

## Declaration on Human Rights Defenders (1998)

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A few months before the UN Declaration on Human Rights Defenders was adopted by the UN General Assembly on 9 December 1998, UN Secretary-General Kofi Annan summarized its core idea: “When the rights of human rights defenders are violated, all of our rights are put in jeopardy and all of us are made less safe.” The Declaration aimed to give recognition and legitimacy to human rights activists worldwide, including lawyers, journalists, or trade unionists. The declaration of a right to defend human rights, and a right to protection when doing so, was meant to strengthen these activities. In the face of continuing persecution and repression of human rights defenders in many parts of the world today, the need for such protection remains relevant. The 1998 Declaration and its impact is considered a success: Its negotiation initiated a discussion that civil society actors and individuals should not only be understood as passive bearer of rights, but also recognized and supported in their crucial role as active defenders of human rights. This perspective eventually led to institutional changes in the UN human rights system, in regional organizations, and in the sector of non-governmental organizations (NGOs).

### Genesis

The Declaration on Human Rights Defenders<sup>[1]</sup> was passed in the context of the 50th anniversary of the Universal Declaration of Human Rights and was the result of almost two decades of strenuous negotiations. The subject was first mentioned in a 1980 resolution of the United Nations Commission on Human Rights, the predecessor of today's Human Rights Council. It was called Resolution 1980/23 and it appealed to all governments to “encourage and support individuals and organs of society exercising their rights and responsibilities to promote the effective observance of human rights.” This move should be read in the context of a period when human rights discourse had become increasingly important in the Cold War confrontation between East and West. In 1975, the Helsinki Final Act was signed between states from both blocs at the conclusion of the Conference for Security and Cooperation in Europe (CSCE). The Helsinki Final Act declared that human rights were a principle of international relations. The so-called basket III of the document contained some formulations and approaches that would be later reflected in the 1998 Declaration. For example, the signatory states confirmed “the right of the individual to know and act upon his rights and duties in the [human rights] field.”

In the following period, Soviet dissidents succeeded in establishing strong ties with Western activists and governments, thereby making the Soviet Union's political repression public. After a wave of arrests in 1977, the successive CSCE conferences were increasingly used by Western governments as a forum to publicly condemn Soviet human rights violations and to mention by name a large number of persecuted activists in Eastern Europe.<sup>[2]</sup> The Helsinki Final Act thus became important in supporting Soviet dissidents, which in turn triggered the above-mentioned Human Rights Commission's resolution 1980/23 in 1980 and its follow-up process.<sup>[3]</sup> A crucial element of the resolution was the realization that the

effective implementation of international standards for human rights is dependent on the work of activists and civil society groups both inside and outside the relevant state and that due to such work, these individuals were exposed to increased risks of experiencing repression.

Against this backdrop, a Sub-Commission chaired by Erica-Irene Daes presented a series of guiding principles in March 1984, whereupon the Human Rights Commission, in a cross-bloc initiative between Canada and Senegal, requested an open-ended working group to prepare a declaration on the subject. The Working Group existed until 1998 and consisted of more than 50 members, including member states of the UN Commission on Human Rights, as well as observers from other countries. Additionally, numerous international NGOs took part in the negotiations as either active participants or in advisory roles. In doing so, they were building on a development from the 1970s when national human rights activism increasingly became transnational. Networks had developed between Western human rights NGOs and local dissidents in the Eastern bloc, Latin America and South Africa. These networks mainly served the purpose of exchanging information on human rights violations. In the Western democracies, small action groups emerged that advocated specifically for persecuted individuals such as Andrei Sakharov and Nelson Mandela, who were regarded as “prominent martyrs of the human rights cause.”<sup>[4]</sup> At the UN level, the representatives of several NGOs therefore set out to achieve a recognition of the defense of human rights as a right in itself and to claim necessary preconditions such as freedom of assembly and access to information and funding.

In the 1980s, the codification of human rights under international law achieved several major milestones. A few years earlier, the two human rights covenants had entered into force, and, in 1984, following a 1975 non-binding declaration, the Convention against Torture was about to be adopted as binding international law. Against this backdrop, many observers considered the preparation of a declaration on human rights defenders as a precursor to a binding convention that would acknowledge the special need for protection of human rights defenders. From today’s point of view, this perspective seems naïve in light of the substantial conflicts that have arisen since then. Between the beginning and the end of the work on the draft declaration, a number of important changes swept across the globe, including the collapse of the Soviet Union, as well as the fall of the last military dictatorships in Latin America and the apartheid regime in South Africa. Even though these developments contributed significantly to the completion of the Declaration, it must be remembered that there was considerable resistance to it until the very end.

