A CRUCIAL GAP

THE LIMITS TO OFFICIAL DATA ON ATTACKS AGAINST DEFENDERS AND WHY IT'S CONCERNING

6%

Reported against SDG 16.10.1

94%

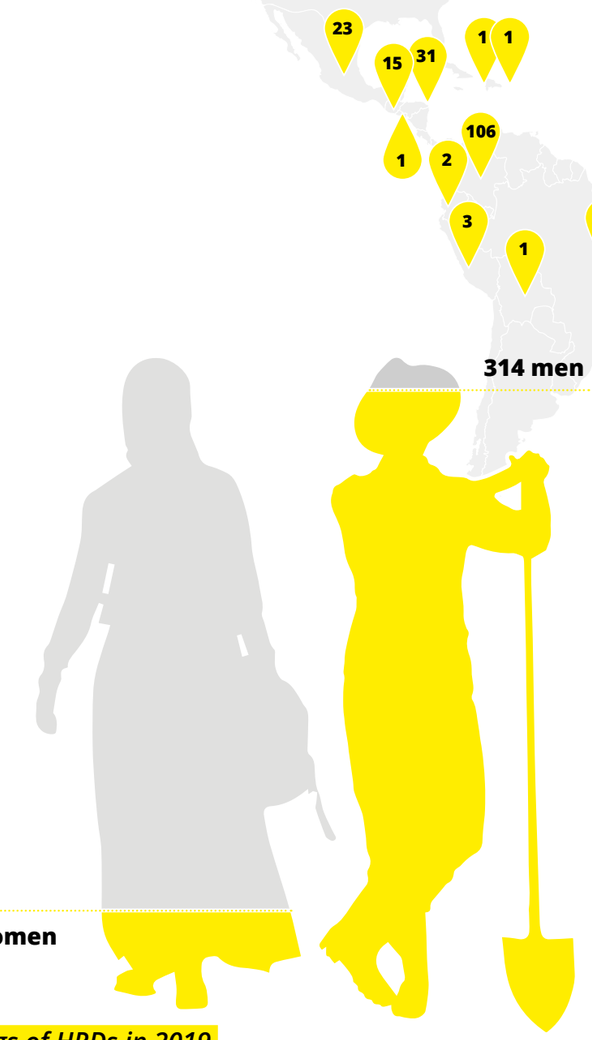
Did not report against SDG 16.10.1

INTERNATIONAL LAND COALITION

ALLIANCE FOR LAND, INDIGENOUS AND ENVIRONMENTAL DEFENDERS

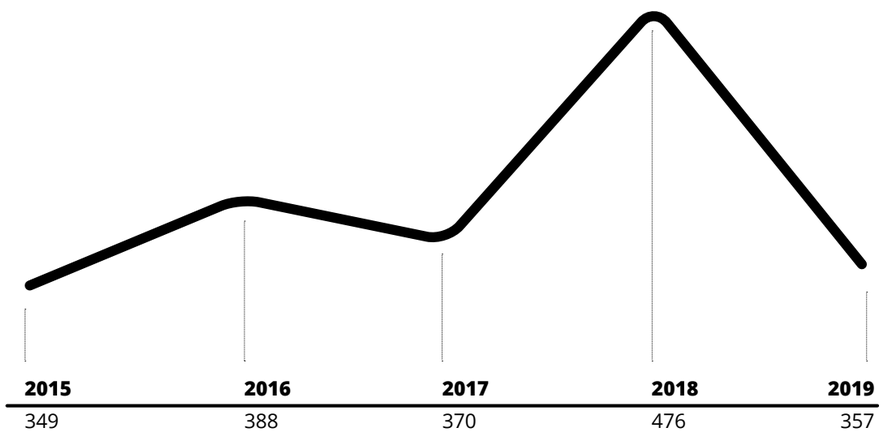
WHAT WE KNOW

In 2019, the most recent year for which data are available, the UN reported that 357 HRDs were killed, around half of whom could be considered to be land and environmental human rights defenders



Killings of HRDs in 2019 according to OHCHR

Country-level killings of HRDs in 2019, as gathered and verified by HRD Memorial partners (reported via FLD)



Killings of HRDs, from 2015 to 2019 according to OHCHR

WHAT IS BEING REPORTED

Of the 162 countries that have submitted VNRs since 2015, only 3 – fewer than 2% – indicated that at least one HRD had been killed or attacked. 7 countries reported zero cases and 94% of countries did not report at all

only 6%

of countries that submitted VNRs reported any data on SDG 16.10

94%

of countries that submitted VNRs did not report at all

ALLIANCE FOR LAND, INDIGENOUS AND ENVIRONMENTAL DEFENDERS

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FRONT LINE DEFENDERS

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Indigenous Peoples Rights International

IWGIA

ISHR | INTERNATIONAL SERVICE FOR HUMAN RIGHTS

NATURAL JUSTICE

TÉCNICAS RUDAS

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EXECUTIVE SUMMARY

The killing of a *human rights defender* (*HRD*) represents a direct attack on civic space and an assault on the fundamental freedoms that underpin a sustainable, inclusive and peaceful society.

It strikes at the heart of *Agenda 2030* and *Sustainable Development Goal* (*SDG*) *16*, which aims to promote peaceful and inclusive societies, and more specifically ***target 16.10***, which aims to protect fundamental freedoms. ***Indicator 16.10.1***, which records killings and attacks on HRDs, including journalists and trade unionists, is the primary indicator of global enjoyment of these fundamental freedoms in the SDG framework.

> ***However, more than six years after Agenda 2030 was adopted by the United Nations General Assembly, crucial gaps in state-reported data severely undermine our ability to monitor the situation of HRDs, particularly those protecting land, the environment and indigenous peoples' rights.***

In 2019, the most recent year for which data is available, the UN reported that 357 HRDs were killed, around half of whom could be considered to be land and environmental human rights defenders. In these cases, violence was motivated by the victim having stood up to defend the rights of others, exercising the fundamental freedoms protected in international treaties, regional agreements and national law.

Official data on killings, however, remain extremely limited, while ***even less data is available on the physical and death threats that often precede lethal attacks***. While the responsibility for protecting HRDs clearly lies with the state, few countries are monitoring the situation adequately, if at all.

Through a review of data on indicator 16.10.1 available in the *Global SDG Indicators Database* and an assessment of the *195 Voluntary National Reviews* (*VNRs*) submitted since 2015 to the *High-level Political Forum on Sustainable Development* (*HLPF*), A Crucial Gap documents the state of reporting of attacks on HRDs, specifically those working on environmental, indigenous peoples' and land rights, and examines potential pathways towards building a better dataset that could inform better, evidence-based policies and protection mechanisms.

357
HRDs killed in 2019
according to UN

KEY FINDINGS

1 *The UN reports only regionally aggregated data on the killing and enforced disappearance of HRDs, disaggregated by sex; no country-level data or information about sources are available.*

2 *The overwhelming majority of cases reported under SDG 16.10.1 come from civil society data collectors and not from state-led reporting or human rights mechanisms. The Office of the UN High Commissioner for Human Rights (OHCHR) internally validates civil society data, "officialising" it in the process.*

3 *It is impossible to identify land, environmental and indigenous human rights defenders in 16.10.1 data, which are not disaggregated to show specific groups, affiliations or professions, despite indications that these groups represent half of all cases.*

4 *Of the 162 countries that have submitted VNRs since 2015, only three – fewer than 2% – indicated that at least one HRD had been killed or attacked. Seven countries reported zero cases and 94% of countries did not report at all.*

94%
of countries did not report at all

The table below shows the 14 countries where country-level data is known to be reported, either through the VNR process or to OHCHR. This list does not reflect the quality, representativeness or frequency of the data being reported, but indicates the few countries that are reporting data at the country level.

The findings are extremely concerning. Despite what we know to be an urgent situation for HRDs, especially those working to defend land, the environment and indigenous peoples' rights, *most states are not monitoring these attacks in a systematic way*. While a handful of *national human rights institutions* (*NHRIs*) are advanced in data collection, these are a well-staffed and better-funded minority among all NHRIs.[1] The Global Alliance of National Human Rights Institutes (GANHRI) has outlined data collection as a priority in its forthcoming Global Action Plan, linked to the 2018 Marrakech Declaration, but progress will be incremental and will depend on regional implementation.

