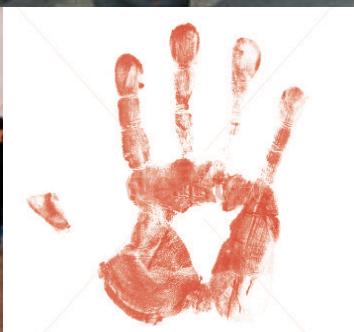


# Keeping Defenders Safe: A Call to Donor Action



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This report would not have been possible without the generosity of the many people who agreed to be interviewed and who responded to questionnaires. Due to the sensitive nature of any discussion of safety and security of HRDs, individual and organization names are not cited, in a bid to ensure that respondents shared their experiences and perspectives as candidly as possible in the course of the research. Three key respondent questionnaires (for NGOs, for donors, and for intergovernmental institutions) were circulated as part of the research process for the report and nearly 150 semi-structured interviews were conducted with both respondents to the written questionnaires and with defenders and organizations that did not respond in writing. Defenders were interviewed at gatherings in Brazil (at Conectas' Colloquium), the Gambia (at the NGO Forum around the session of the African Commission on Human and Peoples' Rights), Kenya, and Uganda, as well as in London, Dublin, New York, Washington, D.C., and via Skype and telephone.

## Executive summary

Human rights defenders (HRDs) are at the forefront of human rights struggles, especially in closed or repressive societies. They are frequently targeted for what they do, and for who they are, by governments as well as non-state actors. Individual defenders and their organizations are harassed, intimidated and attacked in a multitude of ways. In most cases, the authorities are directly implicated—and, in most cases, they fail to carry out effective investigations. Murders and violent attacks remain universally unpunished.

Laws restrict organizations' space to work and therefore limit free association, free speech, and access to funds. The press (often government-controlled), as well as political, religious,

*Individual [human rights] defenders and their organizations are targeted, intimidated and attacked in a multitude of ways. In most cases, the authorities are directly implicated—and, in most cases, they fail to carry out effective investigations.*

and economic forces portray HRDs as hostile political adversaries who undermine indigenous culture or values and are influenced by outsiders. Governments increasingly criminalize human rights work through the use of anti-terrorist or anti-extremist legislation. Direct physical attacks on their working spaces and on human rights leaders reinforce some of the more indirect methods of repression. Advocates for LGBTI and women's rights and economic and social rights continue to be particularly at risk.

Intergovernmental organizations such as the United Nations (UN), the Organization of

American States (OAS), the African Commission on Human and Peoples' Rights (ACHPR), and the European Union (EU), as well as some individual Western governments, have created a host of documents and mechanisms that aim to protect HRDs. Among them are the 1998 UN Declaration on Human Rights Defenders; the 2008 EU Guidelines on Human Rights Defenders; and Special Rapporteurs on Human Rights Defenders of the UN, ACHPR, and the Inter-American Commission on Human Rights.

For their part, human rights organizations and defenders are advocating for stronger implementation of norms supporting HRDs, the development and improvement of national programs of protection, and the creation of national and regional coalitions to collectively support HRDs. A number of initiatives respond to urgent cases through both advocacy and direct support to defenders under attack, including accompaniment by international volunteers, support for legal defense, relocation services, and providing rest and respite. Several organizations train defenders on office, personal, and information security.

Current responses do not seem, however, to be able to significantly curtail attacks on the space for human rights activism or on HRDs themselves. To address this, we conducted more than 150 interviews with institutions and defenders globally, with a particular goal of capturing the concerns and ideas of activists on the ground. This report undertakes a wide-ranging review of existing responses to the security challenges that HRDs face, compiling all significant

perspectives, including those of intergovernmental institutions, donors, and international and national organizations. The principal audience for this report is private donors and grantmakers who provide financial support for work that strengthens the protection and security of human rights defenders, as well as donors who are concerned about the safety and security of their grantees. The report's recommendations include efforts that donors can make individually as well as collectively to enhance the protection and security of HRDs. However, this review will hopefully be of use as well to others in the field, including the bilateral and multilateral agencies that provide considerable support for this work, HRDs themselves, and the organizations that are working to provide better protection and security for their work.

While in agreement with many recommendations made by recent reports on defenders published by both NGOs and donors, this report's conclusions suggest a number of changes of focus and approach in grant-making. These include the need to:

- 1. Integrate considerations of security and protection** in all aspects and stages of the donor-grantee relationship.
- 2. Rebalance grant-making from a focus on emergencies to increased attention to preparedness.** Develop and implement preventive policies within local organizations, enabling them to periodically review, update, improve, and adapt them with a sufficient financial cushion to react to emergencies.
- 3. Sustain existing emergency responses (scaled up where necessary),** but with an emphasis on improving coordination, flexibility, outreach, and accessibility, especially by using innovative technological tools, and with an emphasis on providing support as close as possible to where grantees are located.
- 4. Rebalance capacity building from a focus on training to a focus on "service/accompaniment,"** while ensuring that training links physical, psychosocial, and digital security.
- 5. Increase the focus on locally-owned and nationally (or sub-regionally) based civil society protection initiatives and networks,** especially on developing (comprehensive)<sup>1</sup> rapid response solutions that are based locally or sub-regionally.
- 6. Support collaborative efforts to generate better data and facilitate sharing of protection know-how, know-who, and resources** amongst activists within and between countries. Encourage strategizing on the most crucial aspects of protection, including breaking the cycle of impunity and tackling problems of follow-up and implementation that undermine the intergovernmental systems of protection.
- 7. Scale up support for rest and respite for defenders** with a focus on holistic well-being and comprehensive rehabilitation.

# I. Introduction

This report was prompted by concern at the persistence, scale, and seriousness of threats and attacks against HRDs, and by the apparent limitations of existing NGO, donor, and governmental strategies to respond in an effective and sustainable way. It examines the currently available global resources and systems in order to help HRDs working in high-risk environments, and analyzes whether services are adequate, rationally organized, easily accessible, and effective in helping defenders do their jobs while staying safe. This report further identifies key challenges for the security of defenders and key gaps in the current

*This report was prompted by concern at the persistence, scale, and seriousness of threats and attacks against human rights defenders, and by the apparent limitations of existing NGO, donor, and governmental strategies to respond in an effective and sustainable way.*

systems of protection, and it makes recommendations for action both by NGOs and donors to address these gaps.

It is somewhat surprising that publications on the “safety and security” of defenders (as well as humanitarian workers) rarely, if ever, provide definitions of these terms. Most studies are focused on threats, attacks and how to prevent or react to them. It appears that safety and security is equated with meeting the achievable minimum level of vulnerability to threat and attack; that is, measures designed “to keep working space open.”<sup>2</sup>

Recent debates on and by defenders, however, underscore the need to understand security in a wider context. Activists need an environment where work can not only be securely conducted, but where adequate attention is paid to their well-being as well as broader aspects of the environments in which they work. This approach is called “integrated security.”

One of the respondents to this review described the approach as follows:

Integrated security recognizes that, for HRDs, the best way to develop practical, relevant security strategies is by:

- Integrating all aspects of security into our discussions—the more ‘traditional,’ physical protection aspects of security, as well as concerns about stress, psychological well-being, family protection, health, individual, and organizational financial sustainability (among others); and
- Ensuring that strategies are developed in direct relationship to the specific context of the human rights defenders’ situation, recognizing that contexts shift and change—and strategies should be flexible, responsive, and sensitive to the realities on the ground.<sup>3</sup>

The wider concepts of integrated security are inherently important to the architecture of both the human rights movement and the philanthropy which supports it. While integrated security is vital (or even decisive), this review cannot address it. Instead, while mindful of these larger challenges, the report focuses its attention on the physical security of defenders, their working spaces, and their information and documentation as areas where relatively short term and moderate cost measures may be able to significantly enhance defenders' security.

Major NGOs have documented the challenges faced by defenders in different countries in detailed reports on individual countries,<sup>4</sup> approaches, or particular groups of defenders.<sup>5</sup> NGO networks<sup>6</sup> and intergovernmental institutions<sup>7</sup> seem, for the most part, aware of these reports. In addition, NGOs have developed extensive materials on security. A variety of sources also describe, often in detail, the mandates of various protection institutions. This review briefly summarizes the powers held by these mandates, but focuses on an analysis of their key strengths and weaknesses as described and perceived by their actual or potential users, and it attempts to assess their practical impact in the field.

Finally, donors' attention is increasingly focused on the protection of defenders. In a review commissioned by Atlantic Philanthropies, protection for HRDs is identified as the number one priority for human rights philanthropy to focus on going forward.<sup>8</sup> The International Human Rights Funders Group (IHRFG) has established a separate working group on HRDs, which has published a directory of emergency/rapid response grants and in January 2013 conducted a one-day institute for donors on supporting grantee safety;<sup>9</sup> several detailed evaluations of funding in this area have also recently been conducted.<sup>10</sup> Few of these reviews, however, seem to have interviewed defenders on the ground in any significant measure.

Although aware of discussions and disagreements about the definition of "human rights defender," this report uses the generally accepted broad and inclusive UN definition as outlined by the leading document in the field, the 1998 UN Declaration on Human Rights Defenders.<sup>11</sup> That definition includes advocates for all categories of rights, journalists, trade union activists, and even government officers (such as judges and investigators). The importance of operating with a wide definition has also been underscored by all interlocutors.<sup>12</sup>

As with other areas of human rights work, a particular challenge for the field is the inadequacy of existing data both on threats and responses. Very few protection systems have used consistent methodology to collect detailed data over a period of time. There is no shared methodology for classifying threats and attacks that is applied consistently and universally, and therefore few reliable numbers exist that allow either comparisons between countries or the ability to track trends over time. Finally, significant sets of specific information (on grants, responses to threats, individual cases, and approaches) cannot be shared publicly. A number of respondents have either not shared, or requested non-publication, of significant and important elements of their information.<sup>13</sup>

This review, therefore, can be neither a statistically representative study nor follow a rigid quantitative methodology. Its central approach has been to consult the widest possible sample of defenders globally, with a goal of bringing together the perspectives of all

significant actors in this field (except the violators), including individual defenders, their organizations and coalitions, intergovernmental protection institutions, national protection systems, and major donor institutions. This report has been compiled based on relevant literature review, written and oral responses to three key respondent questionnaires (for NGOs, for donors, and for intergovernmental institutions), and nearly 150 semi-structured interviews with both respondents to the written questionnaires and with defenders and organizations that did not respond in writing. Defenders were interviewed at gatherings in Brazil (at Conectas' Colloquium), the Gambia (at the NGO Forum around the session of the ACHPR), Kenya, and Uganda, as well as in London, Dublin, New York, Washington, D.C., and via Skype and telephone. Finally, the author also attended a Policy Briefing of Ariadne (the European Human Rights Donors Network) in February 2011 and organized a working session on the protection of human rights defenders.



## II. Key challenges for the security of human rights defenders

There seems to be general agreement that in many places the space for civil society action is shrinking, while physical attacks against HRDs are increasing in frequency and severity. As noted above, the evidence base justifying this conclusion is limited. Recently, the number of communications sent by the UN Special Rapporteur to governments has fallen, as have numbers provided by groups in Guatemala and Colombia at the time of writing.<sup>15</sup> The number of emergency grants made by groups such as Frontline Defenders (Front Line) or the Urgent Action Fund (UAF), however, are increasing (although it should be acknowledged that the number and size of emergency grants changes with political developments and may be a function of availability). Responses to the questionnaires clearly reflect contexts which are dynamic, mostly influenced by the local political scene in each country, with spikes in threats around certain events (e.g., elections, releases of major reports, and return from foreign trips to publicize violations).<sup>16</sup> One of the major international organizations working on the protection of defenders stressed that

*“Threats are common for us. Not just victims and their families, but labour activists, students. It happens to all people, so we ignore it. We don’t know if something could happen.”<sup>14</sup>*

[F]rom our own frequent discussions with HRDs and with others working at the international level on the issue, we would conclude that there has been a significant increase in attacks against HRDs throughout the last decade. Although there have been fluctuations in different countries globally, there seems to have been an increase in the number of attacks against HRDs, the number of countries in which HRDs are under attack, and the severity of attacks on HRDs. It is very difficult to measure accurately but there would seem to be an increase in targeted killings of HRDs (as opposed to HRDs killed indiscriminately because they were working in areas of armed conflict, which has probably not shown such a consistent pattern). We would also conclude that the repression of HRDs has become increasingly systematic in a growing number of countries.

Some NGO reports provide very detailed and specific information on the types of threats faced by defenders in individual countries, as well as on a wealth of individual cases.<sup>17</sup>

A persistent refrain in interviews is the general deterioration of the framework for human rights advocacy, with heightened regulatory and administrative pressures, as well as dissatisfaction with the current effectiveness of measures to push back taken by communities, friendly governments, and intergovernmental organizations (IGOs).

A number of groups track the state of civil society as a whole and freedom of association and assembly more specifically.<sup>18</sup> Their reports strongly suggest a significant shrinking of space for civil society. According to Front Line, many more countries have adopted laws directly affecting the work of HRDs by passing legislation that restricts freedom of association and assembly, a negative trend which is particularly pronounced in Africa and former Soviet countries. Passage of such legislation is followed by prosecutions for running unregistered organizations or for holding unauthorized meetings. These laws also threaten and suffocate support networks (including journalists and lawyers, who are themselves often directly targeted).<sup>19</sup>

An additional and insidious threat to human rights work exists in the form of restrictions on the receipt of foreign funding, a trend which has become more pronounced recently across the globe. A 2013 report by the Observatory for the Protection of Human Rights Defenders (a joint project of the FIDH and the OMCT) details this trend in 35 countries and notes the “silencing” effect that such measures can have on the work of human rights defenders.<sup>20</sup>

In Belarus, Ales Bialiatski, the President of “Viasna” Human Rights Centre, is serving a prison term for using foreign funding, and his colleagues were evicted from their offices; in Ethiopia, regulations on foreign funding have forced NGOs to limit their human rights work and dismiss staff; in the Russian Federation, NGOs receiving foreign funds face criminal liability if they fail to note “foreign agent” on all official documents. Even cooperation with a UN body is no inoculation against such measures. A St. Petersburg court recently ordered the Russian human rights group Memorial to register as a “foreign agent” because it received foreign funding for its work, which had been designated as “political” by the court. Prosecutors had referred to Memorial’s submission of a report on police brutality against Roma and other migrants to the UN Committee Against Torture for the Committee’s 2012 review of Russia.<sup>21</sup>

Whether or not freedom of association and assembly are restricted, authorities increasingly use other legislation to harass HRDs, whether it be trumped up charges of terrorism, subversion, hooliganism, fraud, defamation, or tax evasion. This practice has become extremely common and feeds on vague laws and faulty justice systems. Countering such harassment drains essential resources from human rights activists. It also gives an appearance of justified prosecution to the general public, as the charges may seem unrelated to the defenders’ human rights work. Importantly, it generates long-term damage to the public image of individual defenders, human rights organizations, and human rights work as such. Prosecutions limit significantly the potential of other governments or intergovernmental institutions to intervene, except to observe trials, and, subsequently, to mitigate the harshness of conditions of detention.

The murder of defenders continues to be widespread, and occurs virtually without consequence for perpetrators. In its 2013 report, Front Line mentions 24 killings of HRDs (this does not include the 70 journalists killed as documented by CPJ). In most cases, the authorities are directly implicated; in virtually all cases, effective investigations have been fruitless, and the murders remain unpunished. Front Line reported numerous physical attacks in 28 countries across all regions, along with continued widespread judicial harassment and detention of activists.

