

February 9, 2021

Hon. Antony Blinken
Secretary of State
United States of America

CC: Senator Robert Menendez, Chairman, Senate Foreign Relations Committee
Senator James Risch, Ranking Member, Senate Foreign Relations Committee
Representative Gregory Meeks, Chairman, House Committee on Foreign Affairs
Representative Michael McCaul, Ranking Member, House Committee on Foreign Affairs

Dear Secretary Blinken:

We, the undersigned organizations, work to promote human rights, democracy, media freedom, environmental sustainability, and an end to corruption around the world. The protection of human rights defenders — such as activists, lawyers, and journalists — is critical to each of our missions.¹ We are deeply concerned by the unabated rise in reprisals against human rights defenders, both globally and within the United States, and the chilling effect that these attacks have on fundamental freedoms and civic space.

We would like to request the opportunity to begin a discussion with the incoming State Department political leadership on the role that the Biden Administration will play in protecting human rights defenders.

As the Administration prepares to re-engage the U.S. government at the United Nations and other multilateral institutions, we encourage you to elevate the protection of human rights defenders as a U.S. foreign policy priority and commit to play a global leadership role on this issue.²

Strengthening the U.S. government's policy towards human rights defenders

Internally, the State Department should set the stage for global leadership by developing a more robust and public-facing policy for supporting human rights defenders at risk. Other governments, such as Norway, Switzerland, and Canada, and regional blocs such as the European Union, have developed public-facing operational guidelines for supporting human rights defenders that inform policy and instruct practical work.

¹ In the UN system, journalists often fall under the umbrella of human rights defenders and its protections when investigating and reporting on human rights issues, or when using their media outlets or platforms to defend the rights of others. In this letter, we refer collectively to “human rights defenders,” but recognize that an effective approach to protecting journalists requires distinct measures in some cases. We note that journalists can face heightened risks when they are grouped together with or labeled as activists, members of a political opposition party, or as otherwise having a specific reform agenda.

² This includes a specific focus on the particular needs of defenders who face intersecting forms of discrimination and violence, such as women, trans, and gender non-conforming defenders; racial, ethnic, religious, and other minorities; indigenous, environmental, and land rights defenders; disability rights defenders; lesbian, bisexual, trans, queer, and intersex defenders; sex worker and informal, domestic, and low-wage defenders; migrant, displaced, refugee, and stateless defenders; those affected by conflict and occupation; and defenders deprived of their liberty.

The State Department issued a position statement in support of human rights defenders in 2013, and reissued the same statement in 2017 and 2021,³ but this document has not been promoted or implemented on a consistent basis. Nor does it reflect an up-to-date understanding of the evolving nature of attacks on human rights defenders, including but not limited to the rise of illegal surveillance using digital technologies; the growing attacks on environmental and land defenders, anti-corruption activists, and journalists; or the use of judicial harassment and smear campaigns as reprisal tactics.

We acknowledge the important work that the State Department’s human rights officers have done to support human rights defenders around the world. Too often, however, we have seen situations where embassies are reluctant to support defenders in politically sensitive countries where the U.S. government has significant national security, economic, or geopolitical interests.⁴

The U.S. government does not have sufficient safeguards in place to ensure that its security assistance and cooperation, judicial assistance, development assistance, development finance, and support for American businesses do not contribute to an erosion of fundamental freedoms and threats to human rights defenders.

The State Department’s policy framework should include a strong focus on strengthening outreach to human rights defenders:

- **Robust, public-facing operational guidelines** that help embassies to establish open, clear, secure, and sustained lines of communication with human rights defenders under threat. These guidelines should be developed in consultation with human rights defenders, civil society, and media organizations in the United States and in host countries. Consultations should reflect the diversity of human rights defenders and should not be limited to large civil society organizations, organizations that receive U.S. government funding, or those that are based in large cities. The guidelines should be translated into local languages and posted prominently on U.S. embassy websites.
- **Public designation of a human rights officer at every post** whose portfolio includes activities to support human rights defenders. As part of the EU guidelines, for example, EU embassy websites are supposed to identify a human rights defenders liaison officer with contact information.
- **A more prominent role for high-level embassy officials in supporting human rights defenders**, including by having regular meetings with civil society and media organizations. Human rights officers have usually been lower-level embassy officials. In politically sensitive countries, it is important for higher-level officials to play an active role in these cases — including the ambassador when necessary.
- **Continued efforts to scale up the Interagency Working Group on Environmental Defenders.** The Interagency Working Group has played an impactful role in helping civil society organizations around the world to connect with relevant offices at the State Department.

