

Chapter 1: Description and analysis of legislation and institutions for the protection of defenders at international and regional level

There are various laws and regulations regarding the protection of human rights defenders. In some cases these laws were adopted as a result of the work done by civil society and in others due to work by state or international structures.

In this first chapter we address international legislation and instruments of a universal nature as well as regional instruments¹ (national laws and instruments in individual countries will be covered in the next chapter).

1. Universal instruments and institutions

The United Nations has created several instruments that are essential for the work of human rights defenders. Among these is the Universal Declaration of Human Rights, of which articles 19, 20 and 28 refer to freedom of opinion and speech, the right of peaceful assembly and association and the right to an established social and international order in which these rights and freedoms are fully effective. The International Pact on Civil and Political Rights in articles 19, 21 and 22 recognizes and guarantees freedom of opinion and speech as well as the right to peaceful assembly and association.

Subsequently, and after a long discussion process strongly encouraged by non-governmental organizations, the UN also took into account the important work of human rights defenders and the need to guarantee their security. As a result on 9 December 1998 under Resolution 53/144, the General Assembly of the United Nations adopted 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**^{2,3} known as the *Declaration on Human Rights Defenders* (hereafter 'the declaration'). Two years later the United Nations Human Rights Commission asked the Secretary General to appoint a Special Representative on human rights defenders to monitor and support the implementation of the declaration. On 26 April 2000 Resolution **E/CN.4/RES/2000/61**⁴ led to the creation of the post of **Special Representative for Human Rights Defenders**.³ In 2008 **Resolution 7/8**⁴ led to a renewal of the mandate on the special procedure for the

1 There is an interesting summary on the subject (universal and regional instruments) from October 2009 by the International Human Rights Federation.

<http://www.fidh.org/-International-and-regional-protection-of-human>

2 Resolution 53/144 adopted by the General Assembly.

³1 [http://www.unhcr.ch/huridocda/huridoca.nsf/\(Symbol\)/A.RES.53.144.Sp?OpenDocument](http://www.unhcr.ch/huridocda/huridoca.nsf/(Symbol)/A.RES.53.144.Sp?OpenDocument)

³2 [http://www.unhcr.ch/huridocda/huridoca.nsf/\(Symbol\)/E.CN.4.RES.2000.61.Sp?OpenDocument](http://www.unhcr.ch/huridocda/huridoca.nsf/(Symbol)/E.CN.4.RES.2000.61.Sp?OpenDocument)

³3 <http://www2.ohchr.org/english/issues/defenders/>

³4 <http://www2.ohchr.org/english/issues/defenders/>

situation of human rights defenders but this time appointing a Special Rapporteur³ rather than a Special Representative of the Secretary General.⁴

The mandate of the Special Representative consists in:

“seeking, receiving, examining and responding to information on the situation and rights of those who acting individually or in association with others seek to promote and protect human rights and fundamental freedoms; establishing cooperation and conducting a dialogue with governments and other interested stakeholders on the promotion and effective implementation of the declaration; recommending effective strategies to better protect human rights defenders and following up on these recommendations.”⁵

The Rapporteur’s activities involve *inter alia*:⁶

- Receiving information provided by human rights defenders including complaints regarding violations of their rights, and using this information to determine the issues and questions to be raised with the countries concerned. When presenting a report the representative may submit:
 - Letters of ‘urgent measures’ used to provide information about a violation already occurring or about to, so that the state may take action in time
 - Letters of complaint, used to inform the state about violations already committed or which have had an effect on the defender which can no longer be reversed.
- Maintaining periodic contact with the states in United Nations bodies and establishing more specific bilateral contacts in meetings or in writing. These means shall be used by the Special Representative to raise specific issues with the counties which are a matter of concern, and to ask them to take action

3 Human Rights Council. **Resolution 7/8 on the Mandate of the Special Rapporteur on the situation of human rights defenders** <http://www2.ohchr.org/english/issues/defenders/mandate.htm>

