



2009 CONFERENCE ON SECURITY AND PROTECTION FOR HUMAN RIGHTS DEFENDERS

FINAL REPORT

Written by

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**2009 CONFERENCE ON SECURITY AND PROTECTION FOR HUMAN RIGHTS DEFENDERS
CONFERENCE REPORT**

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DEDICATION

The organisers would like to dedicate this report to HRD Conference participant and colleague, Natalya Estemirova, who was abducted from Grozny, Chechnya, and brutally murdered on 15 July.

Natasha (as she was known to her friends) worked for the Russian human rights organisation 'Memorial Human Rights Centre', documenting violations of human rights, including kidnappings, extra-judicial killings, torture, and disappearances, and helping victims at a time when few dared to speak out. Natasha's work was fundamental to the struggle for justice and the rule of law in Russia. She also worked with the European Human Rights Advocacy Centre (EHRAC), part of the Human Rights & Social Justice Research Institute at London Metropolitan University, in taking cases to the European Court of Human Rights in Strasbourg.

Natasha Estemirova was recognised internationally for her human rights activism, having been awarded the Right Livelihood Award of the Swedish Parliament 2004 (known as the Alternative Nobel Peace Prize), the Robert Schuman Medal of the European Parliament (2005), the Anna Politkovskaya Award (2007), and the Human Rights Watch Defender Award (2007).

Natasha's murder is not only an individual tragedy, but a great loss for Russia and Chechnya, and the global HRD community.

2009 CONFERENCE ON SECURITY AND PROTECTION FOR HUMAN RIGHTS DEFENDERS CONFERENCE REPORT

Executive Summary

The 2009 Conference on Security and Protection for Human Rights Defenders (HRDs) was held on April 29th and 30th, 2009 at London Metropolitan University and the UK Houses of Parliament. The Conference was organised in partnership with Peace Brigades International (UK Section), the Human Rights and Social Justice Research Institute (HRSJ) at London Metropolitan University, and the UK All Party Parliamentary Human Rights Group (PHRG), with financial support from the British Foreign and Commonwealth Office (FCO) and the Sigrid Rausing Trust.

The Conference brought key stakeholders together, including FCO and British Embassy staff, to address security problems faced by HRDs. The aims of the Conference were: to identify the trends and patterns of attacks against HRDs in particular regions; to consider local, national, regional and international strategies for combating the unfavourable conditions facing HRDs; and to consider both best practices and gaps of protection in the existing frameworks and mechanisms, with specific reference to the European Union Guidelines on Human Rights Defenders (the Guidelines).

The Guidelines are an important and useful tool for European Union (EU) Member States in addressing their engagement with and support for HRDs, carried out by their Missions in third countries. The Guidelines provide policy guidance on effective engagement with HRDs; advise on means of support to HRDs through monitoring, reporting, advocacy, and project funding; address actions necessary for providing protection to HRDs; and encourage EU Member State support to the UN Special Rapporteur for HRDs, and other international and regional mechanisms.

Though many EU Missions are already carrying out a number of these practical measures, and consequently making a positive contribution to the protection of HRDs, it is timely, in light of the newly revised EU Guidelines, to review the best strategies and tactics of engagement to support the work of HRDs. In the first instance, EU Missions and the FCO should do more to ensure that current good practice, highlighted on Day 2 of the Conference, is implemented more widely.

Many EU Missions currently assist in giving visible recognition to HRDs for their work, raising the cases of HRDs at risk with host Governments, including in bilateral and EU dialogues, and establishing platforms for dialogue between the host Government and local HRDs, in an effort to improve the latter's standing with their Governments. This assistance is greatly valued, because while host Governments have the primary responsibility for ensuring that HRDs can work in safety, state authorities acting with impunity continue to be the source of most serious threats facing HRDs.

In some countries HRDs are stigmatised and targeted by state and non-state actors, who make explicit statements vilifying them or subject them to threats, harassment, and violence. HRDs may face spurious criminal charges, such as membership of a terrorist organisation, or be charged with violations for incitement to violence. These actions often work to discredit HRDs, and cause them to waste much of their time defending themselves, rather than carrying out their much needed work. The international community needs to consider how to address these discrediting abuses more effectively, to lobby for legal reform where it is needed, and to condemn states for subverting the judicial process or abdicating rule of law.

In some circumstances, EU Missions could consider including HRD community leaders in their dialogues with state officials, in an effort to improve constructive dialogue between HRDs and their

own state authorities. Such diplomatic efforts could help host state authorities appreciate civil society's legitimate role in areas such as monitoring the conformity of national legislation with international standards. However, it was recognised that in particularly challenging situations, careful consideration must be given to how to support HRDs without putting them at greater risk by attracting too much attention to them. Embassies were praised for offering HRDs safe working spaces in hostile environments.

This report calls for the international community to seek stronger and more creative strategies for engaging with host Governments lacking in political will, as this was a recurrent topic at the Conference.

Some EU Missions are investing considerable time and resources to build constructive working relationships with a range of HRDs, which benefits both EU Mission work and HRD protection. Relationships could be strengthened, and result in more effective action, however, if both Missions and HRDs/NGOs gave further consideration to how best to help each other. HRDs' own analyses of the environment in which they operate can provide valuable insights into the overall political and socio-economic situation in their countries, which is of particular importance when the media is under state control. As well as the protection benefits noted above, HRDs receive information from EU Mission contacts about the range of international institutional mechanisms which provide support and protection, including the UN Special Rapporteur on the Situation of Human Rights Defenders, NGO Peace Brigades International's protective accompaniment programme, and NGO Frontline's tailored protection strategies for HRDs.

HRDs and NGOs could do more to organise themselves, to communicate more clearly, and to prioritise cases requiring specific action by the international community. Given the number of HRDs and NGOs in any given country, and the many demands on Embassy officials, the utility of organising smaller groups to represent the wider NGO and HRD community was emphasised by Embassy staff and HRDs at the Conference. Such leadership roles are particularly useful when they are broadly and genuinely representative, and take up the concerns of the most marginalised HRDs, women HRDs and HRDs working in rural or remote areas.

Many HRDs are aware of and take measures to protect their physical safety, and international organisations should continue to support their efforts, while reviewing and disseminating new developments for best practice. When HRDs approach Missions for assistance, HRDs should ensure that they inform officials about all relevant details of the case in question and advise how they would like to be supported.

Human rights advocates also need to do more to articulate the interrelation and interdependence of human rights issues and other vital foreign policy goals to policy-makers, particularly those from the EU and other like-minded countries. In doing so, policy makers may be persuaded to do even more to improve the legitimacy and situation of HRDs.

While it was recognised that many EU Embassies already work in partnership with other Missions, such as Norway, the U.S. and Canada, to help protect HRDs, more effort could be made to share the burden among EU Member States and others. Though divergence of views, priorities and working methods can make constructive cooperation with a wider range of Missions and Member States difficult, the potential pay-off would be that the host Governments would find it harder to take harmful retaliatory measures against HRDs in defiance of joint actions of the EU or international community.

More dialogue between Mission staff and HRDs would help ensure that HRDs are consulted about what can be done on their behalf, and this would strengthen relationships and likely result in more successful outcomes. Positive initiatives undertaken by Missions on behalf of HRDs are often not widely known about, as some of the work to support and protect HRDs by UK Embassies and the

FCO appears to be driven by particular individuals or small groups committed to the human rights and HRD agenda. Conference participants questioned the long-term sustainability of these initiatives and repeatedly stressed the importance of systemisation.

The newly revised Guidelines recommend that EU Missions in third countries draft local strategies for implementing work with HRDs. These strategies are known as ‘local action plans’ by Embassies and are referred herein as ‘Action Plans (AP).’ In some third countries, EU local implementation strategies were drafted, but in many others they did not exist or were not widely known about, and their subsequent implementation was not forthcoming or systematically monitored. With the exception of Nepal, EU local implementation strategies have remained confidential.

Systemisation would require UK Embassies, and EU Missions more generally, to adopt an AP, or strategic framework. AP systemisation would be beneficial in addressing: activities to strengthen relationships with HRDs; criteria to be used to identify priority cases; appropriate responses in escalating and diverse security incidents, including the possibility of issuing emergency visas; underlying issues which impact negatively on the environment for HRDs; current thematic human rights concerns; and, provisions for key HRD contacts. Each plan would reflect the local context and be drafted in consultation with local HRDs and others, where this would not raise issues of consequent political cost or loss of potential impact.

Systemisation could bring a number of advantages: existing good practice would continue despite EU Mission staff changes; HRD policy would have more impact in the longer-term; informed direction for emergency security response would be less ad hoc and possibly more effective; HRD and human rights policy would become less politicised, because it would be applied universally; the expectations of HRDs/NGOs would be more realistic, because they would have a better idea of what Embassies were likely to do; and Embassy staff would know what was expected of them in connection with HRD policy, which would make it easier to implement the policy and to credit their individual contributions.

EU Mission support in strengthening local, regional and international networks continues to be vital to the visibility and protection of HRDs, and EU support for HRD projects, training and educational opportunities was praised as a successful means for HRD confidence and capacity building.

Finally, both EU Missions and HRDs should consider how new technology could be used in a secure way to assist in creating virtual networks of support, particularly to reach those HRDs who are based in more remote areas and in countries where the environment for HRDs is particularly hostile.

The following report recommendations, which are described in full at the end of this report (pp.16-19), reflect conclusions from the issues deliberated at the Conference through speaker presentations, plenary sessions, round-table discussions and Working Groups:

- 1) to systematically strengthen the implementation of the EU Guidelines;
- 2) to review and streamline emergency responses for HRD protection and security;
- 3) to address the protection needs of HRDs in particularly challenging environments;
- 4) to strengthen HRD utilisation of the EU Guidelines’ potential;
- 5) to improve HRDs’ ability to address their own protection needs;
- 6) to address ways in which to move beyond current practice.

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Introduction

On April 29-30, 2009, human rights defenders (HRDs), academics, experts from governments, inter-governmental organizations, NGOs and officials from the British Foreign and Commonwealth Office (FCO) came together in London to examine the current security challenges faced by HRDs around the world, and to seek common strategies to support them. The first day of the event was open to the public, and held at London Metropolitan University. The second day was a closed session primarily to focus on EU and FCO policy for British Embassy staff, held at the UK Parliament.

The specific objectives of the Conference were to identify current security risks faced by HRDs and review current protection mechanisms in place; to assess existing gaps and develop common strategies to improve HRD protection; and, to agree on best practice suggestions for implementing more effectively the revised EU Guidelines for the Protection of Human Rights Defenders.

This report will draw together common threads of discussion from both days, along the following themes:

- The implementation of the European Union Guidelines on Human Rights Defenders
- Awareness of other institutional efforts and mechanisms
- Sharing and building on other good practice examples highlighted during the Conference
- Threats and challenges relating to HRD protection
- Gaps in responses
- Recommendations

The implementation of the EU Guidelines on Human Rights Defenders

The European Union Guidelines on Human Rights Defenders (the Guidelines) were presented and discussed in detail, and a good deal of the deliberations of the Conference confirmed and reinforced the importance and practical utility of these guidelines, providing many illustrations of their implementation and impact. This section summarises the issues emphasised during the Conference that are already articulated in the Guidelines, but need to be further strengthened in terms of their implementation.

