



**ILC INFONOTE**

# International mechanisms for protecting Human Rights Defenders at risk for their work on land rights



INTERNATIONAL  
LAND  
COALITION

# Introduction

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HRDs believe in the universality of human rights, seek the promotion and protection of civil and political rights as well as the promotion, protection and realization of economic, social and cultural rights, and must take only actions that are peaceful. (OHCHR, *undated*)

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Human Rights Defender (HRD) is the term used to describe someone who, individually or with others, acts to promote and protect human rights.<sup>1</sup> Although the work of Human Rights Defenders (HRDs) emanates directly from international human rights instruments, the first step to formally recognise the *defence* of human rights as a right in itself was given by the General Assembly of the United Nations in 1998, through the adoption of 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<sup>2</sup> (known as the 'Declaration on Human Rights Defenders'). This Declaration contains several norms enshrined in legally binding treaties, including the International Covenants on Civil and Political Rights (ICCPR, 1966) and Economic, Social and Cultural Rights (ICESCR, 1976).

HRDs are a highly heterogeneous group. According to Hina Jilani, former Special Representative of the UN Secretary General on the Situation of Human Rights Defenders, HRDs working on land rights and natural resources are *the second most vulnerable group when it comes to danger of being killed because of their activities in the defence of human rights* (A/HRC/4/37). The relevance of this group is confirmed by the current Special Rapporteur on the situation of Human Rights Defenders, Margaret Sekaggya, who in 2011 devoted a report to them on the basis of 106 cases of alleged violations acted upon by her mandate between 2006 and 2011 (A/HRC/19/55).

The role played by HRDs in land governance is affirmed in the Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security, which affirm that [...] *States should respect and protect the civil and political rights of defenders of human rights, including the human rights of peasants, indigenous peoples, fishers, pastoralists and rural workers, and should observe their human rights obligations when dealing with individuals and associations acting in defence of land, fisheries and forests* (VGGT, 4.8).<sup>3</sup>

The International Land Coalition (ILC) frequently receives requests of solidarity from members in Africa, Asia and Latin America for or on behalf of HRDs working on land rights, especially activists. This infonote is meant to support their invaluable work with information on international protection mechanisms and organisations addressing human rights violations related to land.

- 1 For a definition of Human Rights Defenders, see OHCHR, "Human Rights Defenders: Protecting the Right to Defend Human Rights. Fact Sheet n. 29", available at <http://www.ohchr.org/Documents/Publications/FactSheet29en.pdf>
- 2 General Assembly of the United Nations. 1998. Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms. A/RES/53/144. Available at <http://www.ohchr.org/english/law/freedom.htm>
- 3 Committee on World Food Security. 2012. Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security. Available at <http://www.fao.org/nr/tenure/voluntary-guidelines/en/>

# Who are the Human Rights Defenders working on land rights?

Among HRDs, those who promote land rights for the poor are particularly vulnerable to abuse of power, harassment and violations of human rights enshrined in international human rights treaties.<sup>4</sup> These defenders are often organised through grassroots organisations or movements, which face specific difficulties vis-à-vis state authorities and powerful non-state actors. Often, they come from minority groups or indigenous peoples, or live in remote areas. Many HRDs promote human rights within a professional or employment context, like as staff of NGOs as or union representatives. Sometimes HRDs working on land rights come from intergovernmental organisations, or are government officials, civil servants, or members of the private sector.

## What do Human Rights Defenders working on land rights do?

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### **Who is right and who is wrong – does it make a difference?**

[...] It is not essential for a human rights defender to be correct in his or her arguments to be a genuine defender. For example, a group of defenders may advocate for the right of a rural community to own the land they have lived on and farmed for several generations. They may conduct protests against private economic interests that claim to own all the land. They may or may not be correct about who owns the land in the area. However, whether or not they are legally correct is not relevant in determining whether they are genuine HRDs. The key issue is whether or not their concerns fall within the scope of human rights. (*OHCHR: undated, 9*)

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4 See in particular ICCPR (1966) and ICESCR (1976), mentioned in Sekaggya, 2011: 11.

