

**Forum:** Human Rights Council

**Issue #8-02:** The question of harassment, threats, and killing of human right defenders

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*Members of Karapatan, a popular human rights group in the Philippines, take to the streets of Manila to protest against the harassment of social activists under the Duterte administration. September 5, 2019. Photo taken by Jodesz Gavillan at Rapper.com.*

## Introduction

Human Rights Defenders, according to the United Nations, are individuals

who act to protect, preserve and promote human rights across the globe in a sustainable and peaceful manner. Human Rights defenders are actively deployed in many parts of the world to report and investigate on human rights offenses and ensure that perpetrators of said violations are held accountable through legal sanctions. There is not a specific definition of Human Right Defenders. In other words, human rights defenders can be any person or group of people working to promote the education and compliance of human rights ranging from a local lawyer, an investigative journalist to an UN diplomat.

Many governments are often reluctant to condemn human rights violations occurring within their borders. In their defense, said states would often use national sovereignty as an excuse, arguing that human rights issues are domestic affairs that other nations have no reason to intervene. The work of Human Rights Defenders, therefore, is not only challenging as they constantly travel to inspect and comprehend the environment of distinct communities but, in many cases, it can also be an extremely dangerous task.

As human rights advocates strive to uncover the truth behind violations and uphold justice across the globe, they are treated as insensitive intruders by conservative governments. They are portrayed by the national press as vile individuals who are trying to impose western political agenda and drastically modify local cultures. Said advocates are consistently harassed by local populations for their work and many face imprisonment and censorship in their host nations for “disrupting social harmony” and “inciting rebellion.” In more extreme cases, some human rights defenders are even openly executed by governments.

Freedom of expression and speech are rights universally enshrined in the UDHR, yet numerous governments western or eastern, “democratic” or “undemocratic” still fail to grant these rights to human rights defenders. Most of the perpetrators behind incidents that maliciously target activists suffer little to

no legal recourse for their actions. Delegates of the Human Rights Council therefore must propose comprehensive resolutions that secure the lives and the work of fellow advocates.

## **Definition of Key Terms**

### **Declaration of Human Rights**

Adopted in 1948 the Universal declaration of Human rights (UDHR), includes all the basic, unalienable rights of all human beings regardless of nationality, race, ethnicity, language, etc.

### **Human Rights Council (HRC).**

Established in 2006, this intergovernmental council is responsible for addressing situations of Human Rights violations by writing resolutions and making recommendations. This council also responds to Human Rights emergencies.

### **Universal Periodic Review**

The Universal Periodic Review (UPR) is a process by which all human rights records of the 193 UN members of state are reviewed; here, each state presents measures taken to improve Human Rights and challenges in their own country in relation to this.

### **Office of the UN High Commissioner for Human Rights**

The UN High Commissioner for Human Rights has the main responsibility of overseeing all UN human rights activities as well as to respond to serious

violations of human rights and take preventive measures. This role has been occupied by Michelle Bachelet since September of 2018.

### **Human Rights Defender**

Term used to describe individuals who promote and protect Human Rights in a peaceful manner. They do so by investigating Human Rights violations and taking some kind of action. The work of these defenders differs, meaning they can work in different contexts, this is why there are no requirements when it comes to becoming a Human Rights defender.

### **Sovereignty**

A sovereign is the ultimate authority and supervisor when it comes to decision making in a state or government. This is closely related to the ideas of democracy and Human Rights, as the sovereigns in a government are supposed to protect the citizens they represent.

### **Freedom of Expression**

The right of expression, as included in the 19th article of the UDHR states it as the right to hold opinions without interference and receive information regardless of frontiers through any media

### **Freedom of Speech**

Freedom of Speech, as included in the 19th article of the UDHR, is the right to seek and receive information and voice ideas. Freedom of speech can be sometimes restricted in cases where it is integral to illegal conduct,

such as threats and when it violates intellectual property law. This right cannot be restricted in instances where it violates freedom of expression.

## **Censorship**

Censorship is the suppression of speech, writing or content that may be perpetrated by governments to other individuals or individuals towards others for different reasons.

