

## Office of the Public Defender of Georgia

Guidance on work on issues of Human Rights Defenders

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#### 1. Introduction

Despite international guarantees for the protection of human rights defenders<sup>1</sup>, cases of assault, intimidation, persecution, control, slander, stigmatization, arbitrary detention, enforced disappearance and murder are on the rise worldwide<sup>2</sup>. Human rights defenders are often restricted in their freedom of movement, expression, assembly, and association<sup>3</sup>. Human rights defenders of women and LGBT+ community are at particular risk as their work seeks to change stereotypes in society<sup>4</sup>.

In recent years, there have been cases in Georgia when non-governmental organizations, their leaders, or individual activists working on the most important issues for democratic development (corruption prevention, human rights protection, activities of state institutions, election monitoring...) have been attacked, including by the government<sup>5</sup>. The Public Defender of Georgia first assessed the challenges that human rights defenders face in the country in 2018 with an independent chapter of the parliamentary report.

At present, measures taken to ensure the protection of human rights defenders at the national level are insufficient. The Ministry of Internal Affairs of Georgia does not record statistics on investigations launched directly as a result of criminal acts committed against human rights defenders<sup>6</sup>, which prevents them from receiving complete information about such facts and assessing the effectiveness of responding to them.

Georgian law does not clarify the notion of human rights defenders, which creates problems to fully identify crimes committed against them, to produce relevant statistics and to plan appropriate measures to ensure their protection.

Considering the existing problems in the field of protecting human rights defenders, the Public Defender made a decision to compile this explanatory methodological document. It explains the international standard of the concept of human rights defenders, the essence of their activities and the obligations imposed on the state in this direction; the role and functions of national human rights institutions are highlighted, as well as the measures that the Public Defender's Office intends to take to create a safe and supportive environment for

<sup>&</sup>lt;sup>1</sup> Among them are the 1998 UN Declaration of Human Rights Defenders, the Document of the 1990 Copenhagen Meeting of the Conference on Security and Cooperation in Europe (CSCE), the 2014 OSCE/ODIHR Guidelines on the Protection of Human Rights Defenders, and the 2015 Guidelines on Freedom of Association, Council of Europe Parliamentary Assembly Resolution №2225 of 2018 on the Protection of Human Rights Defenders in the member states of the Council of Europe.

<sup>&</sup>lt;sup>2</sup>See the annual reports of the UN Special Rapporteur on the situation of human rights defenders, available at: <a href="https://bit.ly/2yqNe8x">https://bit.ly/2yqNe8x</a> [Last viewed: 05.04.2020]; Office of the United Nations High Commissioner for Human Rights (OHCHR) №29 Newsletter on Human Rights Defenders, available at: <a href="https://bit.ly/2URugiU">https://bit.ly/2URugiU</a> [Last viewed: 05.04.2020]; Amnesty International 2019 Report "Defending Defenders?", available at: <a href="https://bit.ly/39L3i2c">https://bit.ly/39L3i2c</a> [last viewed: 05.04.2020]; Front Line Defenders 2019 Report, available at: <a href="https://bit.ly/2X5szkU">https://bit.ly/2X5szkU</a> [Last viewed: 05.04.2020]; On the website of the World Summit of Human Rights Defenders organized by international organizations of human rights defenders in 2018: <a href="https://bit.ly/2wdRXda">https://bit.ly/2wdRXda</a> [Last viewed: 05.04.2020];

<sup>&</sup>lt;sup>3</sup> Information on crimes committed against human rights defenders and the challenges they face is available on the website of the Office of the High Commissioner for Human Rights (OHCHR):

<sup>&</sup>lt;a href="https://bit.ly/2wPAYOL">https://bit.ly/2wPAYOL</a>> [Last viewed: 05.04.2020].

<sup>&</sup>lt;sup>4</sup> UN General Assembly Resolution №A/RES/68/181 of 2013 on the protection of women human rights defenders is available at: <a href="https://bit.ly/2udG0D5">https://bit.ly/2udG0D5</a>> [Last viewed: 05.04.2020].