5 This and other lists in this info note are by no means exhaustive. They are built on information contained in OHCHR Factsheet n.29 (See above), Margaret Sekaggya's report to the Human Rights Council (*A/HRC/19/55*) and ILC members' experience.

Activities carried out by HRDs working on land rights are diverse, but tend to include:<sup>5</sup>

- » monitoring and journalism of activities such as unlawful and forced evictions or other land-related human rights violations;
- » investigations/protests related to land deals/land grabbing, including local level land grabbing by family members and in-laws;
- » grassroots campaigning, community organising, advocacy and mobilisation of public

opinion on diverse issues: human rights violations related to land, forced evictions, commercial pressures on land, agrarian reform or land redistribution, recognition of legitimate tenure and territorial rights, participation in land governance, access to justice, implementation of human rights treaties, and other voluntary international instruments;

- » representation of affected groups at local, national or international levels;
- » participation in meetings of indigenous peoples or rights activists from other affected groups;
- » participation in negotiations on land disputes (including as mediators);
- » supporting victims of land grabbing/expropriation and of human rights violations related to land through counselling, paralegal and legal aid, and legal representation;
- » working for reparation and land restitution, especially in post-conflict societies;
- » land and human rights education and training, such as land literacy;
- » actions to secure accountability and to end impunity;
- » supporting better land governance and working at democratic transformation to increase participation in decision-making over land governance;
- » contributing to the improvement of social, political and economic conditions of land users;
- » contributing to the implementation of international land and human rights treaties and laws.

## What violations do Human Rights Defenders working on land rights suffer from?

These include killings and attempted killings; attacks, assaults and ill-treatment; abduction and kidnapping; torture; excessive use of force during demonstrations; arrest and arbitrary detention; threats, death threats; intimidation, harassment; raids or unauthorised searches on HRDs homes or workplaces and property vandalism; stigmatisation, defamation, criminalisation; legislative, administrative and security measures limiting the scope in which HRDs operate, including by closing HRDs' organisations and restricting their rights to freedom of expression, assembly or movement; confiscation, blocking access to internet and other communication facilities; freezing assets; forced displacement and confinement. Violations can be carried out by State authorities and non-State actors. Violations sometimes target members of defenders' families. Women Human Rights Defenders (WHRDs) suffer particularly from gender-specific violations including social stigma, property grabbing, and rape, especially when their actions challenge gender stereotypes about women's role in households, communities and societies at large. Risks increase in conflict and post-conflict societies.

# Protection, support and solidarity for Human Rights Defenders

There are a number of globally or regionally active organisations specialised in providing protection and support, including through emergency grants, accompaniment and urgent appeals.<sup>6</sup>

In 2004, the European Union adopted the *EU Guidelines on Human Rights Defenders*. With these Guidelines, EU institutions and individual EU member States took the political commitment to support HRDs in third countries, through national embassies and EU delegations. The Guidelines identify practical ways to provide support, including through informal and formal dialogue with hosting governments, public statements, physical protection such as emergency visas, trial monitoring, visible recognition, financial support through EU programs such as the European Initiative for Democracy and Human Rights (EIDHR), support for the special procedures of the UN system and monitoring and reporting on the situation of HRDs. Similar guidelines have been adopted also by other countries. In 2007, Front Line Defenders published a useful handbook on this subject (*What protection can EU and Norwegian Diplomatic Missions offer?*).

<sup>6</sup> This is not an exhaustive list and it does not capture national and local organisations, whose work is often the most effective. However, organisations included in this info note can provide national or local contacts. Information in this section is adapted from the organisations' websites.

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## FORUM ASIA–Asian Forum for Human Rights and Development



Collaboration and cooperation among human rights organizations and defenders in Asia.

