The effectiveness of approach: addressing the value of rights-based interventions to protect human rights defenders in oppressive environments

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Commentary focusing on work produced from 2009 – 2016

Submitted in partial fulfilment of the award of Doctor of Philosophy by Prior Output at London Metropolitan University

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STATEMENT DECLARATION

This commentary statement is in partial fulfilment of the requirements of London Metropolitan University for the Degree of Doctor of Philosophy by Prior Output. The commentary statement presented and accompanying outputs are all original works located in academic discourse within an established scholarly field. No part of this material has been submitted for an academic award from another university or professional institution. I have not registered or enrolled for an award with any other institution whilst pursuing this award at London Metropolitan University.

ABSTRACT

This commentary statement accompanies the research outputs (listed in Annex 1) submitted for the award of Ph.D. by Prior Output at London Metropolitan University. The commentary describes the genesis of the work presented, and brings coherence and context to the submission. The nine outputs in the submission (Outputs A – I) address the nature of approaches to interventions for the protection of human rights defenders. My premise holds that mobilising human rights-based approaches to interventions for the protection of human rights defenders in countries with oppressive regimes has significant potential for altering the nature and practice of human rights defence, improving security for human rights defenders, and impacting human rights implementation.

This submission presents an original contribution of research work conducted over an eight year period (2009 – 2016). Situated in the academic discourse, there are three distinct strands within the research submission, each strand contributing to a coherent body of work. The first strand is concerned with the effective implementation of the European Union Guidelines on Human Rights Defenders; the second strand is concerned with the development of a research agenda engaging practitioners and academics in multiple research activities investigating the human rights defender protection regime; and the third strand is concerned with enabling environments for human rights defenders through projects in Central Asia and Darfur, Sudan.

The work is derived from an agentic constructivist and human rights-based approach perspective. Through incorporating multiple, and also innovative methodologies, the research activities investigate defender protection situated in subjective meanings and multiple contexts, and the three strands of work together capture the eclectic perspectives of both the enablers of defenders, and defenders themselves. In this way the submission articulates pathways for a research agenda that informs and reveals problems in intervention approaches, encompassing local, regional and international engagement and support to human rights defenders.

The commentary and the research outputs consider approaches of social and political mechanisms necessary for the mobilisation of improved security in defender communities, studied in multiple regions of the world to advance empirical knowledge and normative argument. The work contributes to academic rigour and scholarship in the fields of human rights and international relations, and also other social science fields, including sociology, social policy, politics, law, international development and security and conflict studies.

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Preface to the Commentary

My background and developing interest in the topic

The research question 'what is the value of mobilising human rights-based approaches to interventions for the protection of human rights defenders in oppressive environments?' developed through my work as an academic researcher at London Metropolitan University (2009 – 2016), but my interest in the topic has its genesis from the first half of my career working as a practitioner in refugee and human rights protection (1990 – 2002).

After completing my B.A. degree in International Communications at Webster University[1], I worked with the International Institute of Metropolitan St. Louis (1990 – 1993) and the International Rescue Committee (IRC) Resettlement Office in Washington D.C. (1994), assisting newly arriving refugees to the U.S.[2] In 1995, I transitioned to the IRC Government Relations Office, reporting on refugee crises and advocating for U.S. Government policy responses to refugee security. In 1996, I worked in Southeast Asia with the U.S. Joint Voluntary Agency 'Resettlement Opportunities for Vietnamese Returnees' (ROVR) programme.[3] Based on data collected through interviews conducted with women in the *Sikhiu* camp of northeast Thailand, a protected group of 'victims of violence on humanitarian grounds' was put forward by my work team to consider as eligibility criteria for refugee resettlement in the U.S. I was concurrently studying for my MA degree at the American University School of International Service, and my work in the refugee camp of Northeast Thailand influenced the direction of my MA thesis on 'Assessing UNHCR Training Guidance: Refugee Protection Officers Assistance to Victims of Extreme Violence'.[4]

In 1997, I began work with the Organisation for Security and Cooperation in Europe (OSCE) as a human rights monitor in Bosnia-Herzegovina, arriving shortly after the cessation of the conflict.[5] In 1999, I moved to the OSCE in Sarajevo, and as part of my new position I trained OSCE human rights officers in preparation for deployment. My trainings integrated attention to

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[1] I graduated from Webster University, receiving my degree from their campus in Leiden, Netherlands. The degree was an inter-disciplinary study of politics and international relations, communications theory and language study.

[2] I managed job placements and led acculturation training for newly arriving refugees settling in the U.S. from countries including Vietnam, Ethiopia, Eritrea, Somalia, Sudan, Bosnia, Russia, Albania, Haiti, and Iraq.

[3] The ROVR programme was a U.S. refugee policy response to persons at risk of *refoulement* (forced return) to Vietnam, spurred by plans to close camps with protracted refugee situations in five Southeast Asian countries. See *U.S. Committee for Refugees, World Survey 1997 Vietnam*, http://www.refworld.org/docid/3ae6a8b728.html

[4] I received my MA degree in International Communication with minor in International Development from the American University, School of International Service, in Washington D.C. (January 1994 – December 1996).

[5] I worked with the OSCE Human Rights Department from 1997 – 2000. I was initially based in Banja Luka and managed the OSCE human rights monitoring team for the western region of Bosnia in 1998. For an overview of the human rights situation in post-conflict Bosnia-Herzegovina, see Haynes, D. (ed.) 2008. *Deconstructing the Reconstruction: Human Rights and Rule of Law in Postwar Bosnia-Herzegovina.*

security in human rights work, for both self-care and for protecting the security of staff,[6] notwithstanding the lack of literature on the subject.[7]

In 2001, I headed an office for the UN Office of the High Commissioner for Human Rights (UN OHCHR) in northeast Bosnia. In this capacity, I developed a pilot research programme integrating a comprehensive human rights framework with sets of indicators for assessing the implementation of human rights obligations at the municipal level. The design of the programme and preliminary research of two municipalities using this framework led to my work with the United Nations Development Programme (UNDP), designing the start of a country-wide programme, the *Rights-based Municipal Assessment Programme* (RMAP), in partnership with UN OHCHR and the Bosnia and Herzegovina Ministry for Human Rights and Refugees.[8] Recognising a key aim of the programme was to embed the human rights-based approach (HRBA) as a methodological tool, the HRBA was integrated in my work on the programme design, training all those participating, and providing a supportive role to the monitoring team.[9]

In 2003, I left Bosnia-Herzegovina and returned to the United States to pursue a career in academic teaching and research. From 2003 – 2005 I taught human rights in the Philosophy Department of Webster University in St. Louis Missouri, and was awarded a research fellowship in 2004.[10] In 2006, I accepted a position with the Human Rights and Social Justice Research Institute (HRSJ) of London Metropolitan University to develop human rights research, training and scholarship. In 2007, I began my work with defenders from Central Asia and the Sudan at

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[6] I had personally experienced serious threat and intimidation due to my human rights work in Bosnia, and I was fortunate that those supervising my work took prompt response measures for ensuring my personal security when necessary. I wanted to raise awareness and consider best practices for human security in my trainings (for self awareness and the managing of local and international staff), recognising this as a critical part of professional human rights practice.

[7] At the time there was a dearth in literature addressing human security issues and professionalism in human rights work; however the *need* to codify training methodologies for human rights workers was identified (see Kenny, K. 1996. 'Towards Effective Training for Field Human Rights Tasks: Recommending an on-going international process to codify best human rights field practice' *International Human Rights Trust,* Department of Foreign Affairs, Ireland).

[8] The initial aim of the programme in 2002 was to embed a comprehensive human rights framework with sets of indicators for assessing the implementation of human rights obligations at the municipal level. The RMAP developed over nine years in Bosnia-Herzegovina, 'to design and field-test methodologies of human rights-based approaches to development, through municipal situation assessment, analysis and planning' (UNDP, 2006: 34).

[9] The start up of the programme provided international human rights monitors (from the UN OHCHR) to facilitate supervision and provide mentorship to newly trained national human rights monitors. This contributed to a transition from predominantly international actors as human rights monitors to opportunities for local actors to engage with municipal authorities on human rights progression in Bosnia-Herzegovina.

[10] The fellowship was granted as part of the "Human Rights Education Project' at Webster University, directed by the Head of the Philosophy Department, Professor Art Sandler. My work engaged human rights philosophical and historical roots to the study of human rights social movements, policy studies and activism, linking human rights theory to human rights practice, and contributing to the development of the BA degree in Human Rights at Webster University.

HRSJ, which led to my embryonic research question: When states violate the rights of defenders, or threaten their legitimate practice, what are appropriate and effective intervention methods for providing support to defenders, and what is needed for ensuring their protection? I identified a paucity of academic research and scholarship on rights-based initiatives toward the protection of defenders and established my research work on this topic. Over an eight year period (2009 – 2016) I developed my research and scholarship. The outputs submitted for this Ph.D. originate from research conducted during my time at London Metropolitan University.

<u>The need to address human rights defenders and their security</u>

The link and overlap of security, development and human rights

Defenders often confront powerful governments and formidable non-state actors on issues of social and economic degradation, poverty, land and environmental threats. They defend women, children and other groups and individuals who suffer under unjust laws and practices. Defenders hold states to account for their and others' civil and political rights, and seek justice for egregious human rights violations in situations of both peace and conflict. In carrying out this work, defenders may fall victim to threats and harassment, state-sponsored violence and systematic human rights abuses. These are 'security', 'development' and 'human rights' problems, yet human rights defenders are rarely addressed in the academic literature of international relations when addressing these subjects.

In 1998, the United Nations adopted a *Declaration on Human Rights Defenders* that recognised the right of individuals to work to defend others' human rights, to engage in human rights discourse, and to enjoy protections from the state in order to realise these rights.[11] The drafting of the Declaration was a long drawn out process that began in 1985, but the final agreement produced a landmark document that recognised the duty of states to protect the defender of rights from both state agents and non-state actors as a global imperative.[12] The Declaration was adopted alongside other human development and human security advances of the time.

In 1994, the UNDP adopted the 'human security approach' to development.[13] The human security approach broadened the scope of security analysis and policy focus from territorial

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[11] The United Nations Declaration on Human Rights Defenders, officially *the UN Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedom*, A/RES/53/144 9, December 1998.
[12] Ibid. See also Output F: 410- 412.
[13] United Nations Development Human Development Report 1994, http://hdr.undp.org/sites/default/files/reports/255/hdr_1994_en_complete_nostats.pdf.

security to the security of people.[14] Important to the human security approach was the principle of participation, recognising '…a guiding principle of the human security approach is that it requires understanding the particular threats experienced by particular groups of people, as well as the participation of those people in the analysis process…'[15] By instituting a multi-dimensional understanding of security, and recognised multiple actor legitimacy to engage and address security problems in pursuit of security solutions, human rights defenders gained normative legitimacy as important contributors in a global civil society for protecting the security of others. The UN World Summit of 2005 reinforced this thinking by formally linking human rights, human development, and human security as an approach to international relations.[16]

Critical security theory scholars were also resituating the discourse on human rights, development and security at this time, placing the individual as referent object, challenging narrow state-centric conceptualisations of security in international relations discourse, and recognising the emancipation of a global civil society.[17] Scholars of feminist security studies (Tickner 1997, 1998; Hudson 2005; Cohn 2011; Shephard 2013; Reardon 2015) and scholars of feminist geopolitics (Koopman 2011; Massaro and Williams 2013) have further advanced ideas that bring attention to how security is compromised in development processes by a failure to include women and the less powerful; that raise ethical concerns to focus on whose security is most at risk; and that shift attention to the emancipation of marginalised groups, including individuals that protect the rights and security of others.

The emergent overlap of security, development and human rights in this respect has driven normative discourse on the legitimacy of civil society agency in international relations, but less on how to protect the individuals that constitute this agency. This has influenced my

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[14] Gómez O. A., Gasper, D. (2012.) *Human Security, A Thematic Guidance Note*, UNDP Human Development Report Office.

[15] Ibid: 2.

[16] UN Secretary General Kofi Annan addressed the aims of the UN World Summit in 2005, '…The world must advance the causes of security, development and human rights together, otherwise none will succeed. Humanity will not enjoy security without development, it will not enjoy development without security, and it will not enjoy either without respect for human rights.' (UN General Assembly. *In Larger Freedom: Towards Development, Security and Human Rights for All*: Report of the Secretary-General, 21 March 2005, A/59/2005).

[17] For example, critical security scholar Ken Booth found civil society agency integral to achieving real security outcomes. He notes 'some governments can exercise enormous power, but they are not the only agents, and they are not immune to influence. The implementation of an emancipatory strategy through process Utopian steps is, to a greater or lesser extent, in the hands of all those who want it to be—the embryonic global civil society. In a world of global communications few should feel entirely helpless. Even in small and private decisions it is possible to make choices which help rather than hinder the building of a world community. Some developments depend on governments, but some do not. We can begin or continue pursuing emancipation in what we research, in how we teach, in what we put on conference agendas, in how much we support Greenpeace, Amnesty International, Oxfam and other groups identifying with a global community, and in how we deal with each other and with students. And in pursuing emancipation, the bases of real security are being established' (Booth 1991: 313-326).

inquiry of what constitutes a 'human rights defender protection regime' and has contributed to my evaluation of how this regime acts, and how it might best proceed in the future.

Attention to security in the research methodology

I engage a social science research method of reflexivity in practice, recognising one's own subjectivity and the inherent inter-subjectivity within the research process. Such reflexivity has been integral to my work with defenders, and has contributed to developing an understanding of the complexity and dynamics of the subject. For example, there are difficulties in defining a defender and their value system through a fixed identity or association, as defenders of human rights operate in multiple contexts. As presented in the commentary statement and my research outputs, defenders may engage in 'legal pluralism,' or reconstitute an identity as needed for multiple reasons, including actions taken for their own security.[18]

In my work with defenders, reflexive and action research components of this submission have raised important debates around how defenders identify themselves, the use of human rights vernacular and normative agency as phenomena, and contestations within norm diffusion. These debates explore a number of contentious areas on the subject: how normative frameworks take on different meanings in different contexts; whether norm diffusion effectively counters veracious counter-narratives that seek to harm defenders; issues around self-identifying as a human rights defender or choosing not to (and understanding the associated benefits and risks involved); analysis of multi-scalar networks impact on defenders' professional and personal lives; and reflecting on actions that benefit or harm defenders' personal security, practice and broader human rights agendas.

I continually reflect on my own positionality to understand my values and subjectivity, and how this may affect my actions in the research process. An outcome of this reflexivity was recognising the value of establishing trust with the research respondents. As part of the process of establishing trust, I have disclosed my concern for the security of defenders and my commitment to progress genuine human rights outcomes. In the participatory aspects of the research process, establishing this trust was important. It created a bridge between researcher and respondent, to mutually consider how our engagement and the approach to the methodology may have (negative or positive) impact on (defenders') well-being and practice. This was imparted, for example, in efforts to create a safe space for the research meetings, which impacted the way in which defenders could reflect and think about their identities and their practice, a

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[18] Commentary statement 1.3; Outputs G and I.

dimension important to the quality of the research. Throughout my research work, attention to security has been a critical component of the research methodology.[19]

The quality controls have been rigorous in the research processes and have adhered to the ethical codes of working with purposive samples where access to participants will be difficult. Notwithstanding exerted diligence in the research procedures, and in the risk analysis for planning activities (i.e. steps taken as noted), problems did occur. These problems were predominantly related to defenders' travel to engage in the action research components. Incidents included defenders denied travel documents and/or restricted from travelling abroad; defenders' family members intimidated whilst they engaged in work abroad[20]; and study materials confiscated in the process of travel. And although it is difficult to know the extent of communications (on mobile phones, Skype, etc.) that have been intercepted or failed due to government interference, the likelihood of surveillance was considered high.[21] In consultation with each defender impacted when an incident arose, responsive actions were taken.[22] At varying stages of the research process some activities were rescheduled, cancelled, or revised due to an associated or perceived risk.

Advancing critical thought on interventions for defenders' security

My use of the term 'intervention' in the context of human rights defenders' security is a broad interpretation that applies to multiple actors taking human rights-based actions with states and/or non-state actors to engage in the prevention of a human rights violation, or taking action to

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[19] The research activities complied with London Metropolitan University (2012) *Research Ethics Policy and Procedures and Code of Good Research Practice.* The following were some of the steps taken to minimise risks in the research activities: engaging with local partners in the selection of research participants to ensure their safety; respecting respondents wishes of anonymity and confidentiality; seeking information and agreement with IT experts and the research participants for use of appropriate and secure technology in communications, at local and international levels, and amongst varying actors by assessing their access to safe, available technology tools; consulting research partners and participants in choosing safe countries to conduct research; consulting local actors to identify safe places for carrying out the work; engaging careful and reflexive plans for the movement of people (i.e. consulting with defenders on travel arrangements to gain their consent to ensure their security, and adapting plans as necessary); expanding research networks to include transnational actors that support defenders; reviewing hired rooms, technicians, interpreters, to ensure security and non-surveillance; planning for the sharing and storing of research data and other sensitive materials; adapting, omitting, or limiting research activities if they pose risks under certain conditions; gaining informed consent from participants on research actions and dissemination; conducting risk assessments in forming research groups, networks, and specific actions; and assessing specific risks for women and vulnerable human rights defenders in all of the above.

[20] The potential for reprisals against a defender (and their family members) for their engagement in research or international network activity is a serious ethical issue and necessitated close attention for best course of action. The risk of reprisals against defenders is further discussed as a security problem in the Commentary and outputs.

[21] Digital and communication security was carefully considered and frequently reviewed throughout the research process. For a useful article on this topic, see: Hanckey, S. and O'Clunaigh, D. (2013) 'Rethinking Risk and Security of Human Rights Defenders in a Digital Age' *Journal of Human Rights Practice*. 5 (3): 535-547.

[22] For example: altering mediums of communication and/or mediums used for data storage. In some cases, I liaised with intergovernmental bodies and supportive foreign embassies on behalf of a defender, particularly if their personal security was of concern (following consultation with, and agreement from, the defender).

influence the realisation of social justice outcomes where an injustice is occurring.[23] In this sense, the value of interventions on behalf of defenders is analysed in its distinct contribution, through use of empirical research and action research methods to explore the phenomena in the different contexts and viewpoints put forward. The research is goal-driven, to contribute and substantiate the subject of human rights defenders' security as a field of critical academic study. The outputs of these research activities have also produced some joint-authored pieces of work, of which my contributions are explained in Annex 2 of the commentary statement.

In the first strand of my work, I conducted a qualitative methods study concerned with the effective implementation of the EU Guidelines on Human Rights Defenders. In this, I focussed on the actions of diplomats in their engagement to support and protect defenders in third countries. The study includes case studies of three countries, Kyrgyzstan, Tunisia and Thailand, to provide evidence from multiple stakeholders' viewpoints (diplomats, defenders, and also intergovernmental and non-governmental organisations working in the regions) of the progress in this field. At the time of this study (2012-2013) the countries selected were not the worst or most consistent violators of rights against defenders in their respective geographic regions. They had relatively open societies enabling defenders to operate, but in all three countries, serious offenses had been, and were being, committed against defenders.[24] These countries had all recently experienced major political transitions (in 2010 - 2011) and accordingly, political stability was, to varying degrees, not yet secured (Output A: 21). As documented in the research findings of my first strand of research (Outputs A, B, C, D, E), some European diplomats have progressed implementation of the EU Guidelines on Human Rights Defenders, and human rights defenders have benefited from both EU delegation and EU member state mission interventions.[25] However, this has proven a disjointed and inconsistent EU policy commitment across the countries studied, and as a global phenomenon.[26]

Recognising the tempestuous nature of working in oppressive political and social contexts, human rights-based approaches to interventions for the protection of human rights defenders seeks a cosmopolitan platform coupled with sensitivity to the specific circumstances necessary for implementing appropriate actions in diverse environments. In my second strand of

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[23] My use of the term 'intervention' is situated within cosmopolitan ethics, recognising that the same principles of justice that inform the global sphere should inform the domestic sphere, with aim to achieve justice outcomes across and within sovereign spaces (Caney 2005).

[24] The countries selected for the study all had fully-fledged EU delegations and EU member state embassies working on the ground. This was essential criteria for conducting interviews with diplomats to understand their perspectives on how the embassy missions approach support to human rights defenders.

[25] See Outputs A, B for specific actions of European diplomats that contribute to good practice in this field.