## **State sponsored violence**

State sponsored violence occurs when the governing body of a country or nation either supports (directly or indirectly) or deliberately ignores violent acts and terrorists. The United States Secretary of State has currently determined four countries where the governments have provided support for terrorism are Cuba, North Korea, Iran and Syria. Another form of state sponsored violence is when the government of a country or nation deliberately ignores issues such as police brutality

## **General Overview**

The rectification of the Universal Declaration of Human Rights and the creation of the United Nations marked the beginning of a new era, with less discrimination, and one where people were hopefully, treated equally. The UDHR outlined the undeniable rights and privileged that every human had, regardless of sex, religion, and other factors that differentiated people from one another. This document was signed by 192 member states, in doing so, these Nations made a commitment to protect injustices and human rights violations; therefore, a country is

responsible in case human rights violations happen under their borders without consequence.

After the creation of the United Nations and of the UDHR, many countries have been responsible either for perpetrating or doing nothing when it comes to human rights violations happening in their territories. Even after international action is taken to stop these violations and warnings by the U.N, some world leaders keep perpetuating and/or ignoring these issues. This, in part, has led to many individuals to mobilize against their governments or against other individuals and take action, either by informing the masses about these violations or seeking legal justice.

The Office of the United Nations High Commissioner for Human Rights (OHCHR) has observed that from 2015 to 2019, human rights defenders have been killed in at least 64 countries. The Guardian reports that, in 2020, Latin America ranked as the most dangerous region in the world for human rights activists. The continent accounted for more than three-quarters of all the global murders of human rights defenders in 2020. Colombia, in particular, recorded 177 killings of Human Rights Defenders, accounting for more than half of the global total. Furthermore, the report found that indigenous activists are being disproportionately targeted by killers who often walk away with impunity. Despite comprising only about 6% of the global population, activists of Indigenous and Native American descent made up nearly one third of the total of the 331 human rights advocates killed worldwide in 2020.

Human Rights Defenders seek to protect, preserve, and help those affected by Human Rights violations. Either by working with governments, NGO's, or independently, their work is vital to our society as they raise awareness about atrocities that are not known internationally. As individuals that consider themselves Human Rights Defenders work towards improving the lives of those affected by Human Rights violations and getting those responsible for perpetuating such violations to justice, they are faced with death threats, violent attacks, by both State and Non-State actors. In 2019 alone, the OHCHR recorded the murder of 281 human rights defenders in a total of 35 countries.

### **Killings of Human Rights defenders in the Philippines**

The United Nations Human Rights office recorded that between 2015 and 2019 at least 248 human rights defenders, journalists, and professionals have been killed in relation to the job they do. There has only been one conviction for the killing of one of these people, making it nearly impossible to get justice. The UN Human Rights office has expressed the feeling of "powerlessness" when it comes to getting justice and letting the Human Rights defenders and other activists do their jobs. These killings were perpetrated in police raids on the houses of these individuals, police reports indicate that the people being murdered were unable to defend themselves from their attackers. Thus, the office of the High commissioner pressed the need for impartial investigations on the subject to find credible allegations into these serious Human Rights Violations

### **Verbal and other violent attacks on Human Rights defenders**

As news reports and reports made by the United Nations indicate, Human Rights defenders are subject to death threats, violent and verbal attacks in public. Sometimes, death threats and online attacks of these Human Rights defenders lead to their murder; Front Line Defenders reported the killings of 113 Human Rights Defenders in 2019 that were subject to threats in their area.

As a U.N Special Rapporteur indicates, it is crucial to locate the threats and record them for safety purposes; as well as the difficulty of identifying them and relating those to the killings of Human Rights Advocates. The large number of threats does have an effect in recording and analyzing them. Some of these threats may be indirect, general or more context-specific, individual or collective, threats are shouted in person, houses are graffitied, notes under doors, comments on social media. All of these are examples of threats, and all of these threats are made via different mediums, in different contexts, etc. making it harder for NGOs and governments to record them.

## **Major Parties Involved and Their Views**

### **Republic of Colombia**

In November 2016, the Colombian government reached a peace accord with the Revolutionary Armed Forces of Colombia (*Fuerzas Armadas Revolucionarias de Colombia*, FARC) which had been behind the homicides of many innocent human rights defenders. Since 2016, however, over 400 human rights defenders have been killed in Colombia, according to the United Nations Office of the High Commissioner for Human Rights (OHCHR). The Authorities' failure to

effectively control many areas previously administered by the FARC has largely encouraged the violence against human rights defenders. The Colombian Government made numerous promises to limit the killings of human rights advocates, however, many officials failed to solve the issue due to corrupt bribes sent by wealthy drug cartels and armed groups. In April, 2021, several peaceful protests broke out across Colombia to demand for fairer wages and better living conditions. The police reacted with lethal violence under the command of the government to suppress the demonstrations. More than 50 deaths were reported, due to clashes between the security forces and demonstrators, and more than 2,300 were injured.