<sup>&</sup>lt;sup>5</sup> See report of the Public Defender of Georgia on the Situation of Human Rights and Freedoms in Georgia in 2018, p. 165, available at: <a href="https://bit.ly/2UEk52x">https://bit.ly/2UEk52x</a> [Last viewed: 05.04.2020], report of the Public Defender of Georgia on the Situation of Protection of Human Rights and Freedoms in Georgia, p. 250, available at: <a href="https://bit.ly/2VbZstJ">https://bit.ly/2VbZstJ</a> [Last viewed: 05.04.2020].

<sup>&</sup>lt;sup>6</sup> Letter №46621 of January 8, 2020 to the Ministry of Internal Affairs of Georgia.

human rights defenders.

It should be noted that in 2019, at the request of the Public Defender, the staff of the Office took a 3-day intensive training to improve monitoring of the situation of human rights defenders, which was conducted by representatives of OSCE/ODIHR. During the training, international standards for the protection of human rights defenders, methods of effective monitoring and reporting were discussed.

#### 2. Definition of human rights defenders

According to the UN Declaration on Human Rights Defenders, a human rights defender is a person who acts independently or in association with others to protect, implement and promote human rights at the national and international levels<sup>7</sup>.

To be considered a human rights defender(s), we must consider the following additional criteria defined by international institutions:

1. A person who, in accordance with the Universal Declaration of Human Rights, recognizes the universality of human rights for all<sup>8</sup>, without distinction of any kind, including distinctions based on race, color, sex, language, religion, political or other opinion, ethnic, national or social origin, property, birth or other status<sup>9</sup>, may be recognized as a human rights defender. If a person denies the existence of certain rights, he/she is not considered a human rights defender, even though he/she may be defending the rights of other persons<sup>10</sup>.

2. It is essential that the Public Defender act through peaceful means to protect, realize and promote human rights<sup>11</sup>, not to engage in violence, or in propaganda.<sup>12</sup>

In the classic sense, human rights defenders are those whose day-to-day activities are concerned with the protection and promotion of human rights.<sup>13</sup> For example, persons employed in non-governmental organizations who protect human rights, also work to prevent corruption, ensure transparency and accountability of government agencies, conducting the electoral process in accordance with the requirements of the law or other issues of paramount importance for democratic development, which ultimately affect the state of human rights and freedoms. Their activities may also be of an educational nature.

According to the standard, the concept has an even broader content. To be considered a human rights defender, no attention is paid to the professional or other status of the person;<sup>14</sup> whether he/she acts independently on

 $<sup>^{7}</sup>$  The 1998 UN Declaration of Human Rights Defenders, Article 1, available at:

 $<sup>&</sup>lt; https://www.ohchr.org/Documents/Issues/Defenders/Declaration/declaration.pdf > [Last\ viewed:\ 05.04.2020].$ 

<sup>&</sup>lt;sup>8</sup> OSCE/ODIHR, Guidelines for the Protection of Human Rights Defenders, 2014, part 2, available at: <a href="https://bit.ly/2XaBO3e">https://bit.ly/2XaBO3e</a> [Last viewed: 05.04.2020].

<sup>&</sup>lt;sup>9</sup> The Universal Declaration of Human Rights, Article 2, available at: <a href="https://bit.ly/349HNGN">https://bit.ly/349HNGN</a> [Last viewed: 05.04.2020].

 $<sup>^{10}</sup>$  Office of the United Nations High Commissioner for Human Rights (OHCHR), Newsletter N $^{\circ}$ 29 on Human Rights Defenders, April 2004, p. 9, available at: <a href="https://bit.ly/2UIDIq2">https://bit.ly/2UIDIq2</a> [Last viewed: 05.04.2020].

<sup>&</sup>lt;sup>11</sup> OSCE/ODIHR, Guidelines for the Protection of Human Rights Defenders, 2014, par.2.

<sup>&</sup>lt;sup>12</sup> OSCE/ODIHR, Guidelines for the Protection of Human Rights Defenders, 2014, par. 2; EU Guidelines for Human Rights Defenders, par. 3, available at: <a href="https://bit.ly/3c64xKX">https://bit.ly/3c64xKX</a> [Last viewed: 05.04.2020].

<sup>&</sup>lt;sup>13</sup> Office of the United Nations High Commissioner for Human Rights (OHCHR), Newsletter №29 on Human Rights Defenders, April 2004, p.6.