[26] See findings presented in Outputs C, D, E, F and G as an outcome of the original research and the broader literature analysis. Further research actions on this topic are addressed in section 2 (2.2 and 2.3) of this Commentary statement.

research (Outputs F, G), I seek to understand a diverse range of actors' views and conceptualisations of meaningful interventions for the protection of defenders. I engaged in a series of research activities critically analysing different types of constructs and attitudes toward defenders' activism, the types of risks defenders take, and the varied mechanisms used to stop violating state actions against defenders. In my third strand of research (Outputs I, H), I engaged specific groups of defenders (mixed professionals[27] from Uzbekistan, Kyrgyzstan and Kazakhstan, and lawyers from Darfur Sudan) over multi-year periods, facilitating action-oriented research that engaged multi-scalar networks[28] to support and learn from defenders advancing rights-based interventions in their communities.

My knowledge and scholarship on the topic has greatly benefited from the use of these mixed methodologies and gathering of data from multiple actor viewpoints, and I believe provides an important contribution to advancing scholarly debate on the protection of human rights defenders as a human rights, development and security problem.

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[27] The human rights defenders taking part from Kazakhstan, Kyrgyzstan and Uzbekistan included journalists, lawyers, human rights NGO workers, academics, environmentalists and other independent human rights activists.
[28] Action research activities have engaged networks of human rights defenders and other relevant stakeholders across local, national, regional and international levels. See Outputs H and I, and section 2 (2.4) of this Commentary statement.

COMMENTARY

The effectiveness of approach: addressing the value of rights-based interventions to protect human rights defenders in oppressive environments

1. Context
1.1. Introduction

This commentary statement and the accompanying research outputs (listed in Annex 1) comprise my research submission for the award of Ph.D. by Prior Output at London Metropolitan University, in accordance with London Metropolitan University published Guidelines for Ph.D. by Prior Output (London Metropolitan University 2014). The submission comprises nine outputs, and the commentary aims to contextualise the submitted work to show its significant, original contribution as a coherent whole to the field of human rights studies. The work addresses the problem of human rights defender[29] protection, providing original contribution to the understanding and meaning of the expanse of subjective approaches to their protection within social and political systems, and in international relations.

This commentary reflects on a body of research work presented in three research strands, each strand examining the value of human rights-based approaches to interventions protecting human rights defenders working in oppressive environments through different elements and methods. The submission as a whole contributes to an emerging corpus of work situated in human rights studies within the field of international relations with focus on international communication, diplomacy, and international development.

Section 1 of this commentary statement introduces the conceptual frameworks to which my research connects, framing the focus of my work and theoretical basis as context to my work. Section 2 of this commentary statement is structured around three strands contextualising my outputs, providing explanation of the methods and particular context in which I conducted my research, presenting my research actions, and providing reference to my research findings and their contribution to human rights study. The commentary as a whole provides a framework of reference to the submitted outputs.

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[29] The term 'human rights defender' is also referred to as 'defender' or 'HRD' within this Commentary and within the submitted outputs. See section 1.3 of this Commentary statement for definition and discussion of the term.

Research outputs in the first research strand are comprised of: one research report of a study conducted for the European Union (**Output A**); one oral submission published as a European Union TV broadcast (**Output B**); one article in an academic journal (**Output C**); one forthcoming chapter in a book, currently an academic monograph in the public domain (**Output D**); and one published conference report in the public domain (**Output E**).[30] Outputs in the second strand are comprised of two articles in academic journals, both also chapters in an edited book (**Output F; Ga and Gb**); Outputs in the third strand reflect on two action-oriented research projects (the first implemented in Central Asia, and the second in Sudan/East Africa). Output H is a peer-reviewed government report in the public domain (**Output H**); and Output I originated as an academic conference paper, revised for publication in an academic journal (**Output I**).

The journal articles were all subject to rigorous processes of peer-review and the research reports were subject to rigorous quality control and peer review. **Outputs A; B; E; H; I** comprise outputs of commissioned projects following a competitive tendering process. My contributions to submissions with joint-authorship are explained in Annex 2. All submitted works comply with London Metropolitan University's Research Ethics Policy and Procedures.

The research submission as a whole contributes to a knowledge gap and dearth in literature on approaches to the protection of human rights defenders. I am interested in how civil society actors negotiate their practice as human rights activists within spaces that are constricted in both the social and political realms. Through study of local environments and specific cases within geographic contexts, I am concerned with the contextual approaches of defender protection and the role of enablers that support the protection and work of defenders. My work contributes to a broader understanding of systemic applications of approach to the support, protection and security of defenders and their practice in oppressive environments.

I consider the functionality of the human rights defender protection regime, derived from a normative framework, with contentions and challenges of particular concern in environments where authorities exercise power with impingements on, and function irrespective of, the human rights of the individuals and groups they are obliged to protect by their international treaty obligations, in customary law, and in their own national legislation. I examine these concerns through case studies, reflexive methods of inquiry and action research. My research responds to a central question: what is the value of mobilising human rights-based approaches to interventions for the protection of human rights defenders in oppressive environments?

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[30] The report addressed the outcomes of an international academic conference on the security and protection of human rights defenders, which included workshops engaging diplomats, academics and practitioners on the topic. The work was funded by the British Foreign and Commonwealth Office, with additional contributions from the Sigrid Rausing Trust and the German Government. For further discussion see section 2.2 of this Commentary.

I examine issues around this question within particular defender communities, and amongst the *enablers*[31] of human rights defenders, contending that attention to the approach of interventions has significant potential and value for altering the nature and practice of human rights defence, improving security for human rights defenders, and impacting human rights implementation. I understand the enabler as an actor and a mechanism of protection, seeking to support defenders by contributing to an enabling environment for their secure practice. This understanding builds from the UN Report of the Special Rapporteur on the Situation of Human Rights Defenders (UN doc A/HRC/25/55 2013), which considered the main elements necessary for defenders to be able to operate in a safe and enabling environment. Margaret Sekaggya[32] elaborates on how this change should takes place, describing the pro-active role expected of the state:

> Defending human rights is not only a legitimate and honourable activity, but a right in itself. However, defending and claiming rights continues to be a dangerous activity in many parts of the world. States have the primary responsibility to ensure that defenders work in a safe and enabling environment but non-state actors also have some obligations. Such an environment should include a conducive legal, institutional and administrative framework; access to justice and an end to impunity for violations against defenders; a strong and independent national human rights institution; policies and programmes with specific attention to women defenders; effective protection policies and mechanisms paying attention to groups at risk; non-state actors that respect and support the work of defenders; safe and open access to international human rights bodies; and a strong, dynamic and diverse community of defenders (Sekaggya 2014: 8).

I take the premise that where defenders are oppressed or victimised, states are not meeting their obligations to ensure defenders' security. This has led to the development of a number of political bodies institutionalising defender protection mechanisms at multiple levels.[33] I consider actor engagement, enablers that promote and action these mechanisms (in my research, I explore the diplomat as an enabler), as potentially effective and important to defender protection. My research considers the importance of agency in this process, beyond policy rhetoric. For example, in my work researching European Union diplomatic engagement in defender communities, I examine perspectives on these relational actions in an attempt to better understand what efforts are taken to achieve greater impact and effectiveness in defender protection through the implementation of the European Union's human rights defender protection policies.

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[31] I use the term 'enabler' to describe actors and mechanisms that support and protect defenders through actions, seeking to create enabling environments where defenders can practice freely without obstruction, threat or abuse.
[32] Margaret Sekkagya was the former *UN Special Rapporteur on the Situation of Human Rights Defenders* (2008 - 2014). She is Executive Director of the *Human Rights Centre Uganda,* an NGO working to build the capacity of human rights defenders in Uganda.
[33] See Output F: 410-412.

The research contributes to existing loci in international relations academic discourse, seeking to advance debate about human rights activism and its place in the development of democratic governance and the fostering of open societies. The research outputs are recognised amongst academic peers as an important and timely scholarly contribution of original work within the subject area of human rights.[34] My outputs have also gained recognition as scholarly contributions impacting international relations policy, engaging government and human rights institutions.[35] As the work contributes empirical knowledge and normative argument primarily concerned with discerning approaches to interventions and protection needs as defined by defenders in situ, it is also breaking ground through attention to defender's agentic movements, incorporated in the use of innovative research methodologies that investigate multiple levels of perception and approaches to human rights practice. In this way the research methodology creates potential for impact by identifying actions that create enabling environments for defenders' security and practice.

1.2   Framing the research

Whenever you are about to be oppressed, you have a right to resist oppression: whenever you conceive yourself to be oppressed, conceive yourself to have a right to make resistance, and act accordingly. In proportion as a law of any kind -- any act of power, supreme or subordinate, legislative, administrative, or judicial, is unpleasant to a man, especially if, in consideration of such its unpleasantness, his opinion is, that such act of power ought not to have been exercised, he of course looks upon it as oppression: as often as anything of this sort happens to a man -- as often as anything happens to a man to inflame his passions, -- this article, for fear his passions should not be sufficiently inflamed of themselves, sets itself to work to blow the flame, and urges

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[34] I have presented my research at conferences, research forums, workshops (including conferences sponsored by the Association of Human Rights Institutes, EU FRAME research group, and the European Union Commission) and as guest lecturer, internationally and in the UK. My research engagement in the UK (conferences, research development activities, developing research bids, joint consultation work) has included working with: Durham University, University of Essex, University of Aberdeen, University of York, Middlesex University, University of London, University of Roehampton, Queens University Belfast, and University of Newcastle. I also engage in research activity with a wide practitioner base of human rights defender groups globally, and international NGOs including: Front Line Defenders, Amnesty International, Human Rights Watch, Peace Brigades International, Protection International. My work has been cited and downloaded as scholarly reference, e.g. Output F cited 10 times (Google Scholar) Ranked 'Top 10' of *Journal of Human Rights Practice* articles downloaded in 2013; Output C viewed 1102 times and Output G viewed 2980 times since publication (Taylor and Francis; accessed 24.01.17). Outputs A; B; C; D; E are used in consultations on EU human rights policy; referenced in INGO reports; and consulted and referenced in the *OSCE Guidelines for Protection of Human Rights Defenders* 2014.

[35] I have carried out consultation work on this topic with government and political organisations. My engagement has been on international, regional, and national levels addressing human rights defender support and protection policies. I have engaged with the United Nations Office of the High Commissioner for Human Rights and UN Special Procedures offices; European Union Commission and departments; European Parliament Sub Committee on Human Rights; Organisation for Security and Cooperation in Europe and Office of Democratic Institutions and Human Rights; European government offices, including Ministerial levels and with foreign mission posts and diplomats; and the UK Foreign and Commonwealth Office Human Rights and Democracy Department (also across regional and thematic FCO desks, with DFID, and with UK Parliamentarians and All Party Groups). I engage regularly with human rights INGO/NGOs on issues concerned with safeguarding defenders and associated advocacy initiatives.

him to resistance. Submit not to any decree or other act of power, of the justice of which you are not yourself perfectly convinced.

Jeremy Bentham, 'Critique of the Doctrine of Inalienable, Natural Rights' 1843

…the law directs me to support you – it imposes upon me the obligation of supporting you – it grants you the right of being supported by me – it converts into an offense the negative act by which I omit to support you – it obliges me to render you the service of supporting you …

Jeremy Bentham, 'General View of a Complete Code of Laws' 1838 - 43

The above from texts of Jeremy Bentham (in Bowring *Works of Jeremy Bentham* 1838 – 1843) situates thematic bifurcations running through this research submission. I draw attention to 'oppression' and 'support' as relational terms in my research, to discern approaches to causality and conditions necessitating human rights defender protection. In Bentham's argument to resist such injustice, there is recognition of space for the oppressed to (re)consider and weigh options, a place where one can potentially rise above the act of oppression (Bentham *Critique* 1843). Bentham's consideration of the relationship between the law and those that are needed to provide support through the law denotes the assumption of an imperative to act (Bentham *Code of law* 1838). What lies between these consequential acts is less clear in Bentham's consideration, that is, how to respond to self-preservation when the space to rise above an act of oppression contracts? Of equal concern is when the oppressed are in such contracted space limiting, if not depriving the oppressed of their options, and in such conditions, they are reliant on those in a role of support to them, but find their supporters lack the imperative to act. From this standpoint, I address the themes of 'oppression' and 'support', through research that explores approaches to afford better security for human rights defenders in their practice.

According to the United Nations (UN): 'Human rights defenders can be any person or group of persons working to promote human rights, ranging from intergovernmental organizations based in the world's largest cities to individuals working within their local communities. Defenders can be of any gender, of varying ages, from any part of the world and from all sorts of professional or other backgrounds' (UN Fact Sheet 29: 6). The UN places its emphasis on categorising defenders through their human rights actions, and recognises their activity may put them at risk. Human rights defenders are the subject of a UN Declaration recognising their protection in UN instruments.[36]

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[36] *Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms* (commonly referred to as the *UN Declaration on Human Rights Defenders*), adopted 9 December 1998, A/RES/53/144. International legal protections for human rights defenders are derived from international human rights law. The importance of defenders' work and the need for their protection is exemplified through a UN Special Procedures mandate on human rights defenders created in 2000, as the *UN Special Rapporteur on the Situation of Human Rights Defenders.* This position was formerly held by Hina Jilani of Pakistan from 2000-2008, and Margaret Sekkagya of Uganda from 2008-2014, and is presently

Over time, governments, intergovernmental bodies, civil society actors and others - including HRDs themselves - have developed a range of protection mechanisms and practices to support defenders at risk (**Output F**: 410-412). To assess the effectiveness of implementation of these protection mechanisms, I have sought to investigate the actions of (potentially) rights-enabling political actors engaging the European Union defender protection mechanism, actions that are defined in foreign policy terms, and are acted on primarily to protect defenders in oppressive environments. This is evidenced through assessing engagement with the European Union's policy tool: *European Union Guidelines on Human Rights Defenders*[37] (the Guidelines), which sets out both policy objectives and operational guidance to be implemented by the EU and its member states in support of HRDs in third country diplomatic missions worldwide. Through analysis of the implementation of the Guidelines, the first strand of my research examines this guidance for EU diplomats to promote and respect the rights of defenders, and to protect them from attacks and threats from state and non-state actors, with the overall EU objective to bring about an environment where defenders can operate freely (EU Guidelines 2008: para 11) (**Output C**: 909-910).

Dramatic declines in political rights and civil liberties have been observed in every region of the world over the last decade (Freedom House 2017). Norm-violating states increasingly threaten and persecute individuals who struggle to improve human rights in these oppressive environments. This is seen in the rise of human rights violations against human rights defenders on a global level since 2001 (Landman 2006), and in the alarming rise of legal and administrative tactics by governments to oppress or criminalise defender's practice in the last decade[38] (**Output G**: 886-888). In these situations, HRDs may experience 'acts of surveillance, harassment, verbal and written threats, stigmatisation, criminalisation, restrictions on funding and registration as

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held by Michel Forst of France. The *UN Declaration on Human Rights Defenders* and subsequent UN reports/resolutions provide for attention to HRD protection needs, recognising both state and non-state actors have duties to protect HRDs, and recognising women human rights defenders have particular protection needs. (See UN doc A/65/223, 2010 *Violations against defenders by non-State actors*; UN doc A/C.3/68/L.64, 2013, *Protecting women human rights defenders*).

[37] The Council of the European Union adopted the *European Union Guidelines on Human Rights Defenders* in 2004 and revised the Guidelines in 2008.

[38] NGO Front Line Defenders has reported, 'human rights defenders face increasingly restrictive and punitive environments in every region of the globe. Extreme violence is being used more frequently and in more countries, while judicial harassment has become normalised in many parts of the world… Front Line estimates 156 HRDs were killed or died in detention in 25 countries in the first eleven months of 2015. This marked an increase over the previous year, both in the number of killings and in the number of countries where they occurred. The surge in the adoption of restrictive legislation continued, going beyond restrictions on funding to include new efforts to use the law to break contacts between HRDs and their international partners and supporters. The Russian Federation and China spearheaded such efforts in 2015.' (Front Line Defender Annual Report 2016: 7). Nb. For further discussion of Russia's oppressive tactics against NGOs and their supporters, see Daucé F. (2015) The Duality of Coercion in Russia: Cracking Down on "Foreign Agents", in *Demokratizatsiya*. For analysis of how Chinese human rights lawyers respond to state-imposed suppression, see Nesossi, E. (2015) Political opportunities in non-democracies: the case of Chinese weiguan lawyers, in *International Journal of Human Rights.*

NGOs, arbitrary arrest and detention, spurious investigations, fabricated charges, unfair trials, enforced disappearances, torture, ill-treatment and killings' (**Output D:** 1, see also **Outputs E; F; G**). National laws and administrative practices that criminalise defenders have been falsely justified by some states in terms of their measures to protect national sovereignty, counter terrorism and extremism, further economic security and development, and assert particular cultural, traditional and religious norms and practices (**Output G**: 886). I am concerned with understanding the utility of protection mechanisms in response to such threatening trends (**Output A; B; C; D; E, F; G**).

According to Clark Butler, 'where 'open societies' show 'commitment to an unlimited dialogical pursuit of truth which obligates us to validate and respect, if possible, everyone's claim to freedom of thought, 'closed societies' burden the exercise of human rights with restrictions on the range of discussion partners, of allowable topics, of known implications of a choice, and of known alternatives to a choice' (Butler 2008: 105). John Gaventa's insight of power dynamics in *finding the spaces for change* contributes a useful model for analysis of the prospects for civil pluralism in such contested environments (Gaventa 2006). Gaventa considers the nature of the space for civil participation, recognising the changing landscape and new institutional commitments for democratic participation do not define local realities, but asks whether (these commitments) really open up spaces where participation and citizen voice can have an influence (Gaventa 2006: 23). Through Gaventa's analysis of the nature of space (closed, invited, claimed/created), and identified forms of power (visible, invisible, hidden) we can better understand the interplay of these dynamics and articulate the situated realities of challenges to defenders.

Working in such 'closed' spaces, defenders' security strategies and tactics must be creative and flexible, and responsive to tactics of governments that threaten their rights. The defender takes risks appropriated to usefulness and purpose for meaningful action, where some risks can be calculated, yet others are unforeseen. Many defenders may seek transnational actor's support for negotiating their security with oppressive state actors. Some defenders openly engage with foreign states and supportive non-state actors, such as international non-governmental organisations (INGOs), to build sustainable transnational networks and alliances to improve their security through these relationships (**Outputs A; B; C; D; E; H; I**). A growing number of defenders are engaging openly in human rights discursive practice and international advocacy, and some take measures for their security in publicly expressing these alliances. For other defenders, strategies for security take another direction, through maintaining a low profile or conducting their practice below the radar of oppressive authorities. This approach may allow

defenders space to work safely and effectively, creating local security networks that are less conspicuous (**Outputs H; I**). In both scenarios, communication, engagement and networks with supportive actors form a crucial role in defender's protection.

My work is less focussed on technical and legal discourse of human rights instruments and outcomes, and more concerned with the relational processes of engagement and support between political actors and civil society actors. It recognises varying external dynamics (i.e. competing political and economic aims; the bureaucracy of institutional structures; dissonance in meanings of human rights) that shape political actions and can impose barriers that drive or refrain actors from taking certain actions. My outputs address the need for preventive (security) mechanisms to identify actions that support the relations and legitimacy of defenders with their own governments, and taking responsive actions on behalf of defenders (**Outputs A; B; D; E**).

Conceptualising the human rights defender protection regime is derived from defenders' emphasis of the importance of having a holistic, multi-dimensional understanding of 'security' (**Output G**: 883-885). This responds to the multiple contexts and professions of defenders, and to particular groups of concern. My approach adopts a feminist framework, recognising women human rights defenders have particular human security needs, emphasising the importance of understanding how discrimination, stereotyping and stigmatisation are rooted in: social structures of society, such as forms of patriarchy and the militarisation of society; and political obstacles that compromise women defenders' security[39] (**Outputs D**; **G:** 884).

1.3   Human rights defenders: concepts and categories

The term 'human rights defender' has been used to refer to a broad range of individuals and collectives promoting or protecting human rights, including lawyers, journalists, activists, trade unionists, members of community-based organisations, people in social movements and staff of human rights organisations involved in different work in very different contexts (**Output G**: 888). The categorising and conceptualisations of human rights defenders are often by consideration of a person's profession (e.g. lawyer), identification (e.g. lesbian-gay) or specific action (e.g. protecting the environment). Although defenders may practice in different contexts and at multiple levels (domestic, regional, international), it is primarily through their experience at the local level, embracing the practice of human rights defence as a professional endeavour that allows human rights defenders to further develop our understanding of human rights (De Feyter et al 2011).