Website:

[www.forum-asia.org](http://www.forum-asia.org)

Tools:

- » Provides urgent assistance and protection to HRDs and WHRDs at risk
- » Relocation support
- » Legal aid, trial observation, monitoring

Contacts:

[hrd@forum-asia.org](mailto:hrd@forum-asia.org)

Key resources:

*Protection Plan for Human Rights Defenders at Risk*

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## Front Line Defenders



Rapid and practical support to HRDs at risk

Website:

[www.frontlinedefenders.org](http://www.frontlinedefenders.org)

Tools:

- » International advocacy on behalf of HRDs at immediate risk
- » Security grants to pay for the practical security needs of HRDs – grants up to 6,000 €. [www.frontlinedefenders.org/security-grants-programme](http://www.frontlinedefenders.org/security-grants-programme)
- » Training and resource materials on security and protection, including digital security;
- » Rest and respite, including the Front Line Fellowship [www.frontlinedefenders.org/fellowships-internships](http://www.frontlinedefenders.org/fellowships-internships)
- » Opportunities for networking and exchange between HRDs, including the biennial Dublin Platform

**Contacts:**

**Key resources:**

- » The annual Front Line Defenders Award for Human Rights Defenders at Risk;
- » An emergency 24 hour phone line for HRDs operating in Arabic, English, French, Spanish and Russian +353 (0) 1 21 00 489 or via Skype or via secure contact form available at [www.frontlinedefenders.org/emergency](http://www.frontlinedefenders.org/emergency)
- [info@frontlinedefenders.org](mailto:info@frontlinedefenders.org) - to apply for a grant: [grants@frontlinedefenders.org](mailto:grants@frontlinedefenders.org)
- » Workbook on Security: Practical Steps for Human Rights Defenders at Risk
- » Protection Manual for Human Rights Defenders [available in English, Portuguese, French, Spanish, Arabic, Russian, Indonesian and Farsi]
- » Protection Handbook for Human Rights Defenders
- » Digital Security and Privacy for Human Rights Defenders
- » Security in a box. Tools and tactics for your digital security [available in ten languages at [security.ngoinabox.org](http://security.ngoinabox.org)]

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### Observatory for the Protection of Human Rights Defenders



Program jointly created by the World Organisation Against Torture (OMCT) and the International Federation for Human Rights (FIDH)

**Website:**

[www.omct.org/human-rights-defenders/observatory](http://www.omct.org/human-rights-defenders/observatory) and [www.fidh.org/-Human-Rights-Defenders;180-](http://www.fidh.org/-Human-Rights-Defenders;180-)

**Tools:**

- » Provides emergency protection to HRDs in the field (urgent alerts, press releases, international fact-finding, solidarity and trial observation missions, reports, material assistance)
- » Conducts advocacy at domestic, regional or international levels for the protection of HRDs and promotes dialogue and networking with *actors of change*
- » Mobilises public opinion and the media through its Annual Report and audiovisual documents

**Contacts:**

[appeals@fidh-omct.org](mailto:appeals@fidh-omct.org)

**Key resources:**

[Observatory for the Protection of Human Rights Defenders Annual Report](#) and [www.fidh.org/Steadfast-in-Protest-2011-Report](http://www.fidh.org/Steadfast-in-Protest-2011-Report)

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### Peace Brigades International (PBI)



Protects and supports HRDs through international presence, including: physical presence, accompaniment and observation, public relations, advocacy, networking, reporting, building international support networks, capacity building. It does not provide financial support.

**Website:**

[www.peacebrigades.org](http://www.peacebrigades.org)

**Tools:**

- » Physical accompaniment and international support networks
- » Increasing HRDs self-protection through training
- » Emergency alerts
- » Observation and monitoring of demonstrations and community action
- » Policy advocacy

**Contacts:**

[admin@peacebrigades.org](mailto:admin@peacebrigades.org) or country groups through the website

**Key resources:**

[Peace Brigades International Publications and Reports](#)

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### Urgent Action Fund for Women's Human Rights



Rapid response grants that enable short term (1-3 months) strategic interventions in urgent situations that advance women's and LGBT human rights