<sup>&</sup>lt;sup>14</sup> OSCE/ODIHR, Guidelines for the Protection of Human Rights Defenders, 2014, par. 5, p. 24.

behalf of any informal group or non-governmental organization; whether he/she is a volunteer or receives appropriate remuneration for professional activities.<sup>15</sup>

Consequently, in addition to those employed in certain non-governmental organizations, human rights defenders may also include representatives of professions whose main activities may not involve ongoing human rights work; have a periodic relationship with it;<sup>16</sup>

Thus, human rights defenders may be lawyers, trade union members, employees of national human rights institutions, journalists, civil servants, representatives of medical profession, students<sup>17</sup>. It is noteworthy that they may also be whistleblowers, who disclose information about facts of infringement.<sup>19</sup>

Many people around the world fight for the realization of human rights in different ways, but being considered a human rights defender determines how they act to promote rights and, in some cases, whether they make a "special effort". Such efforts may include the protection, implementation and promotion of human rights in the face of pressure from various influential persons or the state, as well as the planning of unrelated professional activities in such a way as to promote the protection of human rights, etc.

The activities of human rights defenders are diverse. They may have worked on the protection of all rights, specific issues of rights and/or the rights of a particular group (e.g., women's rights); some of them focus on the development and enforcement of international human rights law; others offer services to victims or help individuals protect their rights; part of them is involved in training, advocacy and public campaigns, as well as monitoring, reporting and/or detection of misconduct.<sup>21</sup> Consequently, **the main aspect that determines a human rights defender is not who they are but what they do and what principles they support.<sup>22</sup>** 

It should also be noted that to be considered a human rights defender, it is not taken into account whether the arguments used by the person are correct or not. Rather, it is important to note whether he/she protects any rights and/or facilitates their protection.<sup>23</sup>

According to OSCE/ODIHR, when developing human rights defenders' strategies or policies, states should use a broad definition of the concept of human rights defenders in accordance with the UN Declaration.<sup>24</sup>

<sup>&</sup>lt;sup>15</sup> Ibid. p.25.

 $<sup>^{16}</sup>$  Office of the United Nations High Commissioner for Human Rights (OHCHR), Newsletter N $^{\circ}$ 29 on Human Rights Defenders, April 2004, p.7.

<sup>&</sup>lt;sup>17</sup> OSCE/ODIHR, Guidelines for the Protection of Human Rights Defenders, 2014, par. 7, p. 25.

<sup>&</sup>lt;sup>18</sup> According to Article 201 of the Law of Georgia on Conflict of Interest and Corruption in Public Institutions, a whistleblower is a person who informs the body reviewing the application, the investigator, the prosecutor and/or the Public Defender of Georgia on violation of the legislation of Georgia or norms containing general rules of ethics and conduct by a public servant (exposed), if any, which has caused or may cause harm to the public interest or the reputation of the relevant public institution (disclosure). Providing information by a whistleblower to the civil society or the media about the above-mentioned violation after the decision of the body reviewing the application, the investigator, the prosecutor or the Public Defender of Georgia shall also be considered as disclosure.

<sup>&</sup>lt;sup>19</sup> Ibid. par.16, p.27.

<sup>&</sup>lt;sup>20</sup> Office of the United Nations High Commissioner for Human Rights (OHCHR), Newsletter №29 on Human Rights Defenders, April 2004, pp.7-8.

<sup>&</sup>lt;sup>21</sup> OSCE/ODIHR, Guidelines for the Protection of Human Rights Defenders, 2014, par.6, p.24.

<sup>22</sup> Ibid

<sup>&</sup>lt;sup>23</sup> Information on the activities of human rights defenders is available on the website of the Office of the High Commissioner for Human Rights (OHCHR): <a href="https://bit.ly/2V47l4e">https://bit.ly/2V47l4e</a> [Last viewed: 05.04.2020].

<sup>&</sup>lt;sup>24</sup> OSCE/ODIHR, Guidelines for the Protection of Human Rights Defenders, 2014, par.10, p. 25.

We should highlight women and LGBT+ human rights defenders. Most of them suffer harassment and violence as a result of their activities, on the one hand, due to discussing taboo topics, breaking the culture of silence, and working to change stereotypes established in society, and, on the other hand, due to the general misogyny and homophobia that prevails in society. It should be noted that the UN General Assembly adopted a separate resolution on the protection of women human rights defenders on November 4, 2013.<sup>25</sup> According to the resolution, these are both women human rights defenders and any other human rights defender who works to improve women's rights and gender equality. (A/HRC/16/44)

In view of all the above, the Public Defender of Georgia, for the purposes of his/her activities, considers as human rights defenders all persons, regardless of professional or other status, who act independently or in association with others through peaceful means, for the protection, realization and promotion of human rights at the national or international level and recognizes the universality of human rights without distinction for all.