³ U.S. State Department, “U.S. Support for Human Rights Defenders,” reposted on Jan. 20, 2021, <https://www.state.gov/u-s-support-for-human-rights-defenders>.

⁴ See e.g., EarthRights International, *Speak Without Fear: The Case for a Stronger U.S. Policy on Human Rights Defenders* (2020), https://earthrights.org/wp-content/uploads/EarthRights-Embassy-Report_June2020.pdf.

Additionally, the policy framework should include measures to strengthen coordination within the U.S. government and with allied governments:

- **Uniform training at the Foreign Service Institute for embassy officials on human rights protection and the available mechanisms** to provide protection and assistance both within and outside the U.S. government, prior to assuming their post. We would be pleased to provide support and resources for this training.
- **Consistent tracking and reporting on patterns of reprisals** against human rights defenders as a core component of the State Department’s annual human rights reports. This should include robust and uniform reporting on attacks on the press as required by the Daniel Pearl Freedom of the Press Act.
- **Internal vetting and interagency coordination procedures** to ensure that offices that review U.S. government assistance to foreign security forces, judicial and criminal justice institutions, multilateral finance institutions, development assistance, and businesses are aware of potential linkages to reprisals against human rights defenders.
- **Commitment to play a global leadership role in addressing attacks against human rights defenders**, including by convening and coordinating the diplomatic communities within countries.

The policy framework should also include measures aimed at promoting responsible business conduct with respect to human rights defenders:

- **Developing guidance for American businesses about the vital work of human rights defenders**, which focuses on responsible business conduct and the business case for supporting defenders.⁵
- **Ensuring that embassies’ economic officers raise human rights defender issues** in their engagement with businesses.

Re-engaging with the United Nations human rights system

The State Department should re-engage in the United Nations human rights system with vigor. The United States’ absence from the Human Rights Council has been felt deeply over the past several years. We strongly urge the United States to apply to rejoin the Human Rights Council and pursue robust participation in the Council. The State Department should forward and support strong U.S. candidates with strong track records of advancing human rights to the UN Special Procedures, seek input from and collaborate with civil society organizations in Geneva, and engage member states on human rights concerns.

Similarly, we urge the State Department to re-engage with the United Nations Educational, Scientific and Cultural Organization (UNESCO), which helps promote respect for human rights. As the lead UN agency responsible for implementing the UN Plan of Action on the Safety of

⁵ See e.g. Government of Canada, “CSR Snapshot #7 – Private Sector Support for Human Rights Defenders: A Primer for Canadian Businesses,” <https://www.international.gc.ca/trade-agreements-accords-commerciaux/topics-domaines/other-autre/csr-snapshot-7.aspx?lang=eng>.

Journalists and the Issue of Impunity,⁶ support for UNESCO is intrinsically linked to ensuring that journalists can work without fear of reprisals. The State Department should also commit to increasing UNESCO's effectiveness and impact.

As outlined in the United Nations Human Rights Appeal 2021, the overall budget currently allocated to the UN human rights system is not sufficient to enable it to fully implement its work. Meanwhile, increased earmarking has further reduced the UN's flexibility to use these contributions where they are most needed, including in support of human rights defenders at risk. The State Department should reaffirm the need for funding contributions to the UN Human Rights Appeal.

The State Department should proactively engage with the UN Office of the High Commissioner for Human Rights and support the mandate of the UN Special Rapporteurs on the Situation of Human Rights Defenders, and Freedom of Opinion and Expression, among others. The United States can play a powerful role in encouraging other governments, in both bilateral and multilateral discussions, to implement the Special Rapporteurs' recommendations.

The State Department should also support implementation of the recommendations of the UN Working Group on Business and Human Rights in its roadmap for the next decade of the UN Guiding Principles on Business and Human Rights, which will be presented to the UN in June 2021.

The State Department should support the implementation of the 2019 Oslo Statement on Corruption involving Vast Quantities of Assets⁷ at the United Nations General Assembly Special Session Against Corruption, which includes funds for anti-corruption practitioners under threat; initiatives to protect anti-corruption fighters, such as investigative journalists and activists; and protections through international, regional and bilateral channels for whistleblowers, witnesses, journalists, bloggers, civil society activists, and their immediate families involved in pursuing grand corruption cases.