NGOs are also reporting an increasing number of raids on their premises, resulting in theft of information and/or property, as well as a marked increase in surveillance in all its forms. Given precarious and insecure funding, most NGOs rent space, move frequently, or use premises that are unsuitable as offices; this makes it difficult to invest in office security or absorb the loss of stolen or destroyed records and equipment without significant setbacks in their work.

The stigmatization of HRDs, where opponents use labels to discredit them and foment public hostility, is also widespread. While the specific labels used depend on the culture, history, and political context of each country, the effect is the same. HRDs are named communists or terrorists in Colombia, India, the Philippines, and Turkey; anti-patriotic or pro-Western in Serbia, Zimbabwe, and former Soviet countries, including Armenia, Azerbaijan, Belarus, Georgia, the Russian Federation, Uzbekistan, and Turkmenistan; and as separatists in Indonesia, particularly in West Papua. In some countries, including Zimbabwe, they are called homosexuals and accused of undermining traditional values. Women HRDs, who often challenge stereotypes, cultural norms, and traditions about the role of women in society, are even more exposed to labeling and stigmatization than their male colleagues, branded as prostitutes, witches, and bad wives or mothers.

In many countries, LGBTI rights defenders find themselves direct targets of harassment and intimidation by the government; they are also exposed to attacks and intimidation by society more generally and are often marginalized within the HRD community. For example, Uganda's notorious anti-homosexuality law, signed by President Museveni on February 24, 2014 not only increases penalties for some forms of consensual same-sex conduct between adults, but also imposes criminal penalties for the so-called "promotion" of homosexuality, threatening the operation of groups that promote non-discrimination and tolerance as well as groups that provide health services to LGBTI people.<sup>22</sup> Another group of defenders who are increasingly targeted are HRDs working on economic, social, and cultural rights (ESC). This includes activists working on land rights, the impact of development projects on local communities, the use of natural resources, corruption, and labor rights. A recent Amnesty International report noted that "women and men, working to defend human rights related to land, territory or natural resources" made up the majority of cases of human rights defenders on which it took action from 2010 to 2012 in the Americas.<sup>23</sup>

Journalists who report on cases of corruption or on investigations of past abuses are among the groups of defenders most affected by human rights violations. Reporting on organized crime, drug trafficking, corruption, and other criminal activities, where the actions of powerful non-state actors may be exposed as a result of investigative journalism, remains highly dangerous. Trade unionists continue to be the target of many attacks and confirm worrying levels of anti-union violence.

Respondents also report increasing threats by criminal groups (especially in places where the state is weak or ineffective, such as Mexico) and indifference to threats on the part of state authorities until they reach a stage when it is too late.

Even those HRDs who cooperate with and provide information to international and regional

human rights bodies are not insulated from attacks. The use of reprisals against HRDs who cooperate with intergovernmental bodies has attracted more attention in recent years and was denounced by the president of the Human Rights Council in 2012. The 2012 Front Line Report notes cases of reprisals reported by HRDs in Bahrain, Belarus, Colombia, Kazakhstan, Saudi Arabia, and Sri Lanka.

Perhaps the key trend common to all countries is the near total impunity for attacks against defenders.<sup>24</sup> In her report on Guatemala, the UN SRHRD mentions a prosecution success rate of two percent for alleged crimes against HRDs. Indeed, a consistent thread through all interviews has been exasperation with this level of impunity coupled with a conviction that one of the best forms of protection for defenders would be the punishment of perpetrators of previous attacks.<sup>25</sup>

Finally, a very large number of respondents pointed to the heavy toll that such hostile environments and attacks take on defenders, particularly on their health and interpersonal relationships, a dimension of the problem that is sometimes difficult to capture in formal reports. Human rights organizations, with limited and insecure funds, certainly have neither the resources nor the skills to tackle such challenges.

## III. Responses to the security challenges of human rights defenders

This section of the review explores the responses of various intergovernmental bodies, national governments, NGOs, and donors to address the security challenges facing HRDs.

### THE RESPONSE OF THE INTERGOVERNMENTAL SYSTEM

Intergovernmental organizations such as the UN, the OAS, the African Commission on Human and Peoples' Rights, the EU, the Organization for Security and Co-operation in Europe (OSCE), and the Council of Europe, have created a toolbox of policies and mechanisms designed to protect HRDs. Chief among these are the UN Declaration on Human Rights Defenders,<sup>26</sup> the UN Special Rapporteur on Human Rights Defenders (currently Michel Forst of France, appointed in June 2014 to succeed Margaret Sekaggya of Uganda), and the 2004 EU Guidelines on Human Rights Defenders (a "political commitment" to guide both policy and the actions of EU member states' embassies).

#### UN SPECIAL PROCEDURES: THE UN SPECIAL RAPPORTEUR ON HUMAN RIGHTS DEFENDERS

A key activity of the Special Rapporteur—one of over 30 special procedures of the UN Human Rights Council—is to write and present annual reports to the Human Rights Council and the General Assembly on particular topics or situations of special importance to HRDs.<sup>27</sup> Former Special Rapporteur Sekaggya's 2010 report focused on women HRDs and on defenders working on women's rights and gender issues, while in 2012 she addressed the use of legislation to regulate the activities of HRDs.<sup>28</sup> Another report reflects on the relationship between large-scale development projects and the activities of HRDs.<sup>29</sup> The studies produced by the mandate have also been widely used by defenders in their advocacy.

The Special Rapporteur also conducts and reports on country visits<sup>30</sup> and works on individual cases<sup>31</sup> through communications to governments (urgent and not). The descriptions of the allegations received, the action of the Special Rapporteur, and the response of the state concerned—if any<sup>32</sup>—are only published once a year, thus leaving defenders without information about action taken on their cases for many months.<sup>33</sup>

A number of other Special Rapporteur mandates often support HRDs.<sup>34</sup> In March 2011, the Human Rights Council established a Special Rapporteur on the rights to freedom of peaceful assembly and of association and elected Maina Kiai, a prominent Kenyan human rights activist, to the post. His mandate is to study trends, developments, and challenges in relation to the exercise of these rights, to make recommendations to ensure the promotion and protection of the rights to freedom of peaceful assembly and of association, and to report on violations, as well as "discrimination, threats, or use of violence, harassment,

persecution, intimidation, or reprisals directed at persons exercising these rights.” The mandate’s most recent report addresses, in part, access to resources as a vital aspect of freedom of association.<sup>35</sup>

Measures for the protection of HRDs have also been included in the recommendations under the Universal Periodic Review and as part of states’ periodic reports under global human rights treaties. While such documents no doubt contribute to keeping international attention on challenges for defenders, it is difficult to assess their practical effect on the protection of defenders on the ground.<sup>36</sup>

### THE EUROPEAN UNION

With significant funding and political clout, the European Union is an important player in the protection of HRDs. It serves as a source of political pressure to improve the general environment for defenders and as a protection entity through the action of EU diplomats following the EU Guidelines on Human Rights Defenders in the field.

Under the Guidelines, a policy document that was adopted in 2004 and revised in 2008, the local presences of both the EU as an institution and of individual EU member states (such as delegations, embassies, or consulates) are encouraged to establish local field mission “implementation strategies”<sup>37</sup> for the Guidelines, appoint HRD Liaison officers (over 100 have been appointed, a mixture of EU staff and diplomats from embassies),<sup>38</sup> and establish local working groups on human rights. The Guidelines encourage activities to raise the visibility of HRDs, such as inclusion of the challenges they face in human rights dialogues,<sup>39</sup> public interaction with defenders, trial observation, and visits to prisons or to defenders under house arrest. They further envisage concrete measures of protection (ranging from demarches to emergency extraction). Thus far, it would seem only two states—Ireland and Spain—grant emergency visas to facilitate the temporary relocation of defenders.

The Guidelines were initially implemented in piecemeal fashion, with little awareness on the part of HRDs about the potential of the EU to assist them. The EU’s June 2012 Action Plan addressed some of these concerns by publishing the contact details of the human rights focal points and Liaison Officers for HRDs on both the European External Action Service (EEAS) and EU Delegation websites. It also launched a voluntary initiative to facilitate the provision of temporary shelter to HRDs at risk by coordinating and supporting programs developed by municipalities (such as a temporary shelter initiative in the Hague, Netherlands), NGOs, and other actors.<sup>40</sup> The Action Plan also calls for EU delegations’ and EU Member states’ missions to prepare human rights country strategies (HRCS) and to update these annually. The issue of HRDs has reportedly been included in the “overwhelming majority” of these country strategies, but the fact that these are internal documents makes monitoring such commitments difficult.<sup>41</sup>

Several useful publications provide more details and analysis; a recent Front Line handbook targeted at civil society outlines how advocates can use the EU infrastructure in their advocacy on behalf of HRDs;<sup>42</sup> some publications, though dated after the EU’s recent major institutional changes, continue to provide helpful analysis.<sup>43</sup>

In its 2010 assessment of the implementation of the Guidelines, Front Line stressed both the progress (building up structures of response, more instances of trial observation, and wider consultation with civil society, with “annual” meetings between EU diplomats and defenders held in more than 80 countries in 2010) and the continuing challenges in providing meaningful interaction between EU officials and HRDs on the ground. Information about the Guidelines remained patchy, training for defenders un-systematized, and the issue of speedy delivery of “emergency visas” unresolved. These concerns remain valid today. A 2013 European Parliament assessment of the implementation of the Guidelines noted that HRDs continue to lack understanding and information on how to engage the EU HRD machinery, including its potential to respond to emergency cases, and that there remain problems in responding to the needs of particular groups of HRDs, namely gender rights activists and HRDs located in rural areas.<sup>44</sup>

Since the EU’s direct protection measures remain confidential, there is only indirect evidence of how well the system works. The HRD liaison officers are expected to trigger concerted action in urgent cases. The feedback from defenders is that the effectiveness of such action depends on the skill and passion of the individual diplomats involved. Turnover is frequent given that liaison officers are appointed for terms of one year at a time and have no formal job description, leading to a lack of sustainable expertise in protecting HRDs. Only a handful of countries, including the UK, Netherlands, and Sweden, have trained their diplomats on how to relate to defenders. Nevertheless, in certain countries, such as Guatemala, the EU has been very active in support of defenders. Since the same diplomats may also be involved (more or less directly) in decisions about funding for NGOs, it is difficult to elicit a very frank response on the effectiveness of the EU’s political action; but there is no doubt that in certain cases it has been very effective, especially in emergency situations.

### THE INTER-AMERICAN COMMISSION ON HUMAN RIGHTS<sup>45</sup>

The Inter-American system has developed the most sophisticated international response to threats to HRDs, where the Inter-American Commission on Human Rights grants precautionary measures, or recommendations, to states for action to protect defenders.<sup>46</sup> Such measures are granted in cases involving attempted killings, death threats, other kinds of threats, harassment, physical attacks, breaking and entering into offices and homes, individuals identified as military targets by paramilitary forces, and human rights workers accused of belonging to guerrilla organizations. When a member of an NGO has been killed, the Commission has sought protection for the rest of its members. The protection covers, as necessary, some or all of the members of one or several organizations and, when applicable, their families. The number of precautionary measures varies, with 35 granted in 2012, and 57 in 2011 (the Commission grants roughly 20 percent of the requests it receives, according to unofficial information from the Secretariat).<sup>47</sup>

The Inter-American Commission also holds special hearings on individual countries, conducts country visits, and prepares thematic reports and studies, all good opportunities for input by NGOs. It has published two major reports on HRDs in 2006 and in 2012, respectively.<sup>48</sup> In

preparing for the latter, it conducted a hearing in March 2011 with civil society on the situation of HRDs, following which it established the position of a Special Rapporteur on HRDs, similar to the Special Rapporteurs in the UN. The hearing served as an opportunity for a large group of NGOs, spearheaded by the Center for Justice and International Law (CEJIL), to present a study of those challenges and make recommendations to the Commission and to governments.

### OTHER REGIONAL PROTECTION SYSTEMS

Beyond the European Union, both the Council of Europe and the OSCE have developed standards to support the work of HRDs and established institutions to promote those standards.

The **OSCE** has a focal point for human rights defenders in its Office of Democratic Institutions and Human Rights (based in Warsaw) which has published several reports on the situation of HRDs<sup>49</sup> and has undertaken promotional and educational activities such as publications, seminars, and trainings. The focal point states that it “encourages and supports the establishment of networks of human rights defenders and may address individual cases, where appropriate.” Most likely, its involvement with individual cases is based on informal demarches, and respondents have noted useful interventions in certain cases by OSCE officers based in specific countries, including help defusing hostile situations and increasing visibility of the work of defenders. The OSCE is also in the process of developing guidelines for participating states on how to effectively protect HRDs (expected in 2014).

In the **Council of Europe**, activities are focused on the general enabling environment for human rights activism, such as research, reporting, and standard-setting on freedom of association and assembly. HRDs are a central theme of the work of the High Commissioner on Human Rights, through country visits and reports, support for defenders’ networks, and in raising individual cases with governments through informal channels.<sup>50</sup>

**The African Commission on Human and Peoples’ Rights** has its own Special Rapporteur on the Rights of Human Rights Defenders in Africa, currently Reine Alapini-Gansou.<sup>51</sup> The Rapporteur publishes press releases and undertakes country missions, which defenders have found helpful in raising their profiles with their own authorities. In her report to the 54th session of the African Commission (October-November 2013), the Rapporteur mentions promotional (awareness-raising) work in Burundi as well as efforts to finalize new reports on the situation of women human rights defenders in Africa and on freedom of association on the continent.<sup>52</sup>

The Rapporteur also works on individual cases. In her last report,<sup>53</sup> she noted dialogue with seven states parties to the Charter regarding allegations of violations of the rights of HRDs; the Democratic Republic of Congo (4), Kenya (2), Cameroon (1), Egypt (1), Angola (1), Zimbabwe (1) and Sudan (1). She further laments the inadequate cooperation between states and her mandate, noting that none of these communications have resulted in action by the states concerned. It appears, from informal sources, that in 2010 the Special Rapporteur submitted around 50 communications on individual cases. Until recently, no list of names, types of allegations, or report of any practical effects was publically available. However,



since November 2010, tables of cases “handled” began to be made public. Thus, from April to November 2010, “around 30 cases” were “handled.” Action, however, was only taken in one of these cases (Floribert Chebeya), in which the government promised to establish a Commission of Enquiry.<sup>54</sup> In the period from November 2010–April 2011, the mandate reported that 30 communications related to 16 countries had been “handled.” In a few cases, “dialogue” with the state party was engaged, while in all other cases no specific information on steps taken or state responses were provided.<sup>55</sup>

Overall, the responses to the review questionnaires suggest that the international intergovernmental mandates can be useful as a means to focus attention on defenders and on the issues they face, even if respondents reflect on these procedures with a mixture of hope and resignation. After all, civil society advocated intensely to establish these mechanisms, yet their impact seems to be significantly less than originally hoped.

It is clear that certain institutions, and frequently individuals within those institutions, may be quite instrumental in providing a measure of protection for defenders through both political processes and informal interventions in specific locations. Diplomatic demarches between capitals have, on occasion, played a key role in addressing individual situations, and actions of support and solidarity by locally-based diplomats of human rights-friendly countries and local staff of international organizations have been among the most effective in putting pressure on delinquent governments or reacting quickly to threats.