#### 3. The importance of the work of human rights defenders

The role of human rights defenders is critical to improving human rights, democracy, the rule of law and the accountability of the government.<sup>26</sup> They also play an important role in governing public policy in accordance with human rights, accountability of government officials, fulfillment of obligations undertaken by the state at the international level, implementation of international human rights agreements or raising awareness of rights.<sup>27</sup> In addition, their work significantly contributes to the achievement of the goals set out in the Sustainable Development Agenda agreed by the UN Member States<sup>28</sup>, which serves to address contemporary challenges related to social, economic, environmental, peace and justice issues.

For example, the 1998 UN Declaration on Human Rights Defenders empowers human rights defenders to: protect their rights at the national and international levels; carry out human rights activities individually or in association with others; form associations and non-governmental organizations; assemble peacefully; seek, retrieve, obtain and possess information related to human rights; develop and discuss human rights ideas and principles and advocate them; in order to improve their activities, criticize state agencies and address them with relevant proposals, as well as draw attention to the aspects of their activities that hinder the realization of human rights; appeal against such policies or actions related to human rights; offer and provide professional and qualified legal assistance or other advice and support in the field of human rights protection; attend public hearings, proceedings and trials to assess their compliance with national law and international human rights obligations; have unhindered access to and communication with NGOs and intergovernmental organizations; enjoy effective remedies; be effectively protected

<sup>&</sup>lt;sup>25</sup> UN Human Rights Council, Resolution A/C.3/68/L.64 on the Protection of Women Human Rights Defenders, November 4, 2013, available at: <a href="https://bit.ly/2WNzEWM">https://bit.ly/2WNzEWM</a>> [Last viewed: 20.05.2020].

<sup>&</sup>lt;sup>26</sup> See information on the websites of the Office of the United Nations High Commissioner for Human Rights, the Council of Europe and the Organization for Security and Co-operation in Europe (OSCE):

<sup>&</sup>lt; https://bit.ly/36GAaY4>, < https://bit.ly/37CVhvW>; < https://bit.ly/2GzVbsT> [Last viewed: 05.04.2020].

<sup>&</sup>lt;sup>27</sup> Ibid.

<sup>&</sup>lt;sup>28</sup> The document of the Sustainable Development Agenda approved by the UN General Assembly Resolution A/RES/70/1 of September 25, 2015, entitled "Transforming our world: 2030 Agenda for Sustainable Development", available at: <a href="https://bit.ly/3bTu6yv">https://bit.ly/3bTu6yv</a> [Last viewed: 05.04.2020]

by national law when criticizing the state through peaceful means for its actions or misconduct, which are manifested in human rights violations; request, receive and use resources to protect human rights (including receiving funding from foreign sources).

The UN,<sup>29</sup> OSCE,<sup>30</sup> Council of Europe<sup>31</sup> and other international organizations impose various obligations on states to facilitate the work of human rights defenders. Basically, it is up to the government to refrain from any action aimed at violating the rights of human rights defenders due to their activities; protect human rights defenders from attacks by third parties; and take proactive measures to promote the full realization of their rights (including their protection of human rights) by human rights defenders.

It is also important for states to create an enabling and facilitating environment in which human rights defenders can operate free from insecurity and obstacles.<sup>32</sup> According to the UN Special Rapporteur, such an environment includes: a supportive legal, institutional and administrative framework; access to justice and the elimination of impunity for crimes committed against human rights defenders; a strong and independent National Institute of Human Rights; effective protection policies and mechanisms that focus on at-risk groups; paying special attention to women working on women's rights and gender issues; respecting and supporting the work done by human rights defenders by non-state actors; secure and open access to international human rights bodies; and a strong and dynamic community of human rights defenders.<sup>33</sup> Thus, this environment requires the protection of the physical and psychological integrity, liberty, security and dignity of human rights defenders, as well as the realization of other fundamental rights<sup>34</sup> necessary for the enjoyment of human rights.<sup>35</sup>