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[39] See Barcia, I. (2014), *Our Right to Safety: Women Human Rights Defenders' Holistic Approach to Protection*, Toronto: Association for Women's Rights in Development. See also, Reardon, B. (2015) 'Women and Human Security: A Feminist Framework and Critique of the Prevailing Patriarchal Security System'.

Human rights defenders are the subject of the *UN Declaration on Human Rights Defenders*[40] and in practice the definition of 'human rights defender' is derived from Article 1 of the Declaration, which states: 'Everyone has the right, individually and in association with others, to promote and to strive for the protection and realization of human rights and fundamental freedoms at the national and international levels.' Both the UN and the EU have put their emphasis on understanding the human rights defender in relation to the (peaceful) *actions* they take in defending the human rights of others, and in doing so, recognise human rights defenders deserve particular attention to ensure their own rights are protected. In this sense, the term has been constructed as a means for mobilising international commitments for rights and protection accorded to defenders, and the duties of states to protect them (**Outputs A; B; E; F; G**).

The term tends to be invoked when those engaged in rights-related work are threatened or put at risk for what they do – it is a way of legitimising, bringing visibility to and reiterating their right to do this type of work (**Output G**: 888). Eguren and Patel address the complexities by which human rights defenders are categorised, and found the meaning of the term as purely a functional role is incorrect. They recognise how the term can be highly politicised, defining oneself as a human rights defender has identifiable consequences, thus defenders themselves must have ownership of this identifier, and they may or may not choose to associate with the term (Eguren and Patel 2015).

The UN Declaration does not actually use the term 'human rights defender'[41], and in some cases use of the term can be highly contentious. For example 'aggressors have started to appropriate this term, referring to themselves as human rights defenders, to the consternation of civil society groups who see them as perpetrators of rights abuses' (**Output G**: 888). [42] This is evident through the misappropriation of the term 'human rights defender' by actors of 'managed' or 'marionette' NGOs, or government-organised non-governmental organisations (GONGOs). GONGOs representing authoritative regimes may work under the guise of 'human rights defender' to oppose independent human rights defenders actions and infiltrate their legitimate civil society spaces (U.S. Mission to OSCE 2016). Cook and Vinogradova have described such organisations in Russia as 'created by state or governmental officials and have no leadership or constituency in society… They are not part of civil society, but they may be formally recognised

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[40] *Supra note 36.*

[41] The definition of the term is addressed in UN Fact Sheet no. 29 (on human rights defenders). The Fact Sheet does not provide or contest a specific definition for human rights defenders, but brings attention to how to identify defenders through their (peaceful) actions and their acceptance of all human rights as non-hierarchical.

[42] For further discussion, see also Output F**:** 302 – 05; and Eguren and Patel 2015: 896 – 898.

as NGOs and participate in consultations with political leaders as putative representatives of civil society' (Cook and Vinogradova 2006: 34-35). Uzbekistan's GONGOs are another example of this practice, as reported by commentators in the region: 'currently most of so-called civil society in Uzbekistan is made up of GONGOs, while the few independent NGOs working to promote human rights are marginalized and harassed'[43] (International Partnership for Human Rights 2016) (**Output H**).

For 'legitimate' defenders[44], in many cases victimisation and marginalisation in society are factors that mobilise a sense of agency and may further drive their commitment to their human rights practice (**Outputs H; I**). This development of *rights consciousness* is formed through lived experiences in relation to what is meaningful to their everyday lives (Pantazidou 2013). Forming consciousness as rights holders, and in advocating for rights of others, defenders are motivated to forge new socially constructed pathways (**Output I**: 9) seeking agentic movements of human rights that move individuals and groups out of isolation, despite the surmounting obstacles they face in their domestic contexts (**Outputs H; I**). I agree with scholars who argue that individuals cannot develop their values or identity in isolation from others, but do so in association with them (Ghai 2001: 16-17; Kymlicka 1989; Taylor 1999). However, I also recognise difficulties in defining a defender and their value system through a fixed identity or association, as defenders of human rights operate in multiple contextualisations (**Output G**). They may reconstitute an identity as needed for multiple reasons, including actions taken for their own security.

My emphasis on contextualisation confers with ideas of Eguren and Patel, in that 'by understanding the work of HRDs as a *relational activity* situated in their specific contexts, rather than an identity, we are then able to examine some of the challenges for those working with defenders on recognising who exactly is a defender and what protections they require' (Eguren and Patel 2015: 898). In recognition of such relational activity, if we accept the defender as holding a larger role in representing the interests and protections of individuals and groups, and the human rights principles denied to specific members in society, we then must consider a violation against a defender as both an assault against the individual and an assault against the

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[43] R.M. Cutler in *De-authoritarization in Uzbekistan? Analysis and Prospects* provides a historic perspective of the development of the post-Soviet authoritarian Uzbekistan, recognising in Uzbekistan 'the spiral of (civil society) silence ensuing from repression becomes reversible only by international protests and publicity' (Cutler 2005: 141). Regarding the space for legitimate HRDs to practice in Uzbekistan, Human Rights Watch (2016) reports: 'Authorities maintain rigid control over the population, severely curtailing freedoms of association, expression, and religion. Thousands of individuals remain imprisoned on politically motivated charges, torture is widespread, and authorities regularly harass rights activists, opposition members, and journalists.' (Human Rights Watch, World Report 2016: Uzbekistan).
[44] See Output G: 886-888 for discussion on 'legitimacy' of human rights defenders and their practice.

(rights) interests the defender represents[45]. Heyns and Srinivasan recognise this in their work with journalists, stating: 'Journalists deserve special concern not primarily because they perform heroic acts in the face of danger, although that is often the case, but because the social role they play is so important to society at large' (Heyns and Srinivasan 2013: 306). The defender can become an emblematic target associated with certain human rights movements. The protection of human rights defenders can be relevant within wider political and legal discourse concerning protections to victims of the human rights violations the defender represents, and also relevant in establishing human rights provisions broadly (**Output G**: 410 – 412).

For defenders working in politically contested, high-risk environments, they may seek security interventions from transnational networks, particularly if they experience a cycle of abuse over an extended time. As Parlevliet observes, 'human rights abuses can be a cause of conflict giving rise to further (symptomatic) human rights violations. A pattern of specific violations may, if left unchecked, gradually become a structural condition in itself that fuels further conflict – this is the case with systematic torture, indiscriminate killings and widespread impunity' (Parlevliet 2010: 19). In such conditions a protection regime for human rights defenders (and transnational actors supporting it) facilitates human security solutions. However, those that work to enable safe environments for human rights defenders are increasingly aware that restrictive models of securing human rights protections may not recognise the broader problem within the society that the defender is identified with, or the specific context of a rights-defending activity and the power dynamics engaged within it.[46]

Through my work with defenders and their enablers, I explore this 'pull-push confrontation' between normative human rights frameworks and the dynamic conditions of understanding the defender and their practice. My findings are predicated on the view that normative structures have value in phenomenological conditionality, where situations are fluid yet respond to tactical directions from both state actors and the defenders themselves (**Outputs A; F; G**). There is recognition of the need for this dynamism as it can organically act as an implicit security response. Such dynamism is a regular feature of global civil society[47], seen as

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[45]As example, commentators have argued the killing of David Kato Kisule of Uganda in 2011 was also an attack on protections for LGBTI persons in Uganda, and the killing of Berta Cáceres of Honduras in 2016 was also an attack on the rights of indigenous people, and on women human rights defenders' security. Both Kisule and Cáceres were outspoken defenders representing their communities on these respective issues. See Outright Action International (2011), *Uganda: How Global Allies Should Respond To The Murder Of David Kato Kisule 2011;* and NGO Front Line Defenders (2016) *Open letter to President of Honduras Juan Orlando Hernández on the murder of activist Berta Cáceres.*

[46] For further discussion see section 1.4 of this Commentary.

[47] I use this term in reference to aspects of Jan Art Scholte's conceptualisation of global civil society, in that using the term global civil society has many incantations including questions of distinctiveness in relation to sovereignty, identity, citizenship and democracy. My view of a global civil society is the forming a 'conceptual grouping' of civil society actors in distinctly localised contexts as members of a larger social movement concerned with fair and

'a form of self-reflexive dynamism marked by innovation, conflict, compromise, consensus, as well as rising awareness of the syncretic architecture, the contingencies and dilemmas of global civil society itself' (Keane 2003:7). As Keane further describes, 'at each moment, the threads of this civil society are deliberately spun, dropped, taken up again, altered, displaced by others, interwoven with others, then deliberately re-spun, again and again' (Keane 2003:7). This constant movement of civil society actors is deliberate, and on a protection level this movement sustains strategically rewoven paths for survival. This is seen through the adoption of defender security networks, the need for defenders physical movement to different locations (as means for protection), and changing tactics of operation to secure their practice (**Outputs F; G; H; I**).

Many defenders confront development dichotomies between ideas of democratisation and human rights and maintaining traditional belief systems. This clash of ideas and contexts is often described in international relations literature, as in the universalist vs. cultural relativist positions (Donnelly 2013: 75-118). Some defenders find they negotiate on these thresholds, notwithstanding difficulties this poses in negotiating their identity in society, and which can in many cases presume risks or compromise of their role and 'acceptance' within their local communities (**Outputs H; I**). Defenders progressively are challenging cultural stigmas and taboos through the use of appropriate 'human rights vernacular' in their localised contexts. Sally Engle Merry proposes the legitimacy of (varying human rights) views can be achieved through recognition of the vernacular forming a state of 'legal pluralism,' beyond the western concept of normative thinking (Merry 1997, see also Merry 1998 and cf: **Output I**). Such pluralism poses both gains and challenges to the use of human rights vernacular and its significance in cross-cultural contexts (Merry 1988: 890-91).

Celestine Nyamu-Musembi also addresses the legitimacy of pluralism in discourse[48], explaining the extreme positions in the universalist-cultural relativist argument have also been criticised for obscuring manifestations of local understandings of rights, and can rather be seen as a "vernacularisation" of rights (Nyamu-Musembi 2005). The debate is further contextualised as 'human rights are both universal and particular: universal because the experience of resistance

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equitable societies based on human rights principles, though not all are actively engaged in a 'globalised' network. This links to Scholte's view, 'by no means has all civic association acquired a global character. Nor has the global aspect of civic campaigns been equally pronounced and sustained in all cases. Nevertheless, owing to the contemporary growth of global issues, global communications, global organisation and global solidarities, civic activity can today no longer be understood with a territorialist conception of state-society relations' (Scholte1999).
[48] Nyamu-Musembi draws from Sally Engle Merry's ethnographic work in Hawaii (Merry 1997), recognising 'ethnographic data drawn from Hawaiian struggles for independence show that even though the discourse of human rights is based on "Western liberal-legalist ideas", when specific struggles in non-Western societies utilise the discourse in framing their demands, the concept is reinterpreted and transformed. This transformation is a two-way process of incorporation of local understandings and the addition of global discourses, and it is this two-way process that she refers to as "legal vernacularisation".'

to oppression is shared among subjugated groups the world over, but also particular because resistance is shaped in response to the peculiarities of the relevant social context.' (Nyamu-Musembi 2005: 43-44) (Output I).

I recognise these sensitivities as particularly relevant to identifying defenders and the normative structures that protect them, and important to identifying their security needs. I argue the particularities of multiple actors' conceptualisations of human rights (and human rights defenders) can best be confronted through constructing ethical frameworks that respect the process of applying human rights-based approaches to development.[49]

1.4   Theoretical basis

Constructivism, phenomenology, agentic movements

The theoretical basis of my body of research is grounded in a constructivist view that focuses on the intersubjective dimension of knowledge emphasising the social aspect of human existence and the role of shared ideas as an ideational structure constraining and shaping behaviour (Copeland 2006 cf.: Checkel 1998; Wendt 1992; Adler 1997; Finnemore 1996; Hopf 1998). This acknowledges the existence of a phenomenal world external to thought (Guzzini 2000) derived from normative and legal structures defining relationships that legitimise aspirations for social justice. This legitimacy gives human rights defenders moral agency to confront contestations and reach out for support when oppressed (Bandura 1986). Defenders may protest, challenge state and non-state agents, reach out to other defenders to mobilise change, or engage transnational advocacy networks for their defence. It is then important to discover both the values espoused toward the situation and to derive the underlying assumptions of the actors and institutions as they carry out actions (Schein 2004). This follows the positive dimension of phenomenology as an approach, in focussing agentic actions, which 'may open up the possibility, in relations characterized by grave inequality and coercive power, of disentangling the contradicting intentionalities of collective entities in their relations with one another' (Carty 2003: 820).

Important to constructivism as a point of theoretic departure is an increased concern with the social world and its interactive nature (Giddens 1987:133-136). I engage reflexivity within constructivist ethics, holding that research actions and relations with research subjects create influence on both researcher and research subject perceptions, and I recognise this as a determinant aspect of the research process. Cecilia Lynch considers reflexive constructivism in research specifically engaged with civil society actors, and acknowledges such reflexivity has intent and purpose:

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[49] For further discussion see section 1.5 of this Commentary.

Constructivist ethics on civil society actors implicate the researcher as part of the constitutive process of knowledge-building. Their point of departure is the existence of the hermeneutic circle and phenomenological experience, which compels the researcher to view his assumptions, questions, procedures, and conclusions as part of a broader and constantly-evolving interpretive field. Consequently, it is necessary for constructivists to learn to incorporate reflexivity into their research (Lynch 2008).

I apply reflexivity to understanding relationships between the defender and actors engaging in their protection. To understand the defender in this phenomenon, the work is situated in the premise of prescribing value to the perceptions of the individual who takes agency to shape conditions for their ability to claim rights (Kabeer 2002: 32). In this way, I recognise the subject and their views matter, and value information on how multiple actors interact and perceive themselves as agents in their environments.

I am interested in Kathryn Sikkink's (with Margaret Keck, and Thomas Risse) contributions to understanding social motivations of norm-violating states and the influence of transnational advocacy networks on their norm compliance, which has application to aspects of defender activity. This application is particularly important in the 'boomerang effect' (Keck and Sikkink 1998: 12-13) [50], when local activists are unsuccessful influencing human rights compliance with states, and work through transnational networks to mobilise change - using the power of networks to advocate, shame, or pressure norm-violating states to change their behaviour to rights-enforcing (Risse and Sikkink 1999).

I consider this approach, and efficacy of the 'boomerang effect' applied to the current needs for defender's protection and concerns of the shrinking civil society space in many regions of Global South and Global North, and find the model lacks in its consideration of other *non-advocacy* related activities within this network. Transnational networks are developing in consideration of a broader contextualisation of human rights enforcement, which considers support to activists as change makers, as participatory actors in a wide range of actions, and when state and non-state actors 'boomerang', networks consider how to legitimise activists' work, especially (but not only) when risks to their security are identified.

The boomerang effect also lacks attention to transnational advocacy networks' powerful capacity *and* creative utility. Such networks can in theory demand, discuss, engage and help create 'civil society space', allowing space for defenders voices to be heard, and facilitating participatory engagement of state and non-state actors with grassroots initiatives from the

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[50] Risse and Sikkink (1999) developed a 'spiral model', staging transnational networks interaction with states toward achieving human rights norms compliance. Their stages refer to the 'boomerang effect' (Keck and Sikkink 1998) when states are hostile to interference for progressive change, and regress to earlier stages in the process.

'bottom up' and 'from all sides.'[51] A number of civil society development programmes are being structured to support the potential for this to take effect[52], but more consideration needs to be given to innovative and creative approaches for these processes to be impactful – and to consider the protection needs of defenders in the process (**Output D**)[53].

Where Keck and Sikkink's boomerang pattern of earlier years provides an excellent model for considering the structure of transnational advocacy actors working on behalf of local activists to bring non-compliant states to engage their human rights obligations, creating networks to protect the space and social constructs that defenders work within, such 'advocacy' would benefit from a participatory element, either by giving potential to local networks and activities to inform and engage as sustainable actions with state and non-state actors, and where that is not possible, through engaging with defenders to create enabling environments for them. Such interventions can take many forms (**Outputs A; F; G; H; I**). I view such interventions having the potential (with consideration to approach) for both necessary agency needed to address the widening of civil society space and activist's security and human rights concerns, whilst driving structural change toward norm compliance.

Sikkink's consideration of an agentic constructivist perspective is relevant and important to understanding the possibility of such structural change, and new ideations that support it. As Sikkink explains in her later work in 'Beyond the Justice Cascade':

> Like constructivism more broadly, agentic constructivism is concerned with the role of human consciousness in international politics, but unlike structural constructivism, it focuses on the role of human agency in the origins of new norms and practices, and is thus better positioned to explain change, especially by exploring how such new norms emerge, diffuse, and can eventually challenge old logics of appropriateness and old logics of consequences (Sikkink 2011: 2).

Building on Sikkink's agentic constructivist approach, I too seek to engage constructivism to explain certain phenomena through the micro-foundations of actor constitution and issue creation (cf: Sikkink 2011). As defenders interact with actors within (institutional) structures,

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[51] The term 'bottom up' depicts a 'grass-roots' approach, as it is widely recognised and used in literature when describing civil society engagement in political activism. However, more accurate would be Sara Koopman's preferred term 'from all sides.' She presents the term as both more authentic to civil society engagement and more empowering, Koopman challenges the use of the 'bottom up' term as 'reinforcing a vertical, outdated paradigm of power relations' (Koopman, *Alter-geopolitics: Other Securities are Happening 2011*). See also Choudry and Shragge (2011) *Disciplining Dissent: NGOs and Community Organisations,* who address the problematics of institutionalising grass-roots movements.

[52] An example is the European Union project: *Roadmaps for EU engagement with Civil Society.* See project (mid-term) evaluation (2015) *Roadmaps for EU engagement with Civil Society Taking stock of the RM process in countries in situations of fragility: Lessons Learnt and Good Practices.* The EU programme has had some positive impact, but also a number of implementation problems (also see Output D: 7-8).

[53] In Output D, I consider European Union development projects supporting human rights and civil society engagement, for coherence to the implementation of the EU Guidelines on HRDs (that is, rights-based practical application to incorporate attention to the security and participation of HRDs in the project delivery process).

this interaction forms new social constructed pathways building support structures for defender protection. The actions confer with Sikkink's view of agentic movements within structures:

> …particularly in cases where various structural forces come into conflict with one another that emphasis on agency can help explain change. Secondly, it suggests that while agents operate within the constraints of their structural conditions, they are capable of transmuting the structural materials with which they work to create something new from old. What is created is done so by intentional actors, but the outcome is the result of the interaction of differently placed agents, and as such may indeed be different from that proposed by any one of the agents (Sikkink 2011: *Conclusions*).

In Sikkink's theoretic position on agentic constructivism, she addresses the interactions between intentional actors with freedom of subjectivity under constraints of their environment to create something new (ideations) out of the old (structures), which she refers to as 'alchemy of agency' (Sikkink 2011). In her case studies of human rights prosecutions in Greece and Argentina, she shows how activists contribute to attributing human rights normative perspectives to justice and ideas of individual rights, within existing power structures and historic memory. Her case studies recognise activism as impact and the 'interacting agency of diverse individuals' as responsible for achieving accountability in criminal justice.

What my work addresses is the deliberative risks involved in this activism, and I am concerned of what a lack of analysis of activist's risk may mean to further justice outcomes. The assessment of intentional actors for creating an 'alchemy of agency' is considered in my work as appropriating relationships of protection, particularly where activists are taking position against powerful state structures. I agree with the 'alchemy of agency' for this purpose of sustained and supported security considerations for activists, but led from the defenders' constructed view of their place in social movements, and considering measures that prevent backlash or reprisal from norm-violating states, particularly in stages of denial (of norm compliance). This is important in seeking to understand value in providing support structures for pro-active and self-regulating civil society actors and their attempts to bring choice and change in very hostile environments. Interventions for HRD security are influenced by state compliance or interference, and the structural observations only partly explain the approaches and dynamics within the phenomenon studied. Transnational actors (as enablers) must contend with state actors in hope the process can generate cooperative behaviour, which may be at odds with a state's motivation of self-interest and identity preservation (Wendt 1992: 391-392) (**Outputs A; C; D; F; G).**

Defenders work in the current reality of a globalised world[54] , and its impact on human rights activism is significant with advancements in technology opening channels of communication for transnational networks to develop.This brings further possibilities for the global and local networks to learn from one another, notwithstanding the need to manage the potential risks that use of new technologies present:

> As digital technologies become ubiquitous they also become part of the regular working practices of most HRDs. Notable examples include social networking and media sites such as Facebook, YouTube, Skype or Twitter. The paradox is that as technologies become easier to use, they become increasingly difficult to control, thus reducing the number of end-users with the expertise to understand how they work, where information is stored, what data is collected, and who has access to it. This is extremely problematic. As HRDs increasingly rely on mainstream tools due to their ease of use and broad reach, they also create 'honey-pots' (Doctorow, 2011) for those who wish to monitor and control them. What is often a frustrating level of opacity and lack of data control for an 'average' user becomes extremely dangerous in the context of a 'high risk' user such as a HRD working in a relatively closed society (Hankey and O Clunaigh 2013: 538-539).