<b>Website:</b>	<a href="http://www.urgentactionfund.org">www.urgentactionfund.org</a> (Global) - <a href="http://www.urgentactionfund-africa.or.ke">www.urgentactionfund-africa.or.ke</a> (Africa) - <a href="http://www.fondoaccionurgente.org.co">www.fondoaccionurgente.org.co</a> (Latin America)
<b>Tools:</b>	<p>Rapid response grant making (up to 5,000 USD each grant) in any of the following categories:</p> <ul style="list-style-type: none"> <li>» Response to armed conflict, escalating violence and politically volatile environments;</li> <li>» Potentially precedent setting legal or legislative actions, or protection of a precedent that has been established;</li> <li>» Protection and security of WHRDs.</li> </ul> <p>Requests must meet all of the following criteria:</p> <ul style="list-style-type: none"> <li>» Strategic- the action is part of a larger strategy to create structural change to advance women's human rights;</li> <li>» Unanticipated and time urgent;</li> <li>» Sustainable- the group must not rely on this grant for their main operating costs;</li> <li>» Supported- the group must be involved in local and or international women's movements;</li> <li>» The organization must be led by women.</li> </ul>
<b>Contacts:</b>	<a href="mailto:proposals@urgentactionfund.org">proposals@urgentactionfund.org</a> (Global) - <a href="mailto:proposals@urgentactionfund-africa.or.ke">proposals@urgentactionfund-africa.or.ke</a> (Africa) - <a href="mailto:info@fondoaccionurgente.org.co">info@fondoaccionurgente.org.co</a> (Latin America)

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## Other Organisations

In addition, some organisations work on advocacy in support of HRDs. These organisations play a critical role in raising public awareness on the threats to HRDs, through action alerts, letters to governments, documenting human rights abuses, dialoguing with national and international human rights bodies and providing training. They are able to amplify opportunities of support for HRDs and help them to get in touch with local human rights organisations and protection mechanisms.

Agir Ensemble pour les Droits de l'Homme	<a href="http://www.aedh.org/new_en">www.aedh.org/new_en</a>
Amnesty International	<a href="http://www.amnesty.org/en/human-rights-defenders">www.amnesty.org/en/human-rights-defenders</a>
Asia Pacific Forum on Women, Law and Development	<a href="http://www.apwld.org">www.apwld.org</a>
Central Africa Human Rights Defenders Network	<a href="http://www.redhac.org">www.redhac.org</a>
International Network for Economic, Social & Cultural Rights (ESCR-NET)	<a href="http://www.escr-net.org">www.escr-net.org</a>
Euro-Mediterranean Foundation of Support to Human Rights Defenders	<a href="http://www.emhrf.org">www.emhrf.org</a>
East and Horn of Africa Human Rights Defenders Project	<a href="http://www.defenddefenders.org">www.defenddefenders.org</a>
FIAN	<a href="http://www.fian.org">www.fian.org</a>
Global Initiative for Economic, Social and Cultural Rights	<a href="http://www.globalinitiative-escr.org">www.globalinitiative-escr.org</a>
Global Witness	<a href="http://www.globalwitness.org">www.globalwitness.org</a>
Human Rights First	<a href="http://www.humanrightsfirst.org/our-work/human-rights-defenders">www.humanrightsfirst.org/our-work/human-rights-defenders</a>
Human Rights Watch	<a href="http://www.hrw.org">www.hrw.org</a>
International Federation for Human Rights (FIDH)	<a href="http://www.fidh.org/-Human-Rights-Defenders,180-">www.fidh.org/-Human-Rights-Defenders,180-</a>
International Service for Human Rights	<a href="http://www.ishr.ch/human-rights-defenders">www.ishr.ch/human-rights-defenders</a>
MADRE	<a href="http://www.madre.org">www.madre.org</a>
Protection International	<a href="http://www.protectioninternational.org">www.protectioninternational.org</a>
The Southern Africa Human Rights Defenders Trust	<a href="http://www.sahrdt.org">www.sahrdt.org</a>
West Africa Human Rights Defenders Network	<a href="http://www.westafricadefenders.org">www.westafricadefenders.org</a>
Women Human Rights Defenders International Coalition	<a href="http://www.defendingwomen-defendingrights.org">www.defendingwomen-defendingrights.org</a>

# Special Rapporteurs<sup>7</sup>

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Defenders working on land and environmental issues are also highly exposed to attacks to their physical integrity, often by non-State actors, and many are killed because of their work on the environmental impact of extractive industries and development projects, or the right to land of indigenous peoples and minorities. The Americas seems to be the region where these defenders are most at risk.