#### 4. The role of national human rights institutions in protecting human rights defenders

The National Human Rights Institutions, to which the Office of the Public Defender belongs in Georgia, can

<sup>&</sup>lt;sup>29</sup> UN Declaration on Human Rights 1998 the Declaration of Human Rights imposes a number of obligations on states: to protect human rights and promote their protection through all necessary measures; to ensure the practical enjoyment of all social, economic, political and other rights and freedoms by persons under their jurisdiction; to take such legislative, administrative and other measures as are necessary to ensure the effective implementation of rights and freedoms; to offer effective remedies to those who consider themselves victims of human rights violations; to conduct prompt and impartial investigations into alleged human rights violations; to take all necessary measures to ensure the protection of all persons against violence, intimidation, retaliation, discrimination, coercion and other arbitrary acts in connection with their exercise of the rights enshrined in this Declaration; to promote public awareness of civil, political, economic, social and cultural rights; to ensure and support the establishment and development of independent national human rights institutions; to promote human rights education through both formal education and vocational training.

<sup>&</sup>lt;sup>30</sup> OSCE/ODIHR, Guidelines for the Protection of Human Rights Defenders, 2014.

<sup>&</sup>lt;sup>31</sup> Resolution №2225 of the Parliamentary Assembly of the Council of Europe 2018 on the protection of human rights defenders in the member states of the Council of Europe.

<sup>&</sup>lt;sup>32</sup> UN Human Rights Council, Resolution A/HRC/RES/22/6 on the Protection of Human Rights Defenders, 12 April 2013, par. 2, available at: <a href="https://bit.ly/2xPApV6">https://bit.ly/2xPApV6</a> [Last viewed: 05.04.2020].

<sup>&</sup>lt;sup>33</sup> UN Human Rights Council, Special Rapporteur on the Situation of Human Rights Defenders, 23 December 2013, A/HRC/25/55, par. 61, available at:

<sup>&</sup>lt;a href="https://undocs.org/A/HRC/25/55">https://undocs.org/A/HRC/25/55</a> [Last viewed: 05.04.2020].

<sup>&</sup>lt;sup>34</sup> Including freedom of expression, freedom of assembly and association, freedom of movement, the right to participate in public life and the right to privacy.

<sup>&</sup>lt;sup>35</sup> OSCE/ODIHR, Guidelines for the Protection of Human Rights Defenders, 2014, par. 24. p. 30.

make a significant contribution to the protection of human rights defenders, given their broad mandate.<sup>36</sup> This chapter discusses measures identified by the European Network of National Human Rights Institutions (ENNHRI) and the Global Alliance of National Human Rights Institutions (GANHRI), which national human rights institutions, within the scope of their mandate, can use to achieve this goal.

#### 4.1. Publication of the European Network of National Human Rights Institutions (ENNHRI)

In 2018, the publication of the European Network of National Human Rights Institutions (ENNHRI) - "National institutions of human rights and human rights defenders" outlining the means through which institutions should protect and promote human rights defenders:<sup>37</sup>

#### 1. Monitoring and reporting

Through monitoring and reporting, national human rights institutions collect information on the situation of human rights in the country, assess whether international human rights standards are complied with at the national level, and share relevant findings with relevant government agencies as well as regional and international human rights mechanisms. This, in turn, facilitates the issuance of relevant recommendations to the government by regional and international actors.

As part of the effective monitoring, human rights-based indicators and separate data should be considered.<sup>38</sup>

It is noteworthy that one of the indicators (16.10.1) of the implementation of the 16th Sustainable Development<sup>39</sup> Goal agreed by the UN member states (promoting the establishment of a peaceful and inclusive society, access to justice for all, building effective, accountable, and inclusive institutions at all levels) provides for the recording/measurement<sup>40</sup> of acts of violence against human rights defenders. This indicator may be used by national human rights institutions in monitoring and reporting to enhance the protection of human rights defenders at the national level.

#### 2. Submitting recommendations and proposals on legislative and enforcement measures

National human rights institutes evaluate existing legislation, enforcement measures, policies and practices and, if necessary, through the relevant recommendations or proposals request amendments or new measures to

<sup>&</sup>lt;sup>36</sup> See Principles relating to the Status of National Institutions (Paris Principles), UN General Assembly Resolution 48/134 of 20 December 1993, available at: <a href="https://bit.ly/2UWQWyg">https://bit.ly/2UWQWyg</a> [Last viewed: 05.04.2020].