Defenders interviewed in the course of this review seemed to most appreciate country visits. They provide an opportunity for the mandate holders to raise concerns directly with governments and encourage NGOs to elaborate and promote common positions on the key challenges they face.<sup>56</sup> Reports on trends and countries, especially if developed in consultation with civil society and followed up on (which is infrequently the case), can be useful snapshots of challenges and possible solutions. On the other hand, country visits have, on occasion also been criticized as being too focused on interaction with governments rather than engagement with civil society.<sup>57</sup>

As far as individual communications are concerned, the UN and the African Commission Rapporteurs lack both the power and resources to ensure their communications are paid attention to<sup>58</sup> and lack capacity to provide long-term follow up.<sup>59</sup>

In the Inter-American system, critics have noted the slow and formalistic character of individual measures of protection<sup>60</sup> and their often uneven implementation. Where there is a general pattern of ineffective protection, or the threats come from high-level officials within the state, they may have no impact whatsoever. Even though one of the main principles of precautionary measures is that their implementation be executed in consultation with the beneficiaries so as to ensure that measures are tailored to their specific needs, there remains a lack of coordination between the state and beneficiaries. Finally, the Commission does not have the resources to conduct in-depth analyses of threats and attacks in order to identify the source of risks and prevent future acts of a similar nature, or to follow-up on the implementation of precautionary measures in-country. There are, moreover, no significant legal or political consequences for states who do not implement the precautionary measures ordered.

It remains to be seen how the recent reforms of the Commission, which came into effect in August 2013 will impact the system. One aspect of these reforms is that, when precautionary measures are granted, they should now be accompanied by a resolution that articulates the reasoning behind them. On the one hand,, this injects more transparency into the process. However, it may well increase the burden on an already over-stretched staff, slowing down and limiting the number of precautionary measures granted and further reducing the scope for effective follow-up.<sup>61</sup>

The manner in which information on individual cases is presented by most of the international mandates (in long narrative reports or MS Word tables, without a common presentation format, sometimes excessively succinct or cryptic, or excessively detailed) makes it virtually impossible to follow cases through to their eventual solution (if any), or to track action over a prolonged period of time. Several years ago, a project was launched to coordinate the activities of the multitude of intergovernmental bodies, through the creation of a website<sup>62</sup> and regular meetings of mandate holders. The website may be a useful entry point to the work of the international mandates. It appears, however, that the mandate holders do not always attend those meetings in person, and, so far, it is unclear if any significant progress has been made on collaboration on visits, cases, or on ways to better present detailed and easily searchable information on the work of the respective mandates.

### *Reprisals against HRDs who co-operate with inter-governmental bodies:*

Recent years have seen increased attention to reprisals against those HRDs who cooperate with these intergovernmental systems, particularly the UN. This issue has become more visible perhaps in part due to the introduction of the Universal Periodic Review system and the proliferating number of high-level commissions of inquiry into various crises, which has broadened the number of civil society activists who come into contact with the UN system.<sup>63</sup> As one interviewee noted, if for no other reason than self-interest, the UN must ensure that there is no impunity for this particular type of attack on HRDs, if the system as a whole is to function as intended.

To date, efforts have been modest, but notable for their potential to re-engage the discussion on states' responsibilities in this area, and as a window into a broader discussion on how to tackle impunity for attacks on HRDs more broadly. The UN system has kept an annual record of reprisals against those who cooperate with it for decades, but the list was largely ignored. Since 2009, a number of NGOs<sup>64</sup> have sought to focus attention on the report, with some success. What was once merely a compilation of cases now includes recommendations for action to address the issues.<sup>65</sup> Currently, advocacy efforts are focused on creating a UN-wide focal point on reprisals so as to sensitize the entire UN machinery to the risks that defenders face when they cooperate with the UN system; these efforts seem to have stalled, however, due to the opposition of key states in the General Assembly, spearheaded by the African group.<sup>66</sup> There has also been increased attention to this issue on the part of the Special Procedures mandate holders and the Treaty Bodies. For example, the UN Committee on Torture now has a rapporteur on reprisals.

## THE NATIONAL GOVERNMENTAL RESPONSE

Several states have developed national governmental mechanisms to protect human rights defenders.<sup>67</sup> The best known and the best resourced (largely through donor support) has been the mechanism in Colombia. Brazil, Guatemala, and most recently Mexico<sup>68</sup> have also put in place national HRD protection programs; legislation to do so is being considered in Indonesia, Nepal, and the Philippines. Protection International has recently published an overview of efforts to improve the protection of HRDs through strengthened public policies<sup>69</sup> and developed a manual for legislators on how they can engage with this issue.<sup>70</sup> Advocates, while mindful of their limitations, see these national protection systems as both meeting a legal obligation on the part of the state and a public reaffirmation of the legitimacy of the work of HRDs. Where they exist, as a rule, a government institution is tasked with analysis of risks and provision of protective measures, usually reactive after attacks occur. The provision of police escorts and other physical security measures has become the main element of protection under these schemes.<sup>71</sup>

It appears that such initiatives—with the exception of the one in Colombia—have not been independently evaluated with sufficient input from their actual or potential beneficiaries. In countries where they exist, the majority of respondents to this review are quite critical of their operation. The scale of these initiatives may be quite limited in terms of the territory they cover<sup>72</sup> and the number of individuals protected.<sup>73</sup> Their key weakness is the lack of preventive action; even if the agency is authorized to undertake prevention, it rarely does so.<sup>74</sup>

In many instances, these governmental initiatives are perceived as an attempt to appease international audiences, without effectively addressing the root causes of attacks: stigmatization of the work of defenders, inadequacy of institutional arrangements for personal security, and impunity of perpetrators. They are also reportedly insensitive to the specific challenges faced by women HRDs, and, as a rule, severely under-resourced. Finally, it appears that over the long term, these systems do not lead to a significant reduction in threats and attacks.<sup>75</sup>

## THE NGO RESPONSE

Human rights NGOs use a variety of strategies, usually in combination, to address the various threats to their security and working spaces. The main responses are advocacy to sustain solidarity and influence policies; lobbying for norms and institutions that constitute an enabling environment for human rights work; interventions to increase the security of activists, offices and information; and emergency responses. Overall, emergency responses remain the focus of the human rights community,<sup>76</sup> and a focus on generating international attention and pressure on violators,<sup>77</sup> with less attention being paid to systemic preventive measures, innovation to address the most intractable challenges, or work in support of building long-term resilience, respite, and rehabilitation. The proliferation of donor programs that often seek to develop quick and quantifiable outputs has led to donor prioritization of emergency responses—indispensable but insufficient—that may be

*Identifying the right mix of approaches requires an ongoing and reflective process. In talking to human rights defenders in each country, it was clear that there is no one-size-fits-all approach to protection. Conditions change over time, even in the same country or district. Consequently, the most important component of a protection strategy is a process for HRDs to assess and reassess the risks they face, identify appropriate measures, and obtain the information, physical protection, or other resources to implement them.<sup>78</sup>*

contributing to the existing gaps, despite considerable funding for this issue.

Several major international NGOs run specific programs on “human rights defenders” conducting advocacy, monitoring, and documentation on the threats and issues that HRDs face individually and collectively; others target their work at specific groups of defenders such as journalists or women. In addition, several organizations focus exclusively on protection, with the three largest international groups being Peace Brigades International (protective accompaniment in Guatemala, Mexico, Colombia, and Nepal); Protection International (with country-based protection desks in partnership with local NGOs, in DRC, Kenya, Honduras, Mexico, Guatemala, Colombia, Indonesia, Nepal, and Thailand); and Front Line. Forum-Asia and the East and Horn of Africa Human Rights Defenders Project are major regionally-focused organizations working on behalf of HRDs. Some groups, such as the Tactical Technology Collective (Tactical

Tech), focus on providing digital tools and expertise to ensure that HRDs and their work are protected. Finally, Amnesty International continues to provide important support for the security of activists through research, advocacy, and some practical protection measures, both via the International Secretariat and through the work of several of its major sections.

**The section below discusses four specific areas of NGO response:**

- **advocacy to influence the enabling environment for human rights work;**
- **personal, office, and information security;**
- **emergency support; and**
- **rest and respite and rehabilitation opportunities for HRDs.**

Respondents repeatedly stressed that a combination of diverse and complementary responses, sensitive to context and with sufficient flexibility to address rapidly changing circumstances, are the most successful in increasing their protection. Most protection programs do combine strategies depending on the country context and on the size, location, and sophistication of organizations and the level of collaboration among groups nationally and with international counterparts. In that sense, the following sub-divisions are largely artificial, but they are useful to analyze deficiencies and gaps. A number of donor organizations are also engaged in several of these activities, which is described in more detail later.

### **ADVOCACY TO INFLUENCE THE ENABLING ENVIRONMENT FOR HUMAN RIGHTS WORK**

Most respondents underscored the crucial role of advocacy in influencing the political and legal environment for HRD work, increasing the visibility and legitimacy of defenders, and contributing to their safety. Many of the key international and national norms and institutions

discussed in this report, as well as the opening of major new lines of funding by the European Instrument for Democracy and Human Rights (EIDHR) and the US State Department, are largely the successful outcomes of skillful and persistent NGO advocacy. Through domestic, but chiefly international pressure, advocacy is critical to raising the political cost for violators and is a key tool in seeking accountability for violations.<sup>79</sup>

A visible, constant, and “local” symbol of international concern with human rights defenders—highly appreciated by those who benefit from it—is the **“protective accompaniment”** provided by Peace Brigades International, which consists primarily of attaching volunteers from outside the country to local HRDs. This approach is based on the assumption that any actual attack will trigger an overwhelming international response and thus raise the costs for a potential violator to an unacceptable level. This works in environments where there is reasonable clarity about the sources of threats and where those sources are susceptible to international pressure. A crucial part of this approach is the range of moral and political support that PBI also engineers, both inside the countries where accompaniment is offered and through an extensive international network, to provide visibility, legitimacy,<sup>80</sup> and protection to the individuals and organizations that PBI “accompanies.”

International organizations have long used **monitoring and solidarity visits**, with all the advantages and limitations of international involvement.<sup>81</sup> Respondents have suggested substantially increasing, where relevant, the capacity of local organizations from one part of a country to mobilize solidarity with colleagues within the same country who may be facing heightened risk. An example of such an approach is the work of the Joint Mobile Group, the 2011 laureate of the Front Line Award.<sup>82</sup> Under their program, a group of defenders from throughout Russia travel together to Chechnya to work with colleagues based there, thus raising significantly the possible “political price” of any attack.

**Human rights defenders’ awards** are another widespread approach seeking to enhance the profile of HRDs.<sup>83</sup> Awards do increase visibility, especially to an international audience, and frequently come with long-term support for specific projects or for the organizations of the recipient. However, in some environments, the increased international attention they have brought to their recipients, has, in fact, led to more attacks, and in certain cases the permanent relocation of those defenders abroad. A recent review of some one hundred international and regional human rights awards concluded that, “more work is needed to assess the protective function of these awards, in particular, that related to heightening the visibility of HRDs through publicity.”<sup>84</sup>

It has been frequently stressed that a sophisticated response mechanism within a given country is impossible for one organization (and even less possible for small organizations far from major centers, or for individuals) to create and maintain, and that the best solution is to have a coalition of groups engage in protection activities. Interesting initiatives on sustaining **national NGO coalitions** exist in several countries, including Zimbabwe, Kenya, Indonesia, Colombia, and Guatemala.

- In Kenya, defenders have set up a national coalition for protection, currently as a project of the Kenya Human Rights Commission, which works across the country

- and provides analysis of risk, accompaniment to small organizations to enable them to set up appropriate security procedures, an alert system, and capacity to react in emergencies and support defenders with relocation and legal defense, among other measures.
- In Zimbabwe, several NGOs in Harare provide specialized expertise in legal assistance or counseling and medical care to victims of political violence, and they refer clients to each other. If HRDs are arrested, these networks also provide a coordinated response, organizing legal assistance, alerts, and material assistance. Human rights organizations provide a support system, bringing food to prisoners in remote prisons and their families. However, such assistance takes place on an ad hoc basis, often falls short of the demand, and severely taxes an organization's budget and time.<sup>85</sup>
  - In Indonesia, advocates have created a Human Rights Support Facility, a joint project of several organizations, but it has not been able to raise sufficient funding to develop its protection programs, and advocates admit that even major organizations have very basic security procedures.
  - A well-known example from Guatemala is the work of the NGO Unit for the Protection of Human Rights Defenders (*Unidad de Protección de Defensores y Defensoras de Derechos Humanos, UDEFEGUA*), established in 2003 as a monitoring entity within the National Movement for Human Rights (*Movimiento Nacional por los Derechos Humanos*) as a means of enhancing the protection of HRDs from within the human rights community. It monitors and reports on attacks against HRDs, including analyzing patterns and conducting advocacy before international and regional human rights mechanisms. It also researches complex and emblematic cases; mediates between defenders who have been attacked and local institutions; supports defenders in seeking prosecution for attacks; and coordinates with public structures on protection measures for defenders at risk. In its 2012 annual report, UDEFEGUA notes 305 attacks against defenders that year (nearly three-quarters of which were on advocates defending economic, social, and cultural rights).<sup>86</sup> Monitoring mechanisms have also been established for environmental defenders, journalists, and trade union activists. Despite these efforts, it is estimated that the number of attacks on HRDs have more than doubled since 2000.
  - Colombia has perhaps the best known and most wide-ranging NGO program for defending defenders where a number of interlocking groupings of civil society work together to advance the protection and security of HRDs.<sup>87</sup> As described in a detailed report, "in order to secure effective protective measures from the Government, the human rights movement is engaged in a process called the Protection Guarantees Roundtable...[T]he guarantee process works through a national board and regional roundtables responsible for evaluating the risk context of HRDs, agreeing on protective measures and policies, monitoring respect of the commitments made, and creating procedures to deal with specific threats."<sup>88</sup> The national roundtable includes government institutions, delegates from civil society, and representatives

of the international community, such as OHCHR, the UN Development Programme (UNDP), and the Swedish and Spanish embassies. In September 2009, Colombian organizations launched an international campaign “for the right to defend human rights,” joined by more than 300 international organizations.<sup>89</sup>

With the exception of the work in Colombia, and to a certain extent in Guatemala, these NGO institutions and coalitions are not sufficiently well-publicized outside of the countries in which they operate, and in many interviews, respondents were not aware of how their fellow defenders conduct protection work in other countries. Indeed, even within a single country there is often a significant lack of awareness about the existence of protection mechanisms for HRDs to access, particularly for groups operating outside of capital cities.<sup>90</sup> A minimal amount of well-placed, strategic funding could remedy this information gap.<sup>91</sup>

In the words of one respondent, “levels of capacity amongst national networks vary enormously. This partly depends on the severity of Government repression in some countries but it can also be a consequence of lack of resources, poor planning or divisions amongst HRDs (often linked to government repression). There is a need to invest more funds in national emergency protection networks established by human rights NGOs themselves, contingency funds, and capacity building/planning in this area. (However, it is generally counter-productive to try to impose unity from outside.)”