Local implementation strategies

The EU Guidelines advise all EU Missions in third countries to draft and finalise local strategies for implementing the EU Guidelines, but in practice to date, many have not done so. In addition, even where strategies are written, there is often a lack of systematic monitoring by EU Missions to ensure their implementation. Thus 'Action Plans' need to be systematised throughout EU Missions and reflect how best to create strategies for protection in a given country.

HRDs would value more transparency by EU Missions, ensuring that HRDs are consulted about what can be done on their behalf and then informed about action taken, in relation to the drafting and implementation of the local action plans. Increased transparency would also be likely to result in more successful outcomes.

Contact with HRDs

Embassy/Mission officials should, and in many cases already do, build contacts and relationships with local HRDs. This can be done through regular meetings, invitations to Embassy functions, visits to HRDs at work, the appointment of Embassy liaison officers and other methods. This regular contact builds trust, and results in a more accurate flow of information and more effective responses. By establishing trusted HRD contacts, embassies will both support civil society and learn from HRDs' insights, which can result in better political analysis. HRDs in turn will know whom to turn to for help if their security is threatened.

Legitimacy and visibility

Embassies, EU Missions, and EU Member State governments give added legitimacy and visibility to HRDs in many ways. Simply by attending HRD events, visiting HRDs in their offices, or visiting rural communities where they work, an EU representative shows support and calls attention to their concerns, which may then be perceived by other actors as more legitimate. HRDs can also be invited to Embassy events or to internationally organised events. Some embassies and governments have created human rights awards – which, when presented to HRDs, gives them greater visibility, credibility and legitimacy.

When high-level diplomatic visits occur (such as by heads of state, ministers, parliamentary delegations, etc.), Embassy officials hosting these visits often arrange to introduce these visitors to HRDs. Not only does this create an ongoing link for future support, but such encounters are likely to be noted by local political actors and the media, bringing greater local visibility and credibility to HRDs and their work.

Embassy officials can also support HRDs by helping to publicise HRD activities through the dissemination of NGO human rights reports. They can also engage HRDs in EU supported development projects, and where relevant, civil society representatives could contribute to the development process with state actors (an action that reinforces a human rights based approach to development).

Dissemination of the Guidelines

During the Conference, NGO representatives noted that Embassies could do more to ensure that local populations and authorities were aware of the content of the Guidelines, through educational events, use of the media and publications, and by translating the Guidelines into local languages.

Protective tools on the ground

Conference participants described the powerful impact of international monitoring, reporting and advocacy on behalf of HRDs at risk.

Embassies and Missions have multiple tools at their disposal, including regular reporting back to foreign ministries and the use of publicity and media on behalf of HRDs. They also engage in quiet diplomacy with host Government officials on behalf of HRDs. Alternatively, Embassy officials raise HRD concerns in bi-lateral or multi-lateral dialogue processes. However, diplomats could be more proactive in this regard; in particular, they could do more to consult with NGOs and HRDs on cases that need priority attention and to follow up with concerned parties to inform them of the dialogue process.

The diplomatic community can provide vital emergency support for HRDs at risk, by making available safe houses, emergency shelter, emergency visas, medical or psychological support, referral contacts, legal aid and advocacy. Many of these measures are being carried out by some Missions, though HRDs emphasised the importance of mobilising *swiftly* when an HRD is dealing with an imminent threat.

The potential protective influence of the diplomatic community can also be mobilised at an *early warning* stage. Participants frequently emphasized the priority of prevention – urging that rather than waiting for the worst to occur, diplomats could get involved earlier to prevent situations from getting worse.

Long-term efforts

Diplomatic efforts extend beyond rapid response and include long-term follow up on cases and issues. For individual cases, this might entail visits to HRDs in custody, observation of trials, and monitoring of judicial investigations and prosecutions. Where Embassy staff are not trained or equipped to take on such monitoring, they could engage with the appropriate organisations, such as the International Committee of Jurists, and support their monitoring efforts.

In addition, EU Missions should give further consideration to promoting long-term solutions to human rights problems, including encouraging the adoption of national legislation in conformity with international standards, strengthening national structures that promote human rights and a more conducive environment for HRDs, and combating impunity for human rights abuses.

Networking and capacity building

A number of EU Member States including the UK support HRD organisations and networks through capacity-building initiatives and direct financial support. EU Member States can also consider HRD protection and security needs when giving support to other institutional mechanisms for human rights, including national human rights institutions, regional human rights mechanisms, and the United Nations human rights machinery.

The participants recognised that the above can be implemented to greater effect if the Missions on the ground better coordinate their efforts, with, for example, burden-sharing mechanisms and regular exchanges of information.

Awareness of other institutional efforts and mechanisms

The Conference made a significant effort to establish what is offered by other international mechanisms and actors to support and protect HRDs.

Margaret Sekaggya, the UN Special Rapporteur on the Situation of Human Rights Defenders, described the good offices and advocacy work which she undertakes in support of HRDs around the world. She visits countries to monitor the situation of HRDs, meeting with authorities and diplomats, and HRDs themselves, in an effort to wield the influence of the international community on their behalf. The Special Rapporteur also reports to the UN Human Rights Council on her work, and on her assessment of the situations facing HRDs. (It should be noted that the Special Rapporteur works on a voluntary basis, and only receives direct financing from the UN for two official country visits per year).

Mrs. Sekaggya, in addressing why the international community needs HRDs, outlined many ways in which to support HRDs and their activities, and stressed the importance of the international community better understanding the critical work they did. Mrs. Sekaggya made the point that her mandate can be strengthened with the support of other relevant mechanisms.

Ulrike Sundberg, Council of Europe (COE) Special Advisor of the Commissioner for Human Rights, explained the mandate of her office in relation to strengthening human rights institutions within the 47 member states of the Council of Europe. The office, under the direction of Thomas Hammarberg, encourages states to strengthen their judicial systems, provide effective remedies, prevent attacks and harassment, improve their legislation, carry out prompt independent investigations and hold perpetrators accountable. The interventions of the Commissioner's Office usually involve quiet

diplomacy, seeking solutions to problems at both the national and local levels in COE countries, and interacting with a wide range of interlocutors.

The ‘Declaration of the Committee of Ministers on Council of Europe Action to Improve the Protection of Human Rights Defenders and Promote their Activities’ (adopted in February 2008) establishes a broader mandate for the office in relation to HRDs, and further stresses COE commitment to strengthen effective access to the European Court of Human Rights and other mechanisms. Much of the work of the Commissioner’s Office is focused on COE member state compliance with the European Convention of Human Rights; however the newly adopted Declaration also ‘condemns all attacks on and violations of the rights of human rights defenders in Council of Europe member states or elsewhere, whether carried out by state agents or non-state actors’ and calls on COE member states to ‘provide measures for swift assistance and protection to human rights defenders in danger in third countries, such as, where appropriate, attendance at and observation of trials and/or, if feasible, the issuing of emergency visas.’ The Commissioner’s Office has been involved in emergency support for individual HRDs at risk.

Anders Kompass described the work of the United Nations Office of the High Commissioner for Human Rights field operations in protecting HRDs. Human rights field offices are in some cases large operations of over 100 staff (such as DRC or Nepal), and in other cases with just a few staff (such as Sri Lanka, where the Government will not allow the expansion of human rights monitoring). These field operations employ a broad range of protection tactics, including using their presence and field visits, writing reports, engaging in constant advocacy at the local, national and international levels, and developing emergency response strategies in cases of HRDs at risk.

Other mechanisms were also referred to briefly. There was some discussion of the potential of the UN Human Rights Council’s Universal Periodic Review process for strengthening protection of HRDs. Regional HRDs also called attention to the mechanisms of the Inter-American system, as well as the African Court for Peoples and Human Rights.

Ann Clwyd MP, Chair, PHRG, explained that many politicians play an important role in defending the human rights of others, e.g., by using the Parliamentary platform to speak on behalf of victims of serious human rights violations, and are themselves HRDs. In addition, they can help raise the profile of HRDs more generally, and bring related protection issues to the attention of Government officials and other relevant actors in other fora, e.g., emphasising the importance of the implementation of the EU Guidelines with FCO officials.

International NGO representatives described some of their efforts to protect HRDs. Peace Brigades International, for instance, has been sending teams to countries in conflict since the early 1980s, to engage in “protective accompaniment” whereby international staff sustain a visible presence side-by-side with local HRDs who are facing serious risks. PBI’s field presence deters violence against the HRDs, and also offers moral encouragement and capacity-building to strengthen their efforts. PBI is currently offering this protective presence in Colombia, Indonesia, Nepal, Guatemala and Mexico.

The Irish NGO Frontline develops one-to-one relationships with HRDs around the world, and develops tailored strategies on their behalf, complementing their local efforts with international advocacy, emergency alerts, interventions on behalf of individual HRDs at risk, networking with diplomatic actors and capacity-building. Frontline has also developed internationally recognised toolkits and manuals, available through their website, on specific ways to increase the security of HRDs.

Sharing and building on other good practice examples

Throughout the Conference presenters and participants shared illustrative examples of good practice in HRD support. Common themes in these examples included:

Using good context-based analysis

It is important for Embassies, EU Missions and other international actors to understand the overall human rights situations, trends in abuses or challenges to HRDs, as well as to carefully analyse individual situations, if action taken on behalf of HRDs is to be effective.

Problem solving analysis is contextual, and may include: evidence of who is responsible for abuses; what possible motivations exist for committing abuses; consideration of root causes of human rights problems; consideration of the role of major economic actors in facilitating abuses; and, ways in which to resolve immediate problems while considering long-term structural changes where they may be necessary.

In the Conference Working Groups on Day 2, many FCO Embassy staff demonstrated an in-depth knowledge of the human rights situation and related examples of appropriate responses being taken to improve the situation of HRDs in specific countries. Other FCO officials spoke of the need to create new and/or stronger alliances with HRDs in order to better assess the human rights situation and HRD needs and to take more helpful measures on HRDs' behalf.

More generally, it was stressed that there is no "one size fits all" solution to HRD protection challenges: an intervention that might protect an HRD in one situation might put an HRD at risk in a different context.

When considering especially challenging environments, like Burma, Sudan or Iran, the difficulty is supporting HRDs while avoiding putting them at further risk by calling too much attention to them. In these cases, HRDs recommended meeting at the margins of other meetings, engaging on development or other less sensitive work, and exploring the possibility of meeting outside the country. In addition, meeting space made available to HRD groups by Embassies has been very useful where space and security is a problem. Having such space available can allow sustainable HRD networks to form.

Developing a more effective response system

Discussions in the Working Groups on Day 2 of the Conference appeared to reveal that though a number of Missions make use of a range of responses and institutional mechanisms when addressing HRD protection concerns, some officials, and HRDs, are not aware of the full spectrum of protection measures available.

It was suggested therefore that interventions on behalf of HRDs could benefit from a response system being put into place that informs diplomatic staff on possible engagement strategies and available mechanisms. This could be actions by EU Missions themselves or referrals to international organisations that have direct response capability, such as those that provide safe houses, etc.

Such systems would serve to inform Mission officials about the range of measures available in support of HRDs, and could contribute to sustainability of knowledge. A number of FCO officials expressed an interest in developing an improved response system, as they felt it could address legitimate concerns about staff turn-over and insufficient knowledge transfers between diplomats.