In my research methodology, approaches to data collection and communication security are assessed at multiple stages, responding to potential and present risk to defenders. It is also important to consider as future research questions, in shaping a research agenda: 'How has technology been used to suppress the work of HRDs? How do political and legal frameworks influence the use of technology in relation to human rights? What forms of technological regulation inhibit the work of HRDs, and what forms enable their work? How do HRDs even know the risks that they are facing through the use of technologies? (**Output F**: 415). As Hancky and O Clunaigh have observed, these are critical questions, and sometimes difficult to answer (Hancky and O Clunaigh 2013). I also find these important questions to address in my research actions with defenders, not least to ensure security measures are adeptly taken as a researcher[55] (**Outputs A; H; I**).

Engaging on questions of personal risk requires a level of trust between researcher and research participant. Often working with defenders in different geographic locations, I consider my own subjectivity as a transnational actor engaging in the process of understanding local protection needs of human rights defenders and certain assumptions of my own human rights

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[54] Scholars use and interpret the concept of *globablisation* in multiple ways. Political discourse tends to interpret globalisation in economic, cultural and geopolitical terms. My reference here to a 'globalised world' considers globalisation in relation to human rights, recognising an increase in the integration of economic, cultural, and geopolitical relations and activities globally impacts how we seek, enjoy, and interpret human rights. The use of technology as a tool situates us with immediacy in this process, impacting defenders' practice and their security.

[55] Assessing risk (for both participants and researchers) includes consideration of the use of technology, and this is a key consideration in the design of methodology for my empirical and action-oriented research. I involve the research participants in the assessment of how best to engage with technology from a security perspective, when working with defenders or when interviewing others on defender issues. These are ethical considerations integrated in my research methodology, and are addressed in the Preface chapter, and section 2 of Commentary.

motivations are held by participants in the research process. Sally Engle Merry, a cultural anthropologist, offers reference to the complexity and validity of engaging with human rights activists as part of an agentic research relationship. As Merry reflects on her own work as an anthropologist researching human rights activism and relations of support to human rights activists, she makes the assessment that 'academic and activist endeavours are never autonomous, despite our analytical assumptions of separateness.' (Merry 2005: 240).

In her ethno-graphic study of human rights practices concerning women she finds continually revealed the porosity of the borders between activism and research. Merry notes in '…studies of transnational elites (Ong 1999), transnational organizations (Riles 2001; Merry *Human Rights and Gender Violence* 2005), processes of governance (Sanders and West 2003), mechanisms of transitional justice (Wilson 2001), and scientific and legal elites (Helmreich 2001; Latour 2004), to give only a few examples, both observer and observed participate in equivalent domains of knowledge production and pursue parallel lives of professional socialization and interaction' (Merry 2005: 242). Merry also makes observation of relations between academics and activists, and the necessity to address the impact and appropriation of knowledge and interpretations of normative terms:

> It is increasingly important to recognize that the social science knowledge that is produced in the global North is shaping activism around the world, whether or not its terms and categories have been adequately translated. Activists and academics might well collaborate in developing an intellectual critique of the way in which these terms are defined and appropriated globally' (Merry 2005: 255).

This consideration is important to aspects of my research concerned with building security networks for defenders, both as topical and relational. The knowledge building between participants (academics, defenders, practitioners, other stakeholders) in the spaces made available at conferences, roundtables, and in meetings held with human rights defenders over the course of the research, and in the dissemination of the research, becomes agentic in its own right. The approach taken in the research submission is to draw from both empirical study and dialogic inquiry on a number of levels *in order to understand the local environments* of the defender and their communities, while making sense of a large international order of state actors that have influence and respond on multi-level platforms to localised human rights defender problems. It is within this relational subjectivity to help keep defenders safe that mobilises my investigation into defenders' protection, recognising a common purpose to identify the assurance of 'safe' participation between state actors and defenders.

Managing the Normative

Human rights institutions at the international and regional levels have in the last decades created space for civil society to take part in international relations activities by supporting non-state actor platforms for engagement on human rights matters, elevating human rights discourse to the practical application of what is now customary: inclusiveness and freedom of expression for civil society, and naming human rights defenders as individuals and groups that deserve all afforded rights and protections. Defenders benefit from such platforms and alliances in a number of ways, they use these opportunities to forward their human rights agendas (Joloy 2013), gain recognition (Thoolen 2013), and seek capacity and support (Kogan 2013).

Paradoxically and increasingly, human rights defenders are victims of human rights abuse precisely because of their willingness to work within these normative human rights frameworks (**Output G:** 887-888). As the UN reports, reprisals by state actors against individuals who interact with human rights bodies is of serious consequence:

> Patterns emerging from those cases seem to indicate that, if initial warning signs are ignored, acts of intimidation and reprisal are likely to become more severe over time, not only targeting individuals or groups engaging with the United Nations in the field of human rights directly, but also their families, legal representation, organizations and anyone else linked to them (UN doc A/HRC/33/19 2016).

State reprisals against human rights defenders take many aggressive and punitive forms[56] and have led to the UN appointing a special mandate to protect defenders who engage with institutional mechanisms and fear retaliation for their human rights work.[57] International NGOs are outspoken on the issue, urging other enablers to speak out, recognising reprisals on defenders 'constitute an attack on human rights, the rule of law, and the international and regional mechanisms themselves' (Front Line Defenders 2016).

Such challenges question how defenders choose to engage in support for their protection (**Outputs A; G; H; I**). Some defenders will distance themselves from transnational actors for their own security, choosing to work within the locally constructed narratives that exist or are culturally appropriate, and steer away from the use of human rights vernacular.[58] Other defenders

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[56] Reprisals take many forms, including 'travel bans, the issuance of arrest warrants on terrorism charges, detention and torture, surveillance, death threats, attempts to frame activists for criminal acts, defamation, and intimidation.' (International Service for Human Rights: 4 October 2016). See also: UN report on alleged cases of intimidation and reprisal against those seeking to cooperate, cooperating or having cooperated with the United Nations, A/HRC/33/19:16 August 2016.

[57] See Output F; and UN doc A/HRC/33/19 2016. The United Nations Secretary General announced on 3 October 2016 a new mandate for the Assistant Secretary General for Human Rights, Andrew Gilmour, to lead UN work on ending intimidation and reprisals against human rights defenders (International Justice Resource Centre 2016).

[58] These issues were discussed at a civil society roundtable event with the UN Special Rapporteur on the Situation of Human Rights Defenders Michel Forst on 12 December 2015, London UK. The event engaged 30 representatives of civil society on critical human rights defender issues, and included defenders from India, Russia, Afghanistan, Kyrgyzstan and Nepal (see section 2.3 of this Commentary).

find enhanced security through establishing closer alliances and solidarity with global partners and choose to elevate their profile for protection, and voice their commitment to established use of the normative vernacular. The latter group argue there are greater risks in the long term to the very sustainability of any human rights protections if the normative human rights discourse is not consistently learned and appropriated locally [59](**Output F; G; H; I**).

For those defenders working in oppressive environments that engage in transnational advocacy networks, their engagement toward achieving normative change can be a long process. Transnational advocacy networks engage in multiple stages of intervention to influence norm-violating states to adapt to norm compliance (Risse and Sikkink 1999). The success of this influence must engage both external actors (e.g. donor countries) and internal actors (e.g. local constituents, including HRDs) in a socialisation process. Risse and Sikkink present aspects of this through the 'spiral model' of norm compliance[60] (Risse and Sikkink 1999: Ch 1). Risse and Sikkink recognised three ideal types of social actions necessary for norm diffusion to succeed: instrumental adaptation; argumentative discourse; and institutionalisation (Risse and Sikkink 1999: 17). Important to the spiral model conception was building understanding of how through causal mechanisms (human rights) ideas may spread and vary in impact (Risse and Sikkink 1999: 4). In applying these constructs in the long term, norm compliance must be a transformative process derived from commitment and agency for change.

Human rights defenders domestically may be seen as both beneficiaries of norm compliance and 'gatekeepers' of norm compliance through defending the rights of others. They often take the task to monitor whether achieved norm compliance has application, in realising specific rights for individuals in society, and as sustainable state actions responding to domestic human rights agendas. As Galtung and Wirak recognise:

> If such norms are lying dormant as a blueprint for a utopia only, they will suffer from atrophy from not being used; it is in their application and continuous testing that they become a part of the social process. As applied to concrete acts, they can lead to one out of three conclusions: that the action was in conformity with the norm; was indifferent relative to the norm; or that it was an infraction, not in conformity with the norm (Galtung and Wirak 1977: 254).

Thomas Risse addresses this problem in the final phase of the 'spiral model'[61] as 'Phase 5: Rule Consistent Behaviour', recognising when states (finally) adapt to human rights norm

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[59] Ibid.

[60] *Supra note 50.*

[61] The spiral model recognising five phases of human rights norm-violating states toward norm-compliance facilitated through the engagement and influence of transnational civil society networks. The stages move states from (1) repression, to (2) denial, to (3) tactical concessions, to (4) prescriptive status, and ultimately to (5) rule consistent behaviour (Risse 2011: 122-131).

compliant behaviour, this adaption will need continual monitoring: 'it is crucial for this stage that the domestic-transnational coalitions keep up the pressure in order to achieve sustainable improvements in human rights conditions…the particular difficulty in this phase is that gross violation of fundamental human rights actually decrease, is international attention declines, too' (Risse 2011:129).

What Risse fails to emphasise is what happens next, in recognition that the heaviest burden of this continued monitoring process will in most cases rest on local human rights defenders (Phase 5 of spiral and beyond), and defenders will need continued support from, and strategic alliances with, transnational actors with attention to their security, particularly those defenders working in areas most impacted by instability or contestations in norm compliance (**Output A**).[62] Through activating transnational civil society (engaging the enablers) at varying phases of the spiral (giving effect to a series of potential 'boomerang' actions or interventions by transnational actors), response to supporting domestic defenders is implicit. However, securing sustained application of norms by states can be dangerous work for defenders. Taking principled actions based on newly adopted norms may necessitate a new moral order. Any opposition may pose risks to the defender of norm implementation.

Defenders may then work between their legitimacy at the global level engaging in universal human rights discourse, and the struggle to keep human rights movements actionable, legitimate and safe in their communities[63] (**Outputs G; H; I**). Social movement theory considers the use of frames (normative or other) as important tools for activists engaged in advocacy work to 'transform the terms and nature of the debate with the aim of packaging or interpreting ideas to influencing policy outcomes' (Keck and Sikkink 1998: 2). At the domestic level, defenders may try to influence the public's conceptual understandings of the relationship between personal welfare and notions of international human rights through ethical and moral conceptualisations, and increasingly education of the human rights normative structure (**Outputs G; H; I**). In my work, I found defenders' participation in human rights discursive practice as a transformative socialisation process, appropriating norm diffusion with reflective analysis in situ, which integrates the ideal types of social action rooted in the experiences and needs of a community (**Outputs A; B; C; D; E; H).**

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[62] Transnational actors also need to take account of the sustainability of norm compliance in countries not considered the worst or most consistent violators of rights. Perceiving rights compliance comparatively between countries (better performing countries against other non-compliant countries in a region) may be problematic, as attention may drift away from safeguarding defenders and rights protections in 'less rights-offending' environments (Output A: 21).

[63] Civil society roundtable event, *supra note 58.*

Embedded in the methodology of my work within defender communities is the importance of incorporating skills and capacity for risk assessment with defenders, recognising varying forms of risk exist for different participants, which requires sensitivity in facilitating and supporting defenders protection actions. Such measures respect the forming of social constructed pathways as an understanding of rights as aspirational (the object of the action) and as responsive to what works in local realities (responsive is a purposely active, rather than stagnant position), and expressed in the research methods I have used (particularly action–oriented research, **Output H; I**). My research has also found that when planning the implementation of rights-based interventions, enabling actors must identify the beneficiary audience's conceptualisation of the normative, and that framing 'human rights' interventions cannot be determined by exogenous influences without an understanding of local concerns predicated in culture and social structures (**Output I**).

My work also engages with diplomats from the European Union as enablers of securing human rights spaces, protecting the rights of defenders to operate safely and legitimately within normative structures. The European Union has developed its own commitment to international human rights norm diffusion through its diplomatic channels. Diplomatic relations can enable the prospects of norm compliance but is bound by all contestations in the prospects of establishing good relations between states. This is challenging work given one of the main functions of diplomats is to minimise the effects of friction in international relations. As Bull observes, 'Given the juxtaposition of different communities, each with its own values, preoccupations, prejudices and sensibilities, friction in international relations is always present, even between states and nations that a wide area of common interests and whose relations are close and amicable' (Bull 2012: 165). Diplomats are concerned with the protection of HRDs in this normative context, which is the subject of the external relations policy instrument *European Union Guidelines on HRD*s. But how does this 'juxtaposition' of prejudices and sensibilities between countries and cultures play out between actors engaged in the international human rights system, as actions taken to enable the human rights of the defender be protected or restored? These issues form the basis of inquiry when considering the diplomat as an enabler of human rights. Although negotiating defender protections may be challenging where social constructions of rights entitlements differ between governments, 'verbal and persuasive policies have become both legitimate and common in contemporary international society.'(Donnelly 2011:23) (cf. **Outputs A; B; C; D; E**).

Grappling with division or cohesion of the EU identity also impacts effective implementation of support to human rights defenders (**Outputs A; C; D; E**). As Wouters and

Hermez recognise, '… one of the main issues of EU external action is often the lack of unison positions and actions towards third states, diminishing the EU's credibility on the external plane' (Wouters and Hermez 2016). In many instances EU collective interventions (in a mission country) on behalf of defenders have been influential and successful in protecting rights and security of the defender (**Output A**: 69). However, human rights defender interventions are less likely to succeed in situations where EU member state commitments vary, coherence between member states is difficult to obtain, or competing EU and mission country priorities reduce the likelihood diplomats will to intervene (**Output A; C**) (see also Alston and Weiler 1998; Williams 2004).

In some instances, forethought of the EU intervention lack rights-based approaches conceptually or pragmatically, resulting in weak or ineffective response. For example, the EU was criticised by defenders for its official statement on the adoption of the *ASEAN Human Rights Declaration* (ASEAN 2012). The EU statement was described as vague, and not linked to specific human rights instruments, or state obligations to implement human rights norms (European Union 2012; see **Output A:** 56-57). The Declaration was seen by defenders as an important step toward the potential of forming a regional human rights system in Asia.

Sensitivity to cultural alliances and existing relationships in the diplomatic community with the host country, both EU and non-EU, was raised by defenders in my research as an important factor for consideration in human rights defender interventions (**Output A**). EU 'human rights working groups' (HRWGs) already exist in some diplomatic missions. EU HRWGs have the potential to invite other relevant diplomats, non-state actors, even defenders themselves, to this forum, 'to discuss areas of shared concern' on human rights issues, the utility of creating enabling environment for HRDs, and how best to engage host countries on sensitive human rights defender issues. Widening consideration of where, how and by whom external pressure may succeed with a state to adapt norm compliant behavior was perceived by human rights defenders as conducive to successful human rights defender interventions and outcomes (**Output A**: 81). In this sense, bilateral relations between states were considered important, as was recognition, in many cases, of the shared values or developed relationship between non-EU diplomats and host governments (**Outputs** A; C).

1.5   Human rights-based approach

Human rights scholars and commentators have expressed concern that a lack of consistency in a principled human rights approach to international community support in third countries could be a catalyst for de-legitimising civil society actors (Kinzelbach and Kozma 2009; Wetzel 2011; Human Rights Watch 2010). Taking an approach to the problem of human rights defender

support and protection is constrained by questions associated with recognition of the defender and understanding how enablers perceive their own role and responsibility to protect. There are also multiple meanings applied to the term 'protection', interpreted as both an outcome and a process. In terms of human security, and particular to the security of HRDs and their families, it is important to explore these different interpretations and perspectives of what protection means in its application, within the various protection regimes, and applied to different contexts, situations, and people (**Outputs F; G**). The complexity of environments and cultures within which defenders practice warrants respect and understanding amongst 'interventionists' – interventions must always be sensitive to what a defender, or a representative of the defender, is requesting in terms of their protection. How interventions are approached is inextricably linked to achieving the desired outcome (**Outputs A; B; C; D; E; F; G; H; I**).

I explore these relationships through application of the human rights-based approach (HRBA) in method and substantive inquiry. I proceed from the premise that scholarly inquiry concerned with just and equitable societies must move beyond normative conditionality (only) as a measure of human rights progress. There must be a commitment to ask the question of how to embed human rights as an approach to human rights implementation.

The HRBA was established in the late 1990s as a theoretic model for development interventions used by UN agencies. Although many of the foundations to the UN approach can be seen in earlier historic human rights struggles (see Cornwall and Nyamu-Musembi 2004), the UN Development Programme (UNDP) formally instituted HRBA as methodology for process in its programming for international development. HRBA-based interventions engage the principles of: empowering rights-holders; assessing gender-specific needs; prioritising marginalised and vulnerable people and groups; ensuring accountability of duty bearers; applying non-discrimination principles; ensuring access is available to all (to justice, to information, to elected officials); acknowledging the right to participate in one's development; and making linkages to the realisation of rights in the *Universal Declaration of Human Rights* and other international human rights instruments (United Nations Statement of Common Understanding 2003).[64]

As a development approach to human rights, the HRBA looks not only at political will in gauging challenges and shortcomings, but also at resources, institutions, capacities and capabilities. This approach developed from a growing concern of the marginalising of the

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[64] UN Common Understanding on Human Rights-Based Approach to Development Cooperation and Programming (2003) developed from the United Nations Development Programme. See also UNDP 'A Human Rights-based Approach to Development Programming in UNDP – Adding the Missing Link' (23 May 2002).

dispossessed and an increased recognition that the condition of poverty is inextricably linked to the deprivation of rights (Sen 1992; Sen 1999). HRBA principles grew from theory to practice within UN agencies,[65] with emphasis on participation of the individual in his/her own development as a core value in this approach.[66] Here it is recognised that successful application of the HRBA cannot be imposed by UN agencies on states, it is through the UN agencies consistent and coherent messaging and commitment to adapting a lens of HRBA in all development work which may progressively be learned and adapted by states as good practice, beneficial to their development, and in process embedded as normative behaviour.

For the framework of HRBA to have value it must be applied with respect to its core principles, and must be distinct and important to each situated reality. This poses many challenges in practice, but the framework provides a means by which to evaluate the construction of interventions with defenders that seek to support and protect human rights, and as a methodology it can be tested and measured, allowing an assessment of intervention to be made, and deemed effective or ineffective in application. I have investigated in multiple country contexts approaches to interventions that are applied and understood by the 'enabler' as rights-based, particularly if the intervention is working within a committed policy approach[67] and how this intervention is perceived by the HRD as recipient of particular support or protection interventions. This is most evident in the findings of my research on European diplomats' implementation of the EU Guidelines (**Output A:** 67 - 81)[68], where lack of focus on approaches to defenders' participation and engagement; lack of attention to gendered and specific needs of defenders; in-effective strategies toward HRD security; and poor integration of the human rights frameworks in the approach to support defenders, present some of the most serious concerns.

I have brought the HRBA into the research as an evaluation tool particularly in my work assessing the implementation of the EU Guidelines (**Outputs A; C; D**), but also as a process for developing the methodology of action-oriented research with defenders from Central Asia, and training for women's rights interventions with lawyers from Darfur (**Outputs H; I**). In this way

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[65] My own work on a collaborative programme with the UN OHCHR and UNDP to engage HRBA theory to methodology in practice was an example of this in 2001 – 2002. I designed a pilot project in Bosnia-Herzegovina, carrying out empirical research on the implementation of human rights obligations at the municipal level, providing data for determining areas for safe returns of ethnic minorities and other vulnerable groups. The project was later developed as the *Regional Municipal Assessment Programme,* implemented by the UNDP. See the Preface chapter of this Commentary for further detail on the programme.

[66] HRBA is predicated on the UN premise of the right to development, understood as an inalienable human right by virtue of which every human person and all peoples are entitled to participate in, contribute to, and enjoy economic, social, cultural and political development (UN Declaration on the Right to Development 1986).