States should give full recognition to the important work carried out by defenders working on land and environmental issues in trying to find a balance between economic development and respect of the environment, including the right to use land, natural wealth and resources, and the rights of certain groups, including indigenous peoples and minorities.

States should not tolerate the stigmatization of the work of these defenders by public officials or the media, particularly in context of social polarization, as this can foster a climate of intimidation and harassment which might encourage rejection and even violence against defenders.

States should combat impunity for attacks and violations against these defenders, particularly by non-State actors and those acting in collusion with them, by ensuring prompt and impartial investigations into allegations and appropriate redress and reparation to victims (Sekaggya, 2011: 123-126).

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An effective way to raise the visibility of HRDs at risk and draw international attention to a human rights violation is to submit information to institutions holding a mandate of protecting HRDs and who can send urgent appeals or letters to governments.

<sup>7</sup> This is not an exhaustive list of mechanisms available to HRDs. Information is adapted from official websites. To know more about special procedures of the UN Human Rights Council, see: <http://www.ohchr.org/EN/HRBodies/SP/Pages/Welcomepage.aspx>

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## UN Special Rapporteur on Human Rights Defenders

The Special Rapporteur takes up individual cases of human rights violations committed against HRDs and accepts submission of allegations of violations of the Declaration on Human Rights Defenders.

**Website:** [www.ohchr.org/EN/Issues/SRHRDefenders/Pages/SRHRDefendersIndex.aspx](http://www.ohchr.org/EN/Issues/SRHRDefenders/Pages/SRHRDefendersIndex.aspx)  
**Tools:** Urgent appeals or letters of allegation to the government of the concerned State.  
**Guidelines for submission:** [www.ohchr.org/EN/Issues/SRHRDefenders/Pages/Complaints.aspx](http://www.ohchr.org/EN/Issues/SRHRDefenders/Pages/Complaints.aspx)  
**Contacts:** [urgent-action@ohchr.org](mailto:urgent-action@ohchr.org)

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## Special Rapporteur of the African Commission on Human and Peoples' on Human Rights Defenders

The Special Rapporteur seeks, receives, examines and acts upon information on the situation of HRDs in Africa.

**Website:** [www.achpr.org/mechanisms/human-rights-defenders/](http://www.achpr.org/mechanisms/human-rights-defenders/)  
**Tools:** Urgent communications to governments, press releases, meetings with civil society activists  
**Contacts:** [www.achpr.org/mechanisms/human-rights-defenders/](http://www.achpr.org/mechanisms/human-rights-defenders/)





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### Special Rapporteur on Human Rights Defenders of the Inter-American Commission for Human Rights

The Office of the Rapporteur provides support in the specialized analysis of petitions presented to the Inter-American Commission regarding alleged violations of the human rights of HRDs and of those who have a role in the justice system (justice operators).

Website:	<a href="http://www.oas.org/en/iachr/defenders/mandate/Functions.asp">www.oas.org/en/iachr/defenders/mandate/Functions.asp</a>
Tools:	In case of grave and urgent situations, asks States to adopt urgent measures and information, and issues recommendations. It may also ask the Inter-American Court to order States to adopt provisional measures to prevent irreparable harm.
Guidelines for submission:	The form for filing petitions (via web or fax) is available at <a href="http://www.cidh.oas.org/cidh_apps/instructions.asp">www.cidh.oas.org/cidh_apps/instructions.asp</a>
Contacts:	<a href="mailto:cidhdefensores@oas.org">cidhdefensores@oas.org</a>

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### UN Special Rapporteur on Indigenous Peoples

The Special Rapporteur is authorized to act on credible information alleging human rights violations of indigenous peoples. No formal requirements exist for submitting information to the Special Rapporteur and exhaustion of domestic remedies or a detailed legal argument about the case are not required. Any person, group or organization can send information to the Special Rapporteur irrespective of their relationship with the victim(s) of the alleged violation.