Those who collect and collate this data are the first to acknowledge its limitations: OHCHR, as the primary custodian of data on HRDs, underlines the need for consistent, technically comparable country-level reporting. It has developed a dashboard to report data for this indicator and hopes that in coming years this will not only show country-level data but also different categories of HRDs, including those working on land and environmental issues. Currently, it is in the process of developing a working definition of land and environmental defender (LED), together with the ALLIED Data Working Group, that could be integrated into 16.10.1 metadata, recognising the specific vulnerability of this group.

More work needs to be done. Partnerships among civil society, NHRIs and government offices, particularly national statistical offices (NSOs), are fundamental, but ***states must retain and must act on their responsibility as primary duty-bearers for the protection of fundamental freedoms and of those who exercise their human rights to opinion, expression, participation in public life and peaceful assembly***. Furthermore, they must protect, recognise and support civil society data collectors, who are performing the bulk of this work and are being targeted for it. Commitments made in international treaties, regional agreements and national law must be backed up with effective monitoring mechanisms and independent institutions that generate systematic reports and data on the situation of HRDs.

	COUNTRY	REPORTED
1	**Central African Republic**	VNR
2	**Chile**	VNR
3	**Colombia**	OHCHR
4	**Fiji**	VNR
5	**Iceland**	VNR
6	**Kenya**	OHCHR
7	**Mauritius**	VNR
8	**Mexico**	OHCHR
9	**Mongolia**	VNR
10	**Nigeria**	VNR
11	**Palau**	VNR
12	**Philippines**	OHCHR
13	**State of Palestine**	VNR
14	**Uruguay**	VNR

1 GANHRI underlines that the NHRIs it works with are each at different levels of development and operations that respond to their mandate and that these are determined by the support they receive, as well as administration priorities. Some NHRIs, such as those in Colombia and Mexico, have well-staffed offices and relatively advanced data collection mechanisms. In the Philippines, the NHRI was designated as the official source of data on indicator 16.10.1, although the process is still at a relatively early stage. Other NHRIs are just beginning the process of organising the information they collect, looking towards the possible creation of a database in the future.

States must develop and sustain mechanisms that collect and report data on attacks against HRDs

This commitment should be further reflected in reporting to the HLPF, the primary forum for follow-up on the SDGs.

To advance the collection and monitoring of data on threats and attacks against HRDs, the ALLIED Data Working Group puts forward the following recommendations:

- ***States must develop and sustain mechanisms that collect and report data on attacks*** against HRDs, using this information to inform more effective policies and protection mechanisms to reduce attacks on these defenders.
- ***Reporting agencies and bodies must make the work of particularly vulnerable groups***, including land, environmental and indigenous human rights defenders, ***more visible***, highlighting the issues and challenges involved in this work and evaluating how existing supports to these groups can be improved.
- ***At the global level, the UN should report country-level data*** wherever such data is available, acknowledging limitations to the data but also highlighting situations that are especially concerning, while recognising reporting countries.
- ***States should develop and support NHRIs that adhere to the Paris Principles***, promoting their role as independent, authoritative monitoring bodies engaged in data collection with the support of state bodies, as outlined in the Marrakech Declaration.
- ***States and reporting agencies must recognise and protect the important role played by civil society data collector***s, engaging them through official reporting mechanisms and supporting their sustained role as advisors in these processes.
- ***Globally, it is essential to develop a database in line with 16.10.1*** that captures – in a safe, participatory and inclusive way – the verified cases of killings, threats against and attacks on HRDs, especially defenders of land, environmental and indigenous peoples' rights, with data generated by diverse actors at many levels.
- ***International efforts to advance Agenda 2030 should take into account the data available (or unavailable) through indicator 16.10.1*** when providing development aid to states and evaluating its impact, seeking to address the root causes of these attacks.

1 INTRODUCTION

Around the world, there is growing recognition of the unique, targeted and urgent threats faced by the individuals and communities who defend land, territories, natural resources and the environment more broadly. In its most *recent global analysis*, *Front Line Defenders* (***FLD***) published the findings of the *HRD Memorial*, which estimates that ***69% of the 331 human rights defenders (HRDs) who were killed in 2020 worked on land***, indigenous peoples' and environmental rights. *Global Witness*' report "*Defending Tomorrow*" found that ***212 land and environmental defenders were killed in 2019*** – ***an average of more than four people a week***. Of the 604 attacks on HRDs documented by the Business & Human Rights Resource Centre (BHRRC) in 2020, *54% were related to mining, agribusiness, logging and timber*, emphasising the role of land and natural resources in such conflicts. In her *2021 report*, "Final warning: death threats and killings of human rights defenders", Mary Lawlor, Special Rapporteur on the situation of human rights defenders, underscores that environmental HRDs, including indigenous peoples, are particularly vulnerable to violence, accounting for 50% of victims of killings recorded by the Office of the High Commissioner for Human Rights (OHCHR) in 2019.

While the number of recorded killings is striking, the incidence of threats, harassment and other forms of violence against land and environmental defenders (LEDs) is far higher, and has been exacerbated in the context of COVID-19. As highlighted in *cases collected by the Data Working Group* of the Alliance for Land, Indigenous and Environmental Defenders (ALLIED) over five months in 2020, the onset of the pandemic has not slowed the rate of attacks against LEDs. Instead, new types of attack have emerged, and indigenous peoples have become particularly exposed. In many countries, movement has been heavily restricted while governments have broadened emergency laws that have been used to detain dissidents. At a time when activism, media coverage and public demonstrations have been limited, *social and environmental safeguards have been rolled back,* new concessions have been granted, new projects have broken ground and a startling number of demolitions, forced removals and evictions have taken place. While a number of LEDs have lost their lives to the virus itself, attacks on these individuals and their communities represent a secondary toll of the pandemic.

The urgency of the situation around HRDs is compounded by a lack of systematic, state-led reporting on the risks they face and a lack of data on attacks against them. Official statistics on the number of HRDs killed each year are extremely limited, and data on how these deaths are linked to non-lethal attacks and threats are even more restricted.

212
land and environmental defenders were killed in 2019 – an average of more than **4 people a week**

Despite widespread recognition of the fact that the majority of attacks on HRDs are against land, environmental and indigenous peoples' rights defenders, their plight remains invisible in official numbers.

These limitations are reflected in reporting on Sustainable Development Goal indicator 16.10.1, where international custodian OHCHR, together with UNESCO and the International Labour Organization (ILO), has been reporting global and regionally aggregated data on cases of killings of HRDs, journalists and trade unionists.

The indicator presents data collected through international and regional human rights mechanisms, but also relies on global civil society organisations (CSOs). Data coverage remains too uneven to report results at a national level and does not disaggregate specific populations, ethnicities or groups.

Despite widespread recognition of the fact that the majority of attacks on HRDs are against land, environmental and indigenous peoples' rights defenders, their plight remains invisible in official numbers.

This report assesses the state of official data reported under SDG indicator 16.10.1, particularly as it relates to killings, threats and attacks on LEDs. It seeks to broadly reflect on the current political will and capacity of state actors to monitor, document and report attacks on HRDs.

Section 2 considers the frameworks that provide guidance on the protection of fundamental freedoms and of those who defend these rights, forums where progress is reported and the indicators used as a measure of this.

Section 3 reviews official data sources and reporting related to indicator 16.10.1.

Section 4 assesses available data for 16.10.1 and reporting on ***indicators*** 16.a, 16.a.1, 16.10 and 16.10.1 through ***Voluntary National Reviews*** (***VNRs***).

Section 5 looks at partnerships that are being built across sectors, including government bodies, ***national human rights institutes*** (***NHRIs***) and civil society actors, with hopes of better monitoring the situation of HRDs, including those who protect land and the environment.

The analysis in this report relies heavily on two sources of publicly available information: the *Global SDG Indicators Database*, which contains all officially reported data for SDG 16.10.1, and the *database of Voluntary National Reviews* submitted between 2015 and 2020 to the ***High-level Political Forum on Sustainable Development*** (***HLPF***). A total of 195 reports were reviewed from 162 countries.[2] Additionally, the report includes research drawn from publicly available materials on the killing of LEDs, reports and notes issued by Special Rapporteurs and data available from major global civil society data collectors. Finally, it draws on discussions with key stakeholders, including representatives of OHCHR, the ***Global Alliance of National Human Rights Institutions*** (***GANHRI***) and the ***Danish Institute for Human Rights*** (***DIHR***).