[67] As per research in Output A, EU delegation and EU member state diplomatic missions' knowledge of and implementation of the recommendations in the *EU Guidelines on Human Rights Defenders* assessed in three countries - Kyrgyzstan, Thailand and Tunisia.

[68] Also see section 2.2 of this Commentary statement.

HRBA serves 'to craft a balanced approach that addresses the challenges of discourse, implementation, ambition, and strategy: the balance between outcomes and processes; between human rights as an exercise in monitoring and critique on the one hand, and as a mode of delivery and empowerment on the other' (Gready 2009: 399).

Some commentators view the discourse on HRBA as gaining mostly rhetorical or theoretical appeal and question the benefits of HRBA in practical implementation (Massoud 2011; Banik 2010; Wing 2012). Others have demonstrated benefits of the application of the HRBA with different stakeholders, and in rights-specific areas of practice (Footer and Rubenstein 2013; Vizard 2013; Androff 2015). In my work, I take the premise that the HRBA provides an important framework for improving human rights - it allows the social construction of rights to be claimed through engaging the rights holder with respect to human rights principles. It also recognises a process where human need may be translated as a human right within specific social constructions (cf. Dean 2013; Gregg 2012) (**Output I**).

This is exemplified in Output I, through analysis of a programme designed with women human rights defenders (lawyers from Sudan). The HRBA was implemented in the design of the programme methodology, and it was found an important framework for achieving success in the project work - the HRBA was applied in education interventions to progress women's rights conceptually with internally displaced persons (IDPs) living in camps across Darfur. HRBA provided a shared lens by which the Darfur lawyers could work together, ensuring the interventions designed are responsive to normative values of human rights, yet sensitive to the local reality (for persons living in IDP camps in a conflict area) and social normative constructs (the social and legal norms of women's rights in Darfur). It was through the discourse on equality and non-discrimination where social normative barriers to women's participation could be challenged in the camps (**Output I**). The Darfur lawyers engaged HRBA as a methodology to design their interventions with IDP beneficiaries. This was achieved through participatory teaching, learning and skills building, understanding and challenging perceptions, which in turn impacted activity to develop multiple stakeholder networks to construct and sustain social movements in the camps. These movements empowered the IDP women as rights-holders, and actions were taken to seek redress for rights violations through paralegal networks that were formed in the camps, resulting in women claiming their rights.[69]

Sustainable implementation of HRBA is linked to one of its key principles, civil society's right to participatory development. The principle of public participation is recognised in various

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[69] The methodology and outcomes of the project are addressed in Output I, and in section 2.4 of this Commentary.

authoritative international documents and put forth in Article 71 of the UN Charter.[70] The UN Declaration on the Right to Development (1986) and its established agenda[71] prioritises participation 'recognising a shift in the concept of participation should be viewed both as a means to an end and as an end in itself,' and within this argument 'States must not only take concrete steps to improve economic, social and cultural conditions and to facilitate the efforts of individuals and groups for that objective, but must do so in a manner that is democratic in its formulation and in its results (UN doc 1990).'

Overtime scholars have taken this up as issue, seeing participation defined discriminately, through an understanding of political participation categorically as procedural or lacking in the substantive (including Shue 1996 and Riker 2014) and recognise the need to move toward taking approaches for innovations of participatory governance (Fung 2015) (**Output C**). Such innovations are an important aspect of substantiating the human rights defender protection regime, with emphasis on democratic engagement, and in particular through deliberative practices (Fischer 2012). For example, a national human rights defender protection mechanism was developed and adopted into law in Mexico in 2012, with human rights defenders and the Mexican Government engaging in participatory consultations to establish law preventing attacks against defenders and accountability of human rights abuses against defenders at varying state levels.[72] Similar national laws for the protection of human rights defenders are being developed in other countries and transnational actors are stepping up efforts to facilitate governments' engagement with defender groups in development of law[73].

Many HRBA frameworks have been elaborated on, or differentiate from, the original UN model. There are now a wide range of applications of human rights-based approaches developed by both governments and non-governmental agencies, used in different thematic sectors for social and economic development, in national and local governance, moving HRBA beyond its initial focus of international development planning and programming. Policy makers have also appropriate select HRBA principles from the international human rights normative framework to apply across public and private industries and professions, including recent initiatives by the EU. The European Union Framework of a Rights-based Approach (EU RBA) builds from the

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[70] Charter of the United Nations (26 June 1945).

[71] Global Consultation for establishing the UN mandate for the right to development as a human right was convened in Geneva in January 1990. Report on meeting conclusions: U.N. Doc. E/CN.4/ 1990/9/Rev.1 (1990).

[72] Daniel Joloy describes the levels of participation between local NGOs and the Mexican Government in the process of adopting a legal national protection mechanism for the protection of human rights defenders in Mexico, and the value of transnational actors as enablers in the supporting the dialogue process (Joloy 2013).

[73] Amongst a few other countries, the Cote'D'Ivoire adopted law on the *Promotion and Protection of Human Rights Defenders* in 2014. The INGO *International Service for Human Rights* has helped developed a 'model law' to support similar initiatives in other countries. See ISHR news bulletin 'Groundbreaking Model Law to recognise and protect human rights defenders '(21.06.2016).

UN Common Understanding of HRBA[74], albeit the EU does not align with all aspects of UN Common Understanding, and does not endorse the UN Declaration on the Right to Development [75] (**Output C**). This may be a means to disengage with the complicated matters of state responsibility as per the UN Declaration, which brings attention to structural inequalities in international relations (and within individual countries) as obstacles to the achievement of genuine democracy and a barrier to development, particularly for countries of the Global South. Also relevant here are interpretations of individual and collective rights as put forth in the Declaration, and consensus building toward acceptance of state responsibility and stakeholders' obligations under the right to development, contestations and debates that are well represented in the literature (Beetham 2006; Marks 2008; Fakuda-Parr 2012; De Feyter 2013).

The EU professes a broader category of rights than the HRBA emphasising its intent to mainstream rights-based approaches beyond traditional areas of human rights such as governance and rule of law, but to a fuller range of thematic sectors including energy, transport, environment, health, and intended to impact all EU external relations actions (EU RBA Tool Box: 5). This so-called 'fuller range' of including thematic sectors is perplexing, as it should be recalled that the HRBA is just that, an approach, and as such should be utilised to implementation across all thematic sectors, reflecting the linkages of HRBA and human rights principles across the development environment, and where relevant to the rights of all individuals.

The UN HRBA has been applied to multiple other sectors and activities since its inception. Adaptations of the approach among development actors have introduced competing interpretations of best practice in implementation – but the tenets of the approach surely need agreement and cohesion. Changing EU institutional behaviour, and establishing frames of reference to define how such rights-based approaches can be situated, both institutionally and achieved through member state consensus, is a longer process (Miller 2010) and will require further research in the future to understand the EU RBA's impact (**Output A: 81-83,** and **Output C**).

In the first strand of my research, my work considers the intent of a renewed EU RBA, re-launched by the European Union in 2014 and intended to align with the newly formed *Human Rights and Democracy Action Plan of the European Union*[76] (**Outputs C; D**). One area of

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[74] *Supra note 64.*

[75] The *European Union Toolkit on RBA* explains: 'RBA is not about the Right to Development. While the EU is fully committed to the important recognition of the interdependence between rights, security and development, and to the objectives of human well-being and dignity for all, the EU has not formally endorsed the content of the UN Declaration on the Right to Development from 1986. An RBA is not a *de facto* endorsement of the Declaration' (EU Toolbox: 8-9). For discussion on this, see *UN Global Consultation on the Right to Development as a Human Right*, UN docs 1990.

[76] See *EU Council Conclusions on the Action Plan on Human Rights and Democracy* 2015 – 2019.

inquiry is whether the EU mechanisms support staff and stakeholders by providing direction for RBA analysis in the planning, design, implementation, monitoring and evaluation of international relations and development processes.[77] In **Output C** (**Output C**: 924-927), I consider how the EU intends to bring the rights-based approach to implementation of its policies, and focus on the EU Guidelines' recommendations for defender protection applied in the EU human rights country strategies (HRCS). The EU HRCS process is a means for EU missions in each third country to draft 3-year plans that prioritise the human rights issues of concern to them in the host country, and benchmark appropriate strategies in their work with host governments. The HRCSs are non-public documents, and the European External Action Service expects each mission to engage in meaningful consultations with representative groups of human rights defenders to contribute to EU strategic planning (**Outputs A; B; C**). The EU does not have the power to impose their priorities on unwilling states, the HRCS is a means for the EU to plan, benchmark and implement EU collective approaches to solving human rights problems. One of my concerns is regarding practical application:

> As mainstreaming rights-based approaches into all EU policies is the aim, again practical steps must be considered. In consideration of the guidelines' implementation, if we make the assumption that RBA is to be mainstreamed in all sectors of EU work (participation with civil society is a tenet of the RBA tool box), and coherence of human rights policy means, in respect of the guidelines and HRCS process, these processes are to be formally linked, we would expect to see HRDs considered (and engaging?) in more diverse diplomatic agendas concerned with human rights, which is in line with EU (and UN) development aims (Output C: 924).

I also raise the importance of research and knowledge to inform actions of the EU RBA, necessary to integrate the principles of HRBA as an approach. One example is in the consideration of 'attention to gender' which is a tenet of the HRBA (and EU RBA):

> How can application of RBA and coherence with EU strategic planning improve the security problems for women HRDs (WHRDs)? In the European Parliament study, Tunisian WHRDs identified increased fear of bodily harm or assault since the Arab Spring revolution of 2011 **(Output A: 74-75).** With gained civic freedoms has also come less certainty of knowing who their adversaries are. Both state and non-state actors may respond aggressively to women advocating for their rights, and WHRDs representing women victims of human rights abuses are on the frontlines and may be exposed to confrontations. There is very limited data available, or reporting on, how the uncertainty (in transitioning political environments) might be impacting WHRDs. Furthering research, with a rights-based approach sensitive to understanding gendered relationships, gender status and how

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[77] This line of inquiry considers the five guiding principles of the EU Rights-based Approach:1) legality, universality and indivisibility of human rights; 2) participation and access to the decision making process; 3) non–discrimination and equal access; 4) accountability and access to rule of law; and 5) transparency and access and the EU do no harm policy within its RBA, which directs avoiding unintended negative impacts of activities that might contribute to human rights violations (EU RBA Tool Box 2014).

gender is valued, can support better EU strategic planning concerned with the needs of WHRDs (**Output C**: 925).

In consideration of the oppressive tactics many states are taking against defenders, other commentators have raised the issue of more *consistent* approaches needed to constitute enabling environments for defenders, 'the success of external pressure aimed at heading off proposed restrictive measures depends on a variety of factors relating both to those pressuring and those being pressured. The more consistent, timely, and forceful the pressure, and the more it is the work of not just one government but of a broader coalition of international and local actors, the more effective it is likely to be' (Carothers, Brechenmacher 2014). Bringing attention to the application of the human rights-based approach by the *enablers* of defenders, as a means to improving protection interventions for human rights defenders, situates loci and direction within my submitted outputs.

2. Methodology and Research Actions

2.1   The research strands

My research work is presented in three thematic strands in this section, addressing particular contexts in which I conducted my research, the methodologies used, and explanation of the research actions. Findings from the research are summarised or referenced in each section.

The first strand of research is concerned with the European Union mechanism for the protection of defenders, and is comprised of five outputs (**Outputs A; B; C; D; E**). These outputs are addressed in section 2.2, investigating actors as enablers supporting human rights defenders. The work specifically investigates actors' implementation of policies instituted by the European Union for the protection of human rights defenders in their external relations with third countries[78]. This strand of work is concerned with the approach of EU diplomats in their role to support and ensure the protection of defenders as developed and recommended within the policy framework of the *European Union Guidelines on Human Rights Defenders*.[79] My research in this strand is carried out through multiple activities, including empirical field research in multiple countries assessing actions taken as per the Guidelines recommendations[80] (see objectives and

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[78] 'Third countries' are understood as all countries external to the European Union, and where the EU has diplomatic relations.

[79] *The European Union Guidelines on Human Rights Defenders* is the primary EU document that serves as a policy-based mechanism to protect defenders ('Ensuring protection – European Union Guidelines on Human Rights Defenders', 2008). The Guidelines were originally put forth in 2004, and later revised in 2008. In 2010 the European External Action Service took steps to further operationalise the Guidelines by engaging EU delegations to work with EU member states in third country missions to implement the recommendations in the Guidelines.

[80] *European Union Guidelines on Human Rights Defenders: see* IV. Operational Guidelines: para 7 – 15.

context of the study, **Output A**: 14-21). The research outputs in this strand were carried out from 2009 – 2016.

The second strand is concerned with research activity furthering the defender protection regime, and is comprised of two outputs (**Outputs F; G).** These outputs are addressed in section 2.3, and engage practitioner-academic collaborations to establish structure and definition of a research agenda, through multiple research activities concerned with the defender protection regime. The work strand developed through harnessing multiple conceptualisations and contextualisation that give meaning to defender protection needs, through exploration and taking agency in the development of a framework for research. The work activated multiple clusters of participants for collaborative research outputs around this agenda. The research activities were carried out from 2012 – 2015, with journal articles published in 2013 and 2015, and a book publication in 2016.

The third research strand involves action-oriented research with defenders in their environments, and is comprised of two outputs (**Outputs H; I**). These outputs reflect and analyse actions of two substantive international human rights projects with action research components: a 2-year externally funded project in Central Asia (2009 – 2010), and a 3-year externally funded project in Sudan and East Africa (2013 – 2015). Addressed in section 2.4, these projects are situated in the regions where the defenders work. The projects provide a means for analysis of defenders' localised contexts, the work they do, and an assessment of risks they face, as identified by the human rights defenders.[81] The action components of the projects have: furthered the capacities of defenders; developed their protection networks; reciprocally contributed to the knowledge-base of human rights practice in distinct geographic spaces they work within; and furthered rights-based learning and impact. The structure of this work used participatory action research principles (McNiff 2013), and introduced new methodologies to participants premised on their social construction of human rights practice (cf: Nyamy-Musembi 2005). The outputs in this strand contribute to an academic corpus of work recognising an understanding of human rights reflected and understood through the perspectives and participation of those working for human rights change has value.

2.2   European Union Guidelines on Human Rights Defenders

It is time for a more vigorous governmental defense of human rights activists and institutions throughout the world. That requires standing up more firmly for the people and principles under attack, even when the attacker is an ally. It also requires seeing through these acts of retaliation

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[81] The projects in this strand engaged defenders from a range of professions in the Central Asian countries of Uzbekistan, Kazakhstan and Kyrgyzstan (Output H and *supra note 27*), and human rights lawyers and paralegals from Darfur, Sudan (Output I).

to recognize and condemn them for what they are. It is no ordinary abuse to kill or arbitrarily detain a human rights defender, deregister a human rights organization, or attack an international human rights institution. It is a tacit confession of still greater abuse. Governments try to silence the messenger because they do not want the message heard. The surest way to reverse that censorship is to redouble efforts to redress the very abuses that these governments are seeking to hide from scrutiny.

Kenneth Roth, Human Rights Watch World Report 2010

The research in this strand is concerned with the implementation of the *European Union Guidelines on Human Rights Defenders* (the Guidelines) and how this policy instrument is utilised in the EU's external relations. It must be noted there are inherent methodological difficulties associated with conducting research in this area. The EU has introduced strategies for implementing, reporting and monitoring its external actions with human rights defenders, but the EU has not committed to the systematic use of benchmarks and indicators across diplomatic mission to measure the impact of its human rights and democracy policy toward the security and protection of human rights defenders. EU methods and actions that measure or assess such implementation, if they exist, are internal EU documents.[82] As each diplomatic mission approaches the subject differently, systemic study of the subject proves difficult.

My research in this strand developed from an initiative to engage a wide range of stakeholders at an international conference to address defender protection issues in context to new developments in European Union policy actions on the subject.[83] The conference engaged human rights academic scholars, human rights organisations, European Union and European government officials, and HRDs from different regions globally to present on current challenges and persisting trends of harassment and violence toward defenders and their practice. The participants reflected on existing policies and practices to protect, support and promote HRDs and their work, and developed new ideas for improving support to defenders. The report on the conference outcomes identified best practices and gaps of protection in the existing frameworks and mechanisms, with focus on the implementation of the EU Guidelines on HRDs (**Output E**).

Perhaps most significant in the findings was an overwhelming agreement between defenders and diplomats of identified gaps in the implementation of the EU Guidelines, which

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[82] I refer to the EU delegations' planning and reporting on their actions toward defender protection in the development of European Union human rights country strategies (HRCS). There is no (externally published) data available from the EU on HRCS, and my research has been reliant on information shared through interviews with EU diplomats and other stakeholders. Each European Union member state mission is asked to contribute to the HRCS and inclusion of plans to implement the Guidelines' recommendations is optional (see Output A: 29).

[83] The conference and report was a collaborative project funded by the British Foreign and Commonwealth Office (FCO). The conference was held at both London Metropolitan University (as an academic conference) and the UK Parliament (engaging government representatives, incl. diplomats and Ministers in workshops to generate policy impact), organised by the Human Rights and Social Justice Research Institute at London Metropolitan University, Peace Brigades International UK, and the UK All Party Parliamentary Human Rights Group.

led to useful discussion of what urgently needs to be addressed (**Output E**: 14-16). This concluded recognition of a lack of support in some mission countries as unwillingness to discuss human rights, particularly in the context of wider strategic goals. The conference proceedings identified EU defender protection policy as a low priority in EU external relations, countering the EU human rights policy rhetoric to address human rights defenders' security.

The conference outcomes recognised a new 'business case' for human rights is needed, challenging boundaries of EU human rights policy as a separate policy consideration – respect for human rights was presented and recognised as an integral approach to other economic and political priorities, and human rights policy should address and apply this integration. Where there are contradictions or clashes between multilateral and bi-lateral policy areas and human rights policy, consideration was given to where interests can converge – and human rights defenders voiced their interest to articulate this positioning where there is convergence; to contribute their intelligence where clashes or problems arise; and to share ideas with politicians and policy-makers on approaches to resolve threats to defenders (**Output E**: 15-16). In the conference report conclusions, a number of policy and practice recommendations were put forward to the EU on supporting defenders' security needs (**Output E**: 16- 19). The conference report was disseminated widely to academics, practitioners, European policy makers and diplomats.[84]

In 2012, I was funded by the European Parliament Sub-Committee on Human Rights to conduct a research study assessing the implementation of the European Union Guidelines on Human Rights Defenders. The research was commissioned to examine specific policy areas of concern to the European Parliament. In response to the competitive tendering process, I substantively determined the direction of the research, including methodology, disciplinary approach and scope of the study, including geographical remit and rationale for my methodological approach. The scope of the field research and determining case study countries followed a set of criteria put forward in the tender, and was agreed with the European Parliament Sub Committee on Human Rights (see Output A, *Methodology* and *Scope of Study*: 19 – 22).

The research study was a qualitative analysis of the implementation of the Guidelines, using an inquiry framework to evaluate the effectiveness of the implementation of the Guidelines in three countries: Kyrgyzstan, Thailand and Tunisia (2012-2013). The methodology for the study used primary sources of data, primarily through semi-structured interviews with individuals making and directing HRD policy (EEAS and EU Foreign Ministries), individuals implementing HRD policy (EU delegations and EU member state missions), individuals

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[84] See British Foreign and Commonwealth Office (FCO) Annual Report on Human Rights 2009: 14.

benefiting from HRD policy (HRDs), and those monitoring and reporting on HRD policy implementation (INGOs and others) (**Output A**: 19-21). The principle aims of the study were to analyse how effective the Guidelines are in strengthening EU policy initiatives toward HRD protection. The study also assessed the level of involvement of HRDs in the preparation of EU human rights country strategies (HRCS), to be carried out in each mission country. The study did not provide a comprehensive account of the level of implementation of the Guidelines, but through extensive literature review, testimony from human rights experts, and research conducted in the three countries, the research report provided the European Parliament, and other stakeholders, knowledge and insight on good practice and gaps in the implementation of the Guidelines.

The methodology comprised primary research capturing the views of the key actors in the countries of concern, most with direct stake in the implementation of the Guidelines.[85] Using an inquiry framework of semi-structured interviews (48 semi-structured interviews carried out in Europe, Kyrgyzstan, Thailand and Tunisia) the questionnaire was designed through framing (17 questions) from the *EU Guidelines on Human Rights Defenders* operational guidance and overall policy recommendations. Data was triangulated from the different stakeholder groups across the countries studied, coded and aggregated for analysis.