The primary conflict line of the negotiations concerned the role of the individual and of civil society in national and international politics. In the working group’s first session in 1986, the representative of the German Democratic Republic argued, for instance: “The question of the individual must be seen in the context of principles such as the sovereign equality of States and non-interference in their internal affairs.”<sup>[5]</sup> According to this perspective, human rights issues were considered purely a governmental task that should be interpreted and carried out between states at the international level and by the state at national level. As a result, the individual as the subject of international law was rejected. The first draft of the declaration proposed by Norway and Canada in 1987, in contrast, gave specific attention to the rights and protection of human rights defenders as individuals,

rather than to the rights of states.

It would, however, be oversimplified to see in this conflict merely an ideological confrontation between the Eastern and Western blocs in the context of the Cold War. On the one hand, this conflict still shaped the negotiations even in the 1990s. As recently as 1995, the French delegation felt it necessary to remind that the topic of the Working Group was the protection of human rights defenders, not of states. Any mention of specific rights for those defending human rights was still being carefully balanced with an emphasis on their duties. This aspect was also reflected in the final text of the 1998 Declaration. On the other hand, several Eastern states took an ambivalent position, which must be read in the context of their support for liberation struggles against colonialism and apartheid. Even though the Belarusian Socialist Soviet Republic, for example, argued in 1986 that the declaration should not support the resistance of individuals against the state, as the latter was responsible for ensuring the respect of human rights, the delegation remarkably added that “the exceptions were in cases of colonial, racist, or repressive regimes.”<sup>[6]</sup> Nevertheless, contemporary witnesses describe a clear change in the climate of the negotiating room as a result of the disintegration of the Soviet Union. This shift is mainly due to the fact that the entire process since 1980 – precisely because of its origin in the Helsinki Final Act – was considered by the Eastern bloc as an anti-Soviet move and therefore being politically blocked. In addition, many of the states that were previously dependent on Moscow, such as the former Czechoslovakia, came out in support of the declaration after 1989 and thus contributed to a shift in the balance of power within the Working Group in the 1990s. Russia, as well as Senegal, withdrew their own controversial draft declarations between 1990 and 1992.

Following the aforementioned changes, the Working Group tabled a preliminary draft in the Human Rights Commission in 1992 with a view of finalizing the text at the next annual meeting and submitting it to the General Assembly for the 1993/94 session. However, the numerous disagreements, both in principle and in detail, meant that it would take another five years and require several appeals, including at the Vienna Conference on Human Rights in 1993, before the Working Group was finally able to present a consolidated text to the Human Rights Commission in February 1997. That the members involved were eventually able to reach a consensus was surprising and remains puzzling up until today, even among former negotiation leaders. In fact, during the course of the negotiations in the 1990s, many of the NGOs involved considered withdrawing on multiple occasions, largely due to the perceived hopelessness of the process. In an unusual step, Amnesty International published an action document in 1995, which openly denounced the blocking tactics of Cuba, China, Syria and Mexico. The release of this document significantly impacted Mexico, but also China, which was working to improve its international reputation at this time. The subsequent isolation of Cuba in the negotiating room, whose high-ranking diplomat Miguel Alfonso Martínez could only rely on a relatively weak Syria after Mexico and China withdrew their open resistance, is an important factor that could explain the successful compromise. South African representatives also reported at the time that Nelson Mandela had personally called on Cuba to give up its relentless resistance to the declaration. However, contemporary witnesses also point out that the Cubans' first priority was the abolition of the UN Special Rapporteur mandated to monitor the human rights situation in Cuba, which they finally achieved in 1998 – possibly in return for concessions in other UN

matters, such as the Declaration.

Nevertheless, the final version remained a compromise for all involved. When the draft was presented to the Human Rights Commission in 1997, the representative of the *Fédération Internationale des Ligues des droits de l'Homme*, on behalf of fifteen other NGOs, stated that the text represented a “strict minimum” for them. Some delegations, such as Australia, expressed their disappointment at the comparatively weak wording, declaring themselves only willing to compromise in order to finally bring the negotiations to a close. Immediately after the adoption of the Declaration by the General Assembly in December 1998, a group of 26 countries led by Egypt published an “Interpretative Declaration,” which emphasized the primacy of national law over international principles and announced that “various cultural, religious, economic and social background of societies must be taken into account.”<sup>[7]</sup> While this document reaffirms that these countries did not oppose the consensual adoption of the Declaration, the message thereby conveyed clearly aims at dampening the expectations with regards to the Declaration’s implementation.