Diplomats-to-HRDs contact, participation and dialogue

Given the number of HRDs and NGOs in any given country, and the many demands placed on Embassy officials, the utility of organising smaller groups to represent the wider NGO and HRD community was emphasised by a number of Embassy staff and HRDs on Day 2 of the Conference. It is emphasised that these leadership roles have to be broadly and genuinely representative; efforts must also be made to take up the concerns of the most marginalised HRDs, women HRDs and HRDs working in rural or remote areas.

The London-Cartagena-Bogota tri-partite dialogue process in Colombia was described in a Working Group on Day 2 of the Conference as a positive example of dialogue bringing disparate actors together, e.g., EU Mission staff, NGOs and Government officials, to create opportunities for HRD participation in policy discussions. It was also noted that in Guatemala and Colombia, active HRD participation and lobbying played a key role in promoting the establishment of UN human rights missions there, which, in turn, have been able to assist a number of HRDs at risk.

Many EU Missions currently assist in building better relationships between HRDs and their own state authorities, in an effort to improve the HRDs' standing with the latter, by establishing platforms for dialogue. EU Missions could also consider including HRD community leaders in their dialogues with state officials. Such diplomatic efforts could help host state authorities appreciate civil society's legitimate role in areas such as monitoring the conformity of national legislation with international standards.

Another suggestion to promote more inclusive dialogue made on Day 2 of the Conference was to take advantage of development and humanitarian partnerships. HRDs are often working on behalf of communities that not only suffer human rights abuses but also have acute humanitarian and development needs. These communities often have existing relationships with relevant assistance agencies. EU Missions could assist HRDs in engaging with development and humanitarian actors so that ultimately they can work together to address human rights concerns.

HRDs emphasised the importance of getting out of the cities on visits to rural areas and interacting with HRDs outside of capitals. They pointed out that formal Embassy settings, with tight security protocols, can be intimidating venues for local activists. Diplomats said that they found it very helpful when NGOs helped to organise visits to HRDs in remote areas.

More generally, it was recognised that greater transparency in Missions' efforts to ensure HRDs are consulted about what can be done on their behalf, and then informed about any action taken, would strengthen relationships between HRDs and the international diplomatic community.

International field presence

International human rights field presences can be numerous in some countries. These can all have a positive protective impact and provide sustainable networks for HRDs. Their presence can deter attacks against HRDs and provide both moral (confidence building) and professional (needed training or knowledge) support for their work.

In the DRC, for example, the UN peace operation MONUC has established a human rights office which has documented hundreds of cases of abuses of HRDs. The office set up a Victims, Witnesses and HRDs unit with the deliberate objective of protecting HRDs under imminent threat. It has human rights and protection officers deployed throughout the country, and has established a Protection Trust Fund. Human rights officers patrol the region, maintain a 24-hour hotline, engage in advocacy and publicity measures, provide temporary shelter and transport when needed, and more.

In other countries, international organisations may be less committed. Embassy Missions may find their interaction and support for HRDs affected by gaps in international field presence, which was noted by diplomats during Day 2 discussions. Diplomats also noted that it is important that the international community address challenges where repressive Governments attempt to direct where the UN and other international organisations could establish a field presence.

Good security procedures

At the Conference it was agreed that protection procedures could be reinforced by Missions engaging more effectively with HRDs, and HRDs communicating their protection needs more clearly. Frontline also addressed ways to secure the psychological and mental health of HRDs, through their training efforts and training tools available on their website. The NGO Protection International has

established local and regional protection desks to liaise with HRDs, and has assisted local activists in sharing and using best practices in this respect. Frontline and the Human Rights and Social Justice Research Institute at London Metropolitan University gave examples of providing training to national and regional HRD groups, and are examples of working with HRDs to develop good security and protection networks and practices.

Support for HRD networks

The importance of HRD networks and examples of their emergence regionally was applauded at the Conference. A few examples include: the All Africa HRD Network or Pan-African Human Rights Defenders, recently established in 2009 at a Kampala Conference, with over 100 HRD members; a human rights NGO network currently being set up in the North Caucasus, to include networks for assistance to HRDs, legal aid, medical aid if needed, and support for families of victims; and a series of national consultations among HRDs in Nepal, supported by international partners.

In all cases, the effectiveness of the networks relies on the HRD or others' assessment of the level of threat, and communicating the need of assistance. As mentioned previously, some national and regional networks are supported by Missions and Embassies. Further assistance to such networks could contribute to improved protection for HRDs in those countries and regions. ODIHR/OSCE has been providing such assistance to HRDS in regions within their areas of responsibility.

Dealing with emergency cases

As one HRD put it, "When you are in danger, you can't wait." East African HRD Hassan Shire described the rapid response by UN Special Rapporteur Margaret Sekaggya in 2008 when two Kenyan human rights activists were killed and others were at risk. Mary Lawlor described a rapid response by the Irish Embassy in Egypt to get an endangered HRD out of Sudan, among other cases of rapid emergency visas being issued. Effective "safe houses" in Nepal were another example.

HRDs and NGOs are uncertain, however, why some emergency cases were acted upon while others were not. How best to respond to emergency cases where HRDs are at risk is a key role for EU Embassies, as outlined above, and was the subject of considerable discussion on both days of the Conference.

In light of this, Working Groups on Day 2 of the Conference discussed both possible criteria for selecting cases for action, and the implementation of responses.

The following emergency case selection criteria were all highlighted by Working Groups on Day 2:

- Reliability of the information and the contact
- Consent to intervene (from the victim or family)
- Intensity of the threat or attack
- Potential for an intervention to have a preventive impact
- Emblematic impact of the case
- Potential for success of an intervention
- Special vulnerabilities of the threatened HRD
- High or low profile of the victim

It was agreed that it would be helpful for Embassies to give further consideration to elaborating emergency case criteria, along the above lines, and to explain its application to HRDs needing assistance.

Conference participants discussed the need for a “twin track” response: emergency protection to ensure the safety of HRDs, and longer-term persistent follow-up to address broader issues of impunity. Embassy officials can, and do, raise individual cases of concern in discussions in multiple settings.

Embassy officials and HRDs also considered a range of potentially escalating response strategies, so that when an initial reaction is unsuccessful, follow-up action plans are already in place.

While all efforts should be made to protect the HRD so that they can continue working in their country, it was recognised that swift emergency visas are sometimes a vital life-saving option, and should be granted until the immediate threat subsides.

Threats and challenges relating to HRD protection

HRDs at the Conference described the wide range of dangers they are facing. These dangers include grave human rights violations such as threats, killings, disappearances, and torture, as well as arbitrary detentions, and internal displacement. They also described other current risks in detail, including: restrictive legislation controlling NGO registration (e.g., Ethiopia and Russia); hostile media attacks against HRDs (e.g., Russia); and criminalization of HRDs, particularly through the use of anti-terrorist or anti-extremist legislation (e.g., Colombia, Russia, etc.)

HRDs noted that some attacks – such as killings, disappearances and torture – are easier to get an international response to. Internal displacement – when rural or isolated HRDs must move due to threats – is often missed or ignored. HRDs also expressed difficulty in getting a diplomatic response to arbitrary detention – because a formal detention carried out by a state agent can appear legal even when it is not.

Subtle and arbitrary abuse of legislation can also be difficult to challenge in legal terms, and can very effectively silence or even destroy NGOs and the work of HRDs. In particular, HRDs in many countries face spurious criminal charges, such as membership of a terrorist organisation, or are charged with incitement to violence, which serve to undermine their legitimacy. Hostile media attacks perpetrated by states can also put HRDs in great danger. As one HRD explained, dealing with such attacks not only endangers HRDs, but forces them to waste a great deal of time defending themselves – time that should be spent on important human rights work. If EU Missions and HRDs have built a relationship of trust over the longer-term, however, these legal challenges and hostile attacks can be easier to counter, because they would be known to the international community as less credible.

Isolated HRD groups, HRDs that are less known nationally and internationally, or HRDs living far from city capitals may find themselves disadvantaged in their knowledge and use of protective measures. Networks can be vital in these situations, and, as mentioned above, EU Missions can have a supportive role in building national and regional HRD networks. Such networks can provide sustainable assistance by encouraging HRDs to take on leadership roles, and creating response mechanisms for HRDs in isolated areas who would not otherwise have access to mechanisms for protection.

The wide range of threats aimed at HRDs, from anonymous phone calls and letters to more direct threats, have a debilitating effect on HRDs’ mental health and on their families. Subtle forms of harassment that continue over time pose threats to HRDs. These may include subtle, but targeted, harassment, by state or non-state actors, which can be directed at minority and indigenous groups; individuals concerned with their cultural, professional or societal standing; and attacks that stigmatise HRDs from a cultural or gender standpoint.

Some HRDs face specific threats that others don't. Participants frequently stressed the importance of investing extra effort in ensuring protection for the most vulnerable and marginalized groups of HRDs, including Lesbian-Gay-Bi-Sexual and Transgender (LGBT) activists, women HRDs (for instance, in Afghanistan and many other Asian or African states), women journalists, and HRDs working in conflict settings.

Gaps in response

Political will of host state

The first and most serious gap in responding to threats against HRDs is the lack of political will of the host state itself. The host state has the primary responsibility for protection, yet it is too often the cause of the problem. The posture of the state is particularly devastating in some of the countries described by HRDs, such as Burma, the Russian Federation, Colombia, and Sudan, which have shown a resilient willingness to ignore international pressure – including binding international court decisions and their own treaty agreements.

Awareness of the international diplomatic community

As mentioned above, in the Working Groups on Day 2 of the Conference, many FCO Embassy staff demonstrated an in-depth knowledge of the human rights situation and related examples of appropriate responses being taken, including in partnership with other EU Missions and other like-minded countries and institutions, to improve the situation of HRDs in specific countries.

Officials recognised, however, that there was less awareness about the specific content of the EU Guidelines, and a lack of specific training or preparation for implementing the EU Guidelines as a Mission directive.

NGOs and HRDs were concerned that some of the work to support and protect HRDs by UK Embassies and the FCO often appears to be driven by particular individuals or small groups committed to the human rights and HRD agenda. Often there is a single Embassy official whose agenda specifically includes human rights, with little back-up.

A number of steps were suggested to improve awareness across the Embassy, such as:

- including the implementation of the EU Guidelines into the job descriptions and performance evaluations of ambassadors and other Embassy officials - as one EU official explained, “a diplomat should know that the next promotion may hang on how well he or she is fulfilling their human rights role...”;
- creating a systematic “tool kit”, describing the prevalent human rights issues, explaining their Embassy processes for response including their key HRD contacts, and assisting staff who may not be knowledgeable but who are likely to be involved in any response; and
- providing back-up for the Embassy human rights liaison, who have the information needed to understand the issues, are provided with relevant HRD contact information, and can step in when support is needed.

Awareness of Support

Awareness is also a serious gap among HRDs themselves. They do not always know where to turn for support and are often unfamiliar with the mechanisms of the diplomatic world.

Some participants suggested that EU Missions could assist by ensuring that the EU Guidelines are better disseminated, and more specific instructions about interacting with Embassies are made available. If HRDs know what Embassies can and cannot do, and what steps they should take to get

the support that might be possible, more constructive engagement between HRDs and EU Missions, as well as greater support for and protection of HRDs, is likely to result.

