

# 2005 Nuremberg International Human Rights Award

Award Ceremony on Sunday, September 25, 2005

**Speech by Hina Jilani, Special Representative of the UN Secretary-General  
Kofi A. Annan for Human Rights Defenders**

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Dear Friends, Ladies and Gentlemen,

It gives me great pleasure to be present at this tenth anniversary of the Nuremberg International Human Rights Award. I thank the organizers for providing me with the opportunity and privilege of addressing a gathering of those committed to the defence of human rights. I must begin with congratulating Ms. Tamara Chikunova for winning this prestigious award, in acknowledgement of her relentless struggle for the promotion and protection of human rights.

Human rights defenders are fundamental actors in any effort to implement the overall international human rights framework. Establishing, promoting and sustaining democracy, maintaining international peace and security and providing or advancing a people-oriented agenda for development cannot be accomplished without the contributions that human rights defenders make.

While respect for human rights in structures of the State is slow to emerge, or may even have suffered a reversal in some cases, civil society has demonstrated a strong resolve to resist authoritarianism and oppression. Civil society actors have played a significant role in inducing recognition by the State of the concept of participatory democracy, transparency, and accountability.

This was not easily done. Human rights defenders have suffered harm and face grievous threats to their life, liberty, security, independence and credibility. State apparatus, oppressive laws and other tools of repression continue to be used against defenders in attempts to deter them from the valuable work they contribute to the promotion of human rights.

Human rights defenders, all over the world, are subjected to assassination, disappearances, illegal arrest and detention, and torture. In several countries false cases were registered against defenders as a tactic of harassment. Added to these are vilification campaigns and negative propaganda against human rights defenders. In many instances such propaganda is initiated by agencies of the State and propagated by unscrupulous use of the media. A number of human rights defenders are living in self-imposed exile after having to flee their country to safeguard their lives or liberty. Reprisals and repressive measures have been taken against individuals and groups who have reported human rights abuse to international bodies, including the United Nations human rights mechanisms.

Human rights defenders continue to be targeted in their professional capacity as lawyers, journalists, and doctors, as NGOs working on different fields of human rights, as students conducting human rights activities and as relatives of victims of human rights abuses. Even civil servants working as judges, ombudsmen, prosecutors and members of national human rights institutions have been targeted for their work in the defence of human rights. While the police and security forces are mostly responsible for violations against human rights

defenders, perpetrators of these violations include non-state elements and clandestine groups that may operate with or without the complicity of the state.

Defenders whose work challenges social structures, economic interests, traditional practices and interpretations of religious precepts face greater risks. Women human rights defenders, in particular, are targeted by various social and private actors, such as religious groups and institutions, community or tribal elders, or even members of their own family. They become particularly vulnerable to prejudice, to exclusion and to public repudiation, not only by State forces but by social actors as well when they are engaged in the defence of women's rights.

Flaws in the agenda for economic and social development, pursued by many states, have resulted in growing poverty and social exclusion of large sectors of the population. Serious violations of economic, social and cultural rights have become engraved in actions of the state. There are several examples when coercive power of the State has been used against human rights defenders, at times at the instigation or pressure of powerful economic interests. State force has frequently been used to repress popular movements and quell the voices of protest against the violation of rights. Leaders of indigenous and other minority communities, leaders of movements of the poor, environmental and anti-globalisation activists, trade union leaders and defenders of the rights of displaced persons, migrants and refugees are increasingly being targeted. Such actions have resulted in increased public resentment against authorities. In addition, they have diminished the space for dialogue on reconciling economic policies with people's right to a safe environment, to control over their own resources, and to labour practices free of exploitation.

Weakening the rule of law in many countries has heightened the prospects for serious human rights violations, especially in countries where insufficient, not genuinely representative democracies prevail with little or no space for citizen participation, and without accountability or transparency. Institutions for policing and prosecution suffer from inefficiency and corruption, and the independence of the judiciaries is severely strained. Internal monitoring systems are either non-existent or have failed to enforce compliance with human rights norms in practices or policies adopted by state institutions. Severe restrictions on the freedom of information, expression and assembly imposed, particularly in the name of security or integrity of the state, in many countries have limited the access of human rights defenders to information or to sites of violations. These restrictions have serious implications for the performance by defenders of their monitoring, reporting and advocacy functions.