For the purpose of this report, we use *the term "**land and environmental defenders**"*, abbreviated as ***LEDs***, which is used by the *ALLIED Data Working Group* and which encompasses individuals, organisations and communities who promote and peacefully defend human rights in connection with land, territories, natural resources, livelihoods and climate. In other contexts, they are referred to as "environmental human rights defenders", "environmental rights defenders" or even "environmental activists". As noted by Michel Forst, former Special Rapporteur on the situation of human rights defenders, in his *2016 report*, land and environmental defenders are "defined above all by what they do".

Working as journalists, activists, lawyers or community leaders, they may not even define themselves as defenders, though their actions seek to protect environmental and land rights.

2 Due to resource constraints, the review was limited to countries that had reports available in English, French and Spanish, while limited key word searches were done on reports in Arabic. Reports appear to have been submitted but were not available from the following countries: Barbados, China, Democratic People's Republic of Korea, Djibouti, Kiribati, Namibia, Nauru and St. Vincent and the Grenadines. Due to language limitations, we were unable to include the VNR submitted by Belarus.

2 WHAT FRAMEWORKS CALL FOR THE PROTECTION OF HUMAN RIGHTS DEFENDERS?

These defenders have a key role in the realisation of rights enshrined in the Universal Declaration of Human Rights.

There are a number of existing frameworks that provide guidance on responsibilities and duties related to the monitoring of HRDs, specifically those protecting land and the environment.

At the highest level, the primary role of the state to protect the rights to life, liberty and security of person is enshrined in ***the Universal Declaration of Human Rights***, ratified in 1948. The *Declaration on Human Rights Defenders* (the Declaration), adopted by consensus in the General Assembly in 1998, underlines that the primary responsibility to promote, protect and implement all human rights and fundamental freedoms lies with the state.

While the Declaration itself is not legally binding, it mirrors principles and rights present in legally binding instruments such as the ***International Covenant on Civil and Political Rights*** (***ICCPR***) and the ***International Covenant on Economic, Social and Cultural Rights*** (***ICESCR***). The Declaration emphasises the following:

- Human rights defenders are individuals or groups who act to promote, protect or strive for the protection and realisation of human rights and fundamental freedoms through peaceful means.
- These defenders have a key role in the realisation of rights enshrined in the Universal Declaration of Human Rights and legally binding treaties in the international human rights system.
- The Declaration represents a paradigm shift: it addresses not just states and HRDs but everyone, emphasising the role we all have to play in the global human rights movement to make human rights a reality for all.

Specifically, as Forst (2016) noted, the Declaration "recognizes the legitimacy of the defence of environmental rights by acknowledging the 'valuable work' of human rights defenders in the elimination of violations, including those resulting from 'the refusal to recognize the right of peoples to self-determination and the right of every people to exercise full sovereignty over its wealth and natural resources'".

The *UN Guiding Principles on Business and Human Rights* also recognise the critical role and importance of HRDs in the context of business-related impacts on human rights. The Guiding Principles stress the key role that they play in human rights due diligence processes and in enabling businesses to engage with and understand the concerns of affected rights-holders. The commentary to Guiding Principle 26, on effective state-based judicial mechanisms, also clarifies that states should ensure that "the legitimate and peaceful activities of human rights defenders are not obstructed". Moreover, a number of *National Action Plans on Business and Human Rights* (***NAPs***) recognise the role of HRDs.

In 2019, the *UN Human Rights Council* (*HRC*) reaffirmed in ***Resolution 40/11*** the "*positive, important and legitimate role played by human rights defenders as related to the promotion and protection of human rights as they relate to the enjoyment of a safe, clean, healthy and sustainable environment*". It further noted that despite more than 150 states recognising some form of right to a healthy environment, environmental HRDs continue to be the most exposed and at risk. The Resolution underscored the importance of gender equality and the multiple and intersecting forms of violence perpetrated against women HRDs, indigenous peoples, children, minorities and rural and marginalised communities.

Beyond outlining a clear duty and need to protect HRDs and LEDs specifically, a number of human rights mechanisms, action plans and development frameworks also make explicit calls for the monitoring of the situation of HRDs in order to protect them from attacks by state and non-state actors.

In 2018, the Marrakech Declaration underlined the important role of independent and effective NHRIs in the monitoring of civic space and the promotion and protection of HRDs. Specifically, the Marrakech Declaration calls on NHRIs to "monitor and report on civic space – online and offline – through the collection and analysis of disaggregated data [...] in line with SDG indicator 16.10.1". This call for NHRIs to actively engage in data collection will be further embedded in the Global Action Plan currently under development by GANHRI.

The Voluntary Guidelines on the Responsible Governance of Tenure (VGGTs), endorsed in 2012 by the Committee on World Food Security (CFS), set out a number of far-reaching goals intended to guide governments as they secure the rights of people to own and access land, forest and fisheries. In Article 4.8, the VGGTs explicitly call on states to respect and protect the civil and political rights of HRDs, including the human rights of peasants, indigenous peoples, fishers, pastoralists and rural workers. Furthermore, states are called on to observe their human rights obligations in situations that involve individuals and associations acting in defence of land, fisheries and forests.

Despite **more than 150 states** *recognising some form of right to a healthy environment, environmental HRDs continue to be the most exposed and at risk.*

HUMAN RIGHTS DEFENDERS IN THE SDGS

...promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels.
SDG 16

The SDGs, approved in 2015 by the *General Assembly of the United Nations*, provides the best-known internationally recognised roadmap to a more sustainable future. The broad framework is based on ***17 interlinked goals***, further divided into ***169 actionable targets*** and ***231 unique indicators***. *Agenda 2030* is a self-described plan of action for people, planet and prosperity, seeking to strengthen universal peace and larger freedoms. This last part is specifically reflected in ***SDG 16***, which aims to "*promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels*".

In a significant difference from their predecessors, the *Millennium Development Goals (MDGs)*, ***the SDGs include an explicit call for data collection*** and, for ***Tier I*** and ***Tier II indicators***, provide established, internationally accepted methodologies used to collect data.

Among the targets set out in *Agenda 2030* that would contribute to achieving ***SDG 16*** is ***target 16.10***, "*to ensure public access to information and protect fundamental freedoms*". Research carried out by DIHR highlights the centrality of ***target 16.10*** to achieving ***SDG 16***, noting links to at least 17 international and regional human rights instruments. ***Target 16.10*** is closely linked to the development of a safe and enabling environment for HRDs, defined by OHCHR as an environment supported by a robust national legal framework, grounded in international human rights law.

Freedoms of opinion and expression, association and peaceful assembly and the right to participate in public affairs are rights that enable people to mobilise for positive change. Everyone, individually or in association with others, should enjoy these rights.

There are two indicators linked to ***target 16.10***: ***indicator 16.10.1***, which focuses on killings, enforced disappearances or attacks on HRDs, journalists and trade unionists, and ***indicator 16.10.2***, which focuses on legal guarantees of access to information.

Indicator 16.10.1 is considered to be especially relevant to the achievement of ***target 16.10***, as it is closely linked to obligations outlined in human rights commitments made by states. The rationale for the indicator, outlined in the metadata, states that it "*seeks to measure enjoyment of fundamental freedoms [...] on the premise that killing, enforced disappearance, torture, arbitrary detention, kidnapping and other harmful acts against journalists, trade unionists and human rights defenders have a chilling effect on the exercise of these fundamental freedoms*".

Although the importance and implications of ***indicator 16.10.1*** are clear, it is not without limitations. As DIHR has noted, ***16.10.1*** is an outcome indicator that is potentially "*slow moving and less sensitive to capturing momentary changes*". Furthermore, ***the indicator does not capture all abuses or violations perpetrated against HRDs*** but a reduced set of categories including killings, kidnappings, enforced disappearances, arbitrary detention and torture.[3]

Finally, DIHR notes limits to existing data, which are discussed in more detail in the following section. In order to strengthen monitoring under ***16.10***, DIHR recommends participatory and inclusive processes for monitoring ***16.10.1*** and the construction of a data ecosystem to close data gaps, and suggests the development of complementary indicators. DIHR is currently working with OHCHR and an expert reference group of 20 organisations and institutions to develop an online monitoring tool using additional structure and process indicators to contextualize ***16.10.1***, which would be included as an outcome indicator.

