

CHALLENGES OF A MANDATE THAT HAS JUST BEGUN

- *Interview with Mary Lawlor* •

By *Sur Journal*

In an interview with Sur Journal,¹ Mary Lawlor, the new UN Special Rapporteur on the situation of human rights defenders since May 2020,² shares her personal and professional experience, reaffirms the constant need to legitimise, promote and defend the lives and the work of defenders all over the world and identifies some of the pressing challenges she will face during her mandate.

Sur Journal • What has led you to work with human rights?

Mary Lawlor • I got to know Sean MacBride, the winner of the Nobel Peace Prize, the Lenin Peace Prize and the American Medal for Justice. He was a founding member of Amnesty International. I was asked to pick him up at the airport one night. He was coming back from Russia. When we got to his house, he asked me to come in and help him with his post. He worked into the early hours of the morning, answering all his mail and offering advice or help to people on different issues. At the time, he would have been in his late 70s. I couldn't get over the fact that he cared so deeply and so, I joined the Irish Section of Amnesty in 1975. And of course, once you know about injustice and can see how it is possible to make changes through action, you cannot walk away.

Sur • What are your main thematic priorities for the mandate?

ML • I intend to focus attention on human rights defenders most exposed to killings and other violent attacks, including a focus on the most marginalised and vulnerable defenders. These include women human rights defenders, those defending the rights of LGBTI persons, human rights defenders who are children, human rights defenders with disabilities, human rights defenders working on the rights of migrants and related issues, those working on the climate crisis and human rights defenders working in isolated and remote areas. Priorities also include human rights defenders serving long terms in prison, reprisals against human rights defenders following their cooperation with the United Nations, the issue of the impunity of those who attack human rights defenders, the role of businesses in both harming and defending the work of human rights defenders and a focus too on strengthening follow-up to individual cases brought to our attention. I will focus attention too on how the mechanism of the Universal Periodic Review can be better used for protecting human rights defenders.

Sur • What are the current gaps in international and regional protection for HRDs?

ML • The main gap is the lack of political will to publicly recognise and support the legitimate work of HRDs in accordance with the UN Declaration on HRDs and to put in place the necessary education and laws that will copper-fasten this. Impunity fuels the risks: hundreds of HRDs are killed every year and a large part of the problem is that the perpetrators are rarely brought to justice. So, having the laws is a necessary step but it's not enough unless those attacking HRDs know they will be held to account.

What more can be done to protect and support HRDs who are particularly at risk (including women HRDs, indigenous HRDs, defenders working on business and human rights, land and the environment, and defenders of minorities)?

ML • I think the first thing to do is to recognise and give credibility to their work. For women and LGBTI defenders working in patriarchal societies or under religious fundamentalism, their

work to dismantle the prevailing negative societal norms and cultural practices which don't allow for equality will have to continue. For defenders working on indigenous, land and environmental rights in the context of business and human rights, there has to be free prior and informed consent of the affected communities and mandatory human rights due diligence standards to ensure that there will be no human rights impacts as a result of their activities.

Too often HRDs are dismissed by governments and businesses as anti-development or as serial complainers rather than as people helping society. That all feeds into an image of them as nuisances, which in itself can escalate into threats and attacks. Changing that reputation by presenting their work positively would also help.

Sur • Which state policies have been most effective in protecting defenders?

ML • No one has a magic wand, but various countries are trying – Mexico, Colombia and others have set up HRD protection mechanisms, with varying levels of trust and success. EU and other countries – including Ireland, Norway and Switzerland – have guidelines on how their officials should engage with HRDs, and Norway leads on UN resolutions for protecting HRDs. All this helps to build a culture of protection. Cote d'Ivoire and Burkina Faso have adopted human rights defender protection laws.

Sur • To what extent can the UN definition of “human rights defenders” be applied to different actions that are not recognised as part of the defence of human rights? In other words, how do we protect people who defend human rights, but who do not recognise themselves as defenders or who have reservations about this title?

