



The Hague International Model United Nations

Forum: Human Rights Commission 2

Issue: The question of harassment, threats, and killing of Human Rights defenders

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Introduction

Human Rights Defenders (HRDs) have been a cornerstone of the modern international community ever since their inception via consensus in the 1998 Declaration on Human Rights Defenders. They take the extra step to call out injustices against Human Rights agreements member states sign themselves to, and put themselves in grave danger by doing so. They take measures such as whistleblowing on major companies, protest publicly and conduct investigative journalism in their field. There are different classifications of HRDs, such as Women Human Rights Defenders and Environmental Human Rights Defenders. Given the threatening nature of their work in aiming to counteract and expose large corporations and sometimes the acts of branches of governments, they often face abnormal levels of harm and repression, and in 2020 at least 331 HRDs were murdered in 25 countries⁽¹⁾.

Definition of Key Terms

Human Rights Defender

People who, individually or with others, act to promote or protect human rights in a peaceful manner, and put themselves at risk by doing so.

Environmental Human Rights Defender

HRDs carrying out a vast range of activities related to land and environmental rights, including those working on issues related to extractive industries, and construction and development projects.

Women Human Rights Defender

Women who defend human rights, and defenders of all genders who defend the rights of women and rights related to gender and sexuality. They often face attacks such as discrimination, assault, threats, and violence within their communities.

Impunity

The failure to hold perpetrators of human rights violations accountable, allowing them to act without fear of punishment. This lack of accountability denies victims their right to justice and redress.

Whistleblower

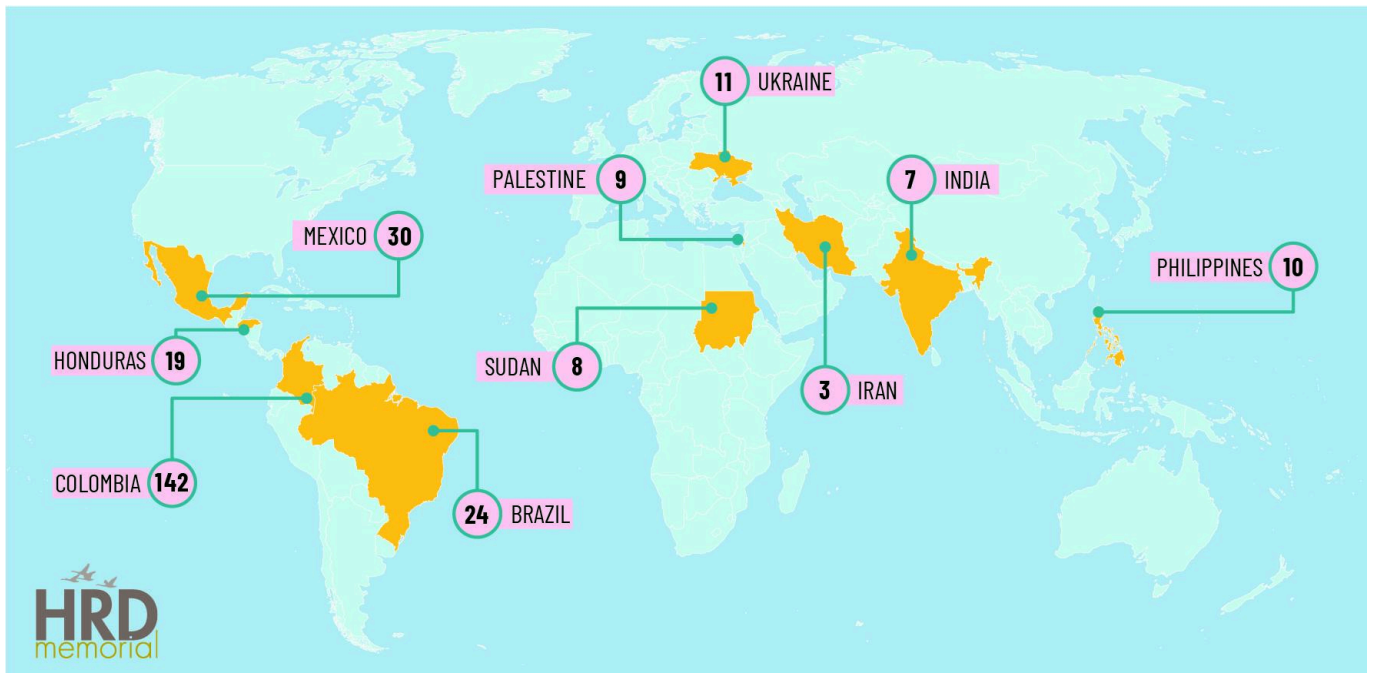
An informant who exposes wrongdoing within an organization in the hope of stopping it. In a Human Rights Defender context they would wish to expose human rights violations within an organisation, placing themselves under heavy pressure in doing so, either from the state and sometimes from a paramilitary organisation..