Regional networks (in Africa, sub-regionally, in the South Caucasus, and in Asia) have also been developing in recent years.<sup>92</sup> In some places, they compensate for the absence of national capacities in countries covered by them, while in others they are a useful space for sharing experiences and streamlining access to international networks, including access to funds.<sup>93</sup>

### PERSONAL, OFFICE AND INFORMATION SECURITY

There is an emerging trend to improve office and personal security, usually *after* serious incidents happen, but this is still very rare. Among the responses to this review, there were only isolated examples of both carefully prepared and consistently executed security plans, and only a handful of interviewees described in convincing detail the daily routine of following a well-designed plan in their organization. Some large organizations, especially international ones, do have such plans in place for their staff, sometimes recommended by their insurers; this is obviously an option that is available to only very few organizations at the present time (although field staff experience suggests that these plans may not always be implemented consistently).

*“I am shocked to see how unprepared defenders go into seriously hostile environments”*

*—An international consultant on security working with local human rights groups in Africa.*

Literature and training on security issues have become increasingly available in the last five to six years. Protection International has published a dedicated manual for human rights defenders’ organizations, which is widely used even though some respondents would prefer it to be more attuned to their specific circumstances, and others find it too focused on technical security.<sup>94</sup> It has also developed a

dedicated website that provides tools for different audiences concerned with HRD protection issues, including, diplomats, parliamentarians, and the media, among others.<sup>95</sup> Training on organizational security and risk analysis is also undertaken by a number of organizations, among them again Front Line and Protection International (through its protection desks), as well as some companies offering services to both businesses and non-profit organizations.<sup>96</sup>

A focus on physical security remains a mainstay of most trainings on offer, although at the time of writing there was a great deal of emphasis on digital security training. Training in these two areas appears not be coordinated at all. However, recent efforts by some groups, noted below, attempt to address this by creating a more “joined-up” approach to HRD protection. Some interesting initiatives involve providers working closely and continuously with partners on the ground, but such projects are very limited in number. In addition, none of the existing training programs seem to have been rigorously evaluated as to their effect on the actual preparedness of groups and individuals. Anecdotal evidence suggests that very few organizations go on to develop policies and protocols following the training currently offered.<sup>97</sup>

A number of factors may be at play. The first relates to the internal organizational cultures of many NGOs, or what one respondent called “the lack of a protective mindset.” Lack of resources, deficiencies in current trainings,<sup>98</sup> and the absence of long-term partnerships between security solutions providers and “recipients/clients” of trainings are other important factors. Respondents also suggest that training projects are usually driven by providers, rather than evolving organically from within recipient organizations, and that providers sometimes design trainings or services without extensive prior consultation with recipients.

For their part, the providers of security advice stressed in interviews the need for security protocols to be updated regularly in response to the dynamic nature of threats and well-integrated into the routine management of an organization (rather than a luxury to be acquired from time to time and then forgotten or shelved). Among the essential elements of any security protocol are:

- ***security of communications and data (particularly back-ups), encryption, and dealing with electronic surveillance (including data on partners/clients);***
- ***operational security related to missions;***
- ***organizational security, including ways to counter infiltration;***
- ***physical security, including methods to counter surveillance and protect offices and meetings; and***
- ***a culture of transparency within an organization so that staff share information about threats and can trust one another (even though infiltration has sometimes been an issue).***

In order to impact the security of defenders, security policies and actual practices need to form part of the day-to-day operations of the organization, and outside support needs to be viewed as part of a continuous “service” to be provided to HRDs. In effect, the focus



needs to shift from the provision of one-off intensive training(s) to the long-term availability of experts from training organizations (or other providers) who are available on a continuous basis to respond to enquiries about planning, routine “maintenance,” and particular threats that HRDs face.<sup>99</sup> Protection International is increasingly shifting its focus in this direction, providing “accompaniment-like” services to HRDs as they develop and implement security plans, but significant resources are needed to provide such one-on-one support.

The field lacks a well-resourced center of excellence, with sufficient global reach, which could set the standards to be followed; integrate all elements of security (broad risk assessment, IT and data, office, and personal); provide expertise globally, and, most importantly, ensure that it can “accompany” the organizations it works with over a long-term period to enable them to internalize and regularize security planning and implementation.

There are some preliminary efforts, facilitated by Tactical Technology Collaborative, but involving most of the major players in HRD safety, to adopt a more integrated and coordinated approach to digital security, psycho-social well-being, and physical security, that recognize the importance of such “joined-up” efforts to enhancing protection. Co-trainings by key actors in the field to build capacity in different areas that are relevant for HRD protection certainly help to reinforce the message that an integrated approach to protection is key. Trainers are also beginning to reflect on methodology and assessment, examining why trainings sometimes have a limited impact and strategizing on how to improve this in the short term. However, more is required to translate the potential of current training efforts into effective tools and strategies for the protection of HRDs under threat.

Finally, and of equal importance, a long-term response would require consistent donor support for individual organizations to create and sustain their internal space to understand, develop, continuously review, and implement security policies and practices.

### EMERGENCY RESPONSES

Emergency measures—including urgent appeals, emergency relocation (or financial support to enable it), and legal defense (especially in cases of arbitrary detention and/or spurious prosecutions) and small direct grants—make up the major response strategy for the moment and have dominated to date not only NGO research and action but also funding streams for protection. Major international NGOs have developed their own procedures and raised funds for either their own emergency responses or to support partners in their respective networks. The majority of human rights donors either support such emergency responses or themselves possess (usually very small) funds that could be disbursed quickly for grantees at risk.

*“You can’t deal with long-term challenges with short-term measures”*

*—A human rights defender from Africa*

**Urgent appeals** (whether public or confidential) are a central part of emergency response, usually made to a global audience and designed to elicit a strong and rapid response, either to a particular case or to the threat of policies or legislation that could negatively impact

the space for human rights work and the safety and security of HRDs. This type of response attempts to trigger political action by (mainly external) actors (the UN, the EU, individual governments) that could be influential in preventing, reacting to, or redressing the harm of attacks against defenders. Front Line, Protection International, and the Observatory for the Protection of Human Rights Defenders are perhaps the best known sources, each with global coverage focused particularly on urgent appeals. A number of organizations targeting particular governments, or working in specific regions also issue emergency appeals, as do a large number of national organizations.

*New technology that is being piloted in this area may have the potential to make emergency responses more timely and perhaps effective. Amnesty International has developed what it calls the "panic button app," which allows activists to secretly disclose their locations to key contacts in an emergency, enabling activists who are at risk of being seized, detained, or "disappeared" to share vital information quickly to sources who can assist them and/or advocate on their behalf.<sup>100</sup>*

**Relocation of defenders** is another major area of emergency response. As described in a 2011 report published by the WHRDC,<sup>101</sup> some organizations have established specific relocation or placement programs and work directly with defenders on various aspects of the relocation process, while others provide financial assistance but are not necessarily directly involved. Additionally, some groups relocate individuals on a case-by-case basis, which may involve seeking external funds and temporarily hosting WHRDs at risk within the organization or with allies and/or referring them to organizations with relocation programs. Forum-Asia, for example, has a protection plan for HRDs and WHRDs that provides support of up to US\$4,000 for relocation of 3-6 months with a member or a partner organization in its network. Defenders applying for this grant must demonstrate that other remedies and protection measures are inadequate. The program also requires that the defender applying for relocation assistance is a member of Forum-Asia's network or has worked with any of Forum-Asia's members or partners.<sup>102</sup> The East and Horn of Africa Human Rights Defenders Project (EHAHRDP) also provides this type of relocation assistance to defenders from within its sub region. A number of other organizations, both global and regional, arrange or support relocation in perhaps a more ad hoc manner and on a smaller scale. Organizations supporting media workers also provide both logistical and financial support for relocation.

Decisions on relocation can never be taken lightly.<sup>103</sup> Respondents have underlined the need to consider more options for relocating defenders within their country (where safe) and to integrate possibilities to continue human rights work so that there remains a realistic possibility of staying engaged in human rights struggles at home. The feeling of "dislocation," not just from one's home but from those very struggles which HRDs have sacrificed so much for, was cited by one interviewee as a major driver in the effort to create regional and sub-regional networks to assist HRDs (in this case, in Africa). Respondents also noted the need to be particularly sensitive to the defender's own wishes, as well as to the particular challenges that relocation may pose for women HRDs, such as the need to

consider support for families (including, but not limited to, relocation). The capacity to offer legal support and psycho-social counseling is vital for relocated defenders and is integrated into the best programs on offer, but it is by no means universally available. Other elements of support may include language or vocational training but that is again rare, and beyond the budget of most relocation programs.

Most relocations last for short periods of time—usually three months, occasionally six, and, very rarely, twelve months. Often, defenders are faced with stark choices when these periods end. Some respondents stressed the importance of being clear at the outset about what relocation can offer and for how long, and what it cannot. Some suggestions of addressing the issue of longer-term placements are made below in relation to rest and respite programs.

**Legal support** is an area of increased attention, because of the widely noted recent trend in malicious prosecutions of HRDs, and the abuse of ostensibly legal (but illegitimate) ways of intimidation and persecution. An interesting recent initiative is the creation of networks of lawyers in Western countries who are available to work with threatened HRDs.<sup>104</sup> Several of the organizations providing emergency grants include support for lawyers, trial observation and/or monitoring. Yet again, however, the sums available<sup>105</sup> are very limited.

**Small-scale direct grants** can also be provided to defenders in emergency situations. Such grants can pay for cell phones, office and IT security measures, and legal and medical fees, but these grants are not by any means sufficient to cover all needs. In cases of imminent danger, funds might be used to provide food and accommodation for defenders in hiding or to fund a speedy evacuation.<sup>106</sup> Such grants are provided by a variety of sources; they may come directly from primary donors (e.g., Cordaid, HIVOS, AJWS, and sometimes by EU and US embassies); or through intermediary donors (e.g., EMHRF, UAF, FGHR, and many women's funds). Such grants can also come from global NGOs, for whom emergency support is just one aspect of much broader work (e.g., Front Line, Freedom House); through issue and identity group based institutions,<sup>107</sup> and occasionally from national organizations or local units of international organizations receiving funds via one or more intermediaries.

Most emergency response facilities, however, have very small monetary limits,<sup>108</sup> as well as a number of restrictions on what they can cover and where.

Views as to whether some coordinating mechanism should be set up differ. Some point to the ad hoc nature of consultations between groups on individual cases as they arise<sup>109</sup> as well as the risk of over-attention to some cases while missing others. Others stress the onerous (and sometimes expensive) nature of coordination and the risks of compromising the information on defenders that would arise from storing that information in a central database.<sup>110</sup> There might also be more parochial interests at play, including limited interest in sharing information generated through one's own hard work, contacts, and reputation. Since some examples exist at a national level there are obviously both organizational and technological solutions available for setting up coordination.

Respondents to the questionnaires in this review repeatedly made the point that the field

lacks a clear picture (and reliable data) on all the available options for emergency responses (both NGO initiatives and donor funds) that is easy to access, available in key languages, frequently updated, and comprehensive. As important, such information needs to be clear about what different initiatives can do, how well they can do it, how grantees can access them, and what their limitations are.<sup>111</sup>

There does not seem to exist a common methodology or database for tracking defenders at risk or collecting information on emergency grants, which makes analysis of trends on threats, types of violations, updates on the current status of cases (reaction of protection mandates, or states, or judicial proceedings, if any), or modes of support impossible.<sup>112</sup> Urgent appeals are issued by many organizations, all in different formats. While organizations have their internal systems for following up on cases (and sometimes issue follow-up appeals), it is generally very hard for anyone looking for analysis of trends, or for up-to-date information on the current status of individual cases to find this information. This is also true for cases dealt with by intergovernmental systems; it is impossible to quickly check the status of a particular case, who has responded with what action, and what the effect of those actions has been. Neither the main NGOs in the field nor the various protection mandates seem to have any formal coordination that would allow for quick reference on individual cases from initiation until resolution.

This lack of information makes strong evidence-based judgments about gaps in coverage impossible, whether for particular categories of defenders or their specific protection needs, or for assessing the modes of response required. Most providers are uncomfortable publishing such information even if available. However, providers do seem to be in good contact with one another, albeit often informally and in an ad hoc manner, so overlaps may not be common.

Nevertheless, respondents to this review seem to agree that the needs for emergency response in the initial phase of a crisis can usually be met, even if some aspects of those grants could be improved. It would help, for example, if NGO programs offering such emergency responses could be supported on a longer-term basis (three to five-year grants as opposed to one or two year grants) and given more flexibility in making emergency support available to defenders. It is worth noting that nearly all such programs of emergency support, whether direct support to defenders at risk, or through grants, originate with international organizations, even if some have local presences. Very few national organizations and networks have the capacity to provide such support or disburse emergency grants. This makes reaching defenders in need of funds in smaller places outside capitals problematic.

Another area where capacity remains lacking is in the provision of emergency legal support, including legal defense and trial monitoring; new initiatives that increase the availability of lawyers to defenders at risk need to be developed. As with relocation, national and local organizations frequently possess neither the expertise nor the financial capacity (even at the national level) to provide emergency legal support to the threatened defender, and local groups or individuals who need such support need to apply for it, with usually low limits on amounts disbursed, length of grant periods, and restrictions on what costs can be covered.

Since rapid legal intervention is essential to prevent ill treatment, among other reasons, the capacity to provide emergency legal support needs to be significantly increased at the national, or sub-regional level.

### **REST, RESPIRE AND REHABILITATION OPPORTUNITIES**

It has become common knowledge, as well as a persistent refrain in interviews, that HRDs are not very good at caring for themselves. They may be focused overwhelmingly on the persons and communities they serve and reluctant to attract attention and help to themselves. However, there is increasing recognition that working in very hostile environments for prolonged periods of time is difficult to sustain, and may lead to a big toll on defenders' private lives, health, and in the end, on their effectiveness and security.

There are currently a number of initiatives that offer defenders opportunities to take a break for rest and respite, such as placements with sister organizations and academic placements. Among the best known are the Protective Fellowship Scheme at York University, fellowships offered by Front Line and the EHAHRDP, and some others.

However, there seems to be agreement among respondents that existing initiatives are inadequate for current needs. Available placements are very limited in number,<sup>113</sup> many are short term, usually far away from the defenders' countries. Frequently, the host institutions have insufficient resources to provide hosting geared toward the particular, individual needs of defenders. They may or may not include a well-designed and professionally-handled scheme for psycho-social support, which is essential for defenders, both as a routine measure of encouraging self-care and well-being and to deal with stress, exhaustion, and burnout.

The existing placements are also largely uncoordinated, and it may be a daunting task for defenders to arrange a placement with one of these initiatives. For example, the prerequisite for many of the placements in academic institutions include language skills and academic background that ends up excluding many of those defenders most at risk. It can also be extremely resource intensive to obtain visas from governments that are suspicious that the HRD will not return.<sup>114</sup>

In sum, the capacity of organizations and institutions to provide rest and respite opportunities needs to be significantly expanded and organized "nearer to home," and programs for rest and respite should provide an opportunity to escape threats, continue useful work, and offer good quality psycho-social support.

One solution advocated by respondents is the creation of a network of rest and respite centers and/or safe houses at more sub-regional and national levels. This would facilitate HRDs in moving back and forth according to the rhythm of their work and the threats they face while maintaining good communications and networking.

Such a network could be managed from a central rest and respite center for HRDs designed to serve as a network hub, providing greater capacity to respond to the needs of HRDs, and maintaining and improving "know-how," "know how not to," and "know-who" best practices on rest and respite opportunities. Having a dedicated center would offer opportunities

to maximize the possibilities for learning, sharing between defenders, and psycho-social support. Further thought may be given to selecting the best location, perhaps much nearer to defenders' countries of origin than most of the initiatives currently available.

