

Input to the Expert Group Meeting on SDG 16 (2021)ⁱ

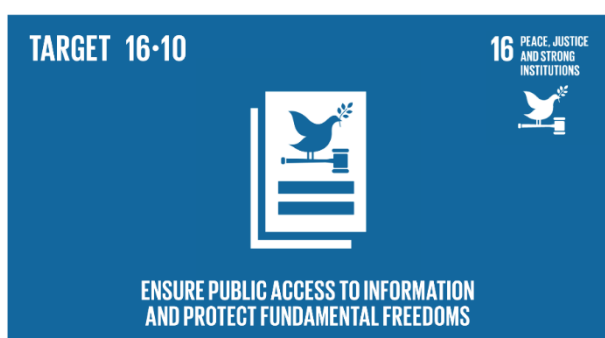
Danish Institute for Human Rights

Human rights defenders are persons who promote and strive for the protection and realization of human rights and fundamental freedoms through peaceful means. They can act individually or in association with others and they are key actors at national, regional and international levels for supporting and holding states to account for their human rights obligations.

The Sustainable Development Goals (SDGs) have a symbiotic and mutually enforcing relationship with human rightsⁱⁱ. Hence, human rights defenders have a positive, important and legitimate role in contributing to the implementation of the 2030 Agenda for Sustainable Development (2030 Agenda). Their participation in the development of SDG programmes, plans and monitoring is key for ensuring coherence between the legal human rights obligations of states and states' political commitments under the 2030 Agendaⁱⁱⁱ.

However, for human rights defenders to fulfil this role, states must secure a safe and enabling environment for their work in keeping with their human rights obligations. Even before the Covid-19 pandemic, human rights defenders had reported growing restrictions and violations. However, state responses to the pandemic has only increased the threats^{iv} and provided certain governments with "a pretext to adopt repressive measures for purposes unrelated to the pandemic"^v. Following the pandemic, states have, for example, included new criminal penalties under "fake news" laws and enforced absolute assembly bans, including for socially distant protests, with no expiry dates. There have also been reports of police killings and excessive use of force following the passing of Covid-19 emergency measures^{vi}.

The Covid-19 pandemic has magnified the tragic consequences of not abiding by international human rights laws and standards. Not surprisingly, vulnerable persons living in countries with poor human rights protection, for example on access to health and social protection, were hit the hardest. To build a fair and sustainable future post-pandemic, states must rely on and strengthen existing commitments delivering on both human rights and the SDGs.^{vii} Human rights defenders and national human rights institutions are well placed to lead the way and must be in the forefront of efforts to build forward better.



Fundamental freedoms are critical guarantees for exercising, defending and promoting rights. They include the freedoms of **association, assembly, and opinion and expression**. It is through these freedoms that human rights defenders can share ideas, form new ones, and join with others to promote and defend human rights. Human rights defenders need to be able to enjoy their right to join, form and operate associations without illegitimate restrictions. They

should be able to freely express their opinions, enjoy their right of access to information held by public authorities, and should be protected when disclosing public interest information essential for the promotion and protection of human rights. Human rights defenders, as all individuals, should be able to peacefully assemble, whether it is offline or online.

The 2030 Agenda emphasizes State's responsibility "to respect, protect and promote human rights and fundamental freedoms for all, without distinction of any kind as to race, colour, sex, language, religion,

political or other opinion, national or social origin, property, birth, disability or other status” (p.6). To achieve this, it included, among others, a **Sustainable Development Goal (SDG) 16.10** that aims to ensure public access to information and protect fundamental freedoms, in accordance with national legislation and international agreements.

Fundamental freedoms are integral to the realization of sustainable development. They are a cornerstone for free and effective civic participation and engagement in public life, including in sustainable development processes. The 2030 Agenda is built on the principles of inclusion and participation, and as such it cannot be achieved if people lack the knowledge of and the freedom to engage with and defend the global goals. Without the protection of these freedoms, human rights defenders would be severely restricted in their ability to fulfil their legitimate role, also in terms of furthering sustainable development.

The **United Nations Declaration on Human Rights Defenders** (UN DHRD) provides the most comprehensive framework available for the support and protection of human rights defenders in the context of their work. Implementation of the Declaration is considered a “precondition for the creation of an enabling environment”^{viii} for human rights defenders to carry out their work safely and effectively. The entire Declaration therefore underpins and provides guidance for the adequate implementation of SDG 16.10.