Self-identification

A process which Human Rights Defenders use to identify themselves within the broad definition of a Human Rights Defender. It is done to legitimise their work as an activist, due to no centralised manner of being classified as a Human Rights Defender.

Background Information

Human Rights Defenders (HRDs) have held a long-standing role in modern society ever since international agreements over Human Rights have been established. Despite no official classification as Human Rights Defenders, their presence has been relevant in history from the campaigners/preservers on upholding the Geneva Convention to fighters like Gandhi holding the British to account in India. However, their formalisation as HRDs only really started through the 1998 Declaration on Human Rights Defenders. This document provides principles to member states for how they and wider society should enshrine and work towards empowering the rights of HRDs. However, considering some member states haven't been able to follow these rules, shown by the below diagram, there is a need for change.



A map showing the number of Human Rights Defenders killed in each country in 2023 ⁽²⁾

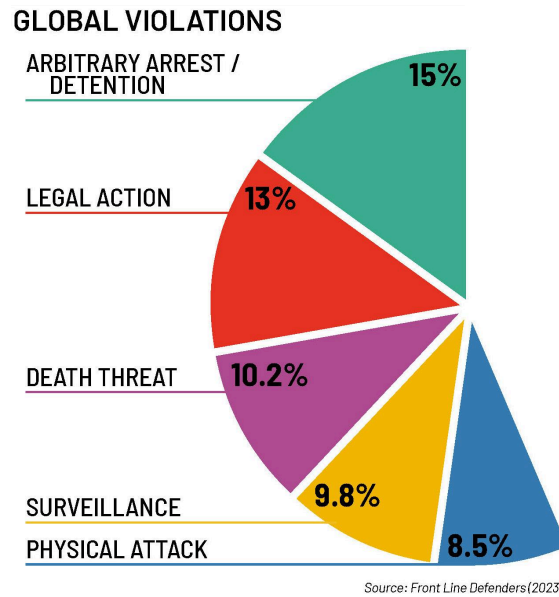
Recognition and Classification of Human Rights Defenders

Human Rights Defenders are currently defined under the classifications put out in the 1998 Declaration on Human Rights Defenders, and since then continual provisions are applied through a plethora of resolutions. However, the broad nature of HRDs has led to them being persecuted, for example in 2009, HRD Natalia Estemirova was murdered in suspicious conditions, and her murder wasn't followed up due to the lack of enforcement around her HRD status.⁽³⁾ Different regional organisations have made their own established ways of protecting HRDs who are within the definition. For example, the European Court of Human Rights takes a functional approach and instead of classifying HRDs, retrospectively identifies them through their actions giving them HRD status. However, in the Inter-American Commission & Court for Human Rights, they use an explicit definition.

Protection and Provisions for Human Rights Defenders

While there haven't been any new established rights and provisions from the UN for Human Rights Defenders, there has been a reaffirmation and therefore calls to action on existing rules. Since the Declaration of Human Rights, there has been a right to be able to defend the human rights of others, and an obligation to member states to protect HRDs, however such obligations have come under question. In order to secure these rights, since 2000 the UN Special Rapporteur on the Situation of Human Rights Defenders has been in place to administer HRDs. However the current system faces failures in its running, such as how the lack of enforcement behind the UN Special Rapporteur on the Situation of Human Rights Defenders' movements and judgements has led to nations being able to ignore their decisions, refuse their requests to visit their nations and investigate potential HRD abuses. Furthermore, existing mechanisms to report issues to the UN Special Rapporteur on the Situation of Human Rights Defenders have led to HRDs facing repression in their nations for reporting to the UN, meaning that

people are disincentivised from speaking out to the UN about potential Human Rights abuses.



A pie chart showing a breakdown of the global violations of Human Rights Defenders' rights ⁽²⁾

Major Countries and Organizations Involved

European Court of Human Rights (ECHR)

The ECHR has been an innovating organisation in regards to the protection of HRDs, and have expanded on existing legislation drafted by the UN to preserve HRD rights. Their unique position with judicial overreach on all its signatories, and its clear and resolute direction on protecting HRDs make it a good case study on an organisation being proactive in protecting HRDs.

Inter-American Commission & Court for Human Rights (IACCHR)

The IACCHR has taken a different, if similarly proactive, approach to HRDs by creating a definitive idea of what a HRD is, which can assist in prosecution and clarity in regards to HRDs. However, they could also be a case study for how these rules need strong enforcement and support behind them, as many of its member nations don't follow the IACCHR, and the nature of attacks on HRDs in many of these nations is to a scale which requires significant support.