While ***16.10.1*** represents only the tip of the iceberg, as it is not an indicator built to capture the structural and procedural aspects of a safe and enabling environment for HRDs, it nevertheless does represent a crucial dataset that captures the ongoing violence perpetrated against those who defend the right to fundamental freedoms.

The systematic monitoring of these attacks is a crucial first step towards better understanding these patterns of violence and building policies, protections and environments that prevent them.

As Special Rapporteur Mary Lawlor noted in her 2019 report, "*There is no more direct attack on civil society space than the killing of human rights defenders.*"

There is no more direct attack on civil society space than the killing of human rights defenders
Mary Lawlor,
Special Rapporteur

3 In the 16.10.1 metadata, OHCHR, ILO and UNESCO have noted that work to refine the current formulation of the indicator includes the following language, which expands the scope of attacks covered by the indicator: "Number of verified cases of killing, enforced disappearance, torture, arbitrary detention, kidnapping and other harmful acts against journalists, trade unionists and human rights defenders."

3 WHAT MECHANISMS ARE ABLE TO SERVE AS DATA SOURCES?

Information they are able to collate gives only a very limited picture of violence against HRDs

This section examines a number of potential sources that could provide the data sought under indicator 16.10.1.

It focuses on those sources listed in the 16.10.1 metadata and explores why, even though the custodians of the indicator list a wealth of sources for such data, the information they are able to collate from these sources gives only a very limited picture of violence against HRDs, and why official data reported for 16.10.1 remain extremely limited.

In its metadata file, last updated in 2018, the indicator 16.10.1 is as follows: "*Number of verified cases of killing, kidnapping, enforced disappearance, arbitrary detention and torture of journalists, associated media personnel, trade unionists and human rights advocates in the previous 12 months*".

OHCHR, the *International Labour Organisation* (***ILO***) and the *United Nations Educational, Scientific and Cultural Organization* (***UNESCO***) serve as joint custodians for indicator 16.10.1, with responsibilities divided across the types of data it includes. In general, OHCHR is tasked with collecting data from the UN system, while the ILO works with data from its *Committee on Freedom of Association* (***CFA***), among others, and UNESCO collects data on the killing of journalists, media workers and producers of social media.

This report, with its focus on human rights defenders and specifically those defending land and the environment, looks in particular at sources that contribute data collated by OHCHR, moving from global to national levels.

SOURCES OF DATA

Indicator 16.10.1 uses data from diverse sources and reported at different levels. A list of these official sources, drawn from the 16.10.1 metadata, is provided in Table 1. They include global, regional and national mandated bodies, as well as human rights mechanisms and institutions that generate and maintain administrative data. However, although there are a number of potential data sources for indicator 16.10.1, as will be seen in more depth below there are also a number of challenges that limit the use of data from these sources and that have made 16.10.1 largely dependent on data collection by civil society actors.

Table 1: Official sources of data listed in metadata for SDG indicator 16.10.1

GLOBAL MECHANISMS	
OHCHR	OHCHR monitoring work
	Special procedures of the Human Rights Council
	Treaty bodies reporting system
	Press releases and statements from the UN High Commissioner for Human Rights
	Other reports and publications, such as the UN Secretary-General's report on reprisals
	Other mandated reports and publications
ILO	Cases reviewed by the Committee on Freedom of Association
	Other mandated reports and publications
UNESCO	Journalist killings condemned by the UNESCO Director-General
	Other mandated reports and publications
Regional mechanisms	
	Inter-American Commission on Human Rights
	ASEAN Intergovernmental Commission on Human Rights
	African Commission on Human and Peoples' Rights
	Council of Europe Commissioner for Human Rights
National mechanisms	
	National human rights institutions (NHRIs)
	National monitoring and protection mechanisms for journalists, trade unionists and/or HRDs
	Justice sector institutions such as Ministries of Justice, of the Interior, etc.
	National statistical offices (NSOs) in their general role of coordinating national statistical systems

Source: SDG 16.10.1 metadata.

The UN as a whole and OHCHR specifically carry out various forms of human rights monitoring, fact-finding and investigations that can contribute data for indicator 16.10.1. Most of this work by OHCHR is undertaken by entities in the field, directly related to the mandate of the High Commissioner.

A number of major mechanisms and activities reinforce the overall monitoring being done by OHCHR.

134

social or community leaders and HRDs had been **killed in Colombia in 2016** *and another 58 by August 2017 according to the Ombudsman's Office*

"...numbers cannot be easily used to explore trends in the violations of fundamental rights of human rights defenders."
Kathryn Sikkink

SPECIAL PROCEDURES

"*Special procedures*" is the general name given to the mechanisms established by the HRC to address specific issues. They include ***Special Rapporteurs*** and ***Working Groups***, which are experts and small committees, respectively, appointed by the HRC to investigate and monitor specific issues. They receive communications and take action on them, making country visits and often calling upon governments to provide more information or to remedy the situation at hand. Particularly relevant to monitoring the situation on HRDs and those who defend land and the environment are the ***Special Rapporteur on the situation of human rights defenders*** and the ***Special Rapporteur on the rights of indigenous people***. Their work, in addition to that of specific Working Groups focused on arbitrary detention and enforced disappearances, represents a potential source of information for SDG 16.10.1.

There are, however, limitations to the data that can be extracted from this important monitoring work. As Kathryn Sikkink (2018), a human rights scholar, notes in their contribution to "*Rising to the Populist Challenge: A New Playbook for Human Rights Actors*", each Special Rapporteur enjoys different levels of support and the information contained in these reports is often different. The lack of standardised reporting makes it difficult to compare data across years or to identify patterns in the violence reported.

As highlighted by Sikkink, "*the numbers cannot be easily used to explore trends in the violations of fundamental rights of human rights defenders*"; this lack of standardized reporting could be considered when seeking to improve the usefulness and effectiveness of the reports issued by Special Rapporteurs, also in light of 16.10.1.

TREATY-BASED REPORTING

Treaty-based reporting is another significant potential source of data, as regular reporting by states is mandated under the six international human rights instruments listed in ***Table 2***. For each instrument, a committee has been created with the explicit task of monitoring implementation. The committees primarily monitor the implementation of these treaties by requiring states to submit periodic reports on them. While the information being reported through treaty bodies is relevant and a potential source of data for indicator 16.10.1, reports are not submitted by states every year and the concluding observations issued by the committees, in response to the reports, cover a wide range of subjects. The committees can also issue general comments, providing guidance to a country on specific issues. While the reports submitted by states could provide information on attacks against HRDs, the observations and comments issued by the treaty bodies are more likely to provide information about what policy and administrative measures may be needed to create a safe and enabling environment for HRDs. There are ongoing attempts to streamline the monitoring work being done by treaty bodies and further align them with special procedures and with *Universal Periodic Reviews* (***UPRs***).

Table 2: Summary of six major human rights instruments and reporting requirements

INSTRUMENT	REPORTING REQUIREMENTS
International Covenant on Civil and Political Rights (ICCPR)	Initial report within one year of entry into force; reports every five years thereafter
International Convention on the Elimination of All Forms of Racial Discrimination (ICERD)	Initial report within two years of entry into force; reports every five years thereafter
International Covenant on Economic, Social and Cultural Rights (ICESCR)	Initial report within one year of entry into force; reports every two years thereafter (and whenever requested by the committee)
Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)	Initial report within one year of entry into force; reports every four years thereafter (and whenever requested by the committee)
Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (CAT)	Initial report within one year of entry into force; reports every four years thereafter
Convention on the Rights of the Child (UNCRC)	Initial report within two years of entry into force; reports every five years thereafter

Source: Huridocs Human Rights Monitoring and Documentation Series: What is Monitoring?.