4 The United Nations Human Rights Commission gives several titles to the experts such as Special Rapporteur, independent expert, representative of the Secretary General or Representative of the Commission. These titles do not suggest an order of seniority and are not indicative of any powers conferred on the experts. They are simply the result of political negotiations. The key issue is the mandate of the expert as stipulated in the resolutions of the Human Rights Commission. The mandate can focus on complaints of violations, the analysis of a problem, contributions to technical assistance or a combination of several of these. Office of the United Nations High Commissioner. **Recommendations on extra-conventional mechanisms for Guatemala. Introduction. Special United Nations Rapporteurs** <http://www.oacnudh.org.gt/documentos/publicaciones/KIT%20INSTRUMENTOS%20INTERNACIONALES/9%20MECANISMOS%20ESPECIALES/9.3%20Introduccion.%20%20Los%20relatores%20especiales%20de%20las%20NU.pdf>

5 See <http://www2.ohchr.org/english/issues/defenders/mandate.htm>

6 See Fact sheet N° 29. Human Rights Defenders: Protecting the right to defend human rights.

- Making official visits to the countries (on invitation by the government) during which the functions and situation of their human right defenders are examined, addressing the main concerns and making recommendations on an appropriate course of action
- Meeting other stakeholders relevant to the mandate and its activities such as parliaments, regional intergovernmental organisations and groups of states committed to improving the situation of human rights defenders
- Annual reports to be presented to the Human Rights Commission and the UN General Assembly. The reports describe the general trends and concerns observed during the year and make recommendations on how to address them. Some examine major concerns such as the implications of legislation on security matters for human right defenders and their work.

Given the difficulties and doubts regarding the concept of defender in the declaration, the representative published **Fact Sheet No. 29 -Human Rights Defenders: Protecting the Right to Defend Human Rights**⁶⁵ which provides a better definition of who human rights defenders are and the role played in their protection by the Special Representative and subsequently Special Rapporteur.

Similarly, the General Assembly has adopted several resolutions on defenders as well as more practical documents such as the **Guidelines for submitting complaints to the Special Representative regarding violations under the declaration on human rights defenders**⁶⁶.

It is also important to mention that the United Nations has adopted other documents which, though not directly aimed at the protection of human rights defenders, do have a bearing on this study such as the **Paris Principles**.⁷⁶⁷ These create bases for the regulation and implementation of the recommended rules for the **national human rights institutions**⁶⁸ which usually house the offices responsible for the protection of human rights defenders.

2. Regional instruments and bodies

As with the universal instruments, the regional instruments recognize and protect the right of association and freedom of thought, opinion and speech; at the same time in some regions of the world specific instruments have been adopted to protect human rights defenders as explained below.

⁶⁵ <http://www.ohchr.org/Documents/Publications/FactSheet29en.pdf>

⁶⁶ <http://www2.ohchr.org/english/issues/defenders/complaints.htm>

⁷ Principles relating to the status of national institutions for the protection and promotion of human rights - adopted by the General Assembly of the United Nations on 20 December 1993.

⁶⁷ <http://www.nhri.net/pdf/ParisPrinciples.english.pdf>

⁶⁸ <http://www.nhri.net/>

2.1. Latin America and the Caribbean

In Latin America and the Caribbean the Organization of American States (OAS) has paid special attention to violence against human rights defenders since 1999 by adopting annual resolutions on this subject.⁸

In 2001, in **Resolution AG/RES. 1818**,⁹ the General Assembly of the OAS asked one of the main bodies in its human rights protection system - the Inter-American Commission on Human Rights (IACHR) - to continue to monitor the situation of human rights defenders in Latin America and the Caribbean. The same resolution led to the creation of the **IAHCR Human Rights Defenders Unit**,¹⁰ which focuses on receiving information on the situation of human rights defenders in the region, maintaining contacts with non-governmental and governmental organizations and coordinating the work of the IACHR Executive Secretariat on human rights defenders in Latin America. In 2006 the Unit published a comprehensive report on the situation of human rights defenders in Latin America and the Caribbean.⁹