Need for a more integrated foreign policy

Lack of awareness, however, is not the only explanation for cases of insufficient diplomatic support. HRDs also felt that the failure to appreciate how human rights policy is integral to other vital foreign policy goals undermines the coherency of the response to HRDs by EU Missions.

HRDs noted a number of examples highlighting this lack of coherency in the response of EU Missions, including cases of inconsistent bilateral policies that damage trust. For instance, when an EU member state is claiming to support HRDs in Colombia, while also financially and militarily supporting a President who is overtly undermining and threatening human rights activists, the contradiction is very evident to HRDs and can result in their distrust.

In other cases, HRDs criticised the excuses they are sometimes given by Embassy officials for their lack of response: “the situation is really not so bad,” or “we’re too small to react.”

There can also be a damaging lack of support at the ambassadorial level – an unwillingness to discuss human rights, particularly in the context of wider strategic goals, or a concern that the issue will damage commercial bilateral relationships or security co-operation. More generally, it was noted that in some countries where commercial interests are a lower priority for the EU, more attention has been given to human rights.

The subtext in this discussion is that human rights is for most states not a high priority among the many competing bi-lateral issues under consideration between Governments. It does not have the status of counter-terrorism policy, trade and business and economic growth, development, environmental sustainability, democratisation or conflict prevention. The irony is that each of these foreign policy areas of concern has broad human rights implications.

Some concerns were also raised that political changes of leadership in EU countries can prompt setbacks in EU support for human rights and HRDs. One participant, for instance, was worried that a change of Government in an EU country might lead to a change in human rights foreign policy. This could in turn impact HRD protection in third countries, if certain EU Guideline measures were not systemised.

To address this concern, reference was made to “making a business case” for human rights and the work of HRDs. Human rights issues need be pushed higher up the diplomatic agenda through a better articulation of their links to these higher-priorities issues. If the international community can demonstrate that protection of HRDs will help to combat terrorism, improve the economy, promote democratisation and development, and prevent conflict, then, it is suggested, it would be easier to include human rights concerns into the dominant diplomatic discourse.

Although many participants on Day 1 and Day 2 supported the need for promoting the human rights ‘business case’, it did not benefit from a full discussion. It should be noted that in some cases, such as with counter-terrorism or trade, there are potential contradictions between some dominant EU policies and the positions of many HRDs around the world. Counter-terrorism policy, for instance, is frequently seen as reinforcing arbitrary state power, which can then be used to undermine or even criminalise human rights work. Trade policies sometimes run counter to labour rights efforts of HRDs. The proposed linkage of human rights discourse to these other policy areas, therefore, would have to be done in a careful way that sustains a coherent human rights position.

More generally, human rights should not be advocated as separate or at odds with development or other policy issues. Rather, the international community should ensure that human rights issues are brought forth when these other policy agendas are being considered. The boundaries of human rights as a separate policy consideration are often artificial, and the interrelation and interdependence of

human rights issues in EU policy should be better understood and integrated. Sometimes there may be contradictions between different policy areas and human rights, but often those interests will converge – and human rights advocates need to articulate that convergence to policy-makers.

In some cases, EU states or Embassies fear that if they take a stand on human rights issues or in support of controversial HRDs they may be singled out for retaliation from the host state – for example, through the denial of particular commercial or other interests. One proposal to address this concern is to use the “collective political will” of EU cohesion. If EU member states protest human rights violations in a third country with one voice, it is less likely to affect their bilateral commercial interests. The host state cannot pick them off as easily. EU cohesion thus helps to avoid “divide and rule” practices by host states. However, in some interventions, individual country Missions can be more efficient and effective.

Other gaps

HRDs described the difficulties faced by environmental activists and land activists when confronting powerful economic actors. They gave evidence of corporations organizing and funding attacks on HRDs. International institutions were urged to hold these corporations accountable in their home countries. Threats emanating from non-state actors also need to be a part of EU Mission briefs.

In some countries, “western” credibility is under such attack that the potential for human rights intervention is severely limited. HRDs recognised that, in the long run, the international human rights movement needs to create new and broader alliances outside the traditional Western-dominated partnerships, with influential Government and NGO actors in Southern and Muslim states, and further support for south-south HRD partnerships.

There are unique protection challenges in countries where diplomatic relations with EU states are fragile, and where supporting regional networks are weak or not present – leaving HRDs to work in isolation. These challenges, in such countries as Uzbekistan, Russia or the Sudan, demand creative tactics for protecting HRDs.

Recommendations

There are many effective human rights mechanisms, and many good practices to protect HRDs, acknowledged during discussions on Day 1 and Day 2 of the Conference. The EU Guidelines themselves are an important and useful tool for European Union (EU) Member States in addressing their engagement with and support for HRDs, carried out by their Missions in third countries. The updated EU Guidelines, published in December 2008, were also acknowledged as much improved.

However, Conference participants agreed that with many perpetrators still getting away with grave human rights violations against HRDs, including murder, more needs to be done by EU Missions to implement the Guidelines, and by the international community at large in support of HRDs.

The following report recommendations are a reflection of conclusions from the issues deliberated at the Conference through speaker presentations, plenary sessions, round-table discussions and Working Groups.

1. Systematic strengthening of the implementation of the EU Guidelines

The EU and individual EU Member States should build on their efforts to implement the EU Guidelines by:

- a) expanding the application of the many tools of HRD support mentioned in the Guidelines and used by a number of Embassies, as highlighted in this report, including use of diplomatic presence, giving visible recognition to HRDs for their work, field visits, dissemination of publications, capacity building and education, the promotion of inclusive dialogue, advocacy

interventions (quiet diplomacy as well as public action when necessary), and emergency responses;

- b) raising greater awareness among all Embassy staff of issues concerning HRDs and HRD protection, which would entail the creation of a systematic “tool kit”, describing the prevalent human rights issues and explaining Embassy processes for response;
- c) encouraging co-operation with and support for a range of other institutions and NGOs on HRD protection issues;
- d) adopting a local action plan addressing the needs of HRDs in the specific context in which they operate and monitoring its subsequent implementation; and
- e) increasing transparency in their engagement with HRDs, so that HRDs are consulted about what can be done on their behalf and then informed about action taken.

2. Reviewing and streamlining emergency responses for HRD protection and security

EU Missions and other relevant institutions should consider:

- a) elaborating emergency case criteria and explaining its application to relevant HRDs;
- b) reviewing the possibility of funding or making available safe houses and emergency shelters, medical or psychological support, referral contacts, and legal aid and advocacy;
- c) reviewing the possibility of granting of emergency visas for HRDs who need to leave their country temporarily, including a survey of the range of visa mechanisms available through each state, as well as the potential of new initiatives, such as the Shelter Cities initiative, introduced at the Conference by Leos Javurek, Ministry of Foreign Affairs of the Czech Republic;
- d) looking beyond one-time emergency responses and short-term protection measures and developing a range of varied and escalating responses; and
- e) looking at the underlying problems and coordinating parallel efforts to strengthen judiciaries, electoral machinery, parliaments, national human rights institutions and other aspects of the host state’s structure in support of human rights, as well as strengthening civil society institutions.

3. Addressing the protection needs of HRDs in particularly challenging environments

The EU, Embassies and the international community should consider:

- a) developing more creative strategies for approaching countries which have demonstrated a persistent disregard for human rights and international pressure;
- b) making meeting space available to HRDs in-country, as is already done by some Embassies and organisations;
- c) meeting HRDs at the margins of other meetings, engaging on development or other less sensitive work, and exploring the possibility of meeting outside the country;
- d) using new technologies to create virtual networks with HRDs;
- e) responding more effectively to hostile media attacks and abusive legal proceedings brought against HRDs, which are made in an attempt to delegitimise them; and
- f) acting collectively in order to minimise the retaliation against single states, particularly where human rights positions can generate negative reactions from host states at the expense of collaboration on other issues.

4. Strengthening HRD utilisation of the EU Guidelines' potential

- a) Embassies and EU Missions should ensure that the local HRD community is fully aware of the Guidelines and their potential, and - to the extent allowable - with relevant action plans. This requires translation, dissemination efforts, and ongoing contact with HRDs.
- b) HRDs need to better engage where appropriate with their Government authorities, which can promote good governance practice. EU Missions should be engaged in helping legitimise HRD participation and actions where appropriate, for example, including HRDs in dialogues with state officials and engaging HRDs as critical partners in development processes. This could have medium and long term impact on improved security and better human rights practices.

5. Improving HRDs' ability to address their own protection needs

- a) HRDs should continue adopting rigorous security measures to protect themselves, including documenting all security incidents, providing relevant and timely information about threats and other incidents to the appropriate authorities and organisations, and disseminating good security practices more widely.
- b) The formation of effective HRD networks is an important protection mechanism, particularly for HRDs working in isolated areas and for marginalised HRDs. Networks are also useful for disseminating information, consultation on case analysis, engaging with the institutional protection mechanisms available, and facilitating a more effective engagement with the diplomatic community.

HRDs should utilise partnerships with other human rights organisations nationally and regionally to provide solidarity and to address security needs.

- c) HRDs should identify those officials in EU Missions and other relevant institutions with whom they can work most constructively and ensure that information passed on to Missions is reliable and underpinned by good analysis, particularly in terms of where security threats could originate from and what the perpetrators' motivations could be.

6. Moving beyond current practice

- a) The EU, EU Member States and other relevant actors need to increase pressure on transnational corporations and other non-state actors for accountability for human rights abuses.
- b) EU and regional and international human rights mechanisms should more effectively address economic and social rights, and assist in building capacity within the human rights movement in this respect.
- c) The UN, EU, other institutional actors, NGOs and HRDs should emphasise greater coherence and coordination in state policies with respect to human rights and development, trade, weapons sales and commercial interests.
- d) The human rights movement should consider creating new alliances and new partners, especially with Muslim countries, powerful Southern countries (such as Brazil, Nigeria, Indonesia, etc.) as well as China. HRDs should also continue to strengthen south-south partnerships and networks. There are key non-Western actors who could become important human rights forces in the future if such alliances are forged. It is recognised that some non-EU states work closely with EU country Missions in the protection of HRDs.
- e) EU Mission support in strengthening local, regional and international networks continues to be vital to the visibility and protection of HRDs. EU support for HRD led projects, and

training and educational opportunities for HRDs, were praised as a successful means for HRD confidence building and capacity building.

Note: While the Conference participants discussed many of the active institutional mechanisms to address security issues of HRDs, due to time limitations and a limited number of speakers, a great many others were left out. Knowing what institutional support is available, and how to make use of it, is vital for HRDs in all countries and regions. The organisers of the Conference look forward to a continued dialogue with all the participants of this Conference, and many other human rights advocates and activists, and officials, to keep momentum in addressing the needs of security and protection for HRDs of urgent concern world-wide. This Conference paper is a call for continued and strengthened co-operation in this area.