ML • For those HRDs who do not recognise themselves as defenders or don't like the title, I call them by what they describe themselves as and add HRD as well. So, in my communications, I might say “journalist and HRD” or “community leader and HRD”, “women's activist and HRD” or trade unionist and HRD”. I do think it is very important that we link their work to promote and protect human rights to the title “human rights defender.” It is what the UN agreed to after 13 years and it is the basis on which we seek to protect HRDs.

Sur • As a white woman, how do you perceive the threats and violence present in the daily lives of black human rights defenders?

ML • Black human rights defenders are targeted by institutional discrimination and because of the work they do. Many HRDs have experienced death threats, physical attacks, arbitrary arrests and lawsuits. The high number of killings is of particular concern and takes place against a background of widespread impunity. I think it takes enormous courage to start out each day with the yoke of discrimination on the basis of colour on one's shoulders and continue to work for justice for the community despite the great and added personal risk involved. I recognise it's not an experience I've lived - being a HRD of colour - and I realise it's important to listen and be guided by what they tell me.

Sur • What is your assessment of the deterioration in the protection of human rights in Brazil?

ML • The challenges and threats faced by human rights defenders in Brazil are very high, particularly for those working on issues of land, environment, indigenous peoples and LGBTI rights. Corruption and the abuse of power are rampant, particularly in remote areas where sugar cane plantations and the exploitation of the Amazon benefit the rich and powerful and go unchecked by the populist right-wing government, itself tainted by corruption scandals. Those who expose all this and work for the rights of the millions who live in extreme poverty are threatened, criminalised or killed.

Sur • What can people do to support the work of human rights defenders?

ML • As the Irish poet Seamus Heaney said, “I think we were put here to improve civilisation”. I would go further and say we have to choose civilisation every day. People should understand that the work of human rights defenders to build civil and just societies is a benefit for all - even if you yourself are not impacted by injustice. We have to get active in shaping a society on the principles of fairness, justice and equality where every voice is heard. So those who can bring voices out should; those who have money should contribute to the NGOs working for the rights of their communities; those who are opinion leaders should speak out about the credibility and legitimacy of the work of human rights defenders. We should all look at how we treat others – have we any unconscious bias in our behaviours and if so, we should work on educating ourselves and our families. We have to educate society and create networks where HRDs will feel more protected.

Sur • How does Covid-19 affect defenders? Do you see a risk in the new forms of surveillance that come with fighting the pandemic?

ML • I’ve been hearing from HRDs every day since I started working on the mandate a few months ago. Covid is shaping much of their work - some of them have the virus, others are having to adapt what they do to provide food and medicine to their local communities instead of doing policy advocacy. Others feel vulnerable because they have to stay at home and feel they’re sitting targets rather than being out and about and on the move. Digital security is obviously more of a priority now, as so much work has shifted online. So yes, there are new risks, particularly in relation to digital surveillance.

• • •

Received in July 2020.

Original in English.



Mary Lawlor. Photo: United Nations.³

NOTES

1 • *Sur Journal* would like to thank the people and civil society organisations who, at our invitation, sent suggestions of questions and thus, made the interview more plural and participatory.

2 • More details on Mary Lawlor are available at: “Special Rapporteur on the situation of human rights defenders,” OHCHR, 2020, accessed July

20, 2020, <https://www.ohchr.org/EN/Issues/SRHRDefenders/Pages/SRHRDefendersIndex.aspx>.

3 • Source: “Ms Mary Lawlor, Special Rapporteur on the Situation of Human Rights Defenders,” OHCHR, 2020, accessed July 31, 2020, <https://www.ohchr.org/EN/Issues/SRHRDefenders/Pages/MaryLawlor.aspx>.



“This journal is published under the Creative Commons Attribution-NonCommercial-NoDerivatives 4.0 International License”