<sup>&</sup>lt;sup>37</sup> European Network of National Human Rights Institutions (ENNHRI), National Human Rights Institutions and Human Rights Defenders, Promoting Human Rights and Democracy in Europe, 2018, available at: <a href="https://bit.ly/2pkGnJH">https://bit.ly/2pkGnJH</a> [Last viewed: 05.04.2020]. <sup>38</sup> In the process of analyzing the information, the Handbook on the human rights-based approach to data developed by the Office of the United Nations High Commissioner for Human Rights (OHCHR) may be considered, available at: <a href="https://bit.ly/3dVe7lt">https://bit.ly/3dVe7lt</a> [Last viewed: 05.04. 2020].

<sup>&</sup>lt;sup>39</sup> The Sustainable Development Agenda document of UN General Assembly Resolution A/RES/70/1 of 25 September 2015, entitled "Transforming Our World: The 2030 Agenda for Sustainable Development", is available at: <a href="https://undocs.org/A/RES/70/1">https://undocs.org/A/RES/70/1</a> [Last viewed: 05.04.2020].

<sup>&</sup>lt;sup>40</sup> See Global Indicators Framework for Sustainable Development Agenda 2030, Objective 16, Task 16.10, Indicator 16.10.1 approved by UN General Assembly Resolution 6/2017 (A/RES/71/313) of July 6, 2017 available at: <a href="https://undocs.org/A/RES/71/313">https://undocs.org/A/RES/71/313</a> [Last viewed: 05.04.2020]. For an explanation of the content of this indicator, see information on the website: <a href="https://bit.ly/3bSNtYp">https://bit.ly/3bSNtYp</a> [Last viewed: 05.04.2020].

ensure compliance with international human rights standards.

National human rights institutions, to fulfill this function, may request legal assistance from the OSCE/ODIHR, which, in this case, provides legal advice on legislative acts and drafts related to democracy, the rule of law and human rights. These considerations also assist institutions in assessing law enforcement.

#### 3. Reviewing individual complaints and strategic litigation

National human rights institutions provide individuals with access to available remedies. Some institutions have the power to investigate, review individual complaints, issue recommendations, challenge existing legislative regulations or practice before the Constitutional Court, and try to settle parties. Some of them can engage a third party in the proceedings of both national and regional courts, such as the European Court of Human Rights.

In addition, national human rights institutions may provide information on individual complaints to independent international organizations. For example, the UN Special Rapporteur on the Situation of Human Rights Defenders helps to create a supportive environment for human rights defenders through visits to countries, receiving individual cases and complaints, and submitting reports. At the European level, the EU Mission advises national human rights institutions on monitoring and reporting on the situation of human rights defenders. In addition, the Council of Europe Commissioner for Human Rights is meeting with the institutions to discuss the best ways to protect human rights defenders effectively and to support their activities.

#### 4. Supporting the culture of rights

National human rights institutions promote broad knowledge and respect for human rights principles and standards. They raise public awareness, including by sharing information through educational campaigns, publications and the media. At the same time, they raise awareness of the role of human rights defenders, act against defamation campaigns, and disseminate information about advocacy programs and mechanisms, and advocate for human rights defenders when their rights are violated or threatened.

The support component also includes awarding of annual prizes to outstanding individuals or organizations for their protection and promotion of human rights.

It is noteworthy that human rights defenders often use online tools for communication and coordination. However, their data (including special category data) may be compromised. To avoid this, national human rights institutions can provide them with information about trusted means of securing privacy and data, such as <a href="Security in-aBox">Security in-aBox</a>, <a href="Surveillance Self-Defense">Surveillance Self-Defense</a> and <a href="Umbrella">Umbrella</a>. National human rights institutions themselves can use digital media to be better informed about the situation of groups that face difficulties at the national level. Such a platform has been developed by the Council of Europe - <a href="Platform to Promote the Protection of Journalism and Safety of Journalists">Platform to Promote the Protection of Journalism and Safety of Journalists</a>.