At the same time, a number of well-functioning initiatives providing placements for writers, journalists, artists and scholars at risk do exist. These opportunities often involve active collaboration on individual cases, central facilities to which applicants can address enquiries and applications, and accumulated knowledge about the nature of threats, on country situations and familiarity with individuals in the field. Such hubs could be a very useful one-stop access point for donors as well and could maximize advocacy and funding opportunities. Space should be created for these models to be shared with defenders' organizations.

## THE DONOR RESPONSE

Support by donors for work protecting HRDs is, as a rule, either an integral part of their core support (whatever the terminology used) for human rights work framed in terms of priority themes, groups, regions, or countries; or it could also be part of core support directed at organizations or initiatives which focus on some of the responses outlined above. In a

*“Since there is no place to ask for security funding where no immediate security risk is being posed we do not even try”*

*—defender from Guatemala*

few cases, donors provide support under specific programs on human rights defenders, seeking to address the challenges HRDs face in defending their own rights.

In virtually all donor organizations interviewed for this review,<sup>115</sup> however, their coding systems (if any are used at all) are unable to produce data on funds directed specifically at enhancing defender security, with the exception of small

pools of funds set aside specifically for reacting to emergencies with “grantees in distress.”<sup>116</sup> It is impossible, therefore, to provide even a baseline against which to measure any future dynamics of funding.

It appears that some of the largest supporters of work specifically geared towards providing security for HRDs are the European Union, the US government, Open Society Foundations,<sup>117</sup> several Dutch donors (especially HIVOS and Cordaid), and the Sigrid Rausing Trust.

The largest funder focused specifically on the protection of HRDs is by far the European Union, which made available approximately 134 million euros for work to protect HRDs in the period between 2007-2013.<sup>118</sup> Some of these grants went toward directly supporting the HRD work of groups such as Protection International and Avocats Sans Frontières, while others went to re-granting organizations such as Front Line and the Euro-Mediterranean Foundation of Support to Human Rights Defenders.<sup>119</sup> Funds are also dispersed at a country

level through European Union delegations. Urgent assistance is also provided directly through the European Instrument for Democracy and Human Rights (EIDHR) emergency mechanism for HRDs at risk. This mechanism allows the Commission, whether in headquarters or in delegations, to channel modest emergency grants of up to 10,000 euros to defenders in need of support. Since 2010, these direct grants have been disbursed to more than 300 HRDs in over twenty countries at a total cost of some 600,000 euros.<sup>120</sup>

The EU conducted a mid-term evaluation of its eleven global and regional projects in early 2010, which had been funded at a total cost of approximately 8 million euros.<sup>121</sup> Despite the review's shortcomings (for most groups this was only the first year of three-year projects and only one site visit outside Brussels was made), it made some interesting conclusions. As far as the distribution of funds was concerned, to the extent that it can be tracked, 47 percent of activities funded were in Europe,<sup>122</sup> 20 percent was spent on emergency support (including alerts), and 30 percent on "capacity building." This data seems to suggest that a very small proportion of the funds actually reached NGOs and defenders on the ground, although no doubt many of the activities conducted elsewhere must have had direct positive impacts in the field.

Plans for the period 2014-2020 are still in flux, but it appears that the EU is planning to make more targeted calls for proposals to tackle certain specific or thematic problems in a particular sub-region or regions (e.g., threats facing women HRDs in East Africa). With an estimated 20 million euros being allocated to this approach, this may well increase the flow of funds to groups that are more regionally based. National grants will continue to be disbursed through the various EU missions. In terms of global programming, the EU is planning to disburse approximately 5 million euros per year to a "consortium" of global groups who will be asked to work together to provide their protection and assistance services to HRDs. The mechanics of how this process will play out and which groups will be selected are still very uncertain. In addition to retaining its own ability to make small emergency grants to HRDs, the EIDHR will also likely introduce the possibility of making up to one million euros available for work in difficult countries, for up to 18 months at a time without a formal call for proposals being issued.

In 2006, the US State Department announced a "Defending the Defenders Initiative," including a fund to support HRDs. In 2010, it also announced an "Embattled NGO Fund" with an initial investment of \$2 million over two years. In July 2011, the "Embattled NGO Assistance Fund," with a mission to speak out against attacks and to quickly provide emergency legal, humanitarian, medical, and security support to those at risk, was launched in Vilnius. It presently represents a donor pool of 17 governments and independent foundations and directs its support through the defenders' programs of participating organizations, especially on advocacy and emergency assistance. It has also increased regular interaction between the members of the Consortium.<sup>123</sup> Finally, USAID also supports the work of defenders through grants in missions, as well as being a major contributor to the state protection program in Colombia.

The existence of large amounts of funding for HRD protection and security through the multilateral agencies does not in any way diminish the importance of private foundations

continuing to engage with and fund work on these issues; private donors are free of some of the political constraints and interests of the multilateral agencies, and they tend to be less bureaucratic and more responsive to the needs on the ground. Nevertheless, given the common interest in the safety and security of grantees, and the sums of funding involved, it is striking, noted one interviewee, that there is not more exchange of information between private foundations and multilateral funders in this area. They tend to operate and fund along largely parallel lines. However, as private foundations look to learn lessons and improve their own policies and practice, some exchange with their partners on the multilateral side might be valuable to all.

As mentioned earlier, Front Line also acts as a source of emergency grants, with help from contributions by the EU, the SRT, and by some anonymous donors.<sup>124</sup> Emergency grants are also provided by the Urgent Action Fund and other smaller specialized (intermediary/secondary) funds.

Finally, the Open Society Foundations have been engaged in several efforts to support the relocation of defenders and have also established a Southern Africa HRD Trust, with the aim of providing emergency support to defenders in ten countries in Southern Africa.

Beyond funding such work, several donors have developed specific internal policies that focus on the security of their grantees.<sup>125</sup> Wellspring Advisors has produced three concise guides for its staff and grantees. The first, on grantee safety, is intended to help program officers initiate and guide a discussion with grantees and prospective grantees on their safety and security; a second guide addresses the issue of organizational security; and a third looks specifically at the issue of digital safety.<sup>126</sup>

As mentioned above, Cordaid uses the concept of “integrated security” (developed with the Urgent Action Fund and Kvinna till Kvinna) to sensitize its staff to the security challenges of grantees, and provided training for both staff and grantees. Many respondents underscore that this approach is vital (whether using the term integrated security, or stressing the need for flexible, long-term funding as the best long-term security measure for networks, organizations and individual defenders).<sup>127</sup> At the time of writing, Cordaid was also looking to develop internal protocols for its own staff, and strategies for working with other donors on these issues (e.g., in generating diplomatic pressure or international and regional media attention). There is also some acknowledgement on the part of a few donors about the need to “build in” security into grant proposals and provide adequate funding to address this so that don’t seek help to respond to emergencies but rather have internal resources, and policies, and action plans in place to respond. These are encouraging developments, but clearly more attention by donors is needed in this direction.

Mostly, however, donors refer grantees to existing urgent response mechanisms and do not engage in direct provision of support (e.g., relocation or extra funding). Indeed, some respondents have stressed the inherent risks of turning donor organizations into major providers of security measures directly.<sup>128</sup>

Somewhat surprisingly, interviewees noted concerns with the caliber and experience of staff assessing highly complex projects in dangerous environments (some have mentioned this



in the context of working with local staff in embassies and EU missions), as well as concerns with handover procedures when staff members leave. As issues of security are so sensitive, low caliber or short-term staff appointments in donor institutions prevent the creation of long-term deep relationships that generate the trust necessary to confide significant security concerns. Donors may also lack security tools for their communications that would be necessary to facilitate safe discussions of such incidents.<sup>129</sup>

Very few of the programs listed above have been evaluated formally, and some evaluations are not public. However, analyzing those that were made available to this review, and from the interviews with respondents, it appears that the key challenges of the current donor response include:

- There are a bewildering variety of support mechanisms that are available to HRDs, and not all clearly described or accessible, especially to local groups;<sup>130</sup>
- Nearly all sources of financial support are focused on emergency response; funds for prevention—including developing and, more importantly, flexibly sustaining a long-term capacity to enhance security, especially within national networks and organizations (including long-term advocacy, capacity-building, and training projects) are inadequate.
- The vast majority of funds are concentrated in global organizations, some in regional ones, and very few in national networks or national NGOs;
- Funds rarely reach traditionally neglected defenders, such as those working individually in rural areas;
- Some funds operate under definitions and parameters that are too strict, in environments which are very dynamic;
- Most donors rarely ask questions about the security implications of programs they are funding and do not have policies or preparedness measures in place to react to emergencies affecting their grantees.

## IV. Summary of findings

This report has sought to reflect the views and perspectives of human rights activists from around the world, as they seek to do their work, and stay safe in the process. More than 150 individuals and institutions were interviewed in the course of this research. And although

*“You can’t have security in an organization which is badly managed and lives from hand to mouth”*

*—a human rights defender from Cameroon.*

there is much diversity in the experience and opinions of those sampled, some key themes did emerge, which this chapter summarizes.

For defenders, clearly the key “internal obstacle” to better security is the capacity of human rights NGOs themselves. The overarching concern in all interviews was ensuring the viability and sustainability of their

organizations. Most of the respondents said that they were most worried about threats to their organizations as such (registration, administrative harassment, and financial flows), and that donors (and the international community) are not sufficiently focused on this or on trying to counter the squeeze on their space to operate. Freedom of association issues clearly require higher priority in political lobbying, litigation, and advocacy, as well as funding.

For better or worse, the focus of the human rights community as a whole (including donors) to date, when it comes to HRD protection has been largely on emergency response, with less attention being paid to systemic preventive measures, innovation to address the most intractable challenges, or work in support of building long-term resilience, respite, and rehabilitation.

With respect to emergency response, the message that emerged from respondents here was less about “quantity” and more about “quality.” Emergency grants often have strict monetary and time limits, without the necessary flexibility to respond to what are often very dynamic situations when HRDs are in distress. In addition, most emergency grants are disbursed through international groups (even if some have national offices) with few regional and national players with the facility to do so; this may account for continued challenges when it comes to reaching HRDs operating in rural areas or outside of the main cities. Emergency legal support, such as trial monitoring and legal defense, was noted as a particular gap that requires attention. Finally, a constant refrain was that the field lacks a clear picture of all the available options for emergency response (both NGO initiatives and donor funds) that is easy to access, available in key languages, frequently updated, and comprehensive. Helping HRDs navigate this complexity and assess their options should certainly be a priority for the field as a whole and for donors in particular.

There is, moreover, a need to balance out the current focus on emergencies, with greater attention to preparedness. Developing and implementing preventive policies within local organizations, enabling them to periodically review, update, improve, and adapt them, with a sufficient financial cushion to react to emergencies should be a priority for donors and those interested in more effective HRD protection. Respondents consistently

articulated the need for more locally-owned and nationally (or sub-regionally) based civil society protection initiatives and networks with (comprehensive)<sup>133</sup> rapid response solutions. One should not underestimate the scale of the task; just below the level of flagship national institutions, the fabric of human rights groups is made up of smaller organizations, especially outside capitals, who struggle with a lack of stable core funding, and funding streams that come predominantly from foreign sources and through a number of intermediaries and in very small amounts, for short periods. They struggle with their acceptance in society, considered troublemakers and culturally alien because of religious views or views on sexuality. Few have communications skills or know-how, and many are averse to using IT. Very few have sophisticated policies and practices on security in place; after the sustainability of the organizations themselves, most respondents mention developing such security policies and practices as a priority.

Going forward, a more effective approach to building capacity in this area might involve less focus on training and more on “service” to HRDs over a longer period, with providers accompanying HRDs as they develop, and adapt their security plans and policies and respond to different challenges and emergencies. This of course, will have implications for the way that funding is structured. Equally important is the need to ensure that training integrates physical, psychosocial and digital security.

Activists clearly also have a lot to learn from one another. It was striking that HRDs often did not know of innovative protection responses that were being developed by their colleagues in other regions, sub-regions and even within the same country. Donors can play an important role in facilitating the kind of networking and knowledge exchange, within and between regions, as well as across disciplines, that is so clearly needed. The issue of data—the lack of any reliable methodology or system for collecting information about threats, attacks, responses and the outcome of interventions—emerged as a chronic problem mitigating against any possibility of analyzing and comparing trends across regions and over time. No quick or easy solution presents itself and yet this is obviously an area that requires attention.

Rest, respite and rehabilitation opportunities for HRDs remain in short supply and what limited options do exist tend to be shaped by the providers, who again tend to be based in the global north. Those interviewed in the course of this research were clear as to the importance of creating more rest and respite opportunities for HRDs, tailoring them to meet HRD needs and interests, and providing them geographically closer to where HRDs live and work.

In the view of respondents, the architecture of global NGOs working on the protection of defenders is sufficient, though some noted the need for more active and better resourced regional and sub-regional networks. The key challenges for the existing global organizations remain scale and collaboration. Some organizations work in parallel without sharing information and expertise, and more often than not, where information is shared it is ad hoc and perhaps too dependent on personal relationships rather than well-developed systems. Some evaluations indicate an “oversupply” and overlap of urgent appeals. Respondents on the ground, however, point out that since it is not known what

the reaction to a given source of pressure might be, it is useful to have several sources of such pressure triggered by a multiplicity of actors.

As far as the global and regional intergovernmental institutions are concerned, they face serious challenges if they are to transcend their current roles to register, publicize, and analyze the incidence of threats and attacks against defenders. Their impact in a preventative, or rapid-reaction sense, remains limited. Even precautionary measures ordered by the Inter-American Commission take many months to be implemented, and many are not implemented at all.<sup>134</sup> There is rarely any long-term follow up, either to see whether the case is resolved satisfactorily, or, even less, to make a judgment about their root causes and how to address them. While this may change with the creation of the Rapporteurship, its resources continue to be minimal, and it would need major input from civil society to achieve significant effect.

Finally, efforts to reduce impunity by successfully prosecuting the perpetrators of attacks is frequently noted as the most important and potentially effective strategy to pursue in order to enhance the safety and security of HRDs, but it is the most difficult outcome to achieve. The records of both domestic authorities and international institutions to ensure punishment of violators of human rights in general, not only the rights of defenders, consistently show near universal failure. In an often-cited report by CEJIL on implementation of decisions of the Inter-American Commission on Human Rights, prosecution of violators and systemic changes are the two outcomes of decisions that are most often not pursued.<sup>135</sup> For some countries in Europe, similar studies exist.<sup>136</sup> Universally, except in egregious cases, the political will does not seem to exist (or exists very selectively) to impose and even less to maintain conditions for involvement with certain regimes.<sup>137</sup>

While nearly all respondents, especially in interviews, expressed frustration with both the record on accountability for human rights violations in general, and for attacks on defenders in particular, little attention seems devoted to strategizing on how this can be reversed, except to focus on the need to continue with and reinforce existing approaches.<sup>138</sup>

It is perhaps noteworthy that within the human rights community, those who work directly on the protection and security of HRDs (e.g., issuing urgent appeals when HRDs are under attack and providing direct services to HRDs) are often a different group of people to those focused on rule of law and justice issues, including international criminal law and transitional justice. One strategy to consider, as a way of reinvigorating the debate on how best to tackle impunity, is to engage an exchange between these two groups to explore whether there are any potential lessons that can be transferred from one area to the other.<sup>139</sup> All in all, the field would benefit from the opportunity for a fresh conversation about how to tackle impunity for attacks on HRDs, in a bid to catalyze new thinking and approaches.<sup>140</sup>

The need to integrate protection and security of grantees into all stages of the donor-grantee relationship was a final message that emerged forcefully during the research for this paper. Frequent turn-over of donor staff and a lack of expertise or experience in dealing with complex security environments limited donors' ability to be supportive of the protection and security needs of grantees. On the one hand, if a donor fails to adequately

comprehend and factor in the risk that grantees face, they may inadvertently put grantees at risk, for example, through insecure communications or the publication of identifying information about at-risk grantees. Moreover, HRDs are often loathe to consider the risks that they face in the course of the work, and many are reluctant to engage in conversations with donors that might either raise concerns for funders (grantees don't want to "make trouble") or divert resources from programs into safety and security planning. And yet, it is arguably incumbent on donors to find a way to raise these issues, not just from a moral or ethical standpoint, but in their goal to support sustainable activities that lead to social change. Adequate planning and situation analysis is an aspect of a well run, effective and professional organization, which in the medium and long-term is what all donors should be seeking to support through their grant-making.