In a mutually reinforcing manner, the integrated implementation of the Declaration and of the SDGs will also contribute to other SDG targets related to non-discrimination, human rights education, labour rights, peace, justice, strong institutions, inclusion and participation. Likewise, the implementation of related SDG targets in accordance with the rights incorporated in the Declaration will strengthen the enabling environment for the work of human rights defenders.

National Human Rights Institutions



Strong national institutions need to have the capacity and resources to respect, protect and promote an enabling environment for human rights defenders. For that, it is imperative that they act within the rule of law and have effective mechanisms in place for transparency and accountability. National Human Rights Institutions (NHRIs) that comply with the Paris Principles are an indicator for strong institutions under SDG 16.a. Due to the independent nature of their work, they are in a unique position to use their formal mandates to guide and advise governments on their human rights obligations and to investigate crimes against human rights defenders. In performing their work, NHRIs and their staff can come under attack for promoting and protecting human rights. In order to help hold states and its institutions to account, NHRIs must be free and well-resourced to operate with independence, efficiency, credibility and impact.

Monitoring the enabling environment for human rights defenders

SDG 16.10 is central to and closely linked to the monitoring of the enabling environment for human rights defenders, not least in view of its global indicator 16.10.1^{ix}. This indicator measures “verified cases of killing, kidnapping, enforced disappearance, arbitrary detention and torture of journalists, associated media personnel, trade unionists and human rights advocates in the previous 12 months”.^x It is an important indicator to address the ultimate result, namely the reduction in the most serious violations and abuses against human rights defenders. However, these type of indicators (known as outcome indicators) are often

slow moving and fail to measure the more structural, procedural and administrative measures that need to be in place to secure a safe operational environment for human rights defenders.

The Office of the High Commissioner for Human Rights (OHCHR) has a methodology for the development of human rights indicators^{xi} which can support a more comprehensive monitoring of the enabling environment for human rights defenders under the 2030 Agenda. This methodology can assist in the development of complementary indicators, particularly at the national level, to directly measure states' commitments and efforts in this regard.^{xii}

At the time of writing this paper, the Danish Institute for Human Rights is collaborating with more than 20 organizations and institutions to develop a comprehensive monitoring framework and online tool for data collection on the so-called "right to defend rights". The OHCHR methodology is being used to develop an indicator framework to complement monitoring of SDG 16.10 and the fundamental freedoms at national level. The Declaration on Human Rights Defenders and the links showcased in this study are the basis for this work.^{xiii}

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ⁱ This submission is a short compilation from the upcoming paper "Furthering the right to defend rights through the 2030 Agenda for Sustainable Development", which will be published by the Danish Institute for Human Rights in June 2021 and will be available at www.humanrights.dk/sdgs

ⁱⁱ Research from the Danish Institute for Human Rights found that more than 90% of the SDG targets are directly related to a core international human rights treaty. Explore the links between SDGs and Human Rights at the **Human Rights Guide to the SDGs**, available in all UN languages at <https://sdg.humanrights.dk/en>

ⁱⁱⁱ The Danish Institute for Human Rights developed a tool to help identify the links between the recommendations from the UN Human Rights Monitoring Mechanisms and the SDGs. See the **SDG-Human Rights Data Explorer**, available in all UN languages at <https://sdgdata.humanrights.dk/en>

^{iv} Lawlor, 2020, **Report of the Special Rapporteur on the situation of human rights defenders (A/75/165)**

^v <https://news.un.org/en/story/2020/04/1062442>

^{vi} See Danish Institute for Human Rights, 2020. **Securing an Enabling Environment for Human Rights Defenders.**

^{vii} The Danish Institute for Human Rights developed a tool to guide the response and recovery plans from Covid-19 based on a wealth of human rights guidance and recommendations relevant for this context. Visit the **Human Rights Guide to Sustainable Recovery** at <https://www.humanrights.dk/tools/human-rights-guide-sustainable-recovery>

^{viii} Sekaggya, 2008, **Report of the Special Rapporteur on the situation of human rights defenders (A/63/288 Annex, para. 2).**

^{ix} SDG 16.10.1 Number of verified cases of killing, kidnapping, enforced disappearance, arbitrary detention and torture of journalists, associated media personnel, trade unionists and human rights advocates in the previous 12 months

^x https://unstats.un.org/sdgs/indicators/Global%20Indicator%20Framework%20after%202021%20refinement_Eng.pdf

^{xi} <https://ohchr.org/Documents/AboutUs/CivilSociety/Indicators-Expression-FoAA-PublicAffairs.pdf>

^{xii} Danish Institute for Human Rights, 2020. **Securing an Enabling Environment for Human Rights Defenders.**

^{xiii} More information and the tool, when available, will be displayed at www.humanrights.dk/sdgs