Research with human rights defenders is inherently sensitive to risk. Attention to security was considered in all aspects of research, and particularly my engagement with the defender participants. This impacted choices of whom and where to meet in country, choices and use of interpreters, and decisions to ensure data confidentiality. All participants had the option of remaining anonymous or make certain remarks non-attributable. Some participants did not wish their comments to be recorded. Some sensitive issues discussed with diplomats and defenders were not published in my report, due to requests of participants, or consideration of political or institutional constraints, confidential intervention strategies or particular sensitivities that could put someone in risk (see **Output A**: 19 - 22).[86] All interviewees engaged with the consent and confidentiality agreement and were informed of London Metropolitan University Research Ethics Policy and Procedures (**Output A:** Annex 2, 90- 92).

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[85] Those participating in the study included individuals from the European Union External Action Service; European Commission Directorates; European Foreign Ministries (Human Rights Departments); European Union Delegations and EU member state embassies in Kyrgyzstan, Thailand and Tunisia (Ambassadors, Political Officers, Human Rights Focal Points and Human Rights Defender Liaisons as appointed by the embassies); human rights defenders in Kyrgyzstan, Thailand and Tunisia; human rights experts and international organisations working with HRDs and/or diplomatic missions in Kyrgyzstan, Thailand and Tunisia; and a limited number of interviews with HRDs from other regions.

[86] See Preface of Commentary and *Supra Note 19* addressing specific ethical considerations in the methodology.

The European Union External Action Service (EEAS) was reassessing its human rights policies in line with its treaty (Treaty of Lisbon 2009) obligations[87] and considering human rights strategic planning in its external relations when the report (**Output A**) was published. This led to interest in the research outputs by the relevant stakeholders, and was of particular interest to the European Parliament and the European Union Commission. I took part in the public broadcast of an 'exchange of views' on *EU policies on human rights defenders including the presentation of a study on Assessing the Implementation of the EU Guidelines on Human Rights Defenders* by the European Parliament TV Service[88] engaging relevant stakeholders (MEPs, Head of EU Commission Directorate, civil society actors) in discussion of the research findings, particularly on recommendation from the study that could have potential impact on EU human rights policy (**Output B**). My presentation responded to invitation from the European Parliament to share findings from the study with its Parliamentary members, in order to: advance informed decision making concerning EU member state engagement with human rights defenders; and to consider how to improve the efficiency and inclusiveness of implementing actions across EU member state constituencies on the matter of European Union external relations and human rights defenders' protection (**Output B,** refer to **Output A**).[89] The engagement resulted in an informative exchange of views and ideas with key stakeholders and members of the European Parliament, including recommendations for action.[90]

Highlighted in my research findings are an analysis of the viewpoints of how the EU (and their diplomats) respond to the operational guidance of the EU Guidelines, and where there is need for more considered and supported approach according to views from HRDs and their enablers (**Output A**: 67-81). The identified areas include: addressing defenders lack of understanding of how to engage with diplomats as per the Guidelines recommendations (**Output A**: 68); review of EU member state strategies toward HRD security, sharing both good practice and areas needing improvement (**Output A**: 69-70); addressing the distinct challenges for effective outreach to HRDs in remote areas (**Output A**: 70-71); implementation rights-based-approaches that include HRD protections when implementing economic and political policy (needed across missions and throughout EU thematic sections) (**Output A**: 71-73); committing

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[87] The research was carried out at a time when there were new shifts in functions and staffing of the EEAS, particularly in bringing EU delegations in the field to assume more political roles on behalf of the Union.

[88] Output B was published as a broadcast on EuroParlTV.

[89] Presentation of my research findings to the European Parliament included a panel of speakers: Barbara Lochbihler, Chair of the Subcommittee on Human Rights; Patrice Lenormand, Directorate-General for Development Cooperation European Commission; Radboud Reun, Programme officer with NGO Justitia et Pax; and Vincent Forest, Head of Front Line Defender's EU Office in Brussels.

[90] In addition to the European Parliament exchange of views, I also put forth recommendations to the European Parliament based on analysis of data from the study (see Outputs A; B).

serious effort to mainstream human rights in EU external relations that include the implementation of the EU Guidelines on HRDs **(Output A**: 73-74); taking measures to address the lack of understanding amongst diplomats of gender-specific protection for HRDs[91] **(Output A**: 74-75 and UN doc A/HRC/16/44, 2010); educate and disseminate information more widely to actors (diplomats and defenders) on the EU emergency protection measures for HRDs, and prioritise defenders working in remote areas or conflict zones **(Output A**: 75); widen respite opportunities from human rights defence work (which could be identified and supported by EU and member state missions) **(Output A**: 75-76); integrate the Guidelines into the EU Human Rights Country Strategy process [92] - recommendations from the study address the need to take measures for the integration of the Guidelines into HRCS, in genuine attempt to operationalise the Guidelines **(Output A**: 76-78); and to review the Guidelines recommendations in consideration of update or revision, to secure commitments respond to changes in both the internal (EU) and external (political, technological, social, cultural, etc.) landscape impacting the security and protection of defenders (**Output A**: 78-81).

Further findings from the study (**Output A**) consider the EU's support for human rights and democratisation projects through its funding instrument: *European Instrument for Democracy and Human Rights* (EIDHR). The EIDHR reportedly fails to reach certain sectors of civil society, with limited outreach to those working in remote or conflict areas (**Output A**: 31-32).[93]

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[91] This has been of particular concern in respect to violence against WHRDs, gendered risks women take in their practice (with particular risks in rural, remote and conflict environments), and risks to LGBTI groups. The revised European Union Guidelines on HRDs (2008) include taking a gender perspective to the protection needs of human rights defenders. The Guidelines, para 6: 'Defenders themselves have increasingly become targets of attacks and their rights are violated in many countries. The EU believes it is important to ensure the safety and protect the rights of human rights defenders. In this regard it is important to apply a gender perspective when approaching the issue of human rights defenders.'

[92] In 2011 the EU called for its member state missions to prepare EU human rights country strategies (HRCS). This followed an increasing presence of EU delegation offices in third countries, bringing potential for improved coordination with EU member state embassy staff, which could have an impact on EU coordinated engagement with and implementation of the Guidelines. The EEAS has pledged its aims toward achieving better external delivery mechanisms, improving collaborative processes with its partners, and institutionalising better performing internal structures for meeting EU human rights external action objectives linked to HRCS. The country strategies are at present confidential, due to a concern that public disclosure of human rights country strategies or priorities could hamper efforts toward their intended impact. According to EEAS representative interviewed, the HRCS directives (at the time of this study) do not define specific reference for implementing and reporting on the EUGHRD.

[93] The EDIHR is one of the largest funding instruments exclusively and independently granted for civil society projects on human rights and democracy development world-wide. This financial support is an important opportunity of support for defenders, however outreach and access to the instrument was viewed challenging for many defenders (Output A). Milja Kurki (in *Governmentality and EU democracy promotion: The European Instrument for Democracy and Human Rights and the construction of democratic civil societies*) recognises this as a fault in the internal logic of the fund: 'not all organisations stand in good stead to receive EU funding...The governmentality logics in the EIDHR create not only limitations to the kinds of 'pluralistic' alternatives the EU can fund, but also, the system itself creates self-regulating limitations as to how CSOs (even when radical, socialist or social democratic in nature) should conceive of themselves and their role in their democratic societies' (Kurki 2011: 18).

A number of scholars have considered the EU's human rights external relations policies as failing to achieve coherence with other external relations policy priorities (Schmitter and Brouwer 1999; Ruggie 2011; Crawford 2002; Nowak et al 2013; Alston and Weiler 1998). My contribution to this argument calls for critical reflection of defender's protection needs as addressed in EU policy (the Guidelines). I argue for the need to link EU efforts toward coherence of its human rights policy with on-the-ground approaches in its external relations actions (**Output C**: 908-934). I consider the EU commitment to effectively implement the Guidelines policy an integral part of this practice, including steps to integrate the Guidelines' operational recommendations within European diplomatic work and planning (human rights country strategies) in mission countries:

> In practice, the HRCS process could serve as an opportunity for embedding direction for implementation of the guidelines, considered systematically in the HRCS annual reviews, to improve knowledge of the guidelines and build attention to HRDs consistently in all country strategies. By leaving implementation of the guidelines' recommendations without specific planning benchmarks, and HRD engagement undefined in the HRCS process, use of the guidelines as a policy tool may eventually become obsolete. This could adversely impact EU support and protection to HRDs in areas where it is much needed, but overlooked (**Output C**: 923).

Output C provides an analysis of the findings of my research in this area. The analysis addresses: the lack of EU efforts to increase knowledge sharing of its policy on human rights defenders; the lack of attention given to supporting defenders working in remote areas; the need to increase practical application of a protection scheme for HRDs; and an urgent need to recognise the distinct security problems for women human rights defenders, constituted as an EU Guidelines' policy priority in the 2008 revision of the policy document (**Output C:** 917-924) (cf: Benoit-Rohmer et al 2009; Mihr 2011).

I consider the EU Guidelines' implementation and reflect on the utilisation of the EU Guidelines in other schemes initiated by the EU, questioning the efforts of policy coherence inclusive of consideration of human rights defenders as a security problem (Output D). I address recent initiatives that are part of EU external actions to foster democracy and human rights, including an analysis of project evaluations of EU development initiatives, which have considerable potential to influence the inclusion of HRDs as key partners for bringing about rights-based development and attention to defender's rights and security in this process. Recognising the rights-based approach to development is part of a renewed EU global strategy for foreign and security policy launched in April 2016,[94] the commitment to rights-based

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[94] *EU Global Strategy for Foreign and Security Policy,* June 2016.

approaches in EU external relations should integrate approaches to protections for civil society.[95] Some EU initiatives are taking an approach to strengthen civil society participation, legitimacy, and space. I considered programmes that include: widening women's rights and participation in development; the inclusion of grievance mechanisms that engage civil society on matters of business and development; and engaging EU 'road maps' as civil society development initiatives in fragile states (**Output D**: 6-11). Whilst the programmes set out to widen engagement and participation for civil society, the activities do not explicitly address the problems human rights defenders face in the process (**Output D:** 1-15).

The plans set out in the *EU Action Plan on Democracy and Human Rights 2015 – 2019* look to establish benchmarked commitments to human rights implementation, but attention to the human security problems of defenders continues to fall behind:

> Recommendations made to the European Parliament on many of the challenges for effective implementation of the Guidelines in 2013 continue to remain relevant (in 2016) including: strengthening effective outreach to HRDs in remote areas; providing education and training to EU staff on how to implement rights-based-approaches across mission sections; embedding the Guidelines' best practices for implementation in the mainstreaming of human rights programmes and trainings; improving understanding by diplomats of gender-specific protection for WHRDs; ensuring emergency protection measures for HRDs are known and operational for those most in need; and integrating the Guidelines' recommendations into future HRCS approaches. The latter should not be optional - updating the Guidelines' recommendations may be needed to bring them up to date and operational if the Guidelines are not consistently integrated in the EU HRCS process… Ensuring HRD protections are prioritised in diplomatic work will need commitment from the highest levels within the EU and its member states to have impact, particularly across high priority thematic sectors, i.e. business and trade. (**Output D**: 10).

The research in this strand (**Outputs A; B; C; D; E**) has formed a corpus of work both original and well received in the academic community.[96] I continue to provide consultation and advisement on human rights defender policy with governments, international and regional organisations, an impact generated from the research as useful to policy considerations.[97]

2.3   Furthering the defender protection regime

The intellectual efforts of those seeking to develop a framework for understanding the social life of rights would be better directed not towards foreclosing their ontological status, but instead by exploring their meanings and use. What is needed are more detailed studies of human rights

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[95] EU Commission, Staff Working Document Tool-Box 'A Rights based approach encompassing all human rights for EU development cooperation,' Brussels, 30.4.2014, 9484/19.

[96] *Supra Note 34*.

[97] Some examples include consultation work: for OSCE/ODIHR toward publication of *OSCE Guidelines on the Protection of Human Rights Defenders* (2014); consultation for the UN report to safeguard civil society spaces (2015); co-organiser of event and co-author of report on the Wilton Park Dialogue: *Supporting Human Rights Defenders: Challenges and Opportunities* (Report WP1451/December 2015),with the UN Special Rapporteur on HRDs, FCO, DFID, British Ministerial and Canadian High Commission representation; consultations with the FCO Human Rights and Democracy Department (2010 – 2016). Also *Supra Note 35*.

according to the actions and intentions of social actors, within wider historical constraints of institutionalised power.

Richard Ashby Wilson, Human Rights, Culture and Context 1997: 3-4

This strand of research is concerned with emphasising the importance of multiple, intersubjective meanings, building on Kratchowil and Ruggie's 'recognition of the need to engage multiple actors in the study of human rights', and acknowledging 'actors not only reproduce normative structures, they also change them by their very practice, as underlying conditions change, as new constraints or possibilities emerge, or as new claimants make their presence felt.' (Kratochwil and Ruggie, 1986: 770). The research design thus prefaces on the assumption of a dynamic and interrelated nature of realising human rights aims. It engages normative principles which include the states' duty to protect; the respect and due diligence of non-state actors; and the necessity of achieving human rights remedy' (Ruggie 2011). The research work of developing a research agenda for the protection of human rights defenders takes all of these assumptions into account, and seeks to bring them into the context by exploring how civil society can best be supported to engage and contribute to progressing human rights realisations. This strand engages human rights academics and practitioners (the primary group of four researchers herein referred to as the 'research group')[98] in academic scholarship to identify the elements that contribute to a safe and enabling environment for human rights defenders through innovative and rigorous 'co-operative inquiry' (Heron 1996).

The research group was concerned with creating spaces for academic research development; enhancing research engagement between human rights defenders and academics; contributing to academic scholarship in this field; and capitalising on academic and practitioner relationships for effective human rights impact and advocacy. This work was conducted from 2012 – 2016, through multiple research actions and editorial projects generating academic publications. The project activity established a research agenda (**Output F**) to contribute academic rigour and scholarship within the human rights academic discourse, bringing definition to an emerging area of human rights study concerned with the *human rights defender protection regime* (**Output G**: 1).

International experts in the field of human rights convened a research meeting in December 2011[99] to set out areas of concern in defender protection, and produced a number of

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[98] The *research group*: Karen Bennett, Senior Research Fellow in Human Rights, Human Rights and Social Justice Research Institute at London Metropolitan University; Dr Alice Nah, Lecturer at the Centre for Applied Human Rights at the University of York; James Savage, Director of Human Rights Defenders Programme at Amnesty International UK; and Danna Ingleton, Research and Policy Advisor for the Individuals at Risk team at the Amnesty International Secretariat.

[99] This meeting was held at the University of York, hosted by the Centre for Applied Human Rights.

research questions on the subject, and a working paper for the research agenda was finalised in 2012.[100] Following the development of the working paper, the research group began to set out actions for the research agenda.[101] Multiple research activities contributed to the findings in this strand.[102] Many of these research actions combined outreach and engagement with a diverse group of stakeholders internationally, utilising varied academic and practitioner platforms over the period of 2012 - 2016. These include the following 15 research actions:

1. Development of the working paper establishing a research agenda for the protection of human rights defenders (2012)[103]

2. Organising the *International Research Workshop on the Protection of Human Rights Defenders* hosted by University of York Centre for Applied Human Rights (15-17 May 2013).

3. Co-editor of *special issue journal publication on a research agenda for the protection of HRDs* (Journal of Human Rights Practice, Oxford University Press) (2013).

4. Publishing peer reviewed journal article a research agenda for the protection of HRDs (Journal of Human Rights Practice, Oxford University Press) (2013) (**Output F**).

5. Presenting paper for workshop Association of Human Rights Institutes' Annual Conference 2013: *Human Rights Activism and Risk: Assessing the Global Impact of the European Union* hosted by the University of London, School of Advanced Study (09 September 2013).

6. Organising UN Human Rights Council Side Event, Geneva: *Creating a Safe and Enabling Environment for Human Rights Defenders* (11 March 2014).

7. Organising with International Service for Human Rights, Experts Roundtable and Workshop, Geneva: *Innovative Thinking for the Protection of Human Rights Defenders* (2014). [104]

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[100] The research areas were further developed in the *Working Paper: A Research Agenda on Human Rights Defenders at Risk* (2012), an internal document disseminated amongst those attending the 2011 meeting.

[101] These research activities were funded through multiple streams, including contributions from Amnesty International; the University of York; and the University of London, School for Advanced Study.

[102] There are '15 actions' contributing to research activity in this strand. In some of these actions, I organised the work with additional external partners to the *research group* (supra note 98). For example, Action 6 included the research group and members of the *International Service for Human Rights* and *East Horn of Africa Human Rights Defender Network*. Actions 11, 12, 13 included work with the Nicole Piche, *All Party Parliamentary Human Rights Group* and Susi Bascon, *Peace Brigades International*. And Output 14 engaged the research group, but was hosted by the NGO *New Tactics for Human Rights* and funded by the *Center for Victims of Torture*.

[103] *The Working paper* developed in 2012 (*supra note 100)* identified research questions for the research project.

[104]A non-published paper was written by the research group on the outcomes and recommendations of the roundtable and four workshops, held in Geneva at *International Service for Human Rights* offices on 12 March 2014. Attending the roundtable were representatives from: London Metropolitan University, University of York, Amnesty International, International Service for Human Rights, East and Horn of Africa Human Rights Defenders Network, International Centre for Not-for-Profit Law, Human Rights House Foundation, UN OHCHR Special Procedures, Bahrain Youth Society for Human Rights, Tactical Tech Collective, Justice and Peace Netherlands, True Heroes

8. Co-editor of *special issue journal Critical Perspectives on the Security and Protection of Human Rights Defenders* (International Journal of Human Rights) (2015).

9. Publishing peer reviewed journal article *Critical Perspectives on the Security and Protection of Human Rights Defenders* (International Journal of Human Rights, Routledge) (2015) (**Output Ga**).

10. Presenting paper at *University of London, School of Advanced Studies Conference*, *Critical Perspectives on the Security and Protection of Human Rights Defenders* (2015).

11. Organising Civil Society roundtable with the UN Special Rapporteur for HRDs (Amnesty International Secretariat, 2 December 2015). As part of UN consultation, *Good practices in the protection of human rights defenders,* UN doc A/HRC/31/55, 3.[105]

12. Organising UK Parliament event *Defending the Defenders*: with EU Special Envoy on Human Rights Stavros Lambrinidis, UN Special Rapporteur on HRDs Michel Forst, Egyptian Women Human Rights Defender Azza Suliman and British FCO, Head of Human Rights and Democracy Department, Robert Fenn, Bar Human Rights Committee Kirsty Brimelow QC (2015).

13. Organising event and writing of the Wilton Park report:[106] *Wilton Park Dialogue (WP1451)* with British Foreign Office, Department for International Development, and UN Special Procedures: *Supporting human rights defenders: challenges and opportunities* (2015-2016).

14. Organising and contributing to New Tactics in Human Rights one week online community discussion: *Evaluating the Human Rights Defender 'Protection Regime'* led by the research group, discussing research findings, impact and tactics shared with on-line research community (2015).

15. Co-editor of book *Critical Perspectives on the Security and Protection of Human Rights Defenders* (Routledge) (2016) (**Output Gb**).

Outputs F and G comprise my outputs in this research strand. In Output F, the research agenda was brought forth to reflect on and introduce areas of concern to the protection and security of human rights defenders. This included: the derivation of the term 'human rights

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Films, Forum Asia, Protection International, ARC International, Swiss Federal Department of Foreign Affairs, UN Working Group on Business and Human Rights, Peace Brigades International, and the Norwegian Mission in Geneva.

[105] Discussion at the roundtable was noted as an internal document. The UN Special Rapporteur of HRDs Michel Forst referred to the roundtable meeting in his report to the UN General Assembly on *Good practices in the protection of human rights defenders*, UN doc A/HRC/31/55: 5 (21)..

[106] Writing contributions from: Piché, N., Savage, J., Clayton, H., Bennett, K., Bascon, S., Lunn, A. (2016) Wilton Park Dialogue: Supporting Human Rights Defenders: Challenges and Opportunities (1 - 2 December 2015).Wilton Park Report WP1451.

defender' (**Output F**: 403-05); how defenders conceptualise their own risk, security and protection (**Output F:** 405-06); the norms and values that challenge defender security (culture, gender, diversity and marginalisation) (**Output F**: 406 – 408); governments' repression tactics and mechanisms to criminalise or obstruct defender activity (including legislative, judicial and administrative) (**Output F**: 408 – 09); assessing the effectiveness of protection mechanisms for defenders at the international, regional and national levels (**Output F**: 410-12); how defenders respond to oppressive acts against them: the strategies and tactics used for ensuring their security (**Output F**: 412-13; exploring meaning and actions in fostering an enabling environment for human rights defenders (**Output F:** 413-14; **Output G**); and the changing landscape, technology and digital security (**Output F:** 415).