### **People's Republic of China**

China has repeatedly ignored many human rights recommendations proposed by other member nations and has, on many occasions, refused to recognize several human rights offenses committed within its borders. In 1997, China adopted a law, Article 45 of the Constitution, restricting the right of human rights lawyers to freely associate. According to the legislation, all lawyers and law firms must join local bar associations; each of these associations, in turn, would create professional and ethical guidelines that all practicing attorneys are compelled to follow. To worsen the issue, according to the World Press Freedom Index released by a French NGO called Reporters without Borders (RSF), China ranked in the 177th place in terms of press freedom among 180 countries that were surveyed. Through the Great Firewall and other stringent cyberspace maneuvers, Western social media and press contents are often censored and filtered by the Chinese government. This in turn leads to a significant lack of access to reliable and impartial information on news events and makes the general public easily manipulable with regards to their perceptions on human rights violations.



*Activists gather outside the Chinese Liaison Office in Hong Kong, China, to demand for the release of Wang Quanzhang, a prominent human rights lawyer imprisoned by the government. Photo taken by the Human Rights Watch in April 5th, 2018.*

## Israel

Israel has been behind many human rights violations towards its Palestinian population to maintain Jewish dominance and supremacy in the region. According to Human Rights Watch, Israeli authorities “have dispossessed, confined, forcibly separated, and subjugated Palestinians by virtue of their identity to varying degrees of intensity.” Throughout the country, the Israel Defense Forces (IDF) has set up strict military control to actively monitor and surveill Palestinian populations. In the light of these inequalities, Palestinian human rights activists marched on the streets to demand fairer treatment. As a result, Israeli forces have regularly fired on these demonstrators and others who have opposed the government policies. Between January 19, 2009, and

January 31, 2021, Israeli security forces killed 449 Palestinians in the West Bank, according to Israeli human rights agency, B'Tselem. Furthermore, the Israeli authorities have repeatedly barred Western reporters from entering certain territories to document the reignited Israeli-Palestinian conflict. The entry bans are preventing international readers from being properly informed about what is occurring within Israel-Palestine and is fuelling suspicions that the Israeli military is covering up the impact of their actions.

### **United States of America**

The United States of America have long been seen as the beacon of democracy and equality. During President Donald J Trump's administration, however, the USA adopted an extremely conservative political agenda that led to numerous human rights violations. Among these were inadequate detention of migrant children and separation of refugee families, police brutality targeting people of color and discrimination towards other minorities. During the Black Lives Matter Movement in 2020, inspired by the unlawful killing of George Floyd, peaceful protests and marches erupted in major cities to demand racial equality. President Trump, however, ordered the police to suppress said protests through violent means. Amnesty International documented 125 separate incidents of unlawful police violence against protesters in 40 states and Washington, D.C., between 26 May and 5 June alone. The Trump administration was also known for its anti-immigration agenda. In 2020, the immigration authorities unlawfully detained and "expelled" over 330,000 migrants and asylum-seekers between March and November – including over 13,000 unaccompanied children – without consideration of their protection needs or the risks of persecution, torture, and other ill-treatment that they may face in their countries of origin.

## Hungary

Hungary's Prime Minister, Victor Orbán, has been dubbed by Reporters Without Borders (RSF) as a "press freedom predator", being the only EU politician to be on the list. The current Hungarian government holds one of the most conservative rules in Europe. Other than routinely silencing journalists and human rights defenders, it has been behind major human rights offenses such as denying and jailing asylum seekers in detention centers across the country. In March, Parliament adopted the Bill on Protection against the COVID-19 pandemic that extended the government's power to rule by decree by absolving it from parliamentary scrutiny, without providing a specific deadline for such rule. In the same month, the Hungarian authorities approved a discriminatory legislation towards the LGBTQ+ community, preventing legal gender recognition of intersex and transgender citizens and obstructing same-sex adoptions. The Hungarian law enforcement has also failed to counter the rise of domestic violence, during the pandemic, targeting women and girls and other gender-based discriminations. Despite evident disapproval from its European neighbors, Hungary continues to uphold discriminatory policies and human rights violations.