#### 4.2. Marrakech Declaration of the Global Alliance of National Human Rights Institutions (GANHRI)

In 2018, the 13th Conference of the Global Alliance of National Human Rights Institutions (GANHRI) adopted the Marrakech Declaration, which is an agreement between national human rights institutions in the direction of promoting activities, preventing risks, monitoring and popularization of the activities of human rights

defenders.<sup>41</sup> The Declaration envisages the following measures to ensure the protection of human rights defenders:

#### **Promotion**

- ✓ call on the state to ratify and implement all international human rights instruments;
- ✓ develop recommendations on national legislation, policies and programs to ensure their compliance with international human rights obligations;
- ✓ facilitate the establishment of national human rights protection systems for those in need of a safe and supportive environment. This should be done in consultation with these human rights defenders and civil society, the media, other non-governmental organizations and individuals (such as ethnic, local and religious leaders);
- ✓ develop a positive narrative about the importance of human rights and the role of human rights defenders (especially women human rights defenders). This should be done in an innovative way and through the use of new technologies, with a focus on young people;
- ✓ raise awareness of the UN Declaration on Human Rights Defenders, its translation and dissemination;
- ✓ ensure state support for the implementation of the UN Declaration on Human Rights Defenders. This
  includes, but is not limited to, the training of judges, law enforcement and other officials (with particular
  emphasis on women human rights defenders) and the provision of self-identification opportunity by human
  rights defenders;
- ✓ promote gender equality and developing strategies against discrimination against women human rights defenders;
- ✓ raise awareness of individuals about the obligations to respect the rights of human rights defenders and informing them about the measures/actions to be taken to fulfill such obligations.

#### Protection

- ✓ (online and offline) monitor and report of civil space through the collection and analysis of separated data;
- ✓ identify instances of policies that disproportionately affect human rights defenders and civil space;
- ✓ establish an effective and robust early warning mechanism at the institute and identify contact persons.

  In this process, the focus should be on at-risk groups. Such mechanisms should have the mandate, capability and competence to act immediately;
- ✓ interact with international and regional human rights systems;
- ✓ report cases of intimidation, threats and retaliation by human rights defenders (including an employee of the National Institute of Human Rights) and take all measures to ensure their protection;
- ✓ raise awareness of national, international and regional mechanisms for the protection of human rights defenders;
- ✓ monitor penitentiary institutions/temporary detention isolators and, if necessary, conduct preventive visits, provide legal assistance to detainees;
- ✓ promote access to justice for victims of human rights abuses and work closely with the judiciary in this regard.

<sup>&</sup>lt;sup>41</sup> The declaration is available at: <a href="https://bit.ly/2qTgJw6">https://bit.ly/2qTgJw6</a>> [Last viewed: 05.04.2020].

#### **Cooperation**

- ✓ regular interaction with human rights defenders and civil society and their involvement in the process of planning and implementation of activities;
- ✓ find ways to collaborate with various organizations (human rights organizations, media, scientific community, business organizations, trade unions, national statistical offices and international organizations);
- ✓ promote creation and strengthening of the existing national and regional networks of human rights defenders.

# 5. Methodology of the Office of the Public Defender of Georgia for the protection of human rights defenders and promotion of their activities

In accordance with the instructions of international organizations, the Marrakech Declaration and the mandate granted by law, the Office of the Public Defender of Georgia shall take the following measures to ensure the protection of human rights defenders:

- monitoring media outlets and social networks to identify cases of human rights violations;
- regular contact with NGOs, other formal or informal associations, and individual activists to obtain information about alleged violations of human rights. To ensure this, identify/introduce appropriate communication tools/mechanisms;
- based on the identified and/or received complaints, investigate individual cases of possible violations of rights of defenders,
- as a result of monitoring and case studies, development of relevant recommendations and proposals, reflection of findings in annual and special reports and/or other publications;
- if necessary, perform the function of amicus curiae in the common courts and the Constitutional Court of Georgia or apply to the Constitutional Court with a constitutional claim;
- production of statistics on possible violations against human rights defenders (collection of separate data according to groups of human rights defenders) based on the data collected by the Office, as well as based on information received from investigative agencies;
- disseminating public statements about the violation of rights of human rights defenders;
- analysis of legislative initiatives and drafts that affect the rights of human rights defenders and their activities;
- permanent cooperation with international and regional organizations; including providing information on the current state of human rights defenders by filling out questionnaires and submitting reports; if necessary, applying to them with a request to respond or seek legal assistance;
- raising awareness about the role, rights and protection standards of human rights defenders and carrying out educational activities.