

Criminalization of Human Rights Defenders

Not only with unlawful physical and psychological violence, those seeking to silence Human Rights Defenders (HRDs) increasingly resort to quasi-legal tactics such as smear campaigns and baseless charges and prosecutions. The criminalization of HRDs has become an area of growing international concern. The term “criminalization” refers to “the process by which behaviors and individuals are transformed into crime and criminals.” In context of defending human rights, we therefore understand criminalization to derive from the intent to discredit, sabotage or impede the work of HRDs through the misuse of the legal system and through a targeted manipulation of the public discourse within a country.

The UN Special Rapporteur on the situation of human rights defenders explains in a report “States increasingly resort to legal actions to violate the human rights of defenders denouncing human rights violations. Defenders are arrested and prosecuted on false charges. Many others are detained without charge, often without access to lawyers, medical care or judicial process, and without being informed of the reason for their arrest.”

There are a number of ways in which HRDs have been made the victim of criminalization:

- unfounded accusations and direct attacks;
- arbitrary arrests using excessive force by the military and police officers;
- stigmatization of HRDs by government officials and media;
- as well as the misuse of states of emergency to impose restrictions on the rights to assembly and association, and the right to freedom of expression;
- Negative and racist discourses with accusations such as “being against development”
- Gender based violence: rape and sexual violence, harassment and dissemination of rumors attacking the reputation of WHRDs

Human Rights Defenders are not criminals

We in PBI believe that HRDs should not be criminalized and prosecuted for the work they do. In all of our projects we witnessed how communities and organization struggle for defending their rights, and how they are criminalized for doing the work they do. When the law system is used to prosecute and criminalize HRDs, impunity is incentivized among corruption systems, and the importance to protect our all Human Rights is diminished.

We therefore advocate for the following call:

- We call States to dignify HRDs work through campaigns at national, local and regional levels.
- Regularly review laws and monitor their application through law-enforcement agencies
- Ensure that transparent, objective and complete information is provided to indigenous communities at the time to develop proposals, laws or guidelines by companies/states that might affect their rights, lifestyle, land and territory. Making sure they participate/are involved in the whole consultation/project.
- Carry out Human rights Impact assessments of any investments or development plans affecting indigenous people territories

“We judges should not become instruments to criminalize behaviors which are not criminal” - Guatemala Judge Yasmin Barrios

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