ANNEX 1: SUMMARY OF DAY ONE CONFERENCE DELIBERATIONS

APRIL 29, 2009, LONDON METROPOLITAN UNIVERSITY

Introductory remarks

The conference was opened by Professor Philip Leach of the Human Rights and Social Justice Research Institute (HRSJ), at London Metropolitan University (LMU), with official opening remarks by LMU Vice-Chancellor Robert Aylett and Nicole Piché of the All Party Parliamentary Human Rights Group. Ms. Piché outlined the objectives of the conference, including identifying current security risks faced by human rights defenders, current protection mechanisms, existing gaps and how they might be addressed. She explained that the results of the first day's public event would then be brought under consideration during Day 2 amongst the Foreign Commonwealth staff and others at Houses of Parliament. A subsequent conference paper would be widely disseminated with the Conference outcomes. The following excerpts are based on written notes and transcripts from the Conference.

Keynote speaker: Margaret Sekaggya, United Nations Special Rapporteur on the Situation of Human Rights Defenders

To establish the setting of the Conference, Ms. Sekaggya gave a detailed definition and description of who and what a human rights defender is, what their important role is in society, what rights they defend, and what measures can be taken to help them, based on her extensive travel and contact on behalf of HRDs around the world.

Ms. Sekaggya emphasized the breadth of the definition of HRDs, covering far more than representatives of formal human rights organizations, and including a wide range of civil society activists and others. She stressed the importance of HRDs in promoting sustainable democracy and security, combating corruption and demanding accountability. HRDs not only defend such civil and political rights as the right to life, freedom from torture or the right to fair trials, but also economic and social rights, rights to an adequate standard of health and education, cultural rights, women's rights, as well as the specific needs of particularly vulnerable groups, such as children, rural women or lesbian, gay, bi-sexual and transgender people.

HRDs' activities also span a broad scope, at the international, national and local levels, including documentation, media activism, provision of legal, psychological, medical or other support, seeking remedies for victims, monitoring trials, education and training, lobbying and mobilising public opinion, promoting early warning mechanisms, and much more.

In closing, Ms. Sekaggya called on the international community to continue its support for HRDs, by coordinating its work better, sharing information and listening more to local HRDs, inviting and receiving them at events, building their concerns into work-plans and strategies, attending trials, providing emergency visas and supporting their work financially.

Panel 1: The existing framework for protection

The first panel, chaired by Sir Nigel Rodley, Chair of the University of Essex Human Rights Centre, addressed the current work of European intergovernmental organizations and the United Nations in support of HRDs. Speakers included: Ulrika Sundberg, from the Office of the Commissioner for Human Rights of the Council of Europe, Anders Kompass, from the Office of the High Commissioner for Human Rights, and Alessio Capellani from the Human Rights and Democratisation Unit of the EU Commission.

Ulrika Sundberg, Council of Europe Special Advisor to the Commissioner for Human Rights

Ms. Sundberg described the mandate and operation of the Commissioner's office, stressing its focus on promoting the primary responsibilities of the state to create a conducive environment for human rights. The office, under the direction of Thomas Hammarberg, encourages states to strengthen their judicial systems, provide effective remedies, prevent attacks and harassments, improve their legislation, carry out prompt independent investigations and hold perpetrators accountable. The 'Declaration of the Committee of Ministers on Council of Europe Action to Improve the Protection of Human Rights Defenders and Promote their Activities' (adopted in February 2008) establishes a broader mandate for the office in relation to HRDs, and further stresses COE commitment to strengthen effective access to the European Court of Human Rights and other mechanisms as well, such as the European Committee for Social Rights, the Committee for the Framework Convention on the Protection of Minorities, and the Committee on the Prevention of Torture. The office also presses for ratification of important regional legal instruments, such as the European Social Charter.

Ms. Sundberg spoke of recent efforts since the adoption of the Declaration to better coordinate with European, OSCE and UN mechanisms to assist in the protection and security needs of HRDs.

Ms. Sundberg also stressed the need of more solidarity between and among human rights defenders, and in support of building HRD networks which can provide better HRD protection - her office is working to encourage the setting up of thematic, sub-regional and regional networks amongst HRDs. The COE is also looking at particular problems facing HRDs in conducting their work, and Ms. Sundberg described a recent output from a COE-sponsored international NGO conference: the formation of a working group to look at legislative challenges relating to the registration of NGOs and the recent publication of a report on its findings.

Much of the work of the Commissioner involves quiet diplomacy, seeking solutions to problems at both the national and local level, and interacting with a wide range of interlocutors.

Anders Kompass, Director of Field Operations and Technical Support, Office of the High Commissioner for Human Rights

Mr. Kompass described some of the successes and limits of the role of OHCHR field presences, currently operating in 50 countries. In the DRC, for example, a UN human rights unit within the MONUC peace operation has over 100 human rights officers, who have documented hundreds of cases of abuses of HRDs. The office set up a Victims, Witnesses and HRDs Unit with the deliberate objective of protecting HRDs under imminent threat. It has human rights and protection officers deployed throughout the country, and has established a Protection Trust Fund. Human rights officers patrol the region, maintain a 24-hour hotline, engage in advocacy and publicity measures, and provide temporary shelter and transport when needed.

But in other cases, it hasn't been possible to construct such levels of HRD support. For example, in Sri Lanka, OHCHR has only been allowed to establish a human rights advisor within the UN country team. In Sudan, UNAMID in Darfur has been trying to help HRDs facing extremely repressive government tactics, but civil society has to keep a very low profile and its work on human rights is very limited.

In countries such as Colombia or Guatemala, the very establishment of a UN human rights presence was the result of years of tireless advocacy by local civil society actors and HRDs. But in Colombia now, HRDs are facing a President who has overtly accused them of subversion, threatened them, and in numerous other ways worked to undermine their legitimacy and capacity to work. In Nepal, OHCHR has developed numerous protection mechanisms for HRDs, including support for safe houses, monitoring of public demonstrations, interventions with state authorities and security force commanders, support for skills training for HRDs, facilitation of high-profile international visits, and leadership in the EU Working Group on HRDs.

In closing, Mr. Kompass stressed that attacks against HRDs *can* effectively be reduced through consistent monitoring, reporting and advocacy, through strengthening links with national institutions and in coordination with organized civil society action. HRD security in many countries suffers from a lack of sufficient international attention and very weak and fragile civil societies. UNOHCHR has internal constraints on its capacity to respond – including limited mandates constrained by the political will of states, and a shortage of human and financial resources.

Alessio Capellani, Human Rights and Democratisation Unit, Directorate General of External Relations, European Commission

Mr. Capellani focused his presentation on three questions: why the EU supports HRDs; how the EU supports HRDs; and whether the current policy is working.

The EU supports HRDs because such support is consistent with EU principles of democracy and respect for human rights. And it also has a political interest, because human rights underpin efforts for peace and development.

EU support for HRDs is both political and financial. The Guidelines themselves outline the different modes of support, including monitoring, reporting and assessing the situation, putting together fact sheets and ad hoc reports, offering recognition to HRDs, taking urgent action, visiting HRDs in jail or under house arrest, offering temporary reprieve to HRDs in Europe, and dialogue with third countries. The latter key mode of influence includes over 30 on-going dialogues on human rights issues with third countries.

Mr. Capellani stressed the importance of developing local implementation strategies, and involving HRDs themselves in this process. He summarized the financial instruments available for supporting HRDs, in particular the European Instrument for Democracy and Human Rights, and the nascent Shelter Cities project.

In his final assessment, Mr. Capellani emphasized that the Guidelines text is pragmatic and concrete, and has led to increased cooperation, better monitoring, increased visibility of HRDs and their work, and an increased number of common European initiatives. He acknowledged however, that there is a problem of inconsistency, and there is often difficulty reaching consensus on anything more than a lowest common denominator approach, where short-term interests of states with multiple agendas can limit progress towards longer-term goals – even when all states agree on those longer-term objectives.

Mr. Capellani also raised the question of how to make better use of the mechanism of the UN Universal Periodic Review to support the work of HRDs.

Panel 1 Plenary discussions/ questions to panellists

A concern was raised that a possible election win by the Conservative Party in the UK might lead to the repeal of the Human Rights Act. Ms. Sundberg replied that this would indeed be serious, and she would bring it to the attention of the Commissioner, as such a move could trigger a renewed visit to the UK.

Can bringing individual complaints to UN Human Rights Committees help protect HRDs? Nigel Rodley replied with a summary of the range of actions taken by these Committees in support of HRDs.

Are the EU local implementation strategies public documents? Mr. Capellani explained that these had to be confidential documents.

Mark Canning, UK Ambassador to Burma, pointed out that in some countries what is seen as “Western moral authority” is under threat. In Burma, for instance, if we ever referred to someone as an HRD, he/she would end up in jail. So we need to assess how the EU Guidelines can best be used

in tougher or less benign environments. Nigel Rodley pointed out that this is where the ambiguous terms in the Guidelines like “where appropriate” or “where relevant” are actually useful. In addition, good political analysis is needed to assess when quiet diplomacy is the best tool. Other panellists agreed that a case-by-case analysis is always necessary.

How does an HRD in a critical situation know to whom to turn for support? The general need for better dissemination of information on all the available international mechanisms (including more than the Guidelines) to HRDs was emphasised.

Jit Man Basnet, a Nepali HRD, raised a concern about the inefficiency or inadequacy of emergency visa processes when HRDs need them, citing his own experience of being unable to secure a UK visa for a human rights speaking tour. (The visa issue was re-visited throughout the conference).

Richard Solly, from the London Mining Network, stressed the problem of inconsistent bilateral policies that can appear to be hypocritical and cause mistrust among HRDs. For instance, the UK has a policy to support HRDs in Colombia, but also has a policy that supports – diplomatically and financially – the Columbian President, who is systematically attacking HRDs.

Panel 2: Identifying regional trends and security risks

This panel was moderated by Kevin Boyle, HRSJ Advisory Board Member, Barrister and Professor School of Law at the University of Essex. The panel speakers were human rights defenders Hassan Shire Sheikh (East and Horn of Africa Human Rights Defenders Project), Tanya Lokshina (Russian Federation), Mandira Sharma (Nepal), and Alirio Uribe (Colombia).

Hassan Shire Sheikh, East and Horn of Africa Human Rights Defenders Project

Mr. Hassan Shire had recently come from a gathering of over 100 HRDs in Kampala, Uganda, and he summarized some of the achievements of that meeting, culminating in the Kampala Declaration and Plan of Action, and the establishment of the All Africa Human Rights Defenders Network. This network selected a steering committee, five sub-regional network focal points, and four special interest representatives (i.e., LGBT, women human rights representatives, women journalists, and defenders working in situations of armed conflict).

The presentation emphasised some positive examples of action and support – including for instance, the rapid reaction of Ms. Sekaggya to the killings in 2008 of HRDs in Nairobi; EU supported emergency re-location, counselling, and medical support for selected activists; Protection Desk Uganda, established with the support of the international NGO Protection International, and others.

However, serious obstacles remain. HRDs are plagued by a shortage of resources and delays by donors – leading to delays in implementation. But when you are at risk you can’t wait. When you have ten minutes to leave your house, and you get no response because of a long weekend in Europe or the US, it creates a problem. Other problems include insufficient information about mechanisms and insufficient cooperation among like-minded organizations; increasing insecurity and legal restrictions; and national laws criminalizing HRD work.