## Russian Federation

The Russian Federation is infamously known for its autocratic regime and numerous human rights breaches. Free access to online information is becoming each day more limited in Russia as the government continues to filter news contents and other materials. Since 2017, Russia has increased the number of agencies for content blocking, and increased the fines for organizations that refuse to take down undesirable content or that provide means to circumvent content blocking. Freedom of assembly and expression are being challenge Furthermore, Human rights defenders working in the North Caucasus, and

especially in Chechnya, are in constant, serious, danger. Some, like head of the NGO committee against torture, Igor Kalyapin, have been repeatedly subjected to vicious attacks. On 9 March 2016, some 20 masked men attacked a group of human rights defenders travelling from Ingushetia to Chechnya. The group was forced to leave the minibus in which they were travelling and then physically assaulted; four of them needed hospital treatment. The minibus was set on fire and completely destroyed. During the attack, the perpetrators shouted abuse, accusing the human rights defenders and journalists of “defending terrorists.”



*Russian opposition leader Alexei Navalny, who investigated his poisoning incident and possible Kremlin connections to the event, was jailed after landing in Moscow. Navalny has been detained at a prison hospital, known for its harsh conditions, ever since his conviction. Photo credits: BBC News, April 19, 2021.*

## United Nations Office of the High Commissioner for Human Rights

The UN General Assembly established The Office of the High Commissioner for Human Rights in December 1993 through its resolution 48/141. Currently, the OHCHR is the leading Human Rights entity in the United Nations. Its objectives are: promoting and protecting all human rights, empowering repressed minorities, assisting governments in securing human rights and offering a human rights perspective into all UN programmes. Since its establishment, the Office of the High Commissioner for Human Rights has spoken out against violations of all kinds and is actively engaged with educating the globe on human rights offenses through awareness campaigns and UN collaborations.

### Timeline of Event

Date	Description of event
1789	The Declaration of the Rights of the Man and of the Citizen was ratified in 1789 by Louis XVI, under great social pressure, during the start of the French Revolution. In its preamble and its 17 articles, the declaration sets out the “natural and inalienable” rights, which are freedom, ownership, security, resistance to oppression; it further recognizes that all are equal before the law and affirms the principle of separation of powers.
1848	The Declaration of Sentiments, delivered at Seneca Falls Convention by Elizabeth Stanton, marked the start of the

Women's Rights movement in the United States and the world. Using a language similar to that of the Declaration of Independence, Stanton compared the social, economic and political repression of women to the struggles faced by American Founding Fathers during the War of Independence. The declaration reiterates that both genders are endowed with unalienable rights to life, liberty, and the pursuit of happiness.

**1948**

The Universal Declaration of Human Rights was unanimously adopted by member states of the United Nations, outlining inviolable human right obligations and guidelines in contemporary society.

**1989**

Following the backdrop of China's rapid economic growth and social progress, student activists from all over the country decide to march in Tiananmen Square, Beijing, calling for further reforms in the freedoms of press and of speech. As the demonstration gained nationwide momentum, the Chinese government decided to suppress it with martial law. Thousands of the troops were sent to the capital to halt the protests, killing and jailing thousands of activists in an event known as the Tiananmen Square Massacre.

**1983**

The Office of the High Commissioner for Human Rights was established by the General Assembly, becoming a major human rights agency in the United Nations.

**2017**

Donald J Trump became the 45th President of the United States, implementing radical conservatism in American politics. During his administration, thousands of refugees and migrant children were forcefully deported back to their home countries. He also adopted an isolationist, “America first” approach in diplomacy, withdrawing the United States from the Human Rights Council and the Paris Climate Accord during his presidency.

**2020**

Russian opposition leader and political activist Alexei Navalny was found poisoned on a flight over Siberia. Fortunately, Navalny recovered and following numerous medical tests, there were widespread suspicions that the Kremlin was behind the poisoning. During his stay in Germany, Navalny and his aides, working with Western news agencies, were able to find and publish substantial evidence of their claim. The Russian government, however, denied any involvement and openly accused Navalny for being an undercover CIA spy. Upon returning to Moscow in January 2021, the opposition leader was forcefully seized by

authorities and sent to prison through hasty procedures. Thousands of protesters took to the streets and numerous world leaders expressed concerns while Navalny continued to live in jail.

