of Andrew Gilmour as the UN Senior Official for reprisals. The United States and other likeminded countries hope that this role will draw attention to this serious issue. Streamlining the reporting of cases of reprisals can also increase the capacity of the international community to respond to these situations. The United States also supports the mandate of the Special Rapporteur on Human Rights Defenders.

Technical assistance on the ground is crucial to addressing the challenges and threats that human rights defenders face every day. The Lifeline: Embattled Civil Society Organizations (CSOs) Assistance Fund, of which the U.S. Government is one of eighteen contributing donors, has supported the mandate of the Special

Rapporteur (SR) for the situation of human rights defenders by facilitating and organizing meetings for current Special Rapporteur Forst and human rights defenders around the world. SR Forst also shares cases of reprisals with Lifeline, and the consortium hopes to continue this exchange of information with the UN more broadly in order to identify and respond in a timely fashion to specific cases.

We must work together to strengthen the protections for human rights defenders. The UN and member states must continue funding capacity building projects and programs, which assist countries in strengthening their national-level legislation to protect human rights defenders and civil society. These projects should strive to ensure that laws do not restrict civil society, and to assist countries in establishing effective remedies for addressing violations.

Threats to defenders should also be addressed in public fora, including the United Nations General Assembly (UNGA) and HRC. The United States also recommends that special rapporteurs, such as those working on the protection of human rights defenders, freedoms of peaceful assembly and association, and freedom of expression, issue joint-statements on threats to civil society and defenders. Member states should also continue to raise concerns in their country-specific and thematic statements at the HRC and UNGA Third Committee.

The Universal Periodic Review (UPR) process also provides a valuable platform for raising threats and challenges. The United States encourages States to present recommendations to other States under UPR review, which are responsive to threats against civil society and human rights defenders. These recommendations can add pressure on countries to promote and protect the rights of human rights defenders. The United Nations and other donors can also fund projects to assist

countries in implementing their UPR recommendations related to civil society and human rights defenders. The United Nations Development Programme (UNDP) has been doing some of this work and we encourage other UN agencies to engage as well.

Outside of the UN, other multilateral and intergovernmental organizations should coordinate strategies to address threats to civil society. For example, the Community of Democracies Governing Council has identified the protection and promotion of civil society as one of its core goals. The United States, Norway, and other Governing Council members have raised related issues in this forum and continue to ask other members to support resolutions related to human rights defenders and civic space. The Community of Democracies also convenes a working group on protecting civil society, which has called for specific action in response to the drafting and passage of restrictive NGO laws. For example, in October 2017 the working group issued a call to action on Cambodia, which paved the way for additional action including the joint statement at the HRC in March 2018.

As the challenges and threats human rights defenders face increase, a multi-stakeholder approach to technical assistance and coordinated public efforts to bring attention to this situation can have a significant impact. The international community should work together to counter threats to human rights defenders and to ensure that the rights of human rights defenders are protected and promoted.