Since 1979, the **Inter-American Court on Human Rights**¹¹ - the judicial body of the inter-American system - has tried states for human rights violations including violations perpetrated against human rights defenders. The case of *Eliodoro Portugal vs Panama* or that of *Myrna Mack vs Guatemala* are among the most representative. In both cases the liability of the state was established and they admitted responsibility for the murder of the anthropologist and abduction of the trade unionist. The same thing happened in the case of the murder of the human rights activist Jesús María Valle Jaramillo in Colombia; the court duly recognised the importance of the work done by human rights defenders and that the state has a duty to protect them.

⁸ Resolution by the Organisation of American States (OAS) concerning human rights defenders. AG/RES. 2412 (XXXVIII-O/08) http://www.oas.org/DIL/AGRES_2412.doc

OAS Resolution on human rights defenders. AG/RES. 2280 (XXXVII-O/07) <http://www.civil-society.oas.org/General%20Assembly%20Resolutions/Panama/AG%20RES%202280%20ENG.doc>

OAS Resolution on human rights defenders. AG/RES. 2177 (XXXVI-O/06) <http://www.civil-society.oas.org/General%20Assembly%20Resolutions/Sto%20Domingo/Eng/AG%20RES%202177%20english.doc>

OAS Resolution on human rights defenders. AG/RES. 2067 (XXXVO-O/05) <http://www.civil-society.oas.org/General%20Assembly%20Resolutions/Fort%20Lauderdale/Eng/G-RES.%202067-XXXV-O-05%20ENG.doc>

OAS Resolution on human rights defenders. AG/RES. 2036 (XXXIV-O/04) [http://www.summit-americas.org/OAS%20General%20Assembly/XXXIV_GA-Quito/AGRES_2036_\(XXXIV-O-04\).doc](http://www.summit-americas.org/OAS%20General%20Assembly/XXXIV_GA-Quito/AGRES_2036_(XXXIV-O-04).doc)

OAS Resolution on human rights defenders AG/RES. 1920 (XXXIII-O/03) http://www.oas.org/juridico/english/ga03/agres_1920.htm

OAS Resolution on human rights defenders AG/RES. 1842 (XXXII-O/02) http://www.oas.org/juridico/english/ga02/agres_1842.htm

OAS Resolution on human rights defenders AG/RES. 1818 (XXXI-O/01) <http://www.oas.org/Assembly2001/documentsE/Decl-Resol.apro/ag-RES1818XXXI-O-01.htm>

OAS Resolution on human rights defenders AG/RES. 1711 (XXX-O/00) http://www.oas.org/juridico/english/agres_1711_xxxo00.htm

OAS Resolution on human rights defenders AG/RES. 1671 (XXIX-O/99) <http://www.oas.org/juridico/english/ga-res99/eres1671.htm>

⁹ <http://www.oas.org/Assembly2001/documentsE/Decl-Resol.apro/ag-RES1818XXXI-O-01.htm>

¹⁰ <http://www.cidh.org/defenders/defensores.htm>

⁹ See report: <http://www.cidh.oas.org/countryrep/Defensores/defensoresindice.htm>

¹¹ <http://www.corteidh.or.cr/index.cfm?&CFID=391064&CFTOKEN=18465782>

In several cases,¹⁰ including that of Gilson Nogueira de Carvalho¹¹ (the Brazilian lawyer murdered in 1996) the Court has pointed out that:

“[...] in a democratic society, the duty of states to create the necessary conditions to effectively respect and guarantee the human rights of everyone under their jurisdiction is intrinsically linked to a recognition of the role played by human rights defenders and their protection.[...]”