The final section of this report builds on the main findings and messages from the field to articulate some key recommendations for donor action. In many ways, the climate for human rights work, and the challenges that HRDs face, have never been more complex and dangerous. The donor response—if it is to keep up—needs to adapt and evolve. It is hoped that this report, and the recommendations that follow, will assist in that process, and help support a human rights field that is both safer and more effective at securing human rights and justice for all.

# Recommendations for donor action

## INDIVIDUAL DONOR POLICIES AND PRACTICES

Most of the respondents interviewed in the course of this report stressed the need for long-term core funding that builds and sustains the programmatic work, stability, and good working practices of human rights organizations. While this is certainly a major ingredient in making HRDs more secure, a significant shift to longer-term and more flexible core funding seems unlikely in the short and even medium term because it would require the appearance of new donors prepared to invest in core support. Alternatively, it would require a radical reorientation of the existing major human rights donors, (especially the bilateral and multilateral donor agencies) away from a focus on project funding—a move that would be highly advisable but is rather unlikely. In the absence of a significant shift to core funding, changes in grant-making routines could address some of the needs identified in this review. The following recommendations are intended as modest steps, likely to improve the safety and security of HRDs.

### ***Internal Grant-Making Practice:***

- **Integrate security of grantees into the entire grant-making process:** Donors should integrate questions of safety and security into all aspects and stages of their grant-making routine, for applicants and grantees alike. This should encompass grant applications, reporting requirements, grant negotiations, and grant management. Donors should develop “grantees at risk” policies, which examine the risk and threats that grantees or prospective grantees face in their work, and the measures needed to ensure their safety and well-being. Specific and targeted support for developing, and, even more importantly, implementing and maintaining security plans should be included in both core and project funds.<sup>144</sup>
- **Train and build donor staff capacity:** Effectively integrating security into grant-making requires that foundation staff be sensitive to the security and protection needs of grantees. Donors should provide adequate (and on-going) training and resources for staff to enable them to understand the main security and protection challenges facing grantees as well as what questions to ask, how to go about asking them, and the best practices in addressing safety and security issues.
- **Core grants should cover “safety net” measures for HRDs, including health insurance and life insurance:** Donors, where they make core grants, should suggest the inclusion of safety and wellness policies and practices for staff of grantee organizations (such as measures to provide for them in cases of traumatic events and in order to reduce stress and enhance well-being). This could include, at a minimum, a system of health insurance and life insurance for HRDs and their families.

- **Keep grantee information secure:** Information about grant recipients working in environments where knowledge about their receipt of grants may put them in danger should be kept secure and not widely shared. Foundations should introduce a question in grant documents about how the grantee would like the information they share with their donors to be protected.
- **Expand Donor Networks:** Donor networks should seek to include the major multilateral and bilateral governmental donors as those are among the major contributors to both general human rights funding, and to funds related to enhancing the security of defenders; and more systematic efforts should be made to exchange information and best practice between these different funding bodies.

#### **Grant Structure and Content:**

- **Lengthen the duration of grants covering emergency response:** The emergency response funds available through global or regional organizations need a longer-term cushion of secured funding to enable HRDs to respond with greater flexibility to changing circumstances. Grants supporting emergency responses need to be re-designed as 3- to 5-year grants; most are now renewable one year grants, unsuited for the ups and downs of emergency needs. This should allow the sub-granting organizations significant flexibility in allocating funds to react to rapidly changing circumstances. As many donors operate fairly small pools of funds for emergency situations, without the extensive know-how and know-who of organizations like Front Line and the UAF, it might be easier both for such donors and for the NGOs affected to pool these resources in the existing well-developed funds.
- **Provide emergency funds and build preventive capacity, including legal support, closer to at-risk HRDs through national, sub-regional and regional networks:** The geographic level at which emergency funds are available needs to be as near to where the risks and threats occur as practicable and safe; the financial capacity for emergency response needs to be developed in regional networks, in national networks, and with key and well-managed national NGOs. Moreover, the issue of legal support to HRDs at risk is a particular deficiency that warrants specific attention, in order to provide expertise and resources as close as possible to where these problems are occurring. In short, donors should focus support on national and sub-regional networks capable of building up preventive capacity and offering rapid emergency responses.

#### **Data, Learning and Exchange:**

- **Facilitate learning and exchange between grantees on best practices in safety and security:** Donors should support initiatives

that encourage cross- and intra-regional exchanges between grantees on best practices in the security and protection of HRDs. The emphasis should be on encouraging learning and exchange and ultimately on supporting the development of support and assistance structures in sub-regions and regions that make sense to local activists and that grow organically out of their own experiences and needs.

- **Encourage strategizing on the most crucial aspects of protection,** including breaking the cycle of impunity, innovative advocacy strategies, and the required changes in the operation of international intergovernmental systems of protection to achieve meaningful domestic follow-up of their recommendations and decisions. Understandably, the first and most urgent priority of groups supporting defenders is to focus on the immediate imperative of ensuring that human rights work gets done and that those doing it stay alive and healthy. However, with donors' support and encouragement, groups should also find space for a renewed debate within the advocacy community on how to tackle entrenched impunity for attacks on HRDs.
- **Support efforts to generate better data on attacks against HRDs,** responses and outcomes as well as what interventions are effective or not, allowing analysis of trends globally, regionally, and nationally.

## JOINT ACTION BY LIKE-MINDED DONOR ORGANIZATIONS

For some of the major challenges, pooled resources and collaborative action by like-minded donors would be the most effective approach in terms of impact and cost. Pooled funding can focus attention on particularly neglected areas (such as the practical implementation of preventative security measures or the need for strategic thinking about tackling impunity) and ensure a much larger resource pool, which in turn can enhance flexibility and long-term capacity. In this particular field, it would also send a strong signal to grantees that donors realize their ethical obligations to support the safety and well-being of activists. Pooled funding may also appeal to donors who are concerned about the situation of defenders but do not have the capacity to seek out and negotiate with partners on the ground. Finally, joint action managed by a single institution would build up knowledge and expertise on best practices and best providers.

To encourage investment that addresses key gaps, avoids duplication, and rationalizes resources, the review recommends the creation of two new pools of collaborative funding. The first—a Prevention Fund—would support a focus on prevention and preparedness; the second—a Defenders Regeneration Fund—would consolidate and enhance the resources available for rehabilitation, rest and respite for HRDs.



## A Prevention Fund to support a focus on preparedness and prevention:

While preserving and improving the ability to respond to emergencies is critical, a key recommendation of this report is that donors should also pay increased attention to preparedness. In particular, donors should seek to develop and implement preventive policies within local organizations, enabling them to periodically review, update, improve, and adapt them, with a sufficient financial cushion to react to emergencies. A pooled, collaborative “Prevention Fund” could facilitate such efforts. Such a fund should be kept separate from existing emergency response funds, and the organizations that manage those, in order to provide a concerted focus on prevention and innovation and avoid them dwarfing prevention work. One option would be to house the fund in an existing donor institution that already has a developed program of support for HRDs and preferably access to a network of regional and national partners.

A “Prevention Fund” could support:

- Practice-oriented research and brain-storming on key issues;
- Advocacy on emerging opportunities;
- Spaces for sharing best practices and innovative tactics;
- Work to elaborate and implement security policies (where not routinely supported by donors);
- The work of national and regional coalitions focused specifically on security of defenders; and
- Work on developing sophisticated IT solutions such as mobile apps or hardware (although behavioral change on the part of HRDs is a pre-requisite for any new technologies to be effective).

*Given the gaps highlighted in this paper, such a fund should:*

- **Target smaller organizations** for capacity building on security and protection, and locate emergency response services, including relocation facilities in regional and local coalitions.<sup>145</sup>
- **Fund collaborative projects between security providers and NGOs at-risk.** Such projects could combine support for the local organization with funding for a provider of security services (audit, policy, digital, and resilience training, among others). This should enable local organizations to drive the agenda of training and develop programs that fit their own contexts.
- **Ensure an integrative approach to security.** Office, staff, information security, and resilience training should be integrated into comprehensive programs, as these are generally done separately by different and largely uncoordinated providers. This may encourage the various providers to work in consortia, develop long-term programs—especially services—and avoid duplication.

## A Defenders Regeneration Fund to support work on rest and respite and rehabilitation:

Another key need identified in this review is for renewed efforts to provide rest, respite and rehabilitation opportunities for HRDs. Again in this area, a pooled fund might be of assistance. A Defenders Regeneration Fund could be placed in a donor institution as well and replenished as a pool, or in one of the existing institutions offering support for rest and respite. More specifically, the Defenders' Respite Fund could support:

- Streamlined and expanded rest and respite programs, with a focus on providing local opportunities for rest and respite;
- Expansion of existing rehabilitation programs;
- A roster of quality providers, encouraging the design and offer of programs of psycho-social support geared specifically to defenders and the contexts of their work and encouraging interfaces between rest and respite programs and institutions providing psycho-social support;
- The design of new rehabilitation programs that cater specifically to HRDs and their needs. These could be both long-term programs, managed by providers for specific NGOs, groups, or countries, and short-term programs, such as those at conferences and other events;
- The exchange of experiences between existing host institutions and between providers of emergency responses (including legal defence) for media workers, threatened writers and academics, environmental activists, and HRDs;
- The establishment of a network of providers (similar to Scholars at Risk or the International Cities of Refuge Network) and a network hub.

*Given the gaps highlighted in this paper, such a fund should:*

- **Support a system of rest and respite where HRDs and their needs drive the placement search.** Current funding usually goes to host institutions who then select beneficiaries, with placements severely limited. The new fund should support a system of rest and respite where HRDs genuinely drive the process by choosing a placement of location, duration and conditions that fit best with their needs. This could be a selection from a roster of available host institutions, where adequate funding for both defender and host institution follows the defenders' choice.

## ENDNOTES

- 1 Taking into account medical, legal, family, relocation, and rehabilitation needs.
- 2 Luis Enrique Eguren, “Human Rights Defenders under threat: A field security approach to their work.” (PBI, 2002) 2.
- 3 Cordaid response, 10 February 2011. See also: “Being Well and Staying Safe: Resources for human rights defenders”: <https://www.newtactics.org/conversation/being-well-and-staying-safe-resources-human-rights-defenders>; and “Recommendations to Enhance the Protection and Security of of WHRDs,” published in December 2013, available at <http://awid.org/AWID-s-Publications/Women-Human-Rights-Defenders/Recommendations-to-Enhance-the-Protection-and-Security-of-WHRDs>.
- 4 See for example Human Rights Watch’s 2012 report on Uganda, available at <https://www.hrw.org/reports/2012/08/21/curtailing-criticism>; Front Line Reports on Colombia, Zimbabwe, and Indonesia, published in 2011 and available at <http://www.frontlinedefenders.org/node/16882>; Human Rights First’s 2009 report on Columbia, available at <http://www.humanrightfirst.org/wp-content/uploads/pdf/090211-HRD-colombia-eng.pdf>; and PBI reports on Mexico, Indonesia, and many others.
- 5 See <http://awid.org/AWID-s-Publications/Women-Human-Rights-Defenders> for recent publications on the particular threats facing women HRDs, including their “Global Report on the Situation of Women Human Rights Defenders,” published in October 2012, available at <http://awid.org/Library/Global-Report-on-the-Situation-of-Women-Human-Rights-Defenders>, and “Recommendations to Enhance the Protection and Security of WHRDs,” published in December 2013, available at <http://awid.org/AWID-s-Publications/Women-Human-Rights-Defenders/Recommendations-to-Enhance-the-Protection-and-Security-of-WHRDs>. A new report that analyzes from a feminist perspective the different protection mechanisms that are available to women HRDS will be released at the 2014 Commission on the Status of Women.
- 6 See <http://protectionline.org/library-on-human-rights-defenders/reports-on-defenders/> and <http://www.frontlinedefenders.org/resources>.
- 7 For example, a hearing at the Inter-American Commission on Human Rights on 29 March 2011, see: <http://www.oas.org/es/cidh/audiencias/TopicsList.aspx?Lang=es&Topic=30>. A number of excellent and detailed NGO reports on individual countries and an analytical overview drafted by CEJIL provided the evidentiary basis for this hearing, and the report was published later that year.
- 8 Jonathan Fanton and Zachary Katznelson, “Human Rights and International Justice: Challenges and Opportunities at an Inflection Point,” commissioned by Atlantic Philanthropies, September 2011.
- 9 Available at <http://www.ihrf.org/human-rights-defenders>.
- 10 Such as a 2010 Evaluation of EIDHR Support to Human Rights Defenders, available at [http://ec.europa.eu/europeaid/what/human-rights/documents/final\\_public\\_report\\_en.pdf](http://ec.europa.eu/europeaid/what/human-rights/documents/final_public_report_en.pdf); a review by the American Jewish World Service of grantee protection needs and its response, published in June 2011 and available at [http://ajws.org/who\\_we\\_are/publications/strategy\\_papers/defending\\_activists\\_at\\_risk.pdf](http://ajws.org/who_we_are/publications/strategy_papers/defending_activists_at_risk.pdf); and an evaluation of the work of the Euro-Mediterranean Foundation of Support to Human Rights Defenders (EMFHR) available at <http://www.emhrf.org/en/20052008.php>. The Oak Foundation and the MacArthur Foundation have also conducted internal assessments of work in this area (on file with the author).
- 11 See <http://www2.ohchr.org/english/issues/defenders/who.htm>. The Martin Ennals Award uses an expanded definition. For a fuller discussion see: <https://www.newtactics.org/staying-safe-security-resources-human-rights-defenders/staying-safe-security-resources-human-rights>.
- 12 To use Front Line’s words, “Any person who works, non-violently, for any or all of the rights enshrined in the Universal Declaration of Human Rights. Identified by what they do—the non-violent promotion of the rights of others—rather than by their profession, which might be teacher, worker, farmer, lawyer, journalist, doctor, environmentalist, or anything else.” Matthew Easton and Front Line, “Strategies for Survival: Protection of Human Rights Defenders in Colombia, Zimbabwe, and Indonesia,” (Front Line, 2010), [http://www.frontlinedefenders.org/files/strategies\\_for\\_survival\\_english.pdf](http://www.frontlinedefenders.org/files/strategies_for_survival_english.pdf).
- 13 Recent initiatives by the field suggest an effort to be more reflective on which practices work and which do not, although the issue of data collection remains unaddressed. See the collection of articles on HRDs in the *Journal of*