## Content

The final version of the 1998 Declaration includes a preamble recognizing “the valuable work of individuals, groups and associations in contributing to the effective elimination of all violations of human rights.” The second part, without further subdivision, consists of twenty articles, the first of which grants each person the right “individually and in association with others, to promote and to strive for the protection and realization of human rights and fundamental freedoms at the national and international levels,” followed by a reaffirmation of the “prime” responsibility of each state to protect, promote and implement human rights. The Declaration thus clearly reflects the differing views on the value and role of civil society actors in relation to the sovereignty of the state. It is true that a resolution was adopted, as originally conceived by Norway and Canada, that deals specifically with the function of human rights defenders as independent actors in the protection of human rights and that guarantees them certain rights as well. However, during the process of negotiations, the opponents of a strong declaration were able to wrestle some essential concessions from its advocates.

While generally referred to as “Declaration on Human Rights Defenders,” the term “human rights defender” curiously does not appear in either the official title or in the actual text of the Declaration. In 1986, the rapporteur of the Sub-Commission, Erica-Irene Daes, explicitly recommended that the title should be “Declaration on the protection of human rights defenders.” However, despite her recommendation, the Working Group ultimately decided upon 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” as the official title. Considering the fact that the term was used regularly and without contradiction by all sides during the negotiations, its absence in the Declaration is all the more striking. On the one hand, it is conceivable that both the long and rather incomprehensible title, as well as the avoidance of the term itself, was meant to prevent the Declaration from obtaining a similarly iconic status as the Universal Declaration of Human Rights. The convoluted and complicated language of the text is regarded as an heirloom from the first years of negotiation in the Soviet era. In view of the remaining conflicts even

after the fall of the Iron Curtain, it could not be comprehensively revised in later years.

On the other hand, by failing to use the expression “human rights defenders,” the Declaration also avoids the need to define more specifically what is meant by the term. The rights outlined in the text are simply granted to everyone, irrespective of one’s status or activity. This approach responded not least to a concern by Amnesty International, which was internally exposed to the accusation that it was working on the development of a self-interested corporatist identity. Until today, in new resolutions on the topic, Russia continues to push for the replacement of the term “human rights defender” with “individuals, groups, and organs of society” by reference to the original Declaration, and denies the legitimacy of the term, notably for lack of a – necessarily restrictive – definition. Yet the fact that the Declaration’s scope is limited to the activities of human rights defenders using peaceful means is made clear in several passages. However, it is worth pointing out here that this subject is debated quite controversially, especially with regards to the South African liberation struggle.<sup>[8]</sup>

While the Declaration defines specific rights of “individuals, groups and organs of society” in their defense of human rights, the Declaration’s title already stipulates that they have obligations, too. In doing so, the actual aim of the declaration – the protection of human rights defenders – is concealed. The mention of and emphasis on such duties (however defined) was a longstanding controversy during the negotiations within the Working Group. As early as 1986, Erica-Irene Daes insisted that the declaration should not deal with the duties of individuals or the restrictions of rights, but instead with “rights, the violations thereof and new standards for effective protection.” In contrast, during the 1996 session, Russia argued against the mention of specific rights that “the establishment of any special legal regime for human rights defenders should be avoided.” In this respect, however, the final version of the Declaration lives up to its original objective by declaring a right to the defense of human rights. Additionally, the final version of the document also specifies ensuing rights in Articles 5 to 8: the freedom of assembly and association; the right to communicate with NGOs and intergovernmental organizations; freedom of information; the right to publish, discuss and draw public attention to human rights related matters; the right to develop new human rights ideas and to advocate their acceptance; and the right to participate in public affairs. In Articles 9 and 12, the defense of human rights is explicitly linked to a right to protection and to remedies against human rights violations. Yet, in 1997, several delegations were insisting on an article which also describes the duties of human rights defenders, including a proposal by Cuba, which stipulated “the need to avoid the introduction of political considerations in their activities.” Those delegations’ basic wish was ultimately fulfilled in the form of Article 18, which notes obligations of the individual towards the community, but without further specifying them. Cuba, China, and Syria also undertook several attempts to limit the Declaration to only those activities that defend one’s own rights and not those of others. This endeavor, however, failed due to the resistance of Amnesty International and numerous other delegations, who considered a declaration with such a restriction to be meaningless.