The Organization of American States has recognized inter alia the need to “support the national and regional action of human rights defenders, recognise their valuable contribution to the promotion, respect and protection of human rights and fundamental freedoms while condemning acts that directly or indirectly impede their work in Latin America and the Caribbean.”

The commitment to protect human rights defenders has been emphasized in other international instruments.

The Court considers that threats and attacks against the integrity and lives of human rights defenders and the impunity of the perpetrators are all the more serious since the impact is not only individual but collective.

This is because society is prevented from knowing the truth about whether people’s rights in a given state are being respected or violated.”

¹⁰ See ‘Servellón García and others’, supra note 11 para. 108; ‘Ximenes Lopes’ supra note 11 para. 85; Pueblo Bello massacre - sentence delivered 31 January 2006. Series C No. 140, para. 113; Mapiripán massacre - sentence delivered 15 September 2005. Series C No. 134, para. 111; and Legal status and rights of undocumented immigrants. Advisory Opinion - 18/03 of 17 September 2003. Series A No.18, para. 140.

¹¹ Inter-American Human Rights Court. Nogueira de Carvalho and others vs Brazil. Ruling of 28 November 2006 - preliminary waivers - para. 74 onwards.

In handing down the sentence, the court¹² repeated earlier rulings adding that:

*It is the duty of the state
to enable human rights defenders
to engage freely in their activities,
protect them when under threat
from attempts to kill or injure them,
refrain from creating obstacles to their work,
thoroughly investigate violations of their rights
and fight against impunity."*

The Inter-American System for the Protection of Human Rights has also set up a series of protection mechanisms for persons at risk which have often been used by human rights defenders.

The rules of procedure of the Inter-American Commission¹³ (article 25¹⁴) enable it to award precautionary measures on its own initiative or at another party's behest to prevent irreparable harm to persons in extremely serious and urgent situations. Article 19c of its statutes¹⁵ also allows it to, "request that the Inter-American Court of Human Rights take any provisional measures it considers appropriate in serious and urgent cases which have not yet been submitted to it for consideration [...]".

12 See case of prisoners at the Dr. Sebastião Martins Silveira penitentiary in Araraquara – interim measures, supra nota 52, twenty-fourth recital; the Monagas remand prisoner case ("La Pica") interim measures. Resolution of the Inter-American Human Rights Court of 9 February 2006, recital fourteen; the Mery Naranjo and others case - interim measures, supra note 52, recital eight; and the Guatemalan Forensic Anthropology Foundation case - interim measures. Resolution of the Inter-American Court on Human rights, 9th February 2006, recital twelve.

13 Rules of procedure of the Inter-American Commission on Human Rights approved by the Commission at its 109th special session held 4-8 December 2000, amended at its 116th regular session period 7-25 October 2002, at its 118th regular session period 6-24 October 2003, at its 126th regular session period 16-27 October 2006 and at its 132nd regular session period 17- 25 July 2008.

14 Article 25 of the Rules of Procedure of the Inter-American Commission on Human Rights.

1. In cases of gravity and urgency, in the light of available information and when necessary to avoid irreparable damage to persons, the Commission may, at the request of a party or independently, request that the state in question adopt precautionary measures.
2. If the Commission is not in session the chairman, or failing that one of the vice-chairmen, shall consult the other members through the executive secretariat regarding the application of the above provisions. Should this consultation be impossible within a reasonable period of time in relation to the circumstances of the case, the chairman shall take the decision on behalf of the Commission and shall notify its members.
3. The Commission may request information from the parties concerned regarding any issue relevant to the adoption and enforcement of the precautionary measures.
4. The granting of these measures and their adoption by the state shall not pre-empt any decision on the substance of the matter.

15 Statutes of the Inter-American Commission on Human Rights - approved by resolution 447 of the OAS General Assembly at its 9th regular session, La Paz Bolivia, October 1979.

Similarly, in cases of extreme gravity and urgency, article 25 of the rules of procedure of the Inter-American Human Rights Court¹⁶ enables it to order provisional measures in extremely serious and urgent situations, to avoid irreparable damage to persons.