Collaborating with the regional human rights bodies

We encourage the State Department to strengthen its collaboration with regional human rights bodies in the protection of human rights defenders at risk. In the past three years, for example, collaboration between the Inter-American Commission on Human Rights, the UN Special Rapporteur on Human Rights Defenders, and the EU has increased dramatically with positive results for defenders at risk. Collaboration with these entities, as well as the African Union Special Rapporteur on Human Rights Defenders and broader African Commission on Human and Peoples' Rights, should not only include information sharing, but also strengthening these mechanisms' ability to support human rights defenders at risk, encouraging joint and public responses to specific threats, and monitoring cases over time.

⁶ United Nations Plan of Action on the Safety of Journalists and the Issue of Impunity, <http://www.unesco.org/new/en/communication-and-information/freedom-of-expression/safety-of-journalists/un-plan-of-action>.

⁷ Oslo Statement on Corruption involving Vast Quantities of Assets, 14 June 2019, https://www.unodc.org/documents/corruption/meetings/OsloEGM2019/Oslo_Outcome_Statement_on_Corruption_involving_Vast_Quantities_of_Assets_-_FINAL_VERSION.pdf.

In support of the Inter-American Commission on Human Rights, we ask that the State Department adopt a policy of proactive diplomatic follow-up on precautionary measures and other expressions of concern for human rights defenders.

We also encourage the U.S. government to engage in the first conference of parties of the Regional Agreement on Access to Information, Public Participation and Justice in Environmental Matters in Latin America and the Caribbean (Escazú Agreement), with a particular focus on sharing information with member countries on the protection of environmental defenders.

Advocating for multilateral development banks to take a more robust approach

The U.S. government should use its seat on the Board of Directors of the World Bank Group and other multilateral development banks (MDBs) to advocate for stronger responses to reprisals and preventive measures to protect human rights defenders, including journalists and bloggers, who expose or speak out against corruption or violations of human rights occurring in projects financed by these institutions. In particular, the U.S. government should push for MDBs and their clients to fulfill their obligations to conduct human rights due diligence prior to project implementation and adopt human rights centric performance indicators during project implementation.⁸

Although the Treasury Department serves as the primary point of contact for the U.S. government at the MDBs, the State Department plays a key role in the interagency processes related to these institutions. The State Department should ensure that its foreign policy commitments to protect human rights defenders are reflected in U.S. policy towards MDB issues, including in its engagement with MDBs at the embassy level.

Mainstreaming human rights defender protections into multilateral initiatives

Numerous other opportunities exist for the State Department to work with allied governments, businesses, and civil society to take concrete steps to protect human rights defenders. This includes, for example:

- Elevating the need for protection of environmental and land defenders, and ensuring justice for attacks against them, as a core part of the Biden Administration's overall climate strategy, including in its engagement at the UN Climate Change Conference.
- Facilitating a multilateral strategy for responding to all forms of attacks on human rights defenders across the globe. This includes in countries where the killings of human rights defenders are prevalent, such as Colombia, Brazil, Guatemala, Honduras, Mexico, India,

⁸ For example, please see the joint civil society statement for the "Finance in Common" Summit in November 2020, available at https://d3n8a8pro7vhmx.cloudfront.net/eurodad/pages/1805/attachments/original/1605178239/FiC_Joint_CS0_Statement_-_English_v2-12-NOV.pdf?1605178239 ; the joint civil society statement on IDB Invest's sustainability policy in December 2020, available at https://bankinformationcenter.cdn.prismic.io/bankinformationcenter/8865bf7d-4755-4811-ac72-e3989de4c09c_1.+Sustainability_Policy-English.pdf ; and the 2019 report by the Coalition for Human Rights in Development, *Uncalculated Risks: Threats and attacks against human rights defenders and the role of development financiers*, <https://rightsinddevelopment.org/uncalculatedrisks>.

Bangladesh, and the Philippines, as well as where significant harassment indicates a deteriorating human rights situation, in places such as Egypt, Nigeria, and Uganda.

