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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, since it plays an important role in monitoring and evaluating State parties' compliance with the International Covenant on Economic, Social and Cultural Rights. In recognition of this 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 been consistently encouraging 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. Some of them often face risks and threats as a consequence of their work. In 2015, the current Special Rapporteur on the situation of human rights defenders identified those working to defend

* 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).

economic, social and cultural rights as one of the most at-risk groups of defenders.¹ Also in 2015, the United Nations Working Group on Enforced Disappearances stated that “enforced disappearance is used as a repressive 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 human rights defenders, including those working in the field of economic, social and cultural rights, being able to work freely without any threat or fear. It considers any threat or violence against human rights defenders to constitute violations of States’ obligations towards the realization of Covenant rights since human rights defenders also contribute through their work to the fulfilment of Covenant rights. For this reason, it has regularly raised the issue in the course of its dialogue with State parties and has expressly referred to it in a number of its concluding observations and general comments. In paragraph 51 of its general comment N°18 on the right to work, the Committee states 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”. Most recently, in paragraph 49 of its general comment No. 23 on the right to just and favourable conditions of work, the Committee recalls that “human rights defenders should be able to contribute to the full realization of Covenant rights for all, free from any form of harassment. State 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 State parties’ obligations to respect, protect and realize the rights enshrined in the Covenant, the Committee reminds State parties of their responsibility to ensure that human rights defenders are effectively protected against any and all forms of abuse, violence and reprisal which they might experience while carrying out their work to promote the realization of these 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, as well as 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: (i) public recognition, by the highest State authorities, of the importance and legitimacy of the work of defenders, and a commitment that no violence or threats against them will be tolerated; (ii) repeal of any State legislation or elimination of any measures that are intended to penalize or obstruct the work of defenders; (iii) strengthening of State institutions responsible for safeguarding the work of defenders; (iv) investigation and punishment of any form of violence or threat against defenders; (v) adoption and implementation of programmes, in consultation with potential beneficiaries, that are well resourced and have inbuilt coordination mechanisms which ensure that adequate protection measures are provided to defenders at risk whenever necessary.

¹ A/68/262.

² A/HRC/30/38/Add.5, para. 33.