Output F also considers the importance of furthering collaboration between academics, practitioners and HRDs for the effective evolution of protection mechanisms and practices. The article reflects on the merits and challenges of collaborative applied research, suggesting how this can be done effectively. Identified as problem based, critical and transformative, aspects of working on a research agenda focused on both dialogical and co-operative inquiry. Through intersubjective engagement and reflexivity, the research group created a research method through multiple platforms,[107] which informed and critiqued elements determining the *human rights defender protection regime* (**Output G**: 883-890).

These elements were the topic of *Critical Perspectives on the Security and Protection of Human Rights Defenders*, which the research group co-edited as an academic journal (special issue) and then published as an edited book (**Outputs *Ga* and *Gb***). Five key features of *human rights defender protection regime* were put forth. Firstly, that the regime derives from 'principles, norms, rules and decision-making procedures around which actor expectations converge' (Krasner 1982: 185) from the international human rights regime (**Output Ga**: 884); secondly, the regime is goal driven and aims to protect and support defenders who operate in their own contexts in the face of threats and risks (**Output Ga**: 884); thirdly, the regime adopts a human security paradigm, with individuals, groups and communities as subjects of security rather than states (**Output Ga**: 884); fourthly, the regime is multi-level, recognising human rights defender protection mechanisms exist at the national, regional and international levels (**Output Ga**: 885), and finally, the regime has many stakeholders – civil society groups, donors, national human rights institutions, states, multilateral bodies, and individual defenders – who create and use different types of tools, strategies and tactics, to identify, support and protect the rights of human rights defenders (**Output Ga**: 885).

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[107] See the list of 15 research actions described in this section, with web-links for reference.

The exploration of the human rights defender protection regime evolved from consideration of the normative structure, articulating what works in terms of approaches and implementation of protection mechanisms, and what actions need to be taken to further the defenders security. We created spaces for multiple actors to engage in the research actions we developed, and could then build and share from a fuller understanding of multiple perspectives. During this period of research activity, all members of the research group were simultaneously working on other projects directly engaging human rights defenders.[108] This overlap of interaction with defenders helped inform us of the changing landscape of security issues for human rights defenders and their practice, prompting further research activity on the subject.

Through collaborative and interdisciplinary inquiry, the research group considered the value of our collaborative activities at each stage of the process, and such reflection was central to determining what could inform and push the research agenda further. This critical thinking was important for our research process. The methods used constituted a realistic framework of what we were able to achieve, where our collective knowledge and activities together created research outputs culminating as important contributions to academic scholarship in this field.

2.4   Action-oriented research: defenders in their environments

Dialogue is a moment where humans meet to reflect on their reality as they make and remake it. Something else: To the extent that we are communicative beings who communicate to each other as we become more able to transform our reality, we are able to know that we know, which is something more than just knowing…Through dialogue, reflecting together on what we know and don't know, we can then act critically to transform reality.

Shor & Freire 1987: 13

The third strand in the submission engages action-oriented research with defenders in their environments, using a methodology that integrates inquiry and practice. The methodological approach contributes to knowledge and scholarship whilst concerned with practical change. The method of action research has a primary purpose to develop practical knowing embodied in research actions by research/practitioner engagement and the development of learning organizations - communities of inquiry rooted in communities of practice (Argyris et al 1985) (Wicks and Reason 2009).

Reason and Torbert identify a number of important aspects as an epistemological point of reference to the action research method and its transformative potential in social science (Reason and Torbert 2001). They argue that action research must be understood for the important distinctions of its contributions, breaking away from earlier debates between the 'empirical

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[108] I was simultaneously working with defenders in the other research strands described (in sections 2 .2 and 2.4).

positivist' and the 'postmodern interpretist', Reason and Torbert see action research for its contribution in its 'action turn', placing primacy on practical knowledge as the consummation of the research endeavour. In this sense, the focus is defined as *research/practice* and *transformative action research* that gives importance to practical knowing, participative relationships, experiential grounding, and normative theory (Reason and Torbert 2001: 2). Research in this strand values human rights academic scholarship informed by practice, as well as practice informed by scholarship and critical thought.

This strand comprises outputs from two projects, both awarded through a competitive tendering process that support action-oriented research briefs.[109] The projects are geographically situated in environments where defenders' practice is at risk. The work was initiated through identifying the gap and unexplored potential of engaging creative methodologies with defenders in oppressive, remote, and under-researched environments.[110] The 'Diploma in Human Rights Programme – Pilot Project Central Asia' was a two-year project funded by the British Foreign Commonwealth Office[111], with additional research activity funded by the OSCE/ODIHR, implemented in the region of Central Asia (2009 - 2010) (**Output H**); and the 'Women's Rights in Darfur Project – Training of Trainers' was a three-year project funded by the Baring Foundation and John Ellerman International Development Programme[112], with additional research activity funded by the Ford Foundation, implemented in East Africa (2013 – 2016) (**Output I**).

Both projects were grounded in action-oriented research and human rights-based participatory methods designed to contribute to the knowledge-base of engaging rights-based interventions with defenders - what can positively contribute to human rights conditions for defenders in oppressive environments, and support the safe development of their practice. The projects utilised programme methodologies which considered the production of knowledge as *usable knowledge,* in this sense the scope of work contributed beyond the direct aims to the beneficiaries of the project, by having further value in informing stakeholders (as HRD enablers, policy makers, and academic scholars), of programmes and projects that contribute to a theory action for benefiting social practice (Argyris et al 1985). The action research methods influenced

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[109] I authored the grant proposals for both projects.The action – research components included collaborative project management and facilitation (Output H, Output I), and collaborative writing (Output I), see Annex 2.

[110] Both projects established substantive direction after carrying out in-depth needs assessments and consultations with Central Asian, and Sudanese, human rights defenders.

[111] The British Foreign and Commonwealth Office provided a total of £132,000 of funding for the project.

[112] The Baring Foundation and John Ellerman International Development Programme provided a total of £245,000 of funding for the project.

further development beyond the project cycles, informing a broader research agenda that contributes to human rights scholarship and the support of human rights defenders.

The 'Diploma in Human Rights Programme – Pilot Project Central Asia' was carried out in 2009 – 2010,[113] building from human rights projects designed with Central Asian defenders in 2007 and 2008.[114] The programme aimed to strengthen substantive human rights knowledge and support a regional network of defenders from Uzbekistan, Kyrgyzstan and Kazakhstan. As a pilot project, it was carried out as a potential model for developing a multi-country regional approach for the support of the practice and education of HRDs, and as an innovative methodology to generate further research and scholarship on the subject globally. The programme aims were to: provide education which combines the theoretical with the practical; create transnational networks; provide validation by means of a formal post-graduate qualification to its participants[115]; and substantiate research actions as meaningful follow up. The programme provided three teaching and learning modules, each module one week in duration, taking place in Almaty, Kazakhstan and Bishkek, Kyrgyzstan.[116]

Participants in the programme developed various skills and capabilities[117], including their ability to disseminate knowledge and skills in their local environments. The opportunity to design and prepare training for others, utilising recently-acquired knowledge and training tools was received positively in local communities, and for some with state authorities. For example:

> A Kazakh participant and a Kyrgyz participant targeted state officials, prison officials in the first instance and border guards in the second, to make them more aware of the human rights implications of their work, particularly on a practical level. The Kazakh training was televised locally and received a positive press review. One of Uzbek participants organised a training with younger colleagues from their organisation focusing on the use of the EU Guidelines on HRDs, with an action component to apply what they learnt with visits to a number of EU member state embassies in Tashkent and then reporting back on their experiences (**Output H:** 13).

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[113] The Human Rights and Social Justice Research Institute at London Metropolitan University partnered with Middlesex University School of Law and the UK All Party Parliamentary Human Rights Group (PHRG), facilitating the work of multiple Central Asian NGO participants contributing to the project activities in Kyrgyzstan and Kazakhstan.

[114] In 2007, I developed a human rights training project for Uzbek defenders financed by the FCO and held in London UK. In 2008, a human rights training project for Uzbek and Kyrgyz defenders with an action research component was developed in partnership with the UK All Party Parliamentary Human Right Group, financed by the British Embassy in Tashkent and support from the UN Development Programme in Bishkek, Kyrgyzstan.

[115] The programme was approved for post-graduate level accreditation *Diploma in Human Rights* at London Metropolitan University, providing this opportunity to the Central Asian participating (Output H: 12-14).

[116] The country and venue selection was part of a well-considered security assessment. Extensive risk assessments in organising the travel and accommodation for all Central Asian human rights defenders, see *Supra Note 19*.

[117] Curriculum in the programme included: module 1 in international human rights law; module 2: human rights defence strategy and management; and module 3: advanced issues in human rights practice, chosen by the participants, as: constructive dialogue; conflict resolution; minority rights and vulnerable groups.

The project also had a number of other action components, including the development of a Central Asian Human Rights Defender Protection Network and a research dissemination component reaching out to political and human rights organisations and donors,[118] to further knowledge and foster relationship building in academic communities of Central Asia, and discuss with university deans, professors and researchers, of the potential for human rights graduate level programmes to be developed in universities of the region (**Output H**).[119]

The project engaged a wide range of academics and human rights organisations internationally in the planning, implementation and assessment stages of the programme. It facilitated the creation of meaningful support networks between the participants and other human rights organisations and defenders in Central Asia, Europe and elsewhere. Efforts were made in the project design for wide dissemination of the project outcomes to relevant stakeholders. The dialogue between the project team and human rights organisations, and others, has resulted in the work and the concerns of the participants being more widely recognised, better understood, and their security risks more effectively addressed (**Output H**: 17). Participants recognised the positive impact of working with a much wider group of people, both nationally and transnationally, and to do this more effectively, not least by using their newly acquired knowledge and skills as a means of enhancing the legitimacy and acceptance of civil society engagement in human rights work (**Output H**: 14). This underscored the importance of effective outreach in connection with their work, and of supporting the development of future HRD leaders. This is particularly relevant in the context of Central Asia, as all participants raised concerns about a younger generation being able to take over the leadership of the human rights movement in future and the difficulty of engaging with the wider population on human rights matters.

The development of a network was an important outcome of the project. In addition to providing opportunities for transnational relations and between Uzbekistan, Kyrgyzstan and Kazakhstan human rights defenders, the programme also provided an opportunity for HRDs from the same country to meet and discuss common issues and problems in a non-threatening, safe environment that provided added potential for team-building in a national context (**Output H**:

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[118] To engage support for the protection network, stakeholders and donors in the region were informed and consulted. These included: OSCE/ODIHR, UNOHCHR, UNICEF, UNHCR, Human Rights Watch, Bureau of Human Rights Kyrgyzstan, Legal Policy Research Center in Almaty Kazakhstan, and Soros Foundation branches in both Kyrgyzstan and Kazakhstan.

[119] Academic leads (myself and Joshua Castellino from Middlesex University) arranged visits with Central Asian HEIs, where we discussed the project outcomes with academic from: American University, Bishkek Kyrgyzstan (Social Research Center; International and Comparative Politics Department; Social Anthropologist and Migration Department and the Law Department); KIMEP University, Almaty Kazakhstan (College of Social Sciences; Department of Law; Department of Journalism; Department of International Relations; and Department of Public Administration); East Kazakh State University Law Department.

5). Work amongst defenders to establish such a network was initiated in the programme by the participants: appointing country leadership roles for the network (Kyrgyzstan, Kazakhstan and Uzbekistan); developing a memorandum of understanding between members; skills building through lessons learnt, including engaging regional expertise for network development (from the South Caucasus HRD Protection Network); considering security measures (such as early warning mechanisms, access to safe spaces and respite, etc.); and drafting an ethical code, highlighting non-violence/promoting peace, confidentiality/respect of all members, and attention to personal responsibility.

Throughout the project there was discussion and attention to the importance of HRD engagement with national institutions, and consideration of engaging national human rights institution in the project design. Though facilitating civil society participation with national institutions and relevant government officials is an aim of enabling defenders' practice, the group collectively agreed this was not possible within the realistic national contexts that many HRDs presently worked within:

> Given that ultimately, national governments are responsible, and held to account, for ensuring that rights are realised, getting the relevant governmental authorities to invest the necessary political capital and resources is crucial. But if the necessary political will is absent, which it is to a greater or lesser extent in these countries, getting HRDs to engage constructively is a very sensitive and difficult matter. It is important to identify issues on which the Governments may be prepared to engage. More generally, however, it must be recognised that the timeline will necessarily be long-term, and that potential windows of opportunity must be identified and prepared for. The recently established HRD Network recognises the value of establishing a constructive dialogue with governmental authorities and has included this as a key objective of the Network. (**Output H:** 17-18).

The methodology of the Central Asia project was evaluated for its applicability in other geographic regions (**Output H**: 26-28). Many of the lessons learnt as a 'Pilot Project for Central Asia' were also considered useful to the design of the second project in this research strand, 'Women's Rights in Darfur: Training of Trainers' (**Output I**).[120]

The final research output in this submission analyses the impact and value of education interventions with Sudanese human rights legal practitioners, to facilitate community projects

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[120] For example, the methods deployed in Central Asia working with diverse individuals for a common purpose over extensive periods (three modules, each over 1 week in duration, with long hours of work daily, and additional project actions in residence where the defenders work) provided a number of lessons in my development of the Darfur project methodology. These included: consideration of successful pedagogic methods; relevant subjects for teaching and further knowledge transfer; how best to respect the mental health and well-being of the participants; achievable goal setting; attention to security in project design.

addressing women's rights in internally displaced persons (IDP) camps in Darfur, Sudan.[121] The project 'Women's Rights in Darfur: Training of Trainers' (**Output I**) [122] (herein, 'the WRD Programme') engaged a group of 20 Darfur legal professionals (herein 'the lawyers'), comprised of eight men and twelve women from across four regions of Darfur, with three of the lawyers resettled in Khartoum.

The WRD Programme was structured around three training modules held in Tanzania and Kenya,[123] led by the project facilitators, with participating external human rights experts and trainers[124]. The modules contributed to the development of five community level outreach projects as training activities on women's rights, delivered by the lawyers to the internally displaced in Darfur, Sudan, and to women (predominantly Darfur IDP women) detained or incarcerated in a prison near Khartoum. The teaching modules aimed to build capacity of lawyers to empower displaced women in Darfur to seek justice for violations of their rights. By creating research-action platforms for the planning, implementation and reflection of the Darfur community projects, the work was prefaced on two assumptions: there is value in employing HRBA in teaching, learning, project design and implementation to facilitate human rights defenders capacity; and there is value in creating opportunities for 'socially constructed pathways', linking access to knowledge (human rights education) to the interpretations of human rights locally, to both further the potential for women's access to justice, and further potential for social justice movements concerned with women's rights and women's protection.

As a preliminary community level activity following the first module, the lawyers split into five regional sub-groups (North Darfur, South Darfur, West Darfur and East Darfur and Khartoum) to undertake an extensive needs assessment in targeted IDP camps and communities,

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[121] I was the academic lead for the project, responsible for the methodology and substantive content of the programme. My partners were Chara De Lacey, project manager with the International Bar Association Human Rights Institute, and multiple lawyers from the Sudan as local project partners with the Darfur Bar Association.

[122] The WRD Programme was financed for three years (January 2013 – December 2015) jointly by the Baring Foundation and the John Ellerman International Development Programme with additional funding from the Ford Foundation for conference activities in Nairobi, Kenya.

[123] Module 1 was held in Tanzania, and covered: international human rights law, international criminal law, Sudanese law on women's rights; Sharia courts and family law; the African human rights system; community based interventions on women's rights; and accessing defender protection mechanisms. Module 2 was held in Tanzania, and covered: evidence gathering and report writing; pedagogic theory in community development; project management skills; methods and best practices for combatting SGBV in the context of conflict and displacement; risk management. Module 3 was held in Kenya, and covered: workshops for data analysis; focus group interviews; group presentations of project interventions; international conference and networking reception for Darfur lawyers with representatives of donor agencies, foreign ambassadors, and regional representatives of human rights organisations.

[124] The facilitators included: Hon Mary McGowan Davis, Acting Justice of the Supreme Court of the State of New York (ret.) and expert in international humanitarian law (particularly cases within the ICTR); John Eversley, Senior Lecturer in Voluntary and Community Organisations at London Metropolitan University; Mary Mbeo, UN Women representative, Programme Specialist in Darfur; and Mary Njeri, human rights and gender consultant (Kenya), and other experts, i.e. addressing risk assessment and project management in conflict environments.

in order to better understand the concerns of their identified beneficiary group. A needs assessment included discussions between the Darfur lawyers and displaced women and men, local religious leaders and IDP camp leaders. The projects were then prefaced on ideas and relationships developed in the needs assessment:

> Before commencing the training, we asked beneficiaries what training we should give on women's rights; 'human rights' has many aspects, but we wanted to find out what specific topics they are interested in. Then they started to feel that they are not beneficiaries; they possess the project and they are going to implement it (interview with West Darfur lawyer, 11 October, 2014).

To prepare for the interventions within Sudan, the first WRD Programme module considered the normative framework underpinning women's rights, drawing on international, regional and domestic legal provisions. The group then considered methodologies for human rights practice, including HRBA, evidence gathering, monitoring and evaluation and pedagogical theory relevant to interventions on combating sexual and gender-based violence, and human rights defender security mechanisms applicable to the lawyers' locale and useful to their situation. During the second module, the lawyers designed the methodology for their women's rights education projects. While tailored to meet the needs of IDPs residing in the targeted camps, broadly-speaking each community project incorporated workshops on international human rights law and national law with a focus on women's rights; 'paralegal' training (women's legal rights, interviewing skills and report writing) for select community members; and a network-building initiative to link paralegals from different camps with human rights lawyers based in the region's main towns.

The lawyers implemented their projects between the second and third WRD Programme modules, reaching out to 180 IDPs, 120 female prisoners and detainees, and 59 lawyers and paralegals. They engaged at the community level by raising awareness of women's rights among Darfur's IDPs, and by building local capacity to prevent and respond to women's right violations, including response to cases of sexual and gender-based violence (**Output I**: 5-7).

During the third module, the lawyers reconvened to share their experiences and learnings. The lawyers reported their project design facilitated actions that challenged existing structures of inequality and oppression. For lawyers (as human rights defenders) addressing the situation of women's rights in Darfur's IDP camps, our work in the modules had a rights-based purpose, enabling methods designed to facilitate women's human rights discourse, which was later implemented amongst Darfur IDPs.[125] Both Programme participants and implementers

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[125] For example, the interventions were designed with attention to appropriate vernacular and methodology for transferring concepts of human rights to varying education levels, and with attention to communicating within religious and cultural frames (see Output I).

presented findings from the research action to a number of policy oriented audiences in Africa (in Kenya and Sudan), and I presented a paper with my project partner at a conference on human rights in the Sudan at the University of Durham in December 2014.[126]

The lawyers were acutely aware of the dangers and risks present in Darfur, including within some IDP camps, and considered how this impacts on the realisation of human rights and their own work. The teaching modules facilitated planning and risk analysis, however much attention was needed to reassess security measures throughout the project cycle. There were multiple obstacles for the lawyers in meeting with IDPs in the Darfur IDP camps, and overcoming these obstacles required constant consideration for the physical security of the lawyers and the security of the beneficiary group.

As action-oriented research concerned with agency and practice, the project and community based interventions substantiated new directions for developing 'rights talk' in remote and previously closed spaces, where women's human rights had not been addressed. As Cornwall and Nyambu-Musembi recognise, 'rights talk is above all talk of politics, of power and of social justice. It is talk that inspires and impassions, talk that animates and mobilises, talk that restores to people a sense of their agency and their rightful claim to dignity and voice.' (Cornwall and Nyambu-Musembi 2004: 1433). This 'agentic movement' is documented in **Output I**. Shifts in the articulation and conceptions of rights were seen over the course of WRD Programme, both by the Darfur lawyer groups and the IDPs they trained. The articulation of women's rights followed from theoretic discussion of Paulo Friere's teaching applied to community development activity, 'to surmount the situation of oppression, people must first critically recognize its causes, so that through transforming action they can create a new situation, one which makes possible the pursuit of a fuller humanity' (Paulo Freire 1970: 47)[127].