UNIVERSAL PERIODIC REVIEW

The ***UPR process*** is another unique reporting mechanism of the HRC, which offers states the opportunity to explain how they are fulfilling human rights obligations and to undergo a peer review by other states. The pre-review reports submitted to the ***UPR Working Group*** generally include a national report prepared by the state concerned, another review prepared by OHCHR using information from treaty bodies and special procedures, and a review prepared by OHCHR with civil society. At the end of the review by the UPR Working Group, an outcome document summarises all questions, comments and recommendations for the state in question. While the recommendations refer to specific cases and situations, documents prepared ahead of the review can include numbers reported by the state pertinent to 16.10.1. For example, in its 2018 documentation submitted prior to the UPR of *Colombia, the Ombudsman's Office confirmed that 134 social or community leaders and HRDs had been killed in Colombia in 2016 and that by August 2017 another 58 killings of social leaders and HRDs had already been reported. An additional 500 cases of threats against social leaders and HRDs, 61 of which involved threats against groups, were also documented.*

While states, NHRIs and other actors can use the UPR process to report cases of killings, attacks and threats to defenders, the fact that such reports are submitted only every four-and-a-half years limits their immediate value as a data source for SDG indicator 16.10.1.

While 16.10.1 requires quantitative data, global reporting mechanisms are producing a wealth of qualitative data through country reports, recommendations and reviews. While these data cannot directly inform indicator 16.10.1, they contribute to our understanding of progress towards target 16.10 and the challenges faced in certain countries. Research carried out by DIHR, publicly available through the *SDG Human Rights Data Explorer*, has determined that *up to February 2021 more than 9,100 recommendations relating to SDG 16.10 had been filed via UPRs, treaty bodies and special procedures. Of these, at least 1,906 recommendations were related to human rights defenders.*

REGIONAL HUMAN RIGHTS MECHANISMS

In addition to the system of treaties and institutions set up by the UN, a number of regional intergovernmental organisations have established their own frameworks for the protection of human rights.

Three regions –the Americas, Africa and Europe – have intergovernmental bodies that have elaborated regional conventions on human rights and implementing bodies that monitor state compliance.

30

HRDs murdered in 2020 *according to the state of Mexico's Annual Atrocities Report*

Americas: Inter-American Commission on Human Rights (IACHR)

- Under the American Convention on Human Rights and the Charter of the Organization of American States (the OAS Charter), the IACHR:
  - Receives individual petitions by any person, group of persons or non-governmental entity;
  - Receives inter-state complaints through a specific declaration process;
  - Monitors state compliance, conducting investigations and publishing reports.

Africa: African Commission on Human and Peoples' Rights (ACHPR)

- Under the African Charter, the ACHPR:
  - Receives inter-state complaints from state parties, and also communications from non-state parties;
  - Receives periodic reports every two years from states party to the African Charter on Human Rights.

Europe:
European Court of Human Rights (ECHR)

- Under the European Convention on Human Rights, the ECHR:
  - Receives and examines inter-state complaints and applications from any person, non-governmental organization (NGO) or group of individuals claiming to be victims of a violation by parties to the Convention.

Other, newer and less advanced regional bodies have been formed in Asia and the Arab region with mandates to monitor human rights commitments made by member parties.

Asia:

- In 2009, the Association of Southeast Asian Nations (ASEAN) established the ASEAN Intergovernmental Commission on Human Rights which in turn, in 2012, adopted the ASEAN Human Rights Declaration.
- South Asian Association for Regional Cooperation (SAARC).

Arab region:

- In 2011, the Organisation of Islamic Cooperation (OIC) created the Independent Permanent Human Rights Commission (IPHRC) to monitor the human rights commitments of member states.

Regional human rights mechanisms receive periodic reports from member states that allow them to monitor the situation of HRDs.

In its annual report, for example, the IACHR noted that the state of *Mexico* had reported, in its Annual Atrocities Report, the *murder of 30 HRDs in 2020*, seven of whom belonged to the LGBT community and six to communities and indigenous peoples, while four were environmental defenders. Mexico further reported that the National Protection Mechanism for Human Rights Defenders and Journalists, which it established in 2012, was assisting 1,313 persons, 887 of whom were HRDs. The IACHR also noted that *in 2020 Colombia reported the killing of 53 HRDs.* While the criteria used by the governments of Mexico and Colombia to report these killings can be disputed, the fact that they are monitoring the situation of HRDs and in both cases disaggregating information on these killings to account for specific groups of defenders puts them among a small minority of states actively engaged in collecting such data.

NATIONAL HUMAN RIGHTS INSTITUTIONS

NHRIs play a crucial role in the promotion and monitoring of effective implementation of human rights commitments at the national level. These institutions occupy an important position between civil society and the government bodies responsible for protecting and implementing human rights conventions ratified by the state. The Paris Principles, endorsed by the UN General Assembly in 1993, are a set of standards intended to guide the work of independent, effective NHRIs. GANHRI, in collaboration with OHCHR, grades NHRIs with "A" or "B" status, reflecting the degree to which they are in compliance with the Paris Principles.

NHRIs can serve as a potentially important source of data for SDG 16.10.1, though globally the capacities and commitments they have made vary widely. A small number of NHRIs collect data systematically, but these institutions are generally more heavily staffed and have dedicated resources to undertake such monitoring. In the 2018 Marrakech Declaration, adopted at the 13th International Conference of GANHRI in *Morocco*, the aspiration to develop the capacity of NHRIs as data collectors, specifically in light of 16.10.1, was made explicit. Members resolved to:

> *Monitor and report on civic space – online and offline – though the collection and analysis of disaggregated data, including gender-based disaggregation and statistics related to killings, fabricated legal charges, misuse of specific laws and other attacks against human rights defenders, journalists and trade unionists, lawyers, students, academics, in line with SDG indicator 16.10.1.*

The intention to build NHRI capacity to collect data for 16.10.1 is further reinforced in the Global Action Plan, which is currently being developed by GANHRI in collaboration with OHCHR, as a guide to support implementation of the Marrakech Declaration.
In building the Global Action Plan, GANHRI emphasises that NHRIs have expressed a clear and urgent need to improve their data collection capacities in light of their broader work in monitoring and investigating cases of human rights violations.

In a needs-based assessment that included a survey completed by 45 NHRIs and in-depth interviews with around 20 institutions, GANHRI noted that monitoring and data emerged as clear priorities. The work being done by DIHR will further support this Global Action Plan; all such activities aim to further support state-led reporting.

3,437
complaints of human rights violations
in Kenya, according to KNCHR's Complaints Management System

In some cases, partnerships of this kind are already emerging. Since 2017, with a grant provided by OHCHR, the ***Kenya*** *National Commission on Human Rights* (***KNCHR***) has been working together with the *Kenya National Bureau of Statistics* (*KNBS*) to collect human rights-related data for 16.10.1, together with other stakeholders. In its 2017–2018 annual report, the most recent one publicly available, the KNCHR reported that it had received 3,437 complaints of human rights violations through its *Complaints Management System* (*CMS*), ranging across economic, social, cultural, civic and political rights. Receiving complaints and carrying out investigations constitutes one of the core functions of the KNCHR. The Commission also underscored that it had recently adopted a *memorandum of understanding* (*MoU*) with the KNBS to strengthen the collection, disaggregation, dissemination and analysis of data.

Similar partnerships have been formalised in the ***Philippines*** and elsewhere, with promises that are discussed further in ***Section 5***.

4 WHAT IS THE STATUS OF 16.10.1 DATA AND REPORTING THROUGH VNRs?

Despite a wealth of potential data sources that could provide verified cases of killings, kidnappings, enforced disappearances, arbitrary detention and torture of HRDs, officially reported data for 16.10.1 are still quite limited. As highlighted above, there are a number of challenges related to the consistency of reporting across countries, reflecting a lack of regular, systematic reporting at the national and regional levels. A number of important monitoring mechanisms exist but the way that they report information varies greatly, as does their capacity to accurately report violations at the national level. As a result, data reported by the UN for indicator 16.10.1 are restricted in ways that undermine their usefulness:

- 16.10.1 is not reported at the national level, but in regional aggregate numbers.
- Data do not allow for specific groups such as land, environmental and indigenous human rights defenders to be identified.
- Cases reported in the data are limited to killings and enforced disappearances, with no data on kidnapping, arbitrary detention or torture, as specified in the indicator.
- The sources of reported data cannot be seen, making it difficult to identify good practices in state-led reporting.

Tables 3 and ***4*** provide an overview of the killings reported by OHCHR for SDG indicator 16.10.1, aggregated according to official SDG regions. Table 3 lists all reported killings for 2019, the most recent year for which data is available, and ***Table 4*** shows all killings reported by OHCHR since 2015.