In the 9 July 2004 Resolution On Interim Measures requested by the Inter-American Commission on Human Rights with respect to Venezuela in the 'Nieto and others' case, the Inter-American Court said, "States should provide effective and adequate guarantees to human rights defenders to enable them to act freely. Particular attention should be paid to anything that might limit or prevent their work". Statements of this nature and the necessary response to requests for precautionary and provisional measures have encouraged states to set up protection programmes similar to the ones featured in this survey. This has also led to an increased number of protected persons in these programmes and an example is the inclusion in the Colombian state protection programme of members of the Patriotic Union and the Colombian Communist Party.

At the Inter-American level protecting human rights within the regional system cannot be dissociated from the NGO **Centre for Justice and International Law (CEJIL)**¹² which has proved to be a strong, permanent link between national organizations and the Inter-American system, with resources and capacities that have provided an important complement to the work of national organizations in the system. It has also reported cases of violations of the human rights of defenders to the Commission and the IACHR.

2.2. Africa

The **African Charter on Human and Peoples' rights**¹³ (which does not mention defenders since it pre-dates 1998) authorizes individuals and NGOs to make complaints about human rights violations. Article 56 of the Charter establishes the conditions for doing so, such as avoiding disparaging language against the state involved or against the AU, ensuring complaints are only submitted after national procedures have been exhausted (or illegally delayed) and within a reasonable period of time afterwards, and on condition that these complaints do not involve cases already settled under the principles of the African Charter.

The African Commission on Human Rights¹⁴ (set up by the Organization of African Unity which is now the African Union – AU) confirmed in the **Grand Bay Declaration**¹⁵ (1999) the

16 Art 25 of the rules of procedure of the Inter-American Court of Human Rights:

1. At any stage in the procedures, on condition that the case is one of extreme seriousness and urgency and whenever necessary to avoid irreparable harm to persons, the Court, in an official capacity or on behalf of a party, may order any provisional measures it considers relevant under the terms of article 63.2 of the Convention.
2. If the issues have not yet been brought to its attention, it may act at the request of the Commission.
3. The request may be submitted to the president, to any of the judges or to the secretariat, using any method of communication. In any event whoever receives the request will immediately inform the president.
4. If the court is not in session the chairman in consultation with the standing commission and if possible with the other judges shall demand that the respective government take any urgent steps necessary to ensure the effectiveness of the provisional measures which the Court may subsequently adopt in its next period of sessions.
5. The Court shall include in its annual report to the General Assembly an account of the provisional measures it ordered during the reporting period and if these measures have not been implemented, shall make any recommendations it deems relevant.

¹² <http://cejil.org/en>

¹³ http://www.achpr.org/english/_info/charter_en.html

¹⁴ <http://www.achpr.org/>

¹⁵ http://www.achpr.org/english/declarations/declaration_grand_bay_en.html

importance of the declaration on human rights defenders approved the previous year by the UN, and called upon African states to implement the declaration in Africa. In 2003, the Commission issued the **Kigali Declaration**¹⁶ in which it wholeheartedly supported the role of human rights defenders and the need for their protection. By 2004, the African Commission had adopted its first **Resolution on the Protection of African Human Rights Defenders**¹⁷ which introduced the post of a **Special Rapporteur for Human Rights Defenders in Africa**,¹⁸ answerable to the Commission. In addition to these resolutions, since 2001 the African Commission has adopted several others which refer specifically to human rights defenders.¹⁷ All in all progress regarding human rights defenders in Africa has been brought about through pressure and support from African and international NGOs.