- Human Rights Practice*, Volume 5, Issue 3, November 2013, available at <http://jhrp.oxfordjournals.org/content/5/3.toc>. Published jointly with the Centre for Applied Human Rights at the University of York, this collaborative research effort also brought authors together for a process of critical reflection and exchange prior to publication.
- 14 Indonesian human rights activist in Matthew Easton and Front Line, "Strategies for Survival: Protection of Human Rights Defenders in Colombia, Zimbabwe, and Indonesia," (Front Line, 2010), [http://www.frontlinedefenders.org/files/strategies\\_for\\_survival\\_english.pdf](http://www.frontlinedefenders.org/files/strategies_for_survival_english.pdf) at p. 7.
  - 15 Communications numbered 489 in 2008, 372 in 2007, 370 in 2006, 270 in 2009, 246 in 2010 (A/HRC/16/44, p. 8) and 234 in 2011 (A/HRC/19/55, p. 3). Since September 2011, Special Procedures mandates have submitted joint reports to the Human Rights Council, available at <http://www.ohchr.org/EN/HRBodies/SP/Pages/CommunicationsreportsSP.aspx>. For the period 1 December 2011 to 30 November 2012, 252 communications were sent by the mandate to states. Some of the reports of the mandate on follow-up missions are good indicators of trends, even if only focused on individual states. In her report on a follow-up mission to Guatemala in February 2008 (submitted officially nearly 12 months later), the UN Special Rapporteur reported a doubling of the number of attacks against defenders. At the same time, in Guatemala, for example, where an NGO project records incidents, the numbers it recorded were 305 in 2010, 352 in 2009, 220 in 2008, and 278 in 2006 (for Guatemala only).
  - 16 Which do require particular attention to security and protection.
  - 17 Front Line Annual Report 2013 - Global Trends in 2012 for Human Rights Defenders (from which this overall description borrows heavily) available at [http://www.frontlinedefenders.org/files/frontline\\_annual\\_report2013\\_0.pdf](http://www.frontlinedefenders.org/files/frontline_annual_report2013_0.pdf). See also "Only the Brave Talk About Oil: Human Rights Defenders and the Resource Extraction Industry in Uganda and Tanzania," by the East and Horn of Africa Human Rights Defenders Project, 3 December 2012, available at <http://www.defenddefenders.org/only-the-brave-talk-about-oil/>, and the Amnesty International 2012 Report, "Transforming Pain Into Hope: Human Rights Defenders In the Americas," available at <https://www.amnesty.org/en/library/asset/AMR01/006/2012/en/17203aa8-9881-42b5-8635-8be0150c846a/amr010062012en.pdf>.
  - 18 Reports by Freedom House, the World Movement for Democracy, Civicus and the International Centre for Not for Profit Law.
  - 19 The UN Special Rapporteur on Human Rights Defenders dedicated her 2012 report to the issue of the use (and more appropriately mis-use) of legislation to regulate the activities of HRDs, available at <http://www.ohchr.org/EN/Issues/SRHRDefenders/Pages/AnnualReports.aspx>.
  - 20 "Violations of the Right of NGOs to Funding: From Harassment to Criminalization," (Observatory for the Protection of Human Rights Defenders [OMCT/FIDH], 2013), [http://www.omct.org/files/2013/02/22162/obs\\_annual\\_report\\_2013\\_uk\\_web.pdf](http://www.omct.org/files/2013/02/22162/obs_annual_report_2013_uk_web.pdf).
  - 21 See <http://www.frontlinedefenders.org/node/24593>.
  - 22 See <http://www.hrw.org/news/2013/12/20/uganda-president-should-reject-anti-homosexuality-bill>. Commenting on the bill, Hassan Shire Sheikh, executive director of the East and Horn of Africa Human Rights Defenders Project notes, "...parliament has passed a bill that will prevent civil society from even discussing human rights, including the right to health for LGBT people," and "This bill sets a dangerous precedent by stifling dissent. If today it is those who support the rights of LGBT people, who will it be tomorrow?"
  - 23 See <http://www.amnesty.org/en/library/asset/AMR01/006/2012/en/17203aa8-9881-42b5-8635-8be0150c846a/amr010062012en.pdf>.
  - 24 See Article 19's December 2013 report, "The Russian Federation: Journalists under Attack," which highlights the climate of impunity surrounding crimes against freedom of expression. Available at <http://www.article19.org/resources.php/resource/37399/en/russian-federation-failure-to-protect-journalists-is-failing-the-russian-people>.
  - 25 See Peace Brigades International 2009 Report, "Breaking Cycles of Repression: Ending Impunity," on this issue, available at [http://www.peacebrigades.org/fileadmin/user\\_files/international/files/special\\_report/en\\_impunity\\_final\\_v2.pdf](http://www.peacebrigades.org/fileadmin/user_files/international/files/special_report/en_impunity_final_v2.pdf).
  - 26 Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms, UN General Assembly Resolution 53/144 of 8 March 1999.

- 27 See <http://www2.ohchr.org/english/issues/defenders/annual.htm>.
- 28 Report of 10 August 2012, available at <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/N12/459/42/PDF/N1245942.pdf?OpenElement>.
- 29 A/68/262 - Report of 5 August 2013 available at <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/N13/418/11/PDF/N1341811.pdf?OpenElement>.
- 30 One or two a year, due to lack of invitations by states (a visit can only be effected through a formal invitation) and budgetary limitations.
- 31 The cases on which the mandate has worked are however published in long lists, and it is difficult to quickly follow what the status of any particular case is. The Rapporteur on HRDs of the African Commission also publishes a table of cases in Microsoft Word document format.
- 32 In the last report available, responses received by states and reflected in the report were available on 40 percent of cases. In her final report to the UN General Assembly in August 2013, the Special Rapporteur noted that since 2008, she sent over 1,500 communications, about one third of which were on women defenders, to some 130 countries, concerning the situation of more than 2,000 defenders. (A/68/262 at page 4).
- 33 This is standard practice for all special procedures.
- 34 See a full list of mandates at <http://www.ohchr.org/en/HRBodies/SP/Pages/Welcomepage.aspx>. The practice of joint declarations by several mandates has increased recently, and such have been issued on Syria, for example.
- 35 See the mandate's most recent report A/HRC/23/39 which addresses, in part, the the ability of associations to access financial resources as a vital part of the right to freedom of association, available at [http://www.ohchr.org/Documents/HRBodies/HRCouncil/RegularSession/Session23/A.HRC.23.39\\_EN.pdf](http://www.ohchr.org/Documents/HRBodies/HRCouncil/RegularSession/Session23/A.HRC.23.39_EN.pdf). Restricting access to funds from abroad is an increasingly common practice as states seek to limit the space for civil society activism.
- 36 For an example on Kenya, a country in which the author conducted a large number of interviews, see <http://www.ohchr.org/EN/HRBodies/UPR%5CPAGES%5CKESession8.aspx>. In the compilation by the OHCHR on Kenyan co-operation with UN special procedures, the following is reflected: "*Responses to letters of allegations and urgent appeals*—During the period under review, 20 communications were transmitted, none of which were replied to by Kenya. *Responses to questionnaires on thematic issues* —Kenya responded to none of the 21 questionnaires sent by special procedures mandate holders." This is by no means intended to single out Kenya; similar levels of "co-operation" are displayed by many countries.
- 37 There is some confusion as to how confidential these documents are; several are publicly available. For example, the Netherlands Embassy in Uganda has published the one on Uganda on its website, [http://uganda.nlembassy.org/appendices/news/launch\\_of\\_the\\_local\\_implementation\\_strategy\\_for\\_the\\_european\\_union\\_guidelines\\_on\\_human\\_rights\\_defenders\\_uganda/local-implementation-strategy-for-the-eu-guidelines-on-human-rights-defenders.html](http://uganda.nlembassy.org/appendices/news/launch_of_the_local_implementation_strategy_for_the_european_union_guidelines_on_human_rights_defenders_uganda/local-implementation-strategy-for-the-eu-guidelines-on-human-rights-defenders.html). The British Embassy has done the same in Nepal.
- 38 See <http://www.eidhr.eu/focal-points#> for a list of these.
- 39 Regular meetings between EU officials and governmental representatives, often both in Brussels and the respective capital. Forty countries have such dialogues at present, in which "cases of concern" can be raised.
- 40 See [http://www.europarl.europa.eu/RegData/etudes/etudes/join/2013/410221/EXPO-DROI\\_ET\(2013\)410221\\_EN.pdf](http://www.europarl.europa.eu/RegData/etudes/etudes/join/2013/410221/EXPO-DROI_ET(2013)410221_EN.pdf). See also "Mapping of temporary shelter initiatives for Human Rights Defenders in danger in and outside the EU," available at <http://www.eidhr.eu/files/dmfile/FinalEUHRDRReportMasterVersion.pdf>.
- 41 See "How can the EU respond to the challenges faced by human rights defenders at risk? Input by Vincent Forest, Head of Front Line Defenders' EU Office, at DROI hearing, 28 May 2013," available at <https://www.frontlinedefenders.org/node/22908>.
- 42 "The EU: What it can do, Getting it to take action": [www.frontlinedefenders.org/files/Handbook\\_for\\_Hrds\\_EU\\_Action.pdf](http://www.frontlinedefenders.org/files/Handbook_for_Hrds_EU_Action.pdf). See also "Assessing the Implementation of the European Union Guidelines on Human Rights Defenders: The Cases of Kyrgyzstan, Thailand and Tunisia," available at [http://www.europarl.europa.eu/RegData/etudes/etudes/join/2013/410221/EXPO-DROI\\_ET\(2013\)410221\\_EN.pdf](http://www.europarl.europa.eu/RegData/etudes/etudes/join/2013/410221/EXPO-DROI_ET(2013)410221_EN.pdf).

- 43 Chris Collier, “What Protection Can EU and Norwegian Diplomatic Missions Offer?,” (Front Line, November 2007); “The European Union: Rising to the Challenge of Protecting Human Rights Defenders,” (Amnesty International, 2008).
- 44 “Assessing the Implementation of the European Union Guidelines on Human Rights Defenders: The Cases of Kyrgyzstan, Thailand and Tunisia,” available at [http://www.europarl.europa.eu/RegData/etudes/etudes/join/2013/410221/EXPO-DROI\\_ET\(2013\)410221\\_EN.pdf](http://www.europarl.europa.eu/RegData/etudes/etudes/join/2013/410221/EXPO-DROI_ET(2013)410221_EN.pdf).
- 45 See <http://www.oas.org/en/iachr/defenders/default.asp>.
- 46 In the case of petitions involving grave and urgent situations that violate the rights of defenders, the IACHR may ask states to adopt urgent measures to prevent irreparable harm. In extremely grave and urgent situations, the IACHR may ask the Inter-American Court to order states to adopt provisional measures to prevent irreparable harm. Currently, around one third of the precautionary measures granted by the Inter-American Commission every year are intended to protect the life and integrity of HRDs and others in the region.
- 47 Statistics are compiled in the annual reports of the IACHR available at <http://www.oas.org/en/iachr/reports/annual.asp>.
- 48 Available at <http://www.oas.org/en/iachr/docs/annual/2012/defenders2011.pdf>.
- 49 See <http://www.humanrights-defenders.org/osce-reports/>.
- 50 See “Declaration of the Committee of Ministers on Council of Europe action to improve the protection of human rights defenders and promote their activities,” <https://wcd.coe.int/wcd/ViewDoc.jsp?id=1245887&Site=CM&BackColorInternet=9999CC&BackColorIntranet=FFBB55&BackColorLogged=FFAC75>.
- 51 One of the previous three Rapporteurs on defenders had meanwhile been elected Chairperson of the Commission.
- 52 Mission reports, assessments, and recommendations are not yet available.
- 53 Available at <http://www.achpr.org/sessions/54th/intersession-activity-reports/human-rights-defenders>.
- 54 To the best of my knowledge not yet established. On 23 June 2011, a military court in DRC announced the verdict in the trial of the alleged killers. Four of the accused were sentenced to death, one was sentenced to life imprisonment, and three were acquitted. See more at <http://www.frontlinedefenders.org/FloribertChebeya#sthash.CUwIS0dt.dpuf>.
- 55 The SRACHPR only started publishing individual cases addressed in late 2010. Several cases have also been dealt with by the UNSRHRD. The degree of co-ordination in working with the governments involved is not clear.
- 56 In an interesting new development, an NGO, the International Service for Human Rights, has published a report assessing the follow-up after the visit by the UN Special Rapporteur in Colombia in 2009.
- 57 This may be unavoidable, especially in the UN context.
- 58 A 2010 Brookings Report, “Catalysts for Rights: The Unique Contribution of the U.N.’s Independent Experts on Human Rights,” found that “State cooperation was particularly bad when it came to responding to an expert’s written allegations of violations, with more than 50 per cent of communications receiving no reply versus 18 per cent that generated some positive movement toward a remedy.” Similar figures are contained in the 2010 report by the UNSRHRD.
- 59 Even if, in the case of the UN, there is no doubt that light shone by a global institution on certain cases undoubtedly brought positive developments in individual cases
- 60 The Commission has to receive the state’s opinion, frequently through several rounds of exchange of correspondence with both the state and the threatened persons concerned.
- 61 In 2012, the IACHR received 448 requests for precautionary measures and granted 35. In 2011, the number of requests received was 422, and it granted 57. In 2010, it received 375 requests and granted 68.
- 62 See <http://www.humanrights-defenders.org>.
- 63 See statement by Philip Alston, former Special Rapporteur on extrajudicial, summary and arbitrary executions at <http://www.ishr.ch/news/philip-alston-un-must-develop-effective-response-reprisals>.