Table 3: Verified killings of HRDs, including trade unionists and journalists, reported under 16.10.1 for 2019

REGION	TOTAL	MEN	WOMEN
Latin America and the Caribbean	246	212	34
Sub-Saharan Africa	16	13	3
Northern Africa and Western Asia	18	17	1
Central and Southern Asia	28	26	2
Eastern and South-Eastern Asia	46	44	2
Europe and Northern America	3	2	1
Oceania	0	0	0
Total	**357**	**314**	**43**

Table 4: Verified killings of HRDs, including trade unionists and journalists, reported under 16.10.1 from 2015 to 2019

REGION	2015	2016	2017	2018	2019	TOTAL
Latin America and the Caribbean	166	223	198	290	246	1,123
Sub-Saharan Africa	27	19	16	19	16	97
Northern Africa and Western Asia	69	64	44	50	18	245
Central and Southern Asia	29	36	43	50	28	186
Eastern and South-Eastern Asia	43	40	64	53	46	246
Europe and Northern America	14	6	5	14	3	42
Oceania	1	0	0	0	0	1
Total	**349**	**388**	**370**	**476**	**357**	**1,940**

Latin America and the Caribbean continues to be the region reporting the highest number of verified killings of HRDs

From the aggregations presented under 16.10.1, some general trends emerge. Latin America and the Caribbean continues to be the region reporting the highest number of verified killings of HRDs, including trade unionists and journalists. The SDG regions cover unevenly sized geographic areas with important population variations, though population normalization is not considered a methodological element of 16.10.1. The deaths reported are overwhelmingly those of men, and of the past five years 2018 was the most deadly on record, with 476 killings reported globally.

As no country-level data is available under 16.10.1, it is impossible to know how these killings were distributed across regions or in which countries violence against HRDs was most serious. Similarly, apart from regional aggregates of men and women killed in each SDG region, no further disaggregation is possible from the data as reported.

According to OHCHR, some of the data included in 16.10.1 come from the official sources listed above: human rights mechanisms, special procedures and treaty bodies, and the UPR process. Additional cases come through regional human rights bodies, such as the Inter-American or European human rights mechanisms. A few cases are reported to OHCHR directly by NHRIs, though OHCHR reports such instances as being very limited. The overwhelming majority of cases reported under 16.10.1 come, instead, from major civil society networks, including the *HRD Memorial*, coordinated by *Front Line Defenders* (*FLD*), and organisations such as *Global Witness* and the *Business & Human Rights Resource Centre* (*BHRRC*).

However, due to the limits of the current 16.10.1 methodology, and the fact that civil society data cannot be reported as an official source for the indicator, OHCHR has developed a process by which it verifies all cases reported by civil society internally. The basic details of an attack – the who, what, where and when – can generally be confirmed through the identification of multiple, independent and credible public sources, though OHCHR works with its field presences to delve further into the question of why such an attack happened and to confirm that the victim was a target on account of their exercise of human rights. Through this process, OHCHR effectively converts civil society data into official UN data, which it is able to report itself.

OHCHR keeps track of the sources of these data, as well as important details about the victims. It chooses to present the data regionally, however, rather than at the country level, for reasons of "uneven data availability," as much more data is reported in Latin America and the Caribbean and Southeast Asia than in Africa or Oceania, due to a variety of reasons.[4] For the purposes of technical comparability, OHCHR underlines that the country-level data is not yet technically sound or defensible, although there is hope that future reporting will include county-level data, more information about the victims and additional data categories.

The need for better disaggregation of 16.10.1 data has also been recognised by member states, OHCHR notes. Currently, with a lack of more specific categories that would better describe the work and activities of HRDs, the data often lump together important sub-categories. OHCHR notes that half of the killings reported in 2019 were of people working on land rights or indigenous peoples' and peasant rights, but that this group became something of a catch-all for LEDs, as well as those working on anti-poverty issues. Better-defined sub-categories of HRDs, included in the metadata of 16.10.1, OHCHR notes, would help to illustrate the scale of threats against specific groups and communities.

While having the regionally aggregated data reported by OHCHR is preferable to having no data reported at all – even regional data tell us that violence is taking place – the regional aggregates are themselves aggregates of data collated at country level, where we know that there is significant under-reporting of such attacks. While disaggregation of 16.10.1 data is important to better understand patterns of violence against specific communities and groups, it is also important to recognise that disaggregation at the level of country or defenders alone does not solve the problem of under-reporting, which is present at all levels.

As no country-level data is available under 16.10.1, it is impossible to know how these killings were distributed across regions or in which countries violence against HRDs was most serious.

4 In limited cases where a country-level dataset is considered suitable for reporting, OHCHR does make use of precise figures. In 2020, *it published its 16.10.1 dataset on the Philippines in a report on the human rights situation* in the country, noting that "between 2015 and 2019, at least 248 human rights defenders, legal professionals, journalists and trade unionists have been killed in relation to their work".

Civil society actors, and not state actors, NHRIs or human rights mechanisms, are providing the overwhelming majority of cases reported under 16.10.1

In addition to growing calls for country-level disaggregated data, there is a growing recognition that civil society actors, and not state actors, NHRIs or human rights mechanisms, are providing the overwhelming majority of cases reported under 16.10.1.

Indeed, civil society currently provides public, country-level data on the killing of HRDs and LEDs. ***Table 5*** shows data from SDG 16.10.1 together with data from ***HRD Memorial (via FLD)*** and ***Global Witness*** for 2019, all aggregated into the SDG regions used to report on the indicator.[5] It is worth noting that ***each of these initiatives uses its own methodology***, and that there are differences in definitions and criteria used by ***HRD Memorial partners (including FLD)*** and Global Witness in their verification processes.

While the numbers cannot be compared directly, the data show the extent to which these datasets capture the same reality. In some cases, the number of killings reported regionally by FLD is nearly identical to that reported under 16.10.1, while in other cases OHCHR or FLD has included cases not considered by the other. Global Witness data, by comparison, give us an approximation of the share of LEDs within the total number of HRDs killed in the region. Because sources of 16.10.1 data are not visible, we cannot determine if all LED killings reported by Global Witness are verified and included in the OHCHR dataset. At a global level, if all of the 212 LED killings it reported were included, they would constitute 59% of the HRD deaths reported under 16.10.1. This is only slightly above the estimation of 50% made by OHCHR.

Table 5: Verified killings of HRDs and LEDs in 2019, according to official SDG 16.10.1 data, FLD and Global Witness, aggregated by official SDG regions

REGION	SDG 16.10.1	FRONT LINE DEFENDERS / HRD MEMORIAL, REPORTING KILLINGS OF HRDS	GLOBAL WITNESS, REPORTING KILLINGS OF LEDS
Latin America and the Caribbean	246	208	148
Sub-Saharan Africa	16	15	7
Northern Africa and Western Asia	18	10	0
Central and Southern Asia	28	19	8
Eastern and South-Eastern Asia	46	50	47
Europe and Northern America	3	2	2
Oceania	0	0	0
Total	**357**	**304**	**212**

5 While OHCHR also uses BHRRC data, as mentioned above, we have included only HRD Memorial data via FLD and Global Witness data here, as BHRRC data focus specifically on attacks on HRDs as related to business and these are a more specific sub-group than attacks on all HRDs, provided by FLD, and on LEDs, provided by Global Witness.

Table 6, by comparison, shows country-level data on the killing of HRDs, as gathered and verified by HRD Memorial partners and reported by FLD for 2019.

By disaggregating data within these larger SDG regions, we begin to see the countries where violence is concentrated. In Latin America, HRD Memorial partners including FLD, Programa Somos Defensores (Colombia) and ACI Participa (Honduras) estimate that at least 106 HRDs were killed in Colombia alone, with an additional 31 killed in Honduras. These two countries account for 56% of the regional total. If Mexico and Brazil, in each of which 23 defenders were killed, are included, then the four countries account for 74% of killings of HRDs in Latin America in 2019. Similarly, HRD Memorial partner country-level data on East and Southeast Asia show that the Philippines, where 43 HRDs were killed that year, represents 93% of all killings in that region. The situation in the Philippines is an alarming one for HRDs and one that cannot be fully appreciated from the regional data reported under 16.10.1.