The mandate of the Rapporteur covers several aspects: receiving urgent petitions from human rights defenders that are then referred to the government involved, on-site visits to countries, submitting activity reports, raising questions on the protection of human rights defenders during the sessions of the African Commission¹⁸ and maintaining contact with other stakeholders dealing with the situation of human rights activists in the region.¹⁹

In May 2009, following the Pan-African Conference on Human Rights Defenders in Kampala, the Kampala Plan of Action (KAPA) for the protection of human rights defenders was launched. As well as several African and international NGOs and the diplomatic corps, four African Union commissioners attended (Reine Alapini-Gansou, special rapporteur for human rights defenders, Soyata Maiga, special rapporteur for women's rights, Catherine Atoki, chairperson of the working party on the Robben Island Guidelines, and Mumba Malila, special rapporteur for prisons and conditions of detention). Hassan Shire Sheikh, chairman of the East and Horn of Africa human rights defenders network and head of the secretariat of the Pan-African defenders' network, introduced the main objectives of KAPA, which include greater cooperation between African networks of human rights defenders, improving training in the use of African and international protection mechanisms, security, lobbying, fundraising, gender and sexual orientation issues and encouraging states, intergovernmental organizations and NGOs to respond to the needs of human rights defenders for protection.

¹⁶ http://www.achpr.org/english/declarations/declaration_kigali_en.html

¹⁷ http://www.achpr.org/english/_info/hrd_res_appoin_3.html

¹⁸ http://www.achpr.org/english/_info/index_hrd_en.html

¹⁷ Another resolution on the situation of human Rights defenders in Africa: ACHPR /Res.119 (XXXII)07
http://www.achpr.org/english/resolutions/resolution119_en.htm

Resolution on the situation of human rights defenders in Tunisia: ACHPR/Res.56(XXIX)01

http://www.achpr.org/english/_doc_target/documentation.html?../resolutions/resolution61_en.html

Resolution on the situation of human rights defenders in Gambia: ACHPR /Res.134(XXXVIII)08

http://www.achpr.org/english/resolutions/resolution134_en.htm

Resolution on the situation of human rights defenders in the Democratic Republic of Congo:

ACHPR/Res.139(XXXVIII)08 http://www.achpr.org/english/resolutions/resolution139_en.htm

¹⁸ For a sample of its reports see: http://www.achpr.org/english/_info/hrd_intersess_40.html (2006), <http://www.achpr.org/english/Commissioner%27s%20Activity/44th%20OS/Special%20Rapporteurs/Human%20Rights%20Defenders.pdf> (2008).

¹⁹ For further information on the work of the rapporteur and the challenges faced see the excellent report from the Observatory for the Protection of Defenders: "For more effective protection of human rights defenders in Africa - Strategy Note" (April 2009).

A breakthrough may be made as a result of this plan of action, since it may lead to the creation of national protection mechanisms and the consolidation and strengthening of regional mechanisms.

2.3. Europe

The European continent has also emphasized the protection of human rights defenders as is clear from the various initiatives taken by the European Union and the Organization for Security and Cooperation in Europe (OSCE).

The European Union and the protection of human rights defenders

Europe addresses the protection of human rights defenders within the wider mandate of the **European Commissioner on Human Rights**.¹⁹ The 2008 **Council of Europe Declaration on Human Rights Defenders**,²⁰ in which the Council of Europe strengthened the Commissioner's dedication to human rights defenders, reviewed the main impediments to their work including protection issues and recommended a series of measures to the member states. Some of these measures are particularly relevant to our study, including granting powers to independent commissions, ombudsmen or national human rights institutions to receive complaints or make recommendations on the violation of the rights of defenders (measure 10), ensuring that national legislation complies with international human rights standards (measure 11) and encouraging governments to consult civil society on human rights issues (measure 17). It also recommends building relationships with "other regional mechanisms, such as those within the African Commission and the Inter-American Commission" (measure 26).