- Advocating for a revision of the OECD’s Guidelines for Multinational Enterprises that adopts stronger commitments on human rights, labor, and the environment, including actionable commitments in support of human rights defenders.
- Ensuring that all staff members of the U.S. National Contact Point for the OECD Guidelines for Multinational Enterprises receive training on risks to human rights defenders and how businesses can be involved in such attacks, while also ensuring that the office is prepared to respond to reprisals.⁹
- Supporting the UN Environment Programme’s efforts to document and strengthen legal protections for environmental and land defenders in Southeast Asia and other regions.
- Advocating for protections for indigenous human rights defenders at the Convention on Biological Diversity conference of the parties.
- Collaborating with governments, multilateral organizations, and civil society organizations on a global scale to address the root causes of threats to human rights defenders, such as those associated with mega-infrastructure projects; large-scale agribusiness, logging and mining enterprises; and cases involving the systematic violations of the rights of indigenous peoples and other traditional populations.

Thank you for your ongoing leadership and commitment to prioritizing democracy, human rights, media freedom, the environment, and countering corruption as core pillars of U.S. foreign policy. We look forward to further discussion on this critical issue.

Respectfully,

Access Now

Accountability Counsel

African Centre for Democracy and Human Rights Studies

Al-Haq

Alliance of Baptists

Amazon Watch

American Jewish World Service

Amnesty International USA

ARTICLE 19

Asia Indigenous Peoples Pact (AIPP)

Balay Alternative Legal Advocates for Development in Mindanaw, Inc (BALAOD Mindanaw)

Bank Information Center

Business and Human Rights Resource Centre

Cairo Institute for Human Rights Studies (CIHRS)

Center for Civil Liberties

Center for Human Rights and Environment

Center for International Environmental Law (CIEL)

China-Latin America Sustainable-Investments Initiative

Church World Service

⁹ See e.g. OECD Watch, “Use with Caution: The role of the OECD National Contact Points in protecting human rights defenders,” <https://www.oecdwatch.org/wp-content/uploads/sites/8/2019/06/Reprisals-NCP-system.pdf>.

CIVICUS

Columban Center for Advocacy and Outreach

Committee to Protect Journalists

COMPPART Foundation for Justice and Peacebuilding Nigeria

Congregation of Our Lady of Charity of the Good Shepherd, U.S. Provinces

Crude Accountability

DefendDefenders (East and Horn of Africa Human Rights Defenders Project)

EarthRights International

Ecumenical Advocacy Network on the Philippines

Equitable Cambodia

FIDH, within the framework of the Observatory for the Protection of Human Rights Defenders

FORUM-ASIA

Freedom House

Freedom Now

Front Line Defenders

Fund for Global Human Rights

Gender Action

Global Witness

Green Advocates International (Liberia)

Greenpeace

Human Rights First

Inclusive Development International

Indigenous Peoples Rights International

International Accountability Project

International Rivers

International Service for Human Rights (ISHR)

Jamaa Resource Initiatives Kenya

Japan NGO Action Network for Civic Space

Just Associates (JASS)

Kaisa Ka (Unity of Women for Freedom)

KILUSAN

Latin America Working Group

Maryknoll Office for Global Concerns

National Advocacy Center of the Sisters of the Good Shepherd

Network in Solidarity with the People of Guatemala - NISGUA

Network Movement for Justice and Development

Odhikar – Bangladesh

OECD Watch

Oil Workers Rights Protection Organization Public Union Azerbaijan

OMCT (World Organisation Against Torture), within the framework of the Observatory for the
Protection of Human Rights Defenders

Open Briefing

OT Watch

Oxfam America

Peace Brigades International - USA (PBI-USA)

Phenix Center for Economic and Informatics Studies

Philippine Alliance of Human Rights Advocates (PAHRA)
Philippine Human Rights Information Center (PhilRights)
Project HEARD
Project on Organizing, Development, Education, and Research (PODER) - Latin American NGO
Protection International
Rivers without Boundaries Coalition Mongolia
Robert F. Kennedy Human Rights
Sisters of Mercy of the Americas Justice Team
Somali Journalists Syndicate (SJS)
Southern Africa Human Rights Defenders Network
Swedwatch
Task Force Detainees of the Philippines (TFDP)
Transparency International
United Church of Christ, Justice and Witness Ministries
Urgent Action Fund for Women's Human Rights
Washington Office on Latin America (WOLA)
Witness Radio – Uganda

Please direct correspondence to: Kirk Herbertson, kirk@earthrights.org