Republic of Colombia

Colombia is an example of a nation which takes strides to support HRDs, but faces difficulty in doing so. Assassinations and attacks on HRDs are common there, as in 2023 alone 142 HRDs⁽²⁾ were killed by paramilitary organisations. As a member of the IACCHR, they are able to work under the strict definitions and regulations the body applies, however they often lack the resources to tackle the issues.

Timeline of Events

Date	Description of event
March 8th, 1948	The United Nations Commission on Human Rights adopts early drafts of the Universal Declaration of Human Rights, laying the groundwork for recognising and protecting those who defend human rights worldwide.
December 10th, 1948	The Universal Declaration of Human Rights is formally adopted, establishing the global framework that later underpins the rights and legitimacy of Human Rights Defenders.
December 26th, 1997	Colombia enacts Law 418, the world's first national-level legal protection mechanism for individuals at risk, including Human Rights Defenders targeted by political violence.
December 9th, 1998	The UN General Assembly adopts the Declaration on Human Rights Defenders, formally recognising the role of HRDs and affirming states' responsibilities to protect them from threats and reprisals.
August, 2000	The UN establishes the mandate of the Special Representative (later Special Rapporteur) on Human Rights Defenders, creating the first official global monitoring mechanism for HRD situations.
2004	Brazil creates the National Programme for the Protection of Human Rights Defenders (PPDDH), becoming one of the earliest countries to adopt a state-run national protection mechanism for HRDs.
2011	Colombia establishes the National Protection Unit (UNP), consolidating HRD protection mechanisms and becoming one of the strongest and most institutionalised systems globally.
September, 2017	The UN Secretary-General issues a major report condemning reprisals against individuals cooperating with the UN, highlighting the growing need for strengthened protection systems.
June 19th, 2024	Civil society groups launch the Declaration +25 initiative, proposing modernised protections for HRDs facing digital surveillance, environmental violence, and attacks by non-state actors.

Previous Attempts to solve the Issue

1998 Declaration on Human Rights Defenders.

This declaration is the foundation for the modern understanding of HRDs. It establishes a clear definition of a HRD, and reaffirms existing rights that all member states have signed onto by being UN

member states, such as the Universal Declaration of Human Rights.⁽⁴⁾ However, due to its lack of enforcement it faces issues regarding its volatility, and its effectiveness in achieving its goals.

United Nations Special Rapporteur on HRDs

Created in 2000 and recommissioned on a regular basis, their role is to administer the current state of affairs with HRDs internationally, to visit member states and monitor their records with HRDs. However, the role faces many challenges, particularly regarding enforcement as they frequently get turned away from countries not accepting their requests for visits, and their suggestions often get ignored by member states.

A/HRC/RES/31/32

This resolution from the Human Rights Council was made in 2016 and aims to address many of the issues HRDs face. It calls out the prevalent killings of HRDs and calls upon states to investigate into such murders, while also reaffirming the prior rules on HRDs. However, it faces similar issues to the other resolutions in that its rulings struggle to be enforced, and doesn't account for member states' alleged killing of HRDs.

Possible Solutions

United Nations Recognition and Classification of Human Rights Defenders

To tackle the problems of recognising and classifying HRDs, the one way to create irrefutable standards is to centralise their recognition. Potential forms of accreditation or databases could be administered by the United Nations Special Rapporteur on HRDs. This would curtail the problems of ambiguity over HRDs, and would provide a basis to enact existing and newly suggested provisions to these HRDs, and to hold states to account. It would need to tackle both the member state threat, but also the threat from paramilitary organisations.

Establishment of more Protections and Provisions for Human Rights Defenders

Human Rights Defenders face many challenges in the field. Whether they're being hindered bureaucratically by legal cases, or physical violence from states or paramilitary groups, HRDs are constantly putting their lives on the line. While there existing mechanisms like the United Nations Special Rapporteur on HRDs, their lack of jurisdiction can create problems and limit their capacity to support. This support could come in many ways, including financial contributions to HRD organisations to help them tackle legal proceedings, or rewriting of international laws to enshrine protections of peoples.

Enforcement and holding Member States/Paramilitary Organisations to account

Most nations have signed on to the Declaration of Human Rights, however they face a lack of

accountability from those rights due to the lack of international arbitration methods. This accountability needs to be held against states but would need to extend to paramilitary groups who currently have ambiguity around their jurisdiction. This currently exists as a major issue with Colombia, with one such example being members of the paramilitary group Gaitanist Self-Defence Forces of Colombia. While Colombia has long been working to counteract the influence of said groups, they and many other member nations would need support and frameworks to counteract these groups.⁽⁵⁾

Endnotes

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