A central concession to the opponents of a strong declaration can be found in Article 3, which explicitly defines national legislation as the legal framework for all activities mentioned in the Declaration, at least as far as it is in accordance with the UN Charter and

the state's international human rights obligations. This part of the declaration is linked to another element of the discussion, namely the question of the funding of activities to defend human rights, which delayed the negotiations considerably. The Norwegian-Canadian draft Declaration of 1987 explicitly included the right to obtain financial resources of any, including international, origin within the scope of freedom of association. Many delegations, however, saw their sovereignty threatened and insisted on amendments regarding the funding of the defense of human rights, which would have inserted additional terms into the final document, such as "lawful," "open" or "from a legitimate source." In addition, Cuba requested a clause prohibiting direct and indirect funding from foreign governments. When this discussion remained unresolved in 1997, Canada expressed the view that "silence on the subject of resources was the most promising approach." At the suggestion of South Africa – by then a member of the informal "group of friends" of the Declaration and stressing the importance of foreign financing for anti-apartheid NGOs – the Working Group adopted Article 13, which reads: "Everyone has the right, individually and in association with others, to solicit, receive and utilize resources for the express purpose of promoting and protecting human rights and fundamental freedoms through peaceful means, in accordance with article 3 of the present Declaration."

## Impact

The foremost achievement of the Declaration is that it defines for the first time a right to defend human rights, thus granting explicit legitimacy to activities which are often carried out at the risk of one's health or life. While many NGOs described the adopted text as an "absolute minimum," and some still toyed with the idea of a binding convention, the text appeared to its opponents as a harmless and, therefore, acceptable symbolic gesture on the occasion of the 50th anniversary of the Universal Declaration of Human Rights. Both sides, however, underestimated the momentum that the Declaration would generate. Although not on a par with the clarity and intransigence of the 1948 Declaration, it can still be seen as creating an identity for a group of actors who are increasingly concerned with the protection and promotion of so-called "human rights defenders" within the field of human rights. The emergence and alliance of these actors, however, did not begin with the adoption of the Declaration itself, but was initiated already during the UN negotiation process. At its height two French NGOs, the *Fédération Internationale des Ligues des droits de l'Homme* (FIDH) and the *Organisation mondiale contre la torture* (OMCT), decided to join efforts in this area and set up the *Observatoire pour la protection des défenseurs des droits de l'homme* in 1997. That same year, on the initiative of the French section of Amnesty International, an NGO coalition began to prepare the first Human Rights Defenders World Congress, which took place on the 50th anniversary of the Universal Declaration of Human Rights in Paris in December 1998. The Congress brought together 350 human rights activists from 110 countries who welcomed the adoption of the Declaration by the UN General Assembly with enthusiasm.<sup>[9]</sup> One of the tangible results of this meeting was the founding of Front Line Defenders in 2001, an NGO based in Ireland that specializes in the worldwide support of human rights defenders. In the following decade, the number of such NGOs and networks, as well as the funds and programs dedicated to the issue, continued to grow at the international, regional, and local levels.

This process of expansion of defenders' support systems was critically supported by further

developments at the UN level. Instead of taking the relatively hopeless path of a binding convention, the NGO community pushed for the establishment of an institutional anchorage in the UN system immediately after the declaration had been passed. While a coalition of states was still able to undermine this goal at the Commission's next session, a number of international organizations and some governments pledged their support in the course of the year. At the request of Norway, and with the spontaneous support of Morocco, the Human Rights Commission held a vote in 2000 for the UN Secretary-General to appoint a Special Representative. The primary role outlined for this new Special Representative was to report on the situation of human rights defenders worldwide, as well as to outline possible protection measures. The recommendation passed with 50 members voting in favor and three abstentions (from China, Cuba, and Rwanda). The mandate was praised by the Observatoire as "particularly comprehensive and action-oriented."<sup>[10]</sup> Kofi Annan appointed the experienced Pakistani human rights lawyer, Hina Jilani, whose groundbreaking work is still recognized by the NGO community as a solid foundation for the mandate. The mandate of a Special Representative was later integrated as Special Rapporteur into the system of Special Procedures of the newly formed UN Human Rights Council. This role was taken over by the Ugandan lawyer, Margaret Sekaggya, in 2008. Sekaggya was later replaced by the current French Special Rapporteur, Michel Forst, in 2014.