Table 6: Country-level killings of HRDs in 2019, gathered and verified by HRD Memorial partners as reported by FLD

LATIN AMERICA AND THE CARIBBEAN	
Dominican Republic	1
Haiti	1
Honduras	31
Costa Rica	1
El Salvador	1
Guatemala	15
Mexico	23
Bolivia	1
Brazil	23
Colombia	106
Ecuador	2
Peru	3
SUB-SAHARAN AFRICA	
Burkina Faso	2
DRC	3
Ghana	1
Kenya	2
Mozambique	1
South Africa	5
Uganda	1
NORTH AFRICA AND WEST ASIA	
Algeria	1
Iraq	7
Syria	1
UAE	1
CENTRAL AND SOUTHERN ASIA	
Afghanistan	3
India	12
Pakistan	4

EAST AND SOUTHEAST ASIA	
China	2
Cambodia	2
Indonesia	3
Philippines	43
EUROPE AND NORTH AMERICA	
Russia	2
Total	**304**

56
of the 195 VNRs *submitted mention Target 16.10*

In his 2020 SDG Progress Report, the Secretary-General noted that the UN had recorded at least 1,940 killings and 106 enforced disappearances of HRDs, including journalists and trade unionists, between 2015 and 2019, incidents that were spread across 81 countries. In the most recent year for which data is available, 2019, the UN reported 357 killings and 30 enforced disappearances across 47 countries.

The number of countries where at least one HRD has been killed since 2015 is not available in the data reported under SDG 16.10.1, but in 2020 OHCHR published a map showing countries where at least one such killing had taken place over the past five years. The map, which was intended to show the pervasiveness of attacks on HRDs, was a way to draw this issue to the attention of member states without getting too deeply into the numbers. While the indicator could sometimes seem too complex or too technical, OHCHR explained, a map naming countries solicited a number of reactions. States reacted to the data that was published and sought clarifications on the numbers reported and the methodology used, which as is the case for all SDG indicators, had been approved by member states.

As countries realised that they too had approved the methodology for data collection, OHCHR could then ask: what can we do together to strengthen reporting mechanisms and build a solid, country-level dataset?

A critical opportunity for reporting 16.10.1: Voluntary National Reviews

- ***Of the 162 countries that have submitted VNRs since 2015, only 10 have reported data on indicator 16.10.1*** relating to cases of attacks on and killings of HRDs.
- ***Of the 10 countries that reported data, only three said that at least one HRD had been attacked*** or killed in their country since 2015.
- ***Only 56 of the 195 VNRs submitted mentioned Target 16.10***, relating to access to information and the protection of fundamental freedoms; many of these focused on the former.

VNRs, which form part of the Agenda 2030 follow-up and review mechanism, are a key opportunity for states to report on violence against HRDs, trade unionists and journalists. In this process, states are encouraged to conduct "regular, inclusive reviews of progress at the national level and sub-national level, which are country-led and country-driven".

These VNRs serve as a basis for reviews carried out at the HLPF, the primary UN platform for follow-up and review of the SDGs.

The VNR process, beyond being an opportunity to review progress towards Agenda 2030 in a specific country, provides the state concerned with an opportunity to share experiences – successes, challenges and lessons learned – with a view to accelerating implementation of the SDGs.

In our review of 195 VNRs submitted by 162 countries to the HLPF since 2015, we found a worrying absence of reporting on 16.10, relating to access to information and protection of fundamental freedoms. While 56 countries mentioned 16.10, many did so only in passing or they focused on efforts to make information more available without touching on the second half of the target, relating to fundamental freedoms. The data reported for SDG 16.10.1 were even more concerning, with only 10 countries reporting data for the indicators, and only three reporting that at least one human rights defender, including journalists and trade unionists, had been attacked or killed since 2015. Given the official data reported by OHCHR on 16.10.1 and the numbers gathered and verified by HRD Memorial partners and reported by FLD and Global Witness, among others, the number does not begin to approximate the scale of violence against HRDs worldwide, but rather a lack of willingness and ability to report on the indicator.

Although 10 countries reported figures for SDG 16.10.1, many of these figures were partial, approximate or in some cases extremely high, raising questions about how such attacks and killings were being verified or counted. In other cases, countries provided proxy data or explained why reporting on 16.10.1 had proved to be a challenge.

Indonesia, in its 2019 VNR, presented proxy data, reporting that it had documented 6,069 cases of human rights violations between 2015 and 2018. No further information was provided on attacks on or killings of HRDs.

Front Line Defenders coordinated HRD Memorial recorded three deaths of human rights defenders in Indonesia in 2019.

Nepal, in its 2017 VNR, did not report data but noted "big discrepancies in some data recorded by the government and NGOs, in particular on violence, crime, human trafficking, human rights violations and corruption".

Nigeria, in its 2020 VNR, reported a startling cumulative number of 13,331 cases for SDG 16.10.1, spanning the years 2016–2018 and citing the Nigeria Police Force as the source of data.

13,331
cases for SDG 16.10.1 *reported by the Nigeria Police Force for the years 2016-2018*

Brazil, in its 2017 VNR, made no mention of 16.10.1 or of HRDs, but said that civil society was leading work on the promotion of human rights.

With data from the HRD Memorial, Front Line Defenders reported the killing of 65 HRDs in Brazil in 2017.

The State of Palestine, in its 2018 VNR, reported numbers only for journalists, noting that there had been 134 violations of journalists' rights in the West Bank and Gaza Strip in 2016.

The Netherlands, in its 2017 VNR, did not report data on itself but rather stated that it had supported 50,000 victims of human rights violations in Tunisia, Colombia and Yemen.

None of the VNRs reviewed gave detailed attention to the indicator or to where data were reported and, rather than shedding light on the situation of HRDs, they often raised more questions about how numbers were reported.

81
of the VNRs *mention the existence of an independent national human rights body in the country*

These concerns were mirrored in other human rights indicators included under SDG 16 – for example, indicator 16.a.1, which concerns the existence of independent NHRIs in compliance with the Paris Principles. Although it is a relatively simple indicator, few countries reported on it, even in a number of cases where a certified NHRI is known to exist. Of the 195 VNRs reviewed, only 57 made explicit mention of indicator 16.a.1 or of SDG target 16.a on the strengthening of national institutions. An encouraging 81 of the VNRs mentioned the existence of an independent national human rights body in the country, though only 43 of these linked the mention of the NHRI to SDG 16.a.1.

Of the162 countries that have submitted a VNR since 2015, 109 have established NHRIs accredited with GANHRI. However, only 50 reports from these countries mentioned the existence of an NHRI, despite some of the countries submitting VNRs more than once. While some omissions may be attributed to the year in which the VNR was submitted (the Philippines, for example, reported no NHRIs in 2016 then reported two in its 2020 report, noting that the first was only established in 2016), in the majority of cases NHRIs are omitted from VNR reporting even when they are active and functioning. A few examples are provided below.

Egypt, in its 2018 VNR, made no mention of an NHRI, despite its National Council for Human Rights (NCHR) having existed since 2006.

In its 2020 VNR, ***Finland*** made no mention of the Finnish National Human Rights Institution, although this was accredited in 2014.

Colombia did not mention its NHRI – the Defensoría del Pueblo – in either its 2016 or 2018 VNR, despite it being one of the biggest and most advanced GANHRI members.

In its 2019 VNR, ***Cameroon*** did not mention its *National Commission on Human Rights and Freedoms* (*CNDHL*), although its existence dates back to 1990.

Mexico failed to mention its NHRI, the Comisión Nacional de los Derechos Humanos (CNDH) in its 2016 VNR, but did include it in its 2018 VNR.

The lack of reporting on 16.a.1 represents a missed opportunity by states to highlight the work that is being done by their respective NHRIs to monitor and protect human rights at the national level while, increasingly, monitoring and reporting on cases of violence against HRDs, documented through 16.10.1.

5 WORKING TOGETHER, WHERE DO WE GO FROM HERE?

Despite the systematic lack of state-reported data on indicator 16.10.1 and lacklustre reporting in VNRs on the situation of HRDs, a number of parallel efforts are committed to improving the situation.

This report aims to reaffirm the primary role of the state as the bearer of responsibility for implementing and protecting the exercise of human rights and fundamental freedoms by its citizens. Equally, the responsibility to protect the lives of those who are targeted on account of their exercise of those rights, often in connection with their defence of land, the environment, climate and natural resources, lies squarely with the state. This has been detailed in a number of legally binding international treaties and further reinforced in numerous declarations, regional conventions and national laws. Furthermore, the central role that HRDs have in the promotion of a peaceful, inclusive society has been widely recognised in global treaties and, most recently, embedded directly in the 2030 Agenda for Sustainable Development. SDG 16 is a cross-cutting commitment to peace, justice and strong institutions, and its realisation underlies our potential to achieve a number of other goals outlined in the SDGs.