An assessment of the projects' impact within the targeted communities was gathered by the project participants, and analysed by the local project partner.[128] In the impact assessment reports, the regional groups of lawyers provided detail on women's rights cases taken to Darfur's criminal, civil and traditional courts. The lawyers reported 'greater participation of the women in the traditional courts. This enabled easy accessibility to justice for the women.'[129] They also observed: 'Before, women were not allowed to sit with men. Women sat with their backs towards

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[126] This academic conference paper was later revised and developed for publication (Output I).

[127] During Module 2 the workshop sessions on community development, the training sessions incorporated the pedagogic approaches of Paulo Friere, and how his ideas have value in the development context. The discussions engaged consideration useful in the design of the education interventions within the Darfur IDP communities.

[128] This assessment was carried out by the participating lawyers six months following their interventions. The Darfur Bar Association worked with the data collected and produced an impact assessment report (unpublished) produced for the funding organisation. Analysis of the impact assessment is provided in Output I.

[129] South Darfur group impact assessment reporting: February 2015.

the committee and sit far away. Now, the two parties to the case can sit at an equal level in an IDP court.'[130] The North Darfur group also reported an increased number of women in leadership, women contributing to public issues, and a rise in activities of women's groups. [131]

Ensuring the sustainability of positive societal change in the context of IDP camps is challenging due to the transitory nature of displacement and social instability in the camps. The Darfur project teams were mindful to try and sustain initiatives that developed from the rights-based education projects. The East Darfur group established a legal aid centre in East Darfur (the first in the region) to provide legal assistance to persons displaced by continuing interethnic violence in the state.[132] At the request of the IDP beneficiaries, the North Darfur group continued to deliver pro bono training for more than 80 additional women during the course of the programme and advanced legal training to those already trained. [133]

As implementers facilitating the programme, we found value in supporting human rights-based interventions with defenders that sought to empower internally displaced persons (and women and girls in particular). Our assessment of this in Output I, recognises: firstly, the value in defender's rights-based interventions as responsive to local reality and social normative constructs; secondly, attention to grass root engagement and introducing the vernacular of women's rights in displaced communities can empower women to identify as rights-holders and seek redress for rights violations, having both present and future value to human rights protections; thirdly, that discourse on equality and non-discrimination is key to challenging social normative barriers to women claiming rights; fourthly, methods for participatory learning with multiple stakeholders and networking enhance impact and sustain social movements; fifthly, the research findings recognise educators are enablers, and education having value as an intervention of support to HRDs working in humanitarian crises and conflict; and finally, scholarly contribution of research on specific interventions contributes to a broader debate of the value of rights-based interventions and actions supporting the work of human rights defenders in oppressive environments (**Output I**).

The WRD programme contributed to an increased understanding of appropriate methodological approaches for action-oriented research with HRDs in remote and conflict areas. My work with the Darfur lawyers influenced my interest to continue research on the subject of

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[130] Interviews with lawyers: Module 3, October 2014.
[131] North Darfur group impact assessment reporting: February 2015.
[132] El Neem IDP camp was the first of its kind in the newly administrated East Darfur State (established in 2012) with the majority of its population comprising people from ethnic tribes. The camp was established casually without any infrastructure and has never been recognised by the Government. The population has not received official IDP status, which in effect has denied its population the assistance of humanitarian organisations, and has rendered its population, particularly women and children, vulnerable.
[133] North Darfur group impact assessment reporting: February 2015.

defenders' security in conflict environments. I wrote a proposal requesting support to form international research collaboration on the subject, resulting in an award from the Higher Education Funding Council for England (HEFCE) in 2015 to support a research group workshop. ELHRA (Enhanced Learning and Research for Humanitarian Assistance) provided our team (from London Metropolitan University, the NGO Protection International, and the Darfur Bar Association) space and travel funding to work together on developing our research ideas concerned with human rights defenders working in humanitarian crises situations.

3.   Conclusion

This commentary provides critical appraisal of substantive research work concerned with: institutional support mechanisms for human rights defender protection; approaches to the implementation European human rights external relations policies that seek to enable human rights defenders safe practice; human rights defenders' roles as civil society actors in transnational and local spaces; and critical thought concerning interventions that sustain human rights defender legitimacy and practice. The three research strands presented contribute to complementarity of study in this subject area, using multiple research methods to critically assess the value of rights-based interventions to protect human rights defenders in oppressive environments. The work establishes a shift in approach to knowledge seeking. The research incorporates creativity and innovation in multiple research projects, and includes a broad study of secondary research in the subject area and its related fields. This is seen in the outputs responding to the work conducted in evidence-based empirical study (**Outputs A; B; C; D**); in academic – practitioner research partnerships using a reflective methods framework (**Outputs E; F; G**); and through action-oriented research in contested areas where defenders practice (**Outputs H; I**).

The commentary situates the submission in agentic interpretations of constructivism and phenomenology and explores the application of human rights-based principles within normative frameworks. It recognises social consciousness constructs shape discursive practice and therefore the research seeks to capture multiple perspectives responding to the contextualisation of the lived experience. In this regard, finding value in approaches to human rights interventions are determined on both structural grounds and through particular ideations.

The submission in its entirety contributes to academic discourse as both a topic of international relations and distinctly as a subject area within human rights discourse. The study of effectiveness in approach to interventions for the protection of defenders is an area tangentially recognised in the literature, but rarely seen as distinct study. The submission is original and uniquely nascent to the academic corpus in this regard. The submission also contributes to other

subject areas concerned with human rights and civil society protection within democratisation processes and in international development. As such, the work has interdisciplinary merit, contributing to academic debates in sociology, social policy, politics, law, security and conflict studies, and international development studies.

The debates and arguments brought forth in this submission are both conceptual in nature, contributing to emerging and established theoretic problems in human rights study, but also practice-based problems that need solutions. The human rights-based approach, as both a subject of the study and approach to the study, integrates the human rights defender voice as well represented in the research submissions. This is developed through giving space to 'rights talk' (Cornwall and Nyamu-Muembi 2004) with defenders and their enablers, which has produced new and emerging pathways for the research agenda.

The submitted works advance attention to the inclusion of specific support mechanisms needed for protecting the rights of defenders, and the importance of analysing responses for protection in specific environments, which contributes to broader human rights discourse on issues of human security in international relations. In this regard, the submission attempts to show the value of advancing rights-based, considered approaches to interventions that support defenders. Recognising discursive shifts in politics continually redefine relationships, and changing approaches of political engagement can influence better human rights outcomes, the work identifies the need for enablers to evaluate their transnational alliances in international relations to better safeguard human security for defenders.

My research submission is important in its impact. The research contributes to human rights policy analysis and policy formation, noted through invitations from government and political organisations for my consultation on the subject.[134] The research has engaged international attention from a range of stakeholders including human rights practitioners in the Global North and Global South to consider its pragmatic impact.[135] The United Nations has endorsed one of the outputs as important research contributing to critical thinking between

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[134] *Supra note 35.*
[135] See section 2.3.

scholars and practitioners.[136] The research outputs also provide an important contribution to academic teaching, furthering the critical thinking of problems in human rights.[137]

The protection of defenders brings into focus the importance of ethical demands in international relations, and as Sen describes, these demands are made through public reasoning across the spectrum of rights, and actions of implementation of human rights, but also engaging and challenging institutional interpretations, and the confines of theoretic models of rights protections (Sen 2004). Reverting back to the frame of this commentary, in bringing attention to oppression and support, the submission considers the present and future direction of actors in agentic movements within this research frame: the state and its associated actors (as human rights duty bearers); the human rights defenders; and the enablers, taking human rights-based approaches in contested and oppressive environments. It is these actors, interacting within permeable structures, where tensions mobilise action and considered approaches can have transformative power for human rights attainment.

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[136] The United Nations Special Rapporteur on the Situation of Human Rights Defenders, Michel Forst, provided this public endorsement of Output G in 2015 (as special issue of the *International Journal of Human Rights*): 'In the face of growing attacks on human rights in many countries, the risks faced by people who defend their universality have intensified. Human rights defenders increasingly face criminalization, persecution, arbitrary arrest and detention. They are threatened, physically attacked and assassinated. As we mark the 17th anniversary of the UN Declaration on Human Rights Defenders we should ask ourselves what more must be done to better protect defenders and promote their work. I welcome this Special Issue of the International Journal of Human Rights. It compels us to confront these challenges and to discuss critical questions, both among scholars and practitioners. Our next common goal is to translate this research into practical tools to strengthen the protection regime for human rights defenders.'

[137] I regularly engage with the subject matter of my research in my teaching, and I have supervised students on the subject at the Human Rights and Social Justice Research Institute. My teaching engagements, and other forms of discussion and dissemination of my research, are described in this Commentary, see *Supra Notes 34 and 35*.

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Annex 1: List of outputs submitted for award

Output A

(*research report*)

Bennett, K. (2013). *Assessing the Implementation of the European Union Guidelines on Human Rights Defenders: The Cases of Kyrgyzstan, Thailand and Tunisia.* European Union Directorate General for External Policies to the Union. EXPO/B/DROI/2012/11 June 2013, 1-110.

Output A is a research report of a study commissioned by the European Union Sub-Committee on Human Rights (DROI) conducted in Kyrgyzstan, Thailand, Tunisia and Europe, 2012-2013.

Output B

(*EuroparlTV webcast*)

Bennett, K. (2013). Presentation to the European Parliament: *Exchange of views on EU policies on human rights defenders, including the presentation of a study on Assessing the Implementation of the EU Guidelines on Human Rights Defenders,* 28 May 2013. Brussels: *EuroparlTV* (transcript submitted).

The findings of the study were also presented as: *Key findings of the study: Assessing the implementation of the European Union Guidelines on Human Rights Defenders*, 12 May 2014, European Union Conference: 'European Instrument for Democracy and Human Rights (EDIHR) Forum: Protecting Those Who Protect', 12 – 14 May 2014. Brussels.

Output C

(*journal article and chapter in book)*

Bennett, K. (2015). European Union Guidelines on Human Rights Defenders: a review of policy and practice towards effective implementation. *International Journal of Human Rights.* 19(7): 908-934.

Output C is also published as chapter in the book:
Bennett, K. 'European Union Guidelines on Human Rights Defenders: a review of policy and practice towards effective implementation' in (eds). Bennett, K., Ingleton, D., Nah, A., and Savage, J. (2016). (eds.). *Critical Perspectives on the Security and Protection of Human Rights Defenders*. Abingdon, Oxford and New York: Routledge.

Output C was presented 2 December 2015 at the University of London School of Advanced Study Conference: 'Critical Perspectives on the Security and Protection of Human Rights Defenders'. The presentation was published as a podcast by the University of London.

Output D

(*academic monograph, forthcoming chapter in book*)

Bennett, K. (2016). 'A protection regime in need of committed action: European Union support for human rights defenders.' Paper presented at conference, *Challenges to the effectiveness of EU human rights and democratization processes:* 12 April 2016. Spain: University of Deusto.

Bennett, K. (*forthcoming* 2017). 'A protection regime in need of committed action: European Union support for human rights defenders' in Gomez, F., Churruca, C., Wouters, J. (eds.). *European Union Human Rights and Democratization Policies: Achievements and Challenges*. Routledge.

Output E

(*research report)*

Bennett, K., Piche. N., Mahoney, L., Bascon, S. (2009). *Report of Conference on Security and Protection for Human Rights Defenders*, *London, 29–30 April 2009*. London: Peace Brigades International.

Output E is a peer reviewed public report commissioned by the British Government, with funding contributions from the Sigrid Rausing Trust and German Government.

Output F

(*journal article*)

Nah, A., Bennett, K., Savage, J, Ingleton, D. (2013).A Research Agenda for the Protection of Human Rights Defenders. *Journal of Human Rights Practice.* 5(3), 401–420.

Output F was 'Editor's Choice Article'. Ranked 'Top 10' of *Journal of Human Rights Practice* articles downloaded in 2013. The article has been translated in Arabic, French and Spanish.

Output Ga

(*journal article and chapter in book)*

Bennett, K., Ingleton, D., Nah, A., Savage, J. (2015), Critical perspectives on the security and protection of human rights defenders. *International Journal of Human Rights*. 19(7), 883-895.

Bennett, K., Ingleton, D., Nah, A., and Savage, J. 'Critical perspectives on the security and protection of human rights defenders' in (2016) (eds). Bennett, K., Ingleton, D., Nah, A., and Savage, J. (eds.). *Critical Perspectives on the Security and Protection of Human Rights Defenders*. Abingdon, Oxford and New York: Routledge.

Output Gb

(*edited book)*

Bennett, K., Ingleton, D., Nah, A., Savage, J. (2016). (eds.) Critical Perspectives on the Security and Protection of Human Rights Defenders. Abingdon, Oxford and New York: Routledge.

Output H

(*research report*)

Bennett, K. (2011). *Pilot Project Central Asia: Assessing the Impact of the Human Rights Defenders Diploma Programme*. Report prepared for the British Foreign and Commonwealth Office.

Output H is a peer reviewed report. The two-year project was implemented in Kyrgyzstan and Kazakhstan. The project was funded by the British Foreign and Commonwealth Office with additional funding contribution from the Organisation for Security and Cooperation in Europe.

Output I

(academic monograph, forthcoming journal publication)

Bennett, K., De Lacey, C. *Value and impact of rights-based interventions: lawyers addressing gender based violence in Darfur, Sudan*, 15 December 2014. Presented at Durham University Conference 'Justice in Sudan and South Sudan: Historical Legacies and Contemporary Challenge'.

Bennett, K., De Lacey, C. (*forthcoming expected* 2017). 'Assessing the Value of Human Rights-based Interventions in Situations of Conflict: Community Outreach to Combat Violence against Women and Girls in Darfur, Sudan.' *Journal of Human Rights Practice.*

Output I provides analysis of the project 'Women's Rights in Darfur: Training of Trainers.' The project was implemented from 2013 – 2015 in Uganda, Tanzania, Kenya and Sudan. The project was commissioned by the Baring Foundation and John Ellerman International Development Trust, with additional funding from the Ford Foundation. Project partners were the Human Rights and Social Justice Research Institute at London Metropolitan University, the International Bar Association Human Rights Institute and the Darfur Bar Association.

Annex 2: Statement on co-authorship

As listed in Annex 1, several of the outputs have joint or multiple authors. These outputs are based on substantive and original research conducted with others. The commentary sections on methodology make it evident that some of the research work was collaborative by design.

Referenced in section 2.2, the 'Protection and Security of Human Rights Defenders Conference Report' (Output E) was written collaboratively with Liam Mahoney, Susi Bascon and Nicole Piche. The conference notes were initially synthesised by Liam and Susi, with first draft completed by Liam. Nicole and I provided further analysis, producing the final draft.

Referenced in section 2.3, I authored two journal publications and edited one book jointly with the research group, co-authors Danna Ingleton, Alice Nah, and James Savage. For the journal articles 'A Research Agenda for the Protection of Human Rights Defenders' (Output F), and 'Critical Perspectives on the Security and Protection of Human Rights Defenders'(Output G), the initial writing was a division of labour relevant to our research work and areas of interest. We each produced first drafts of article sections, we then met (or skyped) with each other to discuss and agree revisions, and then contributed collectively to each section to synthesise and complete the final texts.

Referenced in section 2.4, I worked with Chara De Lacey, project partner on the Women's Rights in Darfur Project, and co-author of the publication (Output I): 'Assessing the Value of Human Rights-based Interventions in Situations of Conflict: Community Outreach to Combat Violence against Women and Girls in Darfur, Sudan'. This was a close and collaborative endeavour, each of us working through sections of the writing and revising in turn following feedback from peer reviews.

Outputs C, F and G were contributions to special issue editions of journals. I am fortunate to have worked with the editors of these academic journals (*Journal of Human Rights Practice*, Oxford University Press and the *International Journal of Human Rights*, Routledge) and in close co-ordination with my peers as guest editors of two special issues on the topic of the protection of human rights defenders.

Annex 3: All scholarly outputs by researcher relevant to the subject area
(including those not a part of the Ph.D. by Prior Output submission)

Bennett, K. (2007). *Humanitarian Aid Work: A Critical Approach* by Beristain, C. M. Book review in *Journal of International Social Work*. 50(4), 573-576.

Bennett, K., Piche. N., Mahoney, L., Bascon, S. (2009). *Report of Conference on Security and Protection for Human Rights Defenders*, *London, 29–30 April 2009*. London: Peace Brigades International.

Bennett, K. (2011). *Pilot Project Central Asia: Assessing the Impact of the Human Rights Defenders Diploma Programme*. Report prepared for the British Foreign and Commonwealth Office.

Bennett, K. (2013). *Assessing the Implementation of the European Union Guidelines on Human Rights Defenders: The Cases of Kyrgyzstan, Thailand and Tunisia.* European Union Directorate General for External Policies to the Union. EXPO/B/DROI/2012/11 June 2013, 1-110.

Bennett, K. (2013). Presentation to the European Parliament: *Exchange of views on EU policies on human rights defenders, including the presentation of a study on Assessing the Implementation of the EU Guidelines on Human Rights Defenders,* 28 May 2013. Brussels: *EuroparlTV*.

Bennett, K. (2013). *Human Rights Activism and Risk: Assessing the Global Impact of the European Union*. Presented 9 September 2013, Association of Human Rights Institutes 14th Annual Conference, 'Emerging Research in Human Rights,' London: University of London School of Advanced Study, http://www.ahri-network.org/london-2013-emerging-research-in-human-rights.

Bennett, K. (2014). *Key findings of the study: Assessing the implementation of the European Union Guidelines on Human Rights Defenders*. Presented 12 May 2014, EU International Conference: 'European Instrument for Democracy and Human Rights (EDIHR) Forum: Protecting Those Who Protect', 12 – 14 May 2014. Brussels.

Bennett, K., De Lacey, C. (2014). *Value and impact of rights-based interventions: lawyers addressing gender based violence in Darfur, Sudan*. Presented 15 December 2014, Durham University Conference 'Justice in Sudan and South Sudan: Historical Legacies and Contemporary Challenge'.

Bennett, K. (2015). European Union Guidelines on Human Rights Defenders: a review of policy and practice towards effective implementation. *International Journal of Human Rights.* 19(7): 908-934.

Bennett, K., Ingleton, D., Nah, A., Savage, J. (2015). Critical perspectives on the security and protection of human rights defenders. *International Journal of Human Rights*. 19(7): 883-895.

Bennett, K., Ingleton, D., Savage, J., Nah, A. (2015). *Evaluating the Human Rights Defender Protection Regime.* New Tactics community conversation, published 23–27 November, 2015: https://www.newtactics.org/conversation/evaluating-human-rights-defender-protection-regime.

Bennett, K., Ingleton, D., Nah, A., Savage, J. (2016). (eds.) *Critical Perspectives on the Security and Protection of Human Rights Defenders*. Abingdon, Oxford and New York: Routledge.

Bennett, K. (2016). *Forced into unbeing: Enforced disappearances and mass graves in Turkey and Iran.* Working paper on outcomes of international conference, 28 October 2016, London Metropolitan University.

Bennett, K. (2016). 'A protection regime in need of committed action: European Union support for human rights defenders.' Paper presented at conference, Challenges to the effectiveness of EU human rights and democratization processes: 12 April 2016. Spain: University of Deusto, and *forthcoming* 2017 in Gomez, F., Churruca, C., Wouters, J. (eds.). *European Union Human Rights and Democratization Policies: Achievements and Challenges*. Routledge.

Bennett, K., De Lacey, C. (*forthcoming*, *expected* 2017). 'Assessing the Value of Human Rights-based Interventions in Situations of Conflict: Community Outreach to Combat Violence against Women and Girls in Darfur, Sudan.' in *Journal of Human Rights Practice.*

Donald, A. with the assistance of Bennett, K., Leach, P. (2012). *Religion or belief, equality and human rights in England and Wales*. Research Report 84. Manchester: Equality and Human Rights Commission.

Piché, N., Savage, J., Clayton, H., Bennett, K., Bascon, S., Lunn, A. (2016) as contributing writers to the 'Wilton Park Report WP1451, *Wilton Park Dialogue: Supporting Human Rights Defenders: Challenges and Opportunities'* (1 - 2 December 2015), https://www.wiltonpark.org.uk/event/wp1451/ (accessed 21.12.2016).

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Nah, A., Savage, J., Ingleton, D., Bennett, K. (2015). *Evaluating the Development of the Human Rights Defender Protection Regime*. New Tactics community conversation (blog) published 11 September 2015, https://www.newtactics.org/blog/evaluating-development-human-rights-defender-protection-regime (accessed 20.01.2017).