Norway, which played a central role in the Declaration's preparation in the Working Group, has maintained a leading role on the matter of human rights defenders by tabling resolutions on the subject in the Human Rights Council and the General Assembly at regular intervals. Together with these resolutions, the mandate has contributed significantly to the visibility of human rights defenders on the international stage. The mandate provides annual reports to the Human Rights Council (or formerly the Commission) as well as to the General Assembly, which often explore a certain aspect, such as the situation of the defenders of environmental rights or women and LGBTI rights. In these resolutions and reports, the 1998 Declaration is always used as a basis and interpreted in further detail with reference to international human rights treaties.

The Office of the High Commissioner for Human Rights took a similar step a few years after the Declaration came into effect by issuing Fact Sheet No. 29, entitled "Human Rights Defenders: Protecting the Right to Defend Human Rights." The Fact Sheet interprets and summarizes the Declaration and outlines how it can help and provide protection to defenders. It also contains a frequently referenced definition of the term 'human rights defender,' which is very broad and basically includes every person who advocates in any non-violent form for the realization of human rights. It stresses that defending human rights does not require a specific set of qualifications and that "we can all be defenders of human rights if we choose to be."<sup>[11]</sup> The only conditions are that the universality of human rights is recognized (for example, one cannot defend certain rights and reject others) and that the activities undertaken are peaceful. In 2011, under the authority of the mandate, Sekaggya published a Commentary to the Declaration, which examines each of the different rights protected therein and provides a human rights-based interpretation. In addition to its annual reports, the mandate also advocates directly for individual human rights defenders who are at risk, through so-called "urgent appeals" or "letters of allegation" to governments. Since the mandate's inception, the cases of more than 12,000 individuals, as

well as numerous civil society organizations and restrictive drafts laws, have been addressed under this procedure.

The Declaration has also had significant effects at the regional level. For instance, the Inter-American Commission on Human Rights created a contact point for human rights defenders in 2001. Ten years later, in response to the high level of threats against human rights defenders, it set up its own Special Rapporteur on the subject. The African Commission on Human and Peoples' Rights established such a position as early as 2004. Also in 2004, the European Union (EU) adopted its first guidelines on human rights defenders defining guiding principles for work on and with activists through EU embassies in third countries. These guidelines were updated in 2008. In 2015, the new EU initiative ProtectDefenders was launched with the aim of protecting particularly vulnerable human rights defenders. The initiative is financed mainly by the European Instrument for Democracy and Human Rights and is led by a consortium of twelve NGOs.

At the international level, however, the Declaration is also used to justify regressive positions. Cuba, for example, regularly requests that Article 3 of the Declaration (on national legislation) and Article 17, which identifies possible restrictions to the stipulated rights, are adequately reflected in new resolutions on the matter. As mentioned above, Russia often points to the absence of the word "human rights defenders" in the Declaration, in order to replace it in every official document by "individuals, groups and organs of society." These efforts – as well as the vehemence with which the attempted deletion of the term is countered – show, on the one hand, that the issue at the UN level has long since gone beyond the original framework of the Declaration. On the other hand, however, it is also clear that the resistance to its core idea will not subside. When linking the development of certain national legislations and repressive strategies with the increasingly bold action of these states against international criticism, the haggling for the wording of resolutions almost seems like a side show. Four years ago, for example, the African Group in the General Assembly, influenced by Russia, succeeded in temporarily stalling Resolution 24/24, which was already adopted by the Human Rights Council. This precedent was aiming to prevent the creation of a high-level UN focal point for individuals who are experiencing reprisals due to their cooperation with UN institutions, and thus rebuking the Council for its action. Eventually, in 2016 (with considerable delay), Andrew Gilmour, the new Assistant Secretary-General for Human Rights, was given the explicit mandate to investigate such reprisals. However, the African Group almost simultaneously made a second attempt to undermine the Human Rights Council, this time in order to abolish the newly created mandate on "Sexual Orientation and Gender Identity." These power games make it all too clear how fragile the United Nations' current human rights system is and how little respect certain states are willing to uphold even in the case of binding decisions.