Website:	<a href="http://www.ohchr.org/EN/Issues/IPeoples/SRIIndigenousPeoples/Pages/SRIPeoplesIndex.aspx">www.ohchr.org/EN/Issues/IPeoples/SRIIndigenousPeoples/Pages/SRIPeoplesIndex.aspx</a>
Tools:	Urgent appeals and allegation letters.
Guidelines for submission:	<a href="http://www.ohchr.org/EN/Issues/IPeoples/SRIIndigenousPeoples/Pages/SubmitInformation.aspx">www.ohchr.org/EN/Issues/IPeoples/SRIIndigenousPeoples/Pages/SubmitInformation.aspx</a>
Contacts:	<a href="mailto:indigenous@ohchr.org">indigenous@ohchr.org</a>

# Additional resources

APWLD. 2007. *Claiming Rights Claiming Justice – A guidebook on women Human Rights Defenders*. Website: [www.defendingwomen-defendingrights.org/pdf2007/book3NeoWithCover.pdf](http://www.defendingwomen-defendingrights.org/pdf2007/book3NeoWithCover.pdf)

AWID and WHRD International Coalition. 2011. *List of Materials and Resources for Women Human Rights Defenders*. Website: [www.defendingwomen-defendingrights.org/pdf/WHRD\\_materials\\_resources\\_eng.pdf](http://www.defendingwomen-defendingrights.org/pdf/WHRD_materials_resources_eng.pdf)

Council of Europe's Commissioner for Human Rights. Website: [www.coe.int/t/commissioner/default\\_en.asp](http://www.coe.int/t/commissioner/default_en.asp)

European Instrument for Democracy and Human Rights (EIDHR). Website: [www.ec.europa.eu/europeaid/how/finance/eidhr\\_en.htm](http://www.ec.europa.eu/europeaid/how/finance/eidhr_en.htm)

Frontline Defenders–Resources. Website: [www.frontlinedefenders.org/resources](http://www.frontlinedefenders.org/resources)

Global Witness. 2012. *A hidden crisis? Increase in killings as tensions rise over land and forests*. Global Witness Briefing. Website: [www.globalwitness.org/library/survey-finds-sharp-rise-killings-over-land-and-forests](http://www.globalwitness.org/library/survey-finds-sharp-rise-killings-over-land-and-forests)

International Land Coalition. 2010. *Advocacy Toolbox*. Website: [www.landcoalition.org/global-initiatives/womens-land-rights/advocacy-toolbox](http://www.landcoalition.org/global-initiatives/womens-land-rights/advocacy-toolbox)

Jilani, Hina. 2007. Report of the Special Rapporteur on the situation of Human Rights Defenders. A/HRC/4/37. Website: [www.daccess-dds-ny.un.org/doc/UNDOC/GEN/G07/104/17/PDF/G0710417.pdf?OpenElement](http://www.daccess-dds-ny.un.org/doc/UNDOC/GEN/G07/104/17/PDF/G0710417.pdf?OpenElement)

Office for Democratic Institutions and Human Rights of the Organization for Security and Co-operation in Europe (OSCE/ODIHR). Website: [www.osce.org/odihr/](http://www.osce.org/odihr/)

OHCHR. Undated. *Human Rights Defenders: Protecting the Right to Defend Human Rights*. Fact Sheet n. 29. Website: [www.ohchr.org/Documents/Publications/FactSheet29en.pdf](http://www.ohchr.org/Documents/Publications/FactSheet29en.pdf)

Sekaggya, Margaret. 2011. Report of the Special Rapporteur on the situation of Human Rights Defenders. A/HRC/19/55. Website: [www.ohchr.org/Documents/HRBodies/HRCouncil/RegularSession/Session19/A-HRC-19-55\\_en.pdf](http://www.ohchr.org/Documents/HRBodies/HRCouncil/RegularSession/Session19/A-HRC-19-55_en.pdf)

All web resources in this info note have been last accessed in July 2012.

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This infonote is part of a broader effort of ILC to support Human Rights Defenders working on land rights. For more information, please go to: [www.landcoalition.org/global-initiatives/human-rights-defenders](http://www.landcoalition.org/global-initiatives/human-rights-defenders) or contact [info@landcoalition.org](mailto:info@landcoalition.org)

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The International Land Coalition (ILC) is a global alliance of civil society and intergovernmental organisations working together to promote secure and equitable access to and control over land for poor women and men through advocacy, dialogue, and capacity building.



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