But as with many of the goals outlined in Agenda 2030, the monitoring of an issue as important, sensitive, complex and resource-intensive as violence perpetrated against HRDs can never be carried out by a single actor.

CIVIL SOCIETY EFFORTS

Civil society has continued to organise to improve its own collection of data, an effort reflected in the fact that the UN continues to rely on CSOs for the majority of 16.10.1 data.

For the past three years, the Data Working Group, a group of organisations belonging to the Alliance for Land, Indigenous and Environmental Defenders (ALLIED), has been working to implement a joint incident reporting methodology for attacks on LEDs. The group has nearly 20 members, ranging from local civil society data collectors to regional monitoring initiatives and global databases on attacks and killings. It is co-led by the International Land Coalition (ILC) and BHRRC, and includes Global Witness and FLD, which together with BHRRC are commonly cited as global sources for data on 16.10.1. It includes Indigenous Peoples Rights International (IPRI), a global indigenous peoples

A joint approach to data collection can relieve pressure on under-resourced national institutes and can also ensure the presence and perspective of civil society actors

organization that collects data on the criminalisation of indigenous human rights defenders, and a host of other regional and national data collectors – the Asian NGO Coalition (ANGOC), the Centro Mexicano de Derecho Ambiental (CEMDA), Natural Justice, La Unidad de Protección a Defensoras y Defensores de Derechos Humanos – Guatemala (UDEFEGUA), Centro de Investigacion y Educacion Popular (CINEP), the Environmental Justice Atlas (EJ-Atlas), the Environmental Law Alliance Worldwide (ELAW) and others – working to document attacks on defenders in their own contexts. Working in five pilot countries, the group is currently building an integrated global dataset that combines information on verified attacks on LEDs from diverse sources, merging them through a common template and language that is aligned with 16.10.1. The data, collected through the *LANDex platform*, include the type of attack, group or community affiliations, alleged perpetrator, the rights being defended and business sector involved, where applicable.

Many other local, national and regional organizations, which are not currently part of the Data Working Group, are also doing important work to monitor and collect cases of attacks on human rights defenders and land and environmental defenders: Tierra de Resistentes and IM-Defensoras in Latin America, as well as and the Asian HRDs Portal, an initiative from the Asian Forum for Human Rights and Development (previously known as FORUM-ASIA), among others.

Moreover, numerous human rights defenders networks in other parts of the world, including but not limited to the Pan-African Human Rights Defenders network and the Asia Pacific Network of Environment Defenders, are providing support to defenders under threat and some are capturing data on attacks in the process.

GLOBAL ACTION PLAN: GANHRI, OHCHR AND NSOS

The global strategy being advanced by OHCHR and GANHRI is one by which national institutions are strengthened and partnerships between national statistical offices (NSOs) and NHRIs are formalised. Such partnerships that have been formed in countries such as Kenya, Colombia and the Philippines, and they hope that similar MoUs between NSOs and NHRIs will strengthen the reporting of cases that could be used for SDG 16.10.1. In the case of the Philippines, the Statistics Authority and the NHRI have agreed to designate the latter as the national data provider for 16.10.1. In Kenya, OHCHR was able to provide the NHRI with a start-up grant that was used to help it compile national data, with support from the national statistical bureau, integrating its own data with data from the police and civil society. This is a model that OHCHR hopes to replicate in other countries.

The Global Action Plan proposed by GANHRI will reinforce these objectives and better outline the role of NHRIs in the collection of data for SDG 16.10.1, as detailed in the Marrakech Declaration. This commitment to reporting will extend to NHRIs offering support to states when preparing their VNRs.

Based on the needs assessment carried out by GANHRI, the plan will first be embedded regionally and then at the national level, with the goal of creating a framework described by GANHRI as long-term rather than time-bound. Building on positive experiences with NHRIs that are more advanced in terms of data collection, such as those of Mexico or Colombia, this global strategy should help NHRIs to establish a common methodology to report data, based on SDG 16.10.1

The Global Action Plan set out by GANHRI recognises the unique capacity of its membership to generate independent, authoritative data on the implementation of human rights standards on the ground. It does not intend to relieve states of their responsibilities, but rather to support and reinforce these responsibilities.

The role of civil society in this process has been recognised as being central but also as being sensitive. At the national level, GANHRI hopes that NHRIs will engage directly with CSOs, building their capacity to collect data that can be reflected in the compilation of national datasets. A joint approach to data collection can relieve pressure on under-resourced national institutes and can also ensure the presence and perspective of civil society actors, including a focus on sub-categories of HRDs, such as women, indigenous peoples and land and environmental rights defenders. Likewise, according to OHCHR, while some state actors may be hesitant about recognising civil society data, an NSO may be willing to recognise data that have first been validated by an NHRI.

Difficult questions remain: how to protect civil society actors – targeted for their work to monitor violence against HRDs – while supporting their efforts and recognising their major contributions to SDG 16.10.1 data?

OHCHR recognises the need to protect CSOs engaged in data collection, many of which have come under attack for their work with the UN body. This is an issue it is navigating on a case-by-case basis, seeking to involve credible CSOs in a process of contextualising indicator 16.10.1, facilitating a flow of information between such organisations and NHRIs and NSOs. The relationships built between these organisations are subject to the political influence of ruling governments, but OHCHR hopes that they, together with GANHRI, can facilitate the participation of diverse actors in processes around human rights indicators, not only 16.10.1, protecting CSOs and their important role in promoting and defending human rights.

Even if civil society has become the de facto authority on violations against HRDs, the responsibility to monitor the situation of defenders, document attacks and threats against them and protect their rights to life, liberty and security of person lies with the state. The work of member states can be further guided, developed and incentivised by the work of OHCHR and the UN more broadly.

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The killing of a human rights defender represents a direct attack on civic space and an affront to the fundamental freedoms that underpin a peaceful, inclusive and sustainable society

LOOKING AHEAD

In order to effectively protect human rights defenders, states must first and foremost improve the political will and capacity to monitor violence threatened or perpetrated against them. Based on the research done for this report, the ALLIED Data Working Group puts forward the following recommendations.

- ***States must develop and sustain mechanisms that collect and report data on attacks against HRDs***, using this information to inform more effective policies and protection mechanisms to reduce attacks on these defenders.
- ***Reporting agencies and bodies must make the work of particularly vulnerable groups***, including land, environmental and indigenous human rights defenders, ***more visible***, highlighting the issues and challenges involved in this work and evaluating how existing supports to these groups can be improved.
- ***At the global level, the UN should report country-level data wherever such data is available***, acknowledging limitations to the data but also highlighting situations that are especially concerning, while recognising reporting countries.
- ***States should develop and support NHRIs that adhere to the Paris Principle***s, promoting their role as independent, authoritative monitoring bodies engaged in data collection with the support of state bodies, as outlined in the Marrakech Declaration.
- ***States and reporting agencies must recognise and protect the important role played by civil society data collectors***, engaging them through official reporting mechanisms and supporting their sustained role as advisors in these processes.
- ***Globally, it is essential to develop a database in line with 16.10.1*** that captures – in a safe, participatory and inclusive way – the verified cases of killings, threats against and attacks on HRDs, especially defenders of land, environmental and indigenous peoples' rights, with data generated by diverse actors at many levels.
- ***International efforts to advance Agenda 2030 should take into account the data available (or unavailable) through indicator 16.10.1*** when providing development aid and evaluating its impact, seeking to address the root causes of these attacks.

As the global community works together towards Agenda 2030 and SDG 16, promoting peaceful and inclusive societies, and more specifically towards target 16.10, which aims to protect fundamental freedoms, the ALLIED Data Working Group calls for specific attention to indicator 16.10.1.

The killing of a human rights defender represents a direct attack on civic space and an affront to the fundamental freedoms that underpin a peaceful, inclusive and sustainable society. Until these individuals and their communities are safe and able to work and live in a secure, enabling environment, progress towards the SDGs cannot be fully realized or considered truly sustainable.

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