National laws in many countries do not provide a suitable legal framework for the full realisation and enjoyment of human rights. Numerous laws exist which are incompatible with international standards and have become tools for giving legitimacy to State actions that violate human rights. Despite constitutional guarantees, rights have become subject to restrictions prescribed by law. It is these restrictions and the use of powers granted under such laws that have been widely used to curb and limit the activities of human rights defenders. The freedom of association is increasingly being infringed in many countries through laws and regulations that impose a wide range of restrictive conditions on the registration, management, operation and financing of non-governmental organisations. Such practices and restrictive laws have been applied to selectively deny legal status to NGOs critical of government policies and have

forced defenders to continue their work without legal protection, to terminate their activities and, in some cases, even to flee their country.

In several countries armed conflict, struggles for the right of self-determination and movements for democracy form the backdrop for the work of human rights defenders. In the current security-dominated climate, upholding human rights and fundamental freedoms is being portrayed in a number of countries as a threat to national and international security. Against this stark reality, human rights defenders are finding themselves under siege.

The menace of terrorism poses a serious threat to peace and security. Human rights defenders striving for the rights of minorities or women, advancing the cause of religious tolerance and accommodation of ethnic and racial diversity or resisting trends of ultra-nationalism have been some of the first victims of extremism and terrorism. These defenders are in the front line to combat these trends in order to preserve the norms of peace and democracy, as conditions that are fundamental for the promotion, protection and enjoyment of human rights. The struggle of human rights defenders against terrorism precedes the events of 11 September 2001 in New York and has been a visible human rights activity in parts of the world where the roots of terrorism are strongest. Yet it is these defenders who have become the leading voices in pointing out that many anti-terrorism measures are eroding human rights norms, and are insisting that the imperative of security will not be served by violating human rights and can only be achieved within compliance of these standards.

Human rights defenders have detected a direct connection between the severity of human rights violations and the expanding role of the military in some countries. This trend has had a marked effect on the capacity of civil societies to develop. Freedom of movement and assembly, and access to information is particularly affected and such an environment contributes to impunity for human rights violations and impairs accountability and transparency of State actions. Defence of human rights becomes particularly dangerous under these conditions and defenders find themselves even more vulnerable.

As a response to the deteriorating situation of human rights defenders, the United Nations adopted the Declaration<sup>1</sup> on human rights defenders in 1998. On the one hand this was recognition of the dangers that human rights defenders confront and, on the other, a step taken by the international community to create norms for the protection of human rights activity. The Declaration makes it the primary responsibility of the State not only to guarantee the safety of human rights defenders, but also to ensure that conditions exist in which they can carry out their activities. Respect for human rights necessarily includes recognition of the legitimacy of the work of defenders. States must, therefore, take all possible measures to create an environment conducive to the defence of human rights.

Independence, credibility and transparency are cornerstones of the efforts to promote and protect human rights. On their part, human rights defenders must respect the principle of non-violence and be fully conscious that transparency, objectivity, non-partisanship and accuracy in the communication of information are essential elements of all activities in which they engage. It is only through

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<sup>1</sup> The United Nations Declaration on the Rights and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms, adopted in 1998

these qualities that defenders can maintain respect for their work and withstand any attempts to discredit them, or undermine their public image.

Public support for the activities of human rights defenders is in itself an important means of protection for them. The support can be generated and enhanced by increasing public awareness and understanding of their work and the implications and impact of the policies and practices that defenders seek to eliminate or promote. The Declaration can be an effective tool in this regard. The media can play an important role in mobilising public opinion in support of human rights defenders and in providing information of the Declaration.

The Declaration has given the civil society a "role and responsibility in safeguarding democracy, promoting human rights and fundamental freedoms and contributing to the promotion and advancement of democratic societies, institutions and processes". Human rights defenders can only fulfil this responsibility effectively, if they have a secure and enabling environment in which to function. Any commitment to the defence of human rights at the national, regional or international level must, therefore, be tested on the basis of the degree of security that human rights defenders have in carrying out their work. Protection of human rights defenders is a shared responsibility of States, the civil societies and the international community.