



Economic and Social Council

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Committee on Economic, Social and Cultural Rights

Human rights defenders and economic, social and cultural rights

Statement by the Committee on Economic, Social and Cultural Rights*

1. The contribution of civil society is essential to the effective promotion, protection and realization of economic, social and cultural rights, and plays an important role in monitoring and evaluating States parties' compliance with the International Covenant on Economic, Social and Cultural Rights. In recognition of that role, the Committee on Economic, Social and Cultural Rights was the first treaty body to give all non-governmental organizations the opportunity to submit written and oral statements on issues related to the enjoyment of Covenant rights in a given country. It has consistently encouraged States parties to continue their engagement with non-governmental organizations, human rights defenders and other members of civil society throughout the entire reporting process under the Covenant.

2. The active involvement of civil society in the work of the Committee has also proved essential for the wide dissemination, at the national and local levels of information about the Covenant and the Committee's work. In many cases, non-governmental organizations have attracted considerable media attention in their respective countries following the adoption by the Committee of concluding observations concerning the States in question.

3. As an element of civil society, human rights defenders can be any individual or group working to protect and promote human rights, including the rights enshrined in the Covenant. They can influence the development of public policies and are essential in identifying human rights violations and drawing authorities' attention to the consequences of their actions and omissions with regard to the enjoyment of human rights, including Covenant rights.

4. Past and recent incidences have caused alarm regarding the situation of human rights defenders working in the field of economic, social and cultural rights, who often face risks and threats as a consequence of their work. In 2015, the Special Rapporteur on the situation of human rights defenders identified those working to defend economic, social and cultural rights as one of the most at-risk groups of defenders.¹ Also in 2015, the Working Group on Enforced Disappearances stated that enforced disappearance were used as a repressive

* The present statement, which was adopted by the Committee at its fifty-ninth session, held from 19 September to 7 October 2016, was prepared pursuant to the Committee's practice on the adoption of statements (see *Official Records of the Economic and Social Council, 2011, Supplement No. 2* (E/2011/22), chap. II, sect. K).

¹ See A/68/262, paras. 15, 24, 40 and 53-55.



measure and a tool to deter the legitimate exercise, defence or promotion of the enjoyment of economic, social and cultural rights.²

5. The Committee is fully aware of the importance of enabling human rights defenders, including those working in the field of economic, social and cultural rights, to work freely without any threat or fear. It considers any threats or violence against human rights defenders to constitute violations of the obligations of States towards the realization of Covenant rights, since human rights defenders also contribute through their work to the fulfilment of those rights. For that reason, it has raised the issue regularly in the course of its dialogue with States parties and has referred to it expressly in a number of its concluding observations and general comments. In paragraph 51 of its general comment No. 18 (2005) on the right to work, the Committee affirmed that States parties should respect and protect the work of human rights defenders and other members of civil society, in particular the trade unions, who assist disadvantaged and marginalized individuals and groups in the realization of their right to work. More recently, in paragraph 49 of its general comment No. 23 (2016) on the right to just and favourable conditions of work, the Committee recalled that human rights defenders should be able to contribute to the full realization of Covenant rights for all, free from any form of harassment. States parties should respect, protect and promote the work of human rights defenders and other civil society actors towards the realization of the right to just and favourable conditions of work.

6. In view of the obligations of States parties to respect, protect and realize the rights enshrined in the Covenant, the Committee reminds States parties of their responsibility to ensure that human rights defenders are effectively protected against any and all forms of abuse, violence and reprisal that they might experience while carrying out their work to promote the realization of those rights.

7. The Committee reaffirms that the international community should deal with all human rights defenders, including those working on economic, social and cultural rights, in a fair, equal and even-handed manner. All acts and decisions should be in compliance with the Charter of the United Nations and 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, and all relevant human rights instruments.

8. The specific measures that States should adopt to safeguard the work of human rights defenders are dependent on national circumstances. The Committee, however, emphasizes that the following measures are of crucial importance:

(a) Public recognition, by the highest State authorities, of the importance and legitimacy of the work of human rights defenders and a commitment that no violence or threats against them will be tolerated;

(b) Repeal of any State legislation or elimination of any measures that are intended to penalize or obstruct the work of human rights defenders;

(c) Strengthening of State institutions responsible for safeguarding the work of human rights defenders;

(d) Investigation and punishment of any form of violence or threat against human rights defenders;

(e) Adoption and implementation of programmes, in consultation with potential beneficiaries, that are well resourced and have inbuilt coordination mechanisms that ensure that adequate protection measures are provided to human rights defenders at risk whenever necessary.

² See A/HRC/30/38/Add.5, para. 33.