## **UN involvement, Relevant Resolutions, Treaties and Events**

### **The Declaration on Human Rights Defenders (1998):**

The Declaration on Human Rights Defenders was adopted on the fiftieth anniversary of the Universal Declaration of Human Rights by the General Assembly. Throughout the declaration, the defense of human rights was reiterated as a global movement that all citizens should be involved with. Though not a legally binding instrument, the Declaration refers to principles and rights entitled to human rights defenders that are based on human rights standards mentioned in previous legally binding international instruments. In short, the document identifies human rights defenders as people who “strive for the protection and realization of human rights and fundamental freedoms through peaceful means.”

### **Resolution A/RES/68/163 (2014)**

The Resolution on the Safety of Journalists and the Issue of Impunity was adopted by the General Assembly in 2014. Said resolution stressed on condemning all forms of attacks and violence targeting journalists and media workers. It also urged Member States to prioritize preventing violence against the press and bringing to justice perpetrators of crimes against journalists and media workers in order to ensure that victims have access to appropriate remedies. It further called upon States to promote a safe and enabling environment for

journalists to perform their work independently and without undue interference.

### **Resolution A/HRC/43/L.50 (2020)**

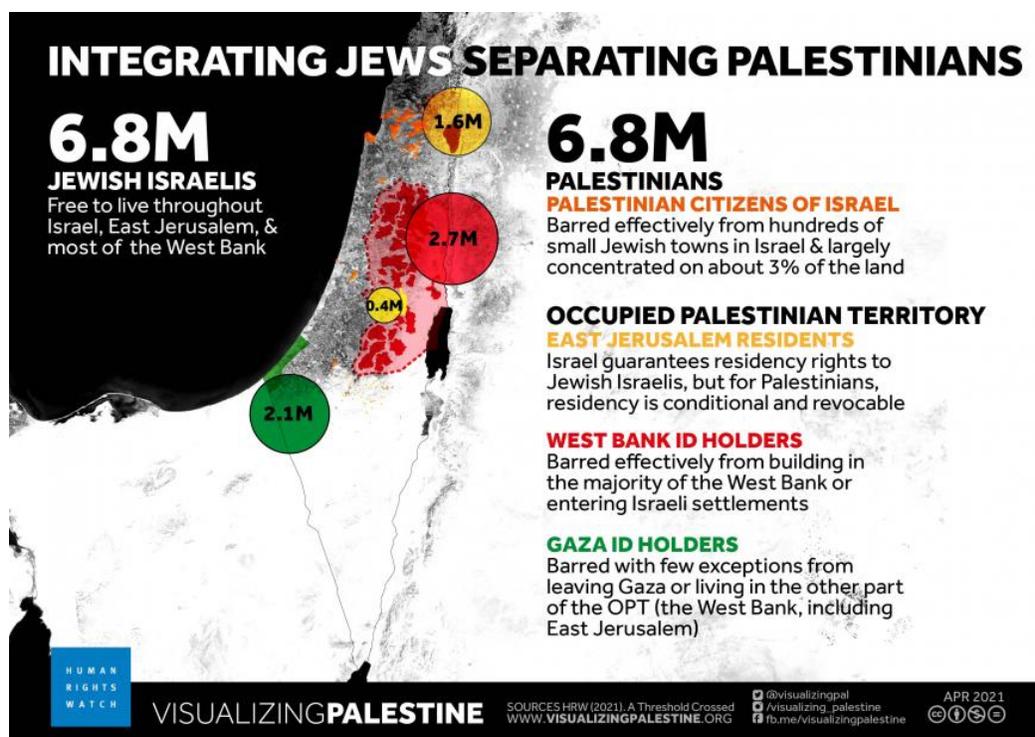
The Resolution on the Promotion and Protection of the Human Rights and Fundamental Freedoms of Africans and of People of African Descent against Excessive Use of Force and other Human rights Violations by Law Enforcement Officer was adopted by consensus by the Human Rights Council in June, 2020. The killing of African American citizen, George Floyd, in May 2020, reignited the Black Lives Matter movement and shed light on racially discriminatory and violent practices perpetrated by law enforcement agencies against Africans and people of African descent. The resolution also further condemned the structural racism targeting people of color in the criminal justice system. During the sessions reviewing the resolution, the Council requested the High Commissioner to examine government responses to anti racism peaceful protests, including the alleged use of excessive force against demonstrators, bystanders and journalists.