In spite of these opposing forces, and despite the fact that the Declaration has not become binding international law, the 1998 Declaration represents a key element in the human rights work of and with human rights defenders. The immediate relevance of the Declaration for the reality of activists' lives remains questionable considering its stiff and calculated language, but the ensuing international recognition has undoubtedly brought about substantial change. The Declaration can be viewed as both a symptom and a catalyst of a human rights movement that is increasingly interested in local actors who actively



engage in human rights promotion. Growing attention by international campaigning and individual case work for the protection of such human rights defenders is intended – as a reverse conclusion from Kofi Annan’s appeal – to help better protect the rights of all of us. The innovative aspect of this idea lies in the strategic shift in international human rights work from the denunciation of states’ poor human rights records to the strengthening of social forces which claim human rights for themselves and for others – and thus in a shift of focus from a predominantly reactive approach to a preventive and more sustainable notion of impact.

## Annotated Bibliography

Bernard, Antoine: Introduction – One step forward, three steps back, in: *The Observatory for the Protection of Human Rights Defenders* (ed.): Annual report 1999: Human rights defenders on the front line. Paris 1999, p. 17-21.

Writing just one year after the adoption of the Declaration, Antoine Bernard, director of the Fédération Internationale des Ligues de Droits de l’Homme, examines the relevance of the Declaration in his short introduction to the Observatoire’s annual report. In it, he reflects upon the negotiation process and the development of the situation of defenders. He adopts a relatively pessimistic attitude when it comes to the use of ever more refined methods of state repression and sees a clear deterioration in the overall situation worldwide within the first year after the Declaration. The article is also interesting for the fact that its diagnosis and tone bear certain similarities with many of today’s reports on the development of the situation of defenders.

Forst, Michel: Naissance d’un concept, in: Amnesty International (ed.): *Défenseurs de droits humains*, Paris 2008, p. 12-28.

In this article, Michel Forst – in 2008 Secretary-General of the national human rights institution of France, today UN Special Rapporteur on the situation of human rights defenders – gives brief insights into the negotiation process, at the end of which he was personally involved as Amnesty International France’s delegate. Forst recounts several of the main controversies that arose during the negotiation process, highlights some turning points, and provides a report on the Human Rights Defenders World Congress in 1998. Although there was substantial resistance from within Amnesty at first, Forst played a key role in organizing and hosting the congress.

Eguren Fernández, Luis Enrique and Patel, Champa: Towards developing a critical and ethical approach for better recognising and protecting human rights defenders, in: *The International Journal of Human Rights* 19 (2015), p. 896–907.

Inspired by Critical Theory, this article takes a theoretical approach to the limits and problems of the widely used „human rights defenders“ concept as laid out in Fact Sheet No. 29. The authors reflect on better criteria for the definition of human rights defenders through their activities and experiences. They stress that activists should be understood as relational agents who are active within a certain social environment. Furthermore, they emphasize the need to recognize that while human rights are universal, they are not

applied in the same way everywhere. For example, the authors consider the legitimacy of the use of force under certain circumstances, and also challenge the usefulness of the claim that human rights defenders always need to recognize the universality of human rights.

UN Special Rapporteur on the situation of human rights defenders: Commentary to 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. Geneva 2011.

UN Special Rapporteur Margaret Sekaggya published this commentary to the Declaration in 2011 at the conclusion of her first mandate cycle. In her 100-page commentary, Sekaggya further substantiates and explains the preconditions for the individual rights declared in the 1998 document. Recommendations to UN member states are made in the Commentary regarding how they can contribute to the realization of each of these rights and specific examples of their most recurrent violations are provided. Finally, the question of legitimate restrictions to those rights is discussed. The analysis provided in the report is strongly informed by the cases and accounts that the mandate received during its first decade of existence, as well as the various reports drafted by Hina Jilani and Margaret Sekaggya during that period.

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## Fußnoten

1. The Declaration is generally known as “Declaration on Human Rights Defenders.” However, its official title is “Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms.”
2. Eckel: Ambivalenz, p. 744 f.
3. McChesney/Rodley: Drafting, p. 49.
4. Eckel: Ambivalenz, p. 344-348.
5. UN Commission: Report of the Working Group 1986, p. 5.
6. UN Commission: Report of the Working Group 1986, p. 6.
7. UN General Assembly: Letter from Egypt, p. 3.
8. Cf. Eguren/Patel: Ethical Approach, p. 902.
9. Cf. Forst: Naissance, p. 22f.
10. Kaba/Sottas: Introduction, p. 10.
11. OHCHR: Fact Sheet, p. 8.

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