- 64 These efforts have been largely coordinated by the International Service for Human Rights.
- 65 See <http://www.ishr.ch/news/un-passes-strongest-resolution-yet-ending-reprisals-against-human-rights-defenders>.
- 66 See <http://www.ishr.ch/news/un-general-assembly-turns-its-back-human-rights-defenders>.
- 67 See [http://issuu.com/peacebrigadesinternational/docs/bulletin\\_30\\_how\\_many\\_more\\_april\\_2011/?e=4256013/6221055](http://issuu.com/peacebrigadesinternational/docs/bulletin_30_how_many_more_april_2011/?e=4256013/6221055) for a one-page summary on Colombia, Brazil, and Guatemala.
- 68 Daniel Joloy, "Mexico's National Protection Mechanism for Human Rights Defenders: Challenges and Good Practices," *Journal of Human Rights Practice* 5 (3) (2013): 489-499, accessed 20 February 2013, doi: 10.1093/jhuman/hut02. Available at <http://jhrp.oxfordjournals.org/content/early/2013/10/13/jhuman.hut020.abstract>.
- 69 See Focus Report 2013, "Public Policies for the Protection of Human Rights Defenders: The State of the Art," (Protection International, 2012), available at [http://protectionline.org/files/2013/05/Focus-2013\\_130523\\_ENG\\_2nd-Ed.pdf](http://protectionline.org/files/2013/05/Focus-2013_130523_ENG_2nd-Ed.pdf).
- 70 "Legislators and Human Rights Defenders," (Protection International, 2011), available at [http://protectioninternational.org/wp-content/uploads/2013/08/Parliamentary-Guide\\_EN.pdf](http://protectioninternational.org/wp-content/uploads/2013/08/Parliamentary-Guide_EN.pdf).
- 71 Even if "protection offered by the police is selective, inefficient and at times is even a cause of further risk when the police themselves are believed to be involved in attacks against defenders," A/HRC/10/12/Add.3, para. 67.
- 72 In Brazil, only three states. In Mexico, effectively only in the Federal District.
- 73 See "Protection of Human Rights Defenders, Best Practices and Lessons Learned, Volume 1: Legislation, National Policies and Defenders' Units," (Brussels: Protection International, 2010), available at <http://protectioninternational.org/wp-content/uploads/2013/04/Best-Practices-and-Lessons-Learnt.pdf>.
- 74 There was some optimism expressed by one interviewee that the Mexican law, passed in 2012, may yet prove to be an effective tool to protect HRDs as the government in December 2013 allocated 16 million dollars for the mechanism; lack of resources had been a key constraint to date.
- 75 CEJIL and Protection International are developing an analysis of the different experiences of national protection mechanisms with a view to advising HRDs who are advocating for their establishment on what to ask for and what to avoid. Publication is anticipated in the first quarter of 2014.
- 76 Activist cultures, developing from social justice struggles or with religious background, which may encourage absence of attention to one's own wellbeing, and, ultimately, sometimes self-sacrifice as the ultimate proof of dedication to the cause, have been well described. See, for example, Jane Barry with Vahida Nainar, "Insiste Persiste Resiste Existe: Women Human Rights Defenders' Security Strategies," (2008); Winifred Tate, *Counting the Dead: The Culture and Politics of Human Rights Activism in Colombia*, (Berkeley, California: UC Press, 2007).
- 77 At the expense of responses which are regionally or nationally based.
- 78 "Strategies for Survival: Protection of Human Rights Defenders in Colombia, Indonesia and Zimbabwe, Mathew Easton," for Front Line, the International Foundation for the Protection of Human Rights Defenders (2010), vii. Available at [http://www.frontlinedefenders.org/files/strategies\\_for\\_survival\\_english.pdf](http://www.frontlinedefenders.org/files/strategies_for_survival_english.pdf).
- 79 The tried and tested menu of options, with some tweaks, continue to be pursued: urgent appeals, letter writing, and advocating with states at all levels to intervene in cases of attacks on HRDs. Article 19 is campaigning for an international day to end impunity. Amnesty International is tentatively exploring greater use of social media and technology to improve its campaigning effectiveness in general.
- 80 This may include speaking tours, visits by international delegations, such as lawyers when human rights lawyers are threatened en masse (as in Colombia, and more recently, Mexico), and direct contacts with authorities and with key international players in Western capitals and international organizations.
- 81 Women HRDs seem to have a number of such programs in various countries and networks.
- 82 See <http://www.frontlinedefenders.org/front-line-award-human-rights-defenders-risk>.
- 83 Among the best known being the Martin Ennals Award by a consortium of major human rights organizations, the Front Line Award, and the Robert F. Kennedy Award to name just a few.

- 84 Johannes Thoolen, "Human Rights Awards for the Protection of Human Rights Defenders," *Journal of Human Rights Practice* 5 (3), (2013), 548-555. Available at <http://jhrp.oxfordjournals.org/content/5/3/548.full>.
- 85 For more details, see "Strategies for Survival: Protection of Human Rights Defenders in Colombia, Indonesia, and Zimbabwe," (Front Line, 2010), 28 et seq. Available at [http://www.frontlinedefenders.org/files/strategies\\_for\\_survival\\_english.pdf](http://www.frontlinedefenders.org/files/strategies_for_survival_english.pdf). See also [www.somosdefensores.org](http://www.somosdefensores.org).
- 86 See [http://protectionline.org/files/2013/04/informe\\_UDEFEGUA\\_2012.pdf](http://protectionline.org/files/2013/04/informe_UDEFEGUA_2012.pdf).
- 87 For more details, see "Strategies for Survival: Protection of Human Rights Defenders in Colombia, Indonesia, and Zimbabwe," (Front Line, 2010), 28 et seq. Available at [http://www.frontlinedefenders.org/files/strategies\\_for\\_survival\\_english.pdf](http://www.frontlinedefenders.org/files/strategies_for_survival_english.pdf). See also [www.somosdefensores.org](http://www.somosdefensores.org).
- 88 *Ibid.*, 34. Available at [http://www.frontlinedefenders.org/files/strategies\\_for\\_survival\\_english.pdf](http://www.frontlinedefenders.org/files/strategies_for_survival_english.pdf).
- 89 See <http://www.abcolombia.org.uk/subpage.asp?subid=369&mainid=22>.
- 90 For example, many in Mexico appear not to be aware of the Mexican official protection system.
- 91 For example, an interesting effort is under way to see whether the experience of women human rights defender solidarity networks can be shared more globally as a way of inspiring similar, albeit context-specific efforts in different regions. Representatives of the Meso-American Women's Human Rights Initiative have recently met with women's rights activists in the MENA region as part of an initial exploration in this regard.
- 92 See East and Horn of Africa Human Rights Defenders Project, "Networks for the Protection of Human Rights Defenders: Notes from the Field," *Journal of Human Rights Practice* 5 (3) (2013): 522-534, available at <http://jhrp.oxfordjournals.org/content/5/3/522.full>, for a useful discussion of how these networks function.
- 93 Some notable examples include the Solidarity Platform (EurAsia), the East and Horn of Africa Human Rights Defenders Project as well as allied networks in West, South, Central and North Africa; the Meso-American Women's Human Rights Initiative; and Forum-Asia.
- 94 Available at <http://protectioninternational.org/publication/new-protection-manual-for-human-rights-defenders-3rd-edition>. This Manual has been "localised" in some places (e.g., Pakistan), and national networks have also produced their own manuals (Columbia is an example). An earlier edition of the Manual was published in collaboration with Front Line.
- 95 See <http://protectionline.org/tools-for/>.
- 96 See also the online dialogue, facilitated by the New Tactics in Human Rights project in 2010, entitled "Staying Safe: Security Resources for Human Rights Defenders," available at <https://www.newtactics.org/conversation/staying-safe-security-resources-human-rights-defenders>.
- 97 One reason may be that financial support for this is not available.
- 98 Perhaps too generic for the specific contexts they are offered in.
- 99 For further analysis of work in this area, see The Engine Room white paper, "New Research on Digital Security Training," posted 5 December 2013 and available at <https://www.theengineroom.org/new-research-on-digital-security-training/>.
- 100 See <http://www.amnestyusa.org/news/news-item/amnesty-international-app-for-protecting-activists-up-for-technology-award>.
- 101 Inmaculada Barcia, "Urgent Responses For Women Human Rights Defenders At Risk: Mapping And Preliminary Assessment," (AWID Consultant and Women Human Rights Defenders International Coalition), 13, available at <http://www.awid.org/Library/Urgent-Responses-for-Women-Human-Rights-Defenders-at-Risk-Mapping-and-Preliminary-Assessment>.
- 102 For more information concerning criteria and selection process, see: <http://www.forum-asia.org/?p=7302>.
- 103 Their utterly disruptive nature for defenders, organizations, and the human rights community in their country, as well as the risks of dependency, have been particularly stressed.
- 104 The Justice Defenders Program of the American Bar Association hosts such a program (see [http://www.americanbar.org/groups/human\\_rights/justice\\_defenders.html](http://www.americanbar.org/groups/human_rights/justice_defenders.html)) as does Avocats Sans Frontières,



through its Observatoire International des Avocats. ASF is in the process of collaborating with the East Africa Law Society to provide legal support to lawyers and HRDs at risk in Burundi, DRC, Kenya, Rwanda, and Uganda (see [http://www.asf.be/wp-content/uploads/2013/07/ASF\\_FlyerDDH\\_EN.pdf](http://www.asf.be/wp-content/uploads/2013/07/ASF_FlyerDDH_EN.pdf)).

- 105 Up to several thousand USD.
- 106 In 2012, Front Line Defenders Security Grants Program awarded 269 grants, totaling €607,877 to individuals and organizations at risk. 105 human rights defenders were supported on temporary relocation ([http://www.frontlinedefenders.org/files/Dispatches\\_2012.pdf](http://www.frontlinedefenders.org/files/Dispatches_2012.pdf)). The UAF has made about 100 grants annually in recent years.
- 107 For example, Amnesty International also maintains relief funds for local groups and activists who have close connection with Amnesty, including a specific program of hosting defenders from Latin America by AI Spain.
- 108 One of the largest defenders funds is for “temporary” and “short-term” support covering recent incidents, while Front Line’s upper limit is 6,000 euro.
- 109 Described by one respondent as a “mad scramble,” although this appears to be an exaggeration.
- 110 Although, of course, sending information over unprotected email or over the telephone is not less risky.
- 111 Some donors (among them OSF and CordAid) have drafted descriptions of available resources for their grantees, but none is sufficiently comprehensive, or analytical. The WHRD Coalition published a 2011 mapping of resources for Women HRDs at Risk, which provides a comprehensive picture of emergency response mechanisms, available at [http://issuu.com/awid/docs/whrd\\_urgent\\_responses\\_eng?e=2350791/5443696](http://issuu.com/awid/docs/whrd_urgent_responses_eng?e=2350791/5443696). In 2012, the IHRFG also published a directory of emergency and rapid response grants, available at <http://www.ihrfg.org/human-rights-defenders>. A useful analysis of the variety of temporary shelter initiatives that exist within and outside the EU is also available at <http://www.kulturradet.se/Documents/Handbok%20för%20fristadsförfattare/FinalEUHRDReportMasterVersion.pdf>.
- 112 Such initiatives do exist in Guatemala and Colombia.
- 113 No exact data exists, and placements are called different things, but my estimate is that globally, in any given year, there are perhaps no more than a few dozen long-term (six months to a year) placements available for HRDs.
- 114 Most of the HRDs needing rest and respite would probably have a legitimate case for demanding asylum although in the experience of providers the great majority do not wish to do this.
- 115 Some did not provide responses to the relevant questionnaires.
- 116 In most cases, a few tens of thousands of dollars over a year globally.
- 117 Going forward, OSF’s 2014-2017 HRD funding strategy targets 4 main priorities: 1) countering the stigmatization of HRDs and their work; 2) addressing restrictions on foreign funding of HRD work 3) support for national protection mechanisms; and 4) regionally and nationally grounded networks for the protection and security of HRDs.
- 118 See page 6 of [http://www.eidhr.eu/files/dmfile/EIDHR\\_DeliveringonHumanRightsDefenders\\_Report.pdf](http://www.eidhr.eu/files/dmfile/EIDHR_DeliveringonHumanRightsDefenders_Report.pdf).
- 119 See list of 11 funded projects at <http://www.eidhr.eu/human-rights-defenders/human-rights-defenders-list>.
- 120 See page 9 of [http://www.eidhr.eu/files/dmfile/EIDHR\\_DeliveringonHumanRightsDefenders\\_Report.pdf](http://www.eidhr.eu/files/dmfile/EIDHR_DeliveringonHumanRightsDefenders_Report.pdf).
- 121 Available at [http://www.eidhr.eu/files/dmfile/final\\_public\\_report\\_en.pdf](http://www.eidhr.eu/files/dmfile/final_public_report_en.pdf).
- 122 Contrast this with the UNSRHRD findings from her 2011 report on the distribution of appeals: 20 percent were in Europe.
- 123 The consortium that manages it includes Freedom House, the International Center for Not-for-Profit Law (United States), Front Line Defenders (Ireland), CIVICUS World Alliance for Citizen Participation (South Africa), the Asian Forum for Human Rights and Development (Thailand), People in Need (Czech Republic), and the Swedish International Liberal Center. Thirteen governments, including Australia, Benin, Canada, Chile, the Czech Republic, Denmark, Lithuania, the Netherlands, Norway, Poland, Sweden, the United Kingdom, and the United States, have pledged support for this NGO Assistance Fund.
- 124 For grantees from countries of special concern to such donors.

- 125 For example Wellspring Advisors, Cordaid, Trocaire. and the AJWS, among others. This is, however, rare.
- 126 See <http://www.ihrfg.org/human-rights-defenders>.
- 127 It may be challenging to operationalize this approach in actual grant-making practice for those donor organizations that may not be focused on core funding.
- 128 “The dividing line between donor and grant recipient is a strong one, and diluting it raises expectations to a level which is unsustainable and bound to cause disappointment,” in the words of one respondent.
- 129 The Engine Room is currently working on a paper to document practices and recommend donor changes in this area. See <https://www.theengineroom.org/wp-content/uploads/Responsible-Data-and-the-Donor-Community.pdf>.
- 130 Some necessarily rely on word of mouth and trusted networks and (one would assume) have procedures to ensure access to them is not controlled by “gatekeeper” organizations.
- 133 Taking into account medical, legal, family, relocation, and rehabilitation needs.
- 134 Defenders in Mexico report that around one-third of the measures they consider sufficient are implemented, and it takes a minimum of six months to achieve this.
- 135 Unpublished Conference Report, Columbia University.
- 136 An unpublished UK Law Society Report on implementation of ECHR judgments in Russia claims 143 ECHR judgments given about killings and disappearances, with no successful investigations/prosecutions.
- 137 A case in point is Uzbekistan after Andijan, where the EU re-engaged without the conditions it earlier imposed being met.
- 138 These include increasing political pressure, especially internationally; appealing to domestic systems to investigate and prosecute offenders; reinforcing the capacity of domestic systems to deal with international crimes (even though the majority of attacks against defenders do not qualify as such); and pursuing universal jurisdiction cases.
- 139 OSF, as part of its new 2014-2017 strategy on HRDs is also exploring how to better engage business and international financial institutions (IFIs) on issues relating to the protection and security of HRDs. These efforts go beyond the issue of addressing impunity per se to the broader question of how to enlist business and IFIs as allies in the protection of HRDs.
- 140 Respondents also suggest several new strategies for making the response on impunity more effective. These include the need to develop imaginative political, legal, and communications approaches to resist entrenched impunity; undertake focused research work on lessons learned from national and international efforts in this area; tease out the political and legal structures nourishing impunity and analyze the motivations of the individual violators and possible avenues of influencing those, including working with willing governments to influence “spoilers”; step up advocacy to freeze assets and issue travel and visa bans for violators of rights of HRDs; and seek legal constructs (such as the concept of “protected” persons in many penal codes, or the opportunities for NGOs to be civil parties to criminal proceedings), that could facilitate the process of holding perpetrators to account. There is also value in ensuring greater consistency in advocacy by making descriptions of impunity and a focus on violators a central tenet of work (See as one example, [http://www.peacebrigades.org.uk/fileadmin/user\\_files/groups/uk/files/Publications/0912\\_en\\_impunity\\_final\\_v2.pdf](http://www.peacebrigades.org.uk/fileadmin/user_files/groups/uk/files/Publications/0912_en_impunity_final_v2.pdf).) and promoting consistency in follow up. (Many of the urgent appeals are not followed-up on and “disappear” from the radar of public opinion. There are exceptions, of course, such as the Floribert Chebeya case in the DRC.) If applied imaginatively and consistently, such strategies may lead to greater accountability for attacks on HRDs.
- 144 This is the number one recommendation in Front Line’s recent report on Zimbabwe, Colombia, and Indonesia, available at [http://www.frontlinedefenders.org/files/strategies\\_for\\_survival\\_english.pdf](http://www.frontlinedefenders.org/files/strategies_for_survival_english.pdf), p. 58.
- 145 A good list of some of what this could support is on p. 19 of the Oslo Report, <http://www.frontlinedefenders.org/node/14041>.