In 2004 the EU Council published the European Union Guidelines on Human Rights Defenders²⁰, which can be studied and analysed in several guides and manuals.²¹ Under these guidelines European Union embassies have potentially become important protection bodies, affected by current developments and impact assessments. In 2006 the **first review of the implementation of the EU guidelines on human rights defenders**²¹ was published. The analysis and recommendations are based on information provided by several partners in response to a questionnaire submitted by EU Heads of Mission in 79 countries and with practical examples of good practice. The responses were based on the useful lessons learnt from the freedom of speech campaign in the second half of 2005, including greater awareness, visibility and the best form of action. They cover local experiences of NGOs as well as of the human rights defenders themselves and reflect the recommendations of a seminar on human rights defenders that took place at the EU Seventh Annual NGO Forum on Human Rights (London December 2005) as well as incorporating contributions from international NGOs and local human rights defenders. Finally, the review takes into

¹⁹ http://www.coe.int/t/commissioner/activities/themes/hrd_en.asp

²⁰ <https://wcd.coe.int/ViewDoc.jsp?id=1245887&Site=CM&BackColorInternet=9999CC&BackColorIntranet=FFB55&BackColorLogged=FFAC75>

²⁰ The 2008 revised version is at: <http://register.consilium.europa.eu/pdf/en/08/st16/st16332-re02.en08.pdf>

²¹ "Front Line handbook for human rights defenders: What protection can diplomatic missions offer? or European guidelines" <http://www2.ohchr.org/english/issues/defenders/docs/Frontlinehandbook.pdf>; and Amnesty International, Working document: "Towards the full and effective implementation of the European Union Guidelines on Human rights defenders - lessons learnt". http://www.protectionline.org/IMG/doc/051207_AI_Discussion_Paper_for_EU_Forum_FINAL.doc

²¹ <http://www.protectionline.org/First-review-of-the-implementation,570.html>

account the recommendations in the reports of the special representative on human rights defenders. The review led to the **Council conclusions on the EU guidelines on human rights defenders**²² and these in turn were revised in 2006 at the same time as a further review following new contributions in 2008. As in other cases encouragement, support and pressure from NGOs has been and continues to be crucial to the implementation of an instrument that would otherwise be useless.

The OSCE and the protection of human rights defenders

The Organization for Security and Cooperation in Europe (OSCE) has addressed the protection of human rights defenders by setting up an **Office for Democratic Institutions and Human Rights (ODIHR)**.²³ This office has issued several reports on the situation of human rights defenders in the OSCE²² region, and in 2007 established a **focal point**²⁴ for human rights defenders and national institutions. The focal point was set up after consultations with *inter alia* the UN Secretary's special representative on human rights defenders at the time, and its main task is to monitor the situation of human rights defenders in the region, to identify their concerns, promote and protect their interests and provide training. At the time of writing there were no detailed activity reports available. Our interviews and other publicly available information suggest there is much room for improvement in providing this protection infrastructure for human rights defenders.

2.4. Asia

At the regional level there is the **Asian Human Rights Charter**²⁵ the **Asian Human Rights Commission**²⁶ and the Association of South East Asian States (**ASEAN**²⁷) which recently in October 2009 set up an Intergovernmental Commission on Human Rights. However, Asia is generally lagging behind other regions in terms of regional human rights mechanisms and as a result, in mechanisms for the protection of human rights defenders. The protection of human rights defenders is therefore exclusively dependent on governments and on national human rights institutions and therefore lacks the impetus provided in this field by international bodies in other regions.

²² <http://www.protectionline.org/Council-Conclusions-on-EU,527.html>

²³ <http://www.osce.org/odihhr>

22 2007 report: *Human rights defenders in the OSCE region: our collective conscience* http://www.protectionline.org/IMG/pdf/28760_1004_en.pdf; 2008 report: *The situation of human rights defenders in the OSCE region: challenges and good practices* http://www.osce.org/odihhr/item_11_35711.html.

²⁴ http://www.osce.org/documents/html/pdftohtml/28244_en.pdf.html

²⁵ http://material.ahrchk.net/charter/mainfile.php/eng_charter/

²⁶ <http://www.ahrchk.net/index.php>

²⁷ <http://www.asean.org>