Mr. Hassan Shire stressed that HRDs lack awareness of the EU Guidelines and the available channels for support. He also acknowledged that a serious lack of trust can result from a perceived lack of transparency by EU actors. When Missions fail to take effective action and offer poor excuses – “the situation is not so bad”, “we’re only a small Embassy”, “we lack capacity”, distrust results. Sometimes the larger Embassies have a powerful leader/ambassador who won’t ever even mention the word “human rights defender”, and their diplomats do not show up or respond to invitations to events from HRDs. Some ambassadors are not even aware of the Guidelines. Embassies need education. There is also high staff turnover in missions, making sustainable relationships difficult for

HRDs. The level of openness to HRDs seems to depend on the individual characteristics of different diplomatic staff.

Embassy staff should understand that their premises, with their security measures, create real and psychological barriers to HRDs. HRDs' preference is for the Missions to come out to where the HRDs work and meet them in a normal setting.

In closing, Mr. Hassan recommended that Guidelines similar to the EU Guidelines need to be created for other states, such as the US and Canada. In addition, European states need: a) to impress upon African governments the need to bring their legislation into conformity with international law, with stricter measures being applied in situations of non-compliance; b) to avail long-term support to human rights organizations; c) to pay particular attention to vulnerable groups, especially women HRDs, sexual minority rights activists and other minority rights activists.

Tanya Lokshina, Deputy Director of the Moscow office of Human Rights Watch

The key issues HRDs are dealing with in Russia are killings and violent attacks, slander and hostility in state-controlled media, restrictive NGO legislation which stifles civil society, and anti-extremism legislation which is misused to suppress dissent. Ms. Lokshina described several high-profile cases of killings and attacks, in which investigations have failed to yield any results.

Hostile rhetoric is aimed at discrediting NGOs, with representatives of NGOs being accused of supporting terrorists or working for foreign intelligence agencies. These attacks lead to a very hostile environment for HRDs.

In 2006 the Russian Parliament passed amendments to two main laws governing NGOs, extending the discretion of state officials to reject NGO registration, and allowing them to demand onerous reporting. This discretion is applied in an arbitrary and discriminatory fashion, despite international protests and legal challenges. The Ministry of Justice is allowed detailed inspections of NGO activities, which can be so intrusive as to force an NGO to shut down.

At the same time, anti-extremism laws are designed in such a way that they can easily be abused to target HRDs and NGOs, allowing a court to simply dissolve the organization. One example was the Russian-Chechen Friendship Society, which had to be dissolved in 2006. In another situation, Moscow authorities are pursuing a case against the director of a human rights museum for an avant-garde art exhibit which allegedly offended the cultural values of the Russian people. The human rights NGO Memorial had its St. Petersburg office raided and archival materials and hard drives confiscated, ostensibly in connection with an anti-extremism case against a local newspaper.

In closing, Ms. Lokshina urged the international community to continue pressuring the Russian government to improve the climate for HRDs, and to make available very fast and efficient emergency escape options for HRDs at risk (through issuing emergency visas, etc.).

Question for Ms. Lokshina

James Savage (AI-UK) asked how we can hold the Russian Federation accountable for its failure to implement legally binding European Court of Human Rights (ECHR) decisions.

Ms. Lokshina stressed that enforcement could not be done by the ECHR alone, but would require constant bilateral pressure from all European states. She pointed out that Russia submitted over 3000 complaints to the ECHR on behalf of South Ossetia residents, and we should see this as a positive sign of respect for the Court as an institution. Russia also sustains a dialogue with the Committee of Ministers and responds to recommendations by this Committee. In other areas Russia has been trying to give effect to the jurisprudence of the ECHR. There can be more progress if more pressure is applied by states.

Mandira Sharma, Advocacy Forum, Nepal

Ms. Sharma's presentation summarized some of the ongoing challenges and initiatives involving HRDs and EU missions in Nepal. She pointed out that state actors are not enthusiastic about addressing past human rights violations. HRDs see serious deficiencies in state implementation of its human rights obligations.

In Nepal there are a number of human rights working groups. They have held five national consultations with HRDs to solicit the input of those working at the grassroots level. This has helped activists learn about the mechanisms available. But sometimes local activists express difficulties in communicating with mission staff – the people who work in the missions on this issue need to be human rights sensitive. Nepali HRDs have difficulties in securing their information. They don't know how long the mechanisms to combat impunity are going to take, so protection of information is crucial.

HRDs also face a serious challenge dealing with non-state actors. Nepal has seen over 25 different armed groups emerge, and they are violating people's rights.

Alirio Uribe, Lawyers Collective Jose Alvear Restrepo, Colombia

Mr. Uribe began by stressing the importance of international support for local HRDs, asserting that the Lawyers Collective itself would have had to close its doors, and he personally would have had to flee the country without the support of Peace Brigades International and other international solidarity. Insecurity has a powerful effect on HRDs. But the dynamics of insecurity vary - we can't have a one-size-fits-all approach to supporting HRDs, since each country or regional situation and each circumstance is different.

Nevertheless some conditions which generate risks to HRDs are common: anti-terrorist legislation, for instance, is used widely to de-legitimise HRDs. It stigmatises the HRDs, and it wastes their time because they have to expend energy defending themselves. It compromises their credibility.

Those who work for the environment or for land rights are also targeted, which points to another common factor: economic globalisation. Transnational corporations, such as chemical, mining, or agro-fuel interests affect people's lives, but when people mobilise to confront their negative effects, they are attacked. HRDs need more than protection and prevention of attacks. They need these companies to be held to account in their home country, and they need their own states to provide the democratic guarantees that will prevent the arbitrary exercise of power by corporations.

Mr. Uribe went on to discuss the problem of arbitrary detentions, stressing that the diplomatic community does not react sufficiently because they tend to categorise detentions as "legal", even when they are not. He also discussed the plague of threats that HRDs constantly receive, and the terrible mental effect they have on HRDs, silencing their voices and generating fear. He went on to describe how rural and regional HRDs are frequently intimidated into internal displacement.

Latin American HRDs have many strategies to confront these problems. As the priority is to stay alive and keep working, smart security procedures are essential. It is essential to document all that happens, and then use denunciation and publicity to bring incidents to light, through the media and political and social networks. They sustain constant communication with the diplomatic community as well as development agencies (Mr. Uribe stressed here that HRDs need to see development partners not only as funders but as vital political support.) They also use the Inter-American human rights system regularly. With all of these approaches, good analysis must identify who is responsible, and what are the motivations for attacks against HRDs.

Panel 2 Plenary discussions/ questions to panellists

Transnational corporation impact: Richard Solly, from the London Mining Network, emphasised the issue of transnational resource extraction, and also cited an example in which an HRD coming to London to discuss the issue was not provided with a visa in time. Mr. Uribe explained how in Colombia, several ex-paramilitaries have given testimony confirming collaboration between international companies and paramilitary organizations, leading to serious human rights abuses. He and other lawyers are working on the extradition of a Chiquita brands executive allegedly responsible for payments to paramilitaries. Glevys Rondon, from the Latin American Mining Monitoring Programme, also made the link between HRDs working on these issues and the difficulty securing visas to talk about them in Europe.

Socio-economic rights: One audience member stressed the need for human rights mechanisms to better address economic and social rights, and emphasised the need for more education within the human rights movement in this respect, as well as for greater coherence and coordination in state policies with respect to rights, development, trade, weapons sales and all other inter-state interactions.

African human rights mechanisms: Jean Roger Kaseki asked if the Kampala HRD conference worked on the need to strengthen the African Human Rights institutions. Hassan Shire explained that there is an African Court for Human and People's Rights based in Arusha, and other sub-regional courts where individual cases can be taken, but these mechanisms need to be made more functional.

Legal aid strategies: Ann Wright asked panellists about the establishment of legal aid movements in their countries. In reply, Mandira Sharma and Alirio Uribe described the diverse legal aid efforts and gaps in Nepal and Colombia.

Transitional justice in Nepal: An audience member asked how the accession to power of the Maoists has affected the rights of those illegally arrested during the conflict. Mandira Sharma explained that while some illegally arrested Maoists have been freed, many other detainees are still in jail. She also expressed concern that in some cases charges have been withdrawn against serious human rights violators as a result of the peace process.

Attacks on HRDs in the Palestinian Territories: One participant reminded the plenary of the difficult situations of harassment, imprisonment and killings faced by HRDs in Palestine, including Israeli HRDs who try to work with Palestinians.

Criminalisation of HRDs: Susi Bascon, Director of PBI, UK Section, asked Mr. Uribe to further describe the process of criminalisation of HRDs, and how current mechanisms can confront what are referred to as 'legal' attacks. Mr. Uribe described the case of Martin Sandoval, president of the Permanent Human Rights Committee of the Department of Arauca, and a beneficiary of provisional protection measures from the Inter-American Court, who is in prison on the basis of accusations made by military intelligence.

Panel 3: Strategies of NGOs to address repressive trends and gaps in the protection of human rights defenders

Liam Mahony, International Council of Peace Brigades International

Mr. Mahony described the work of PBI in supporting HRDs with protective accompaniment by international volunteers, shared a few broader lessons from this experience, and then offered some comments on existing gaps in HRD protection.

PBI sends teams of volunteers to countries where HRDs are under threat, and these volunteers accompany individual activists, organizations and communities, backing this up with international advocacy strategies. PBI currently works in Colombia, Indonesia, Mexico, Nepal and Guatemala,

accompanying NGO lawyers, campesino land rights activists, rural communities, labour unions, LGBT activists, environmental activists and many others.

PBI's approach is to analyse why HRDs are threatened, who is threatening them and what motivates the threats, and then diagnose whether these threats would be susceptible to the pressure represented by international observers. This analysis usually identifies such sensitivities, and the use of accompaniment can effectively deter attacks, because in most cases abusers prefer to act without being observed and without subsequent pressure. The second major contribution of accompaniment is encouragement: HRDs need and appreciate the close moral support of the international community, as they are facing constant strategies to delegitimise their work and demoralize their efforts. A vital part of the accompaniment strategy is constant and transparent diplomatic contact with national and local authorities, the diplomatic community and any other powerful actors who can directly or indirectly influence potential violators. The third key lesson was the importance of getting outside the capital cities, and making a conscious daily effort to protect the work of rural activists, who are far too isolated from the resources and protection mechanisms that are available in the capital.

Mr. Mahony closed with a brief survey of existing gaps in HRD protection. He pointed out that the major problem is not the lack of new mechanisms, but the failure to maximize the potential of the protection mechanisms that already exist. Firstly, there is a quantity gap – many useful tools and mechanisms exist, but for too many HRDs in too many places they are not available. Secondly, the limited enforcement capacity of the international system puts a ceiling on HRDs' effectiveness and safety: armed actors and states ignore international pressure and get away with murder on a regular basis. A third type of problem are cultural gaps: effective international human rights pressure requires credibility and legitimacy, and we have to acknowledge that in Muslim parts of the world, as well as in parts of post-Colonial Africa, the "Western," "Northern" legitimacy that underpins most human rights pressure is very weak. The human rights movement needs new alliances and new partners, especially in Muslim countries.

International institutions and NGOs need to recognize the primacy of the local HRD. We are not agents of change ourselves, but rather, we are tools for local activists to use strategically. Mr. Mahony also stressed the importance of long-term commitment to HRDs and situations, because when things are bad, you cannot always see your long-term impact, but protecting HRDs can, in the long-term, contribute to systemic change and peaceful transitions.