### **Resolution A/HRC/43/L.35 (2020)**

The Resolution on the Promotion and Protection of Human Rights in Nicaragua was adopted by the HRC by a vote of 24 in favour, 4 against and 19 abstentions. Said document urged the Government of Nicaragua to respect the rights to freedom of peaceful assembly, of association and of expression, and the independence of the media, the prosecution authority and the judiciary by authorizing peaceful and public demonstrations. The resolution also encouraged continued and strengthened cooperation between the Inter-American Commission on Human Rights and the Human Rights Council and its mechanisms for the promotion and protection of human rights in Nicaragua.

**Resolution A/HRC/43/L.36 REV.1(2020)**

The Resolution on Ensuring Accountability and Justice for All Violations of International Law in the Occupied Palestinian Territory, including East Jerusalem, was adopted by a vote of 22 in favour, 8 against and 17 abstentions. In it, the Council denounced all acts of intimidation, threats and delegitimization directed at human rights organizations and human rights defenders involved in documenting and countering violations of international law and impunity in the Occupied Palestinian Territory. The resolution also urged all Member States to condemn the use of unlawful lethal and other excessive force against civilians, including against civilians with special protected status under international law in Israel-Palestine.



*An infographic made by Human Rights Watch in April 2021, illustrating the systemic inequities faced by Palestinian Arabs in the State of Israel.*

## **Statements from The Office of High Commissioner for Human Rights (2021)**

In March 2021, nine human rights activists were arbitrarily killed in the outskirts of the Manila Metropolitan Area, Philippines, by a group of policemen. According to the spokesperson representing the OHCHR, Ravina Shamdasani, the fatalities illustrate a long history of “intimidation, harassment and red-tagging of human rights activists” in the Philippines. The Office of High Commissioner for Human Rights also used the incident to call for the strengthening of “investigative mechanisms” into the killings of human rights activists around the world. In her statement, Ms. Shamdasani also called upon the police to “take urgent measures to prevent the use of excessive force resulting in loss of lives during law enforcement operations” and requested national governments to “make public commitments to uphold human rights and the rule of law.

## **Appointment of special representative of the Secretary General Human Rights Defenders**

The Commission on Human Rights requested the Secretary General to appoint a special representative of human rights defenders with the purpose of supporting the implementation of the Declaration on Human Rights Defenders. This was done in the resolution 2000/61 of April 2000. This job is currently being occupied by Ms. Mary Lawlor since May of 2020.

## **Fact sheet No.29**

The United Nations has created a very detailed Fact Sheet with the purpose of aiding State agencies, governments, NGO's understand who are human rights defenders, defend human rights, protect human rights defenders.

## Evaluation of Previous Attempts to Resolve the Issue

Previously, the United Nations Office of the High Commissioner for Human Rights has, on multiple occasions, deplored the harassment and killings of activists. Numerous governments have also used diplomatic pressure as a leverage against nations disrespecting human rights. However, when the perpetrators of crimes against human rights defenders are backed by powerful nations such as China, United States or Russia, the effects of said sanctions are insignificant. Human rights defenders continue to be silenced, imprisoned and executed in many regions of the world and governments still use national sovereignty to undermine criticisms.

## Possible Solutions

### **Promoting the Declaration of Human Rights Defenders**

This would be done at a national level by translating the Declaration of Human Rights Defenders, using the media to spread and inform the public about this declaration.

### **Implementing the Declaration of Human Rights Defenders as a legal document**

At a country level, this would mean that Human Right Defenders would be protected by law and would offer increased protection to defenders from prosecution by governments and other damaging agents.

### **Allowing Human Rights defend to receive protection and access to U.N resources**

Human Rights Defenders working in NGOs or independently would be recognized as Human Rights workers for the U.N allowing them to have access to United Nations resources and receive protection.

## **Sustainable Development Goal (SDG)**

The mission of protecting the lives and the work of human rights defenders is deeply connected to the United Nations Sustainable Development Agenda. More specifically, it relates to Goal 8, which strives for Decent Work and Economic Growth For All. Human rights defenders are, in many ways, trapped in vulnerable employment. In order to propagate and investigate the full image behind human rights violations, activists are putting themselves at the risk of censorship, imprisonment and even death sentences applied by their host nations. The struggles faced by our lawyers, activists and advocates should not go unrecognized and our human rights defenders should not be left undefended. Therefore, to build sustainable communities where each individual's work is respected and protected, the harassment, intimidation and killing of human rights defenders must be addressed.

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