With regard to making better use of the Guidelines and other mechanisms, Mr. Mahony stressed that policies achieve nothing in themselves until they are used effectively. And they are used by individuals, taking specific actions in specific situations. So we need to look constantly for those individuals in EU missions who have the initiative and commitment to make use of these tools, and to support and encourage them every day to do more.

Mary Lawlor, Director, Frontline

HRDs need tailored strategies of support that respond to their individual situation. They need fast and flexible responses. Frontline focuses on listening to what HRDs want and tailoring individualized strategies to meet their needs. These include emergency protection responses, training and training-of-trainers in the regions, supporting information technology needs of HRDs, mentoring new local organisations that can fulfil HRD needs, giving grants for medical treatment, offering support for stress management, and many other approaches.

Ms. Lawlor enumerated several gaps in the current system of protection. She urged that the EU local implementation strategies should be public documents, in order to be more useful to local HRDs. She pointed out how EU mission and Embassy responses still depend largely on the personal commitment of individual diplomats. She emphasised the gap in addressing abuses by non-state

actors and multi-national corporations. And she pointed out some of the weaknesses in the UN's relationships with HRDs, including the UN Security Council's failure to consider HRDs, and their needs, particularly given the importance of their work in conflict resolution, peaceful transitions, and good governance.

The key to HRD protection is good policy at the national level, good implementation at the local level, and coherent responses at the international level. Ms. Lawlor gave positive examples of such responses, for instance when multiple EU actors intervened quickly after the arrest of three Congolese civil society activists in March 2009, or when Jestina Mukoko was disappeared in Zimbabwe. Another best practice example was the rapid response of the Irish ambassador to Egypt which allowed an imperilled Sudanese doctor escape to Ireland for medical treatment and respite.

Ms. Lawlor closed her presentation with a tragic and moving story of the murder of Lasantha Wickrematunga in Sri Lanka, who had predicted his own death in a column that was published posthumously: "When finally I am killed it will be the government who kills me... It has long been written my life would be taken and by whom. All that remained to be written was when."

Lena Nordstrom, Ambassador of Sweden to Colombia

Ms. Nordstrom's presentation focused on the importance of dialogue. Human rights is all too often turned into an instrument of conflict and division, where there is not enough positive good will to see the uniting potential of human rights for different actors. A key tool in a more positive process is dialogue, which can be a preventive measure and a means of protection for HRDs. She described the powerful example of the London-Cartagena-Bogota process, which brings together Colombian government officials, international actors and civil society activists. The process, now in its 6th year, includes major conferences, numerous working groups on specific issues (e.g. human rights, mining, international coordination), and special seminars on difficult issues. People who would never otherwise meet have gotten to know each other and are seeking mutual solutions to problems. These dialogues create confidence, which can address some of the problem of lack of political will.

In addition to this dialogue process, Ms. Nordstrom described the many ways the international community is engaged in HRD protection in Colombia, including by making an effort to be more present with local, regional, and rural organizations. There is an ongoing dialogue between the EU and Colombian civil society.

Leos Javurek, Foreign Ministry of the Czech Republic (EU Presidency April 2009)

Mr. Javurek focused his presentation on a new initiative supported by the Czech EU Presidency – the Shelter Cities initiative. Its goal is to engage cities across Europe in hosting HRDs who have a temporary need to leave their country. The initiative is aimed not only at helping HRDs but also promoting awareness of HRDs in Europe. While being hosted in European cities, the HRDs could avail themselves of any necessary medical treatment, engage in human rights activities, or just rest.

Mr. Javurek emphasized that the initiative does not aim to facilitate or replace asylum procedures, but to support and better equip HRDs to return to their home country and continue their important work.

The plan is to work together with European NGOs and existing diplomatic structures to identify eligible HRDs. The primary funding responsibility for the initiative will rest with the host cities, although other options of co-funding are possible.

Mr. Javurek closed with a tribute to the important work of HRDs and NGOs, explaining that cooperation between the governmental and non-governmental sectors is crucial for the successful resolution of human rights issues.

Riina Kionka, Personal Representative of Javier Solana, EU High Representative for the Common Foreign and Security Policy

Ms. Kionka's presentation focused on EU local implementation strategies, and on the need for more awareness-raising on the Guidelines. When the German Presidency in 2007 reviewed the state of implementation of the Guidelines, it was found that only 59 out of 124 missions had developed EU local implementation strategies. This needs to be improved, as written strategies, with both long-term and short-term objectives to ensure both protection and sustainability, help the missions to be more proactive and effective. These strategies can encourage diplomats to get out of the capitals and into the regions, and can identify key themes for action.

Unfortunately, many diplomats are insufficiently aware of the Guidelines and their potential. People change, diplomats rotate and their area of emphasis changes. Countries and contexts also change and develop, so this education process must be constantly updated. On-going awareness campaigns must target all diplomats, as well as HRDs and host governments.

In order to reinforce this awareness, implementation of the Guidelines needs to be part of staff job descriptions and annual performance reviews and incentives: diplomats should know that their next promotion may hinge on how well they are fulfilling their human rights role, rather than being able to choose whether and how they carry out their human rights responsibilities. There also needs to be pre-deployment training, right up to the ambassadorial level.

Nicolas Beger, Director Amnesty International EU Office

Mr. Beger opened by calling attention to Hassan Shire's evidence of gaps in the field, but he stressed that we also need to see the strengths of our work, and see that the glass is half-full, rather than half-empty. Amnesty International sees many strengths in the EU Guidelines, including their emphasis on women HRDs and the recognition of the importance of economic and social rights.

In assessing the implementation of the Guidelines, Amnesty stresses the following: first, the importance of close contact with HRDs; the importance public action and feedback to HRDs including offering moral support and long-term follow-up; third, the importance of action by individual member states; fourth, the importance of targeting the right authority (who might sometimes be a local authority rather than a foreign minister) and being specific about the changes we want. Finally, we need strategies of escalating and diverse responses, so when one approach is ineffective, we are ready to try another immediately.

There are problems, however. First, there is a lack of knowledge among diplomats about human rights or the Guidelines. Second, human rights are marginalised, treated as a low priority, the bottom of a list of many dossiers. But we need to see how human rights are critical to other economic and political interests that the EU has. We need to make a *business case*, showing how supporting HRDs is good for our counter-terrorism agenda, good for promotion of democracy and prevention of conflict, good for our environmental agenda, good for our development agenda, and good for economic growth and our business and trade agendas. We need to talk to HRDs about all these connections on the ground, and make a consistent and persistent case that working in support of HRDs is coherent and necessary for the furtherance of the EU's other key foreign policy agendas.

Panel 3 Plenary discussions/ questions to panellists

UN Universal Periodic Review: How can we use it to improve protection of HRDs? Riina Kionka suggested getting individual HRD cases into the recommendations to a state under review. Mr. Javurek suggested that the UPR process is already taking full advantage of information from HRDs, and this is also feeding into subsequent dialogues between the EU and third countries. Mary Lawlor cautioned that the excessive politicisation of the Human Rights Council causes states to resist discussion of HRDs.

Transnational corporations: How can we put more pressure on them? Riina Kionka mentioned the EU's support for the UN Special Representative of the Secretary General on Human Rights and Transnational Corporations, Mr. John Ruggie, and Ms. Kionka spoke of EU support given to his mandate. Mr. Beger explained NGOs working on corporate responsibility issues are concerned when corporate obligations are purely "voluntary": patting a corporation on the back for building a playground, but not being able to sanction it for damaging action. We need to move from voluntary to regulatory, simply because the state has a responsibility to protect and the corporation has a responsibility to respect. Ms. Kionka also mentioned the positive actions by the European Parliament on the issue, and stressed the need to break the existing deadlock in the debate between voluntarism and regulation.

EU local implementation strategies: There is some debate about why these are not made public, but for the moment there is no consensus to do this. Mr. Javurek explained that some are concerned that publicising the strategies could have a negative impact. Ulrika Sundberg pointed out how crucial transparency is in our relationship with HRDs, as they are the agents of change who need to make use of our recommendations.

Positive initiatives from the USA or other countries: Hassan Shire mentioned that the US Senate sub-committee on Africa has shown an interest in developing literature on State Department practice with respect to HRDs. He also mentioned funding for HRDs from Freedom House, and a positive program in East Africa being implemented by Finland.

Recognising the potential harm of identifying HRDs: A case from Iran was described, in which activists were arrested on suspicion of having benefited from funds the USA had designated for them. Sometimes, a low profile is the only way HRDs can be safe.

Contradictions between expressed support for HRDs and denials of human rights problems: Alirio Uribe expressed a frustration that Colombian HRDs like himself often feel that no one is listening. Despite the fact that 120 Colombian MPs are being investigated for links with the paramilitary, and last year saw 380,000 new internally displaced persons, and despite 1600 extra-judicial killings and 500 assassinated trade union leaders, EU reports and statements keep saying that the situation in Colombia is improving. "I am scratching my head – where are they seeing this improvement?"

Why is it so difficult for an organization like PBI to cover more territory: Liam Mahony explained that on the one hand, several other organizations are also doing protective accompaniment, such as the Nonviolent Peace force in Sri Lanka and the Philippines, or the World Council of Churches Ecumenical Accompaniment Project in Palestine and Israel. At the same time, there is room for further expansion, and better strategies are needed to overcome the political and financial constraints these organisations face.

The need for a holistic approach to human rights problems: Margaret Sekaggya pointed out the need for strengthening the judiciary, the electoral machinery, the Parliament, the national human rights institutions and other aspects in order to have a holistic approach to a weak system of human rights protection, but such a coordinated strategy seems lacking. Riina Kionka answered that while we are focused here on HRDs, other aspects of EU policy and action are addressing these other interlinked needs.

Closing remarks**Susan Hyland, Human Rights, Democracy and Good Governance Group, UK Foreign and Commonwealth Office**

Ms. Hyland explained the importance of bringing together this diverse group of actors interested in the vital issue of HRD security and protection. There is still a long way to go in securing the protection of HRDs. Her team at the Foreign Office will take the issues raised at this Conference on board to take action on some of the specific gaps and recommendations, including the need for better awareness among diplomats. She reiterated the “business case” needed for HRD protection, and that support for HRDs in FCO policy is coherent and necessary for the furtherance of other key foreign policy agendas, such as tackling the roots of terrorism, preventing conflict, and for promoting sustainable development. She praised the HRDs for their courage, and emphasised the importance of partnerships and open dialogue. Ms. Hyland explained to the audience how the following day’s closed meeting for staff from the Foreign Office together with HRDS at the Houses of Parliament would bring the issues raised in today’s discussions forward, with focus on practical implementation on the ground, and exploring options for how the EU and British government can be more accountable to HRDs, and work together with them, in strengthening the implementation of the EU Guidelines.

ANNEX 2: SUMMARY OF DAY TWO CONFERENCE DELIBERATIONS
APRIL 30, 2009, SEMINAR WORKSHOP: HOUSES OF PARLIAMENT
(Atlee Suite, Portcullis House, House of Commons)

This closed session, conducted under Chatham House rules, was designed to assist UK FCO staff in maximizing their potential role in support of Human Rights Defenders. In particular, its objectives were to demonstrate the links between support for HRDs and EU and UK foreign policy; to update UK officials about the current risks faced by HRDs and their protection needs; and to identify key areas of the EU Guidelines where implementation needs strengthening. Specific discussions were designed to address the complexities of taking up individual cases, and best practices in strengthening working relationships with HRDs.

After an introduction by Ann Clwyd MP, Chair, All-Party Parliamentary Human Rights Group, who discussed the important role politicians can play in defending the human rights of others, the keynote presentation by Lord Malloch Brown, FCO Minister for Human Rights, emphasized the importance of strengthening political will in relation to the implementation of the EU Guidelines.

Margaret Sekaggya, UN Special Rapporteur on HRD followed with a brief presentation clarifying the definition of an HRD, identifying those HRDs at particular risk; and explaining why HRDs need political support now more than ever.

Sir Nigel Rodley, Professor of Law, University of Essex, followed, giving the audience a brief summary of the presentations and discussions on Day 1 of the conference, and introducing the HRDs present.

Finally, Riina Kionka, Personal Representative for Human Rights for Javier Solana, EU High Representative for the Common Foreign and Security Policy, clarified the responsibility of individual EU Missions and EU Missions collectively, in terms of implementing the EU Guidelines, and highlighted the key areas of the Guidelines which need to be prioritised, in terms of implementation, by FCO Missions, in light of current HRD threats and protection gaps.

These opening speakers reinforced some of the key messages of the first day, and also added their own reflections on a range of challenges. It was repeatedly emphasised that the EU Guidelines are a very useful tool to help protect HRDs, but that there is clearly an implementation gap.

There is an inherent caution among the EU as a collective working at the political level: changing that will be a generational project. Leadership on this matter could, however, be shown by individual states. More generally, European states – and “Western” states – are also facing a backlash from many states in the South. The challenge for governments is to apply human rights universally across the board: Western powers can be seen as hypocritical in their application of human rights standards.

Fundamentally, the championing of human rights is the role of HRDs and civil society. It was also emphasised that working with HRDs had a multiplier effect: protect one HRD, empower a thousand individuals (on whose behalf the HRD works).

Embassies can assist by supporting HRDs, particularly by making more effective use of the EU Guidelines. More systematic implementation of the EU Guidelines was seen as particularly important, in that systems give a more efficient and sustainable way of working than reliance on ad-hoc solutions.

In some situations though, it was acknowledged that Embassies play a more important role promoting human rights, especially in settings where it is far too dangerous for local HRDs to be too vocal.

After the opening presentations, the rest of the day was spent in working groups addressing specific topics of relevance. As there was substantial overlap in the content of each group's discussions, the results are summarised here thematically.

Strengthening the working relationship between missions and relevant NGOs/HRDs in-country

Many of the key elements of the existing operational guidelines were stressed in the working groups: increasing contact between HRDs and Embassy officials; encouraging visits to remote areas and increasing the visibility of marginalized HRDs; capacity-building with HRDs; supporting human rights events and prizes; inclusion and consultation with HRDs in formulating EU local implementation strategies; dissemination, translation and broadcast of the EU Guidelines; inclusion of HRD concerns in high-level EU-third country dialogues; offering political and financial support for the creation and strengthening of HRD networks.

Some specific suggestions arose for implementing these action steps. For instance, Embassies could increase HRD visibility by inviting HRDs as public speakers at the Embassy, just as they might bring in a business leader or government representative. It was recommended that the EU engage in an EU-African Union-HRD dialogue. Embassies can also facilitate dialogue between host governments and local HRDs.

In general, there is a need for awareness-raising among embassy officials, about human rights issues, the EU Guidelines, and possible steps that can be taken by the Embassies to assist HRDs. The fact that responsibility for human rights and HRDs often rests with a single official at the Embassy can be problematic; Missions need to provide for back-up so HRDs have someone to turn to when the primary contact is not available. Ideally, the Embassy should have a human rights "tool kit" with key contacts and procedures, so various officials can engage more easily when needed. Several groups also suggested that meetings with HRDs should be built into the orientation process for new Embassy officials, including ambassadors. Regular and frequent contact with HRDs was strongly recommended, otherwise embassy officials can become isolated from the human rights situation – especially in situations where the media is state-controlled.

Awareness raising is also essential among HRDs. They may not know the diverse modes of support that are available to them, and opportunities for assistance could be lost. Often HRDs do not know the contact points for Embassy support. Alternatively, when their primary contact at the Embassy moves on, they are unsure whether they can expect continued support.

Effective support for human rights requires research and analysis of the situation in country. Embassy officials need to understand the patterns and trends of human rights abuses and threats to HRDs, in order to make effective interventions.

Participants acknowledged that Embassy officials cannot build relationships with every HRD, nor can they respond to every request for assistance. Expectations must be managed with transparency. Embassy officials need to communicate clearly what they can and cannot do, and HRDs should take care not to make unreasonable demands. Embassy officials also need to seek relationships with HRDs who are representative of other HRDs they cannot meet with directly. This representation process can be sensitive, as there are often divisions among civil society activists, and not all HRDs will feel well-represented.

Case Selection Criteria

Responding to individual cases where HRDs are at risk is a key role for EU embassies.

The following emergency case selection criteria were highlighted by all the working groups:

Reliability of information and contact: Embassy officials need to be sure the case is legitimate, and to avoid unfounded asylum requests. They also need reliable information in order to respond effectively. Trusted contacts among HRDs can be crucial for this verification process. One positive example of a process was described from Guatemala, where a filter group including Embassy officials and HRD/NGOs evaluate emergency cases before action steps are taken. Some participants also recommended that competent local staff from the Embassy can assist in this verification process.

Intensity of the threat or attack: Generally a sudden disappearance, killing or arrest, or allegations of torture, are prioritised for rapid and urgent response. However prevention response also needs to take priority in problematic cases.

Preventive potential: It is important to take action at the stage where threats are being made, before something worse happens. This might mean intervening diplomatically, by, for example, calling on the state to ensure protection, after anonymous threats have been received by an HRD, or after an illegal arrest to minimize the chance of torture or disappearance.

Emblematic impact of the case: Some cases lend themselves better to calling attention to a systemic problem, a specific vulnerable group, a negative human rights environment, or a troubling trend of abuse. These emblematic opportunities should be taken advantage of to maximize longer-term and broader impact of an intervention. Bringing a high profile to such cases also ensures better follow-up: they become harder to drop. A related suggestion was that similar cases could be grouped together to highlight trends, in such a manner that attention can be drawn to multiple cases at once.

Potential for success: Given that resources are limited, case selection and intervention strategies should take into account the possibilities of success. With some particularly hard-line host states, options can be very limited.

Special vulnerabilities: In each context there will be some groups who are particularly marginalized or at risk. Examples were cited, such as women activists in Afghanistan, or LGBT activists in many countries. Regional vulnerabilities should also be considered, for example, rural activists in a high conflict zone can be especially vulnerable.

High or low profile of the victim: In some cases, a high profile HRD requires a high level of protection, because their prominence makes them more vulnerable. In other situations however, the low-profile or unknown HRD is at greater risk, as attacks on them could be more likely to go unnoticed. Consultations with relevant members of civil society can help assess risk levels.

Consent to intervene: Embassies should not take action without the consent of the affected person and/or their family.

Emergency case responses

Working groups also discussed a wide range of strategic responses to emergency case situations. Participants emphasized the need for a “twin-track” response: emergency protection to ensure the safety of HRDs, and longer-term follow-up to address broader issues of impunity.

Specific emergency responses include getting the HRD out of a situation of immediate danger, to a safe house in-country or in the region, or to a third country. Working groups discussed the complexities of emergency visas. Suggestions arose including the provision of long-term visas for HRDs who are deemed likely to encounter serious problems in the future. Systems of rotation or burden sharing among different Embassies might also facilitate more rapid responses. Overall, HRDs felt that the processes need to be simplified in order to promote swift action.

Embassy officials can raise individual cases of concern in discussions in multiple settings, including not only specific discussions with the host government about human rights, but also in related

discussions – for instance on issues of governance, democratisation, or development. Where appropriate, the media can be used to call attention to specific cases.

Embassy officials – and HRDs themselves – should consider a range of potentially escalating response strategies, so that when an initial reaction is unsuccessful, follow-up action plans are already in place.

It is also important that the reaction by an Embassy to an emergency situation for HRDs is immediate and does depend on one person responding (who may not be available at that time). Having a “response toolkit” in place makes decisions easier to take and eliminates reliance on particular individuals. Consistent and longer-term follow-up on cases helps to reduce impunity. In addition to emergency responses, Embassies should call for independent criminal investigations and prosecutions by states, as appropriate in meeting their international human rights obligations and to end cycles of impunity.

ANNEX 3: DAY 1 PROGRAMME (CONFERENCE SPEAKERS)**Day 1 Programme, Wednesday 29th April 2009**

London Metropolitan University, Graduate Centre
166-220 Holloway Road, London N7 8HN

2009 Conference on Security and Protection for Human Rights Defenders**Session 1: *Setting the Scene***

09:00 – 09:15 **Welcome, Professor Philip Leach**, *Director HRSJ Research Institute, London Metropolitan University*

Introduction, Nicole Piché, *Coordinator, All Party Parliamentary Human Rights Group, UK Parliament*

09:15 – 09:45 **Mrs. Margaret Sekaggya**, *UN Special Rapporteur on the Situation of Human Rights Defenders*

Keynote address:

‘Why the international community needs HRDs’

The Existing Framework for Protection

Session 1 Chair:

09:45 – 9:50 **Professor Sir Nigel Rodley**, *Chair of the University of Essex Human Rights Centre, Member of the UN Human Rights Committee, Patron of Peace Brigades International UK section*

Panel Presenters:

09:50 – 10:10 **Ulrika Sundberg**, *Special Advisor of the Commissioner for Human Rights, Council of Europe*

10:10 – 10:30 **Anders Kompass**, *United Nations Office of the High Commissioner for Human Rights*

- 10:30 – 10:50 **Alessio Cappellani**, *European Commission, DG External Relations Human Rights and Democratisation Unit*
- 10:50 – 11:15 **Plenary Discussion with Audience**

11:15 – 11:45 Coffee/Tea Break (30 min)

Session 2: *Identifying Regional Trends in Security Risks*

Session 2 Chair:

- 11:45 – 11:50 **Professor Kevin Boyle**, *School of Law and Human Rights Centre University of Essex, Advisory Board Member of the HRSJ Research Institute, and Chair International Council Minority Rights Group*

Panel Presenters:

- 11:50 - 12:15 **Hassan Shire Sheikh**, *Chair, East & Horn of Africa HRD Network*
- 12:15 – 12:40 **Tanya Lokshina**, *Deputy Director, Moscow Office of Human Rights Watch*

12:40 - 13:30 Lunch Break (50 min)

(Session 2 Continued)

- 13:30 – 13:35 **Professor Kevin Boyle** (Chair Introduces Panel Presenters)

Panel Presenters:

- 13:35 - 14:00 **Mandira Sharma**, *Nepalese Human Rights Lawyer Advocacy Forum*
- 14:00 – 14:40 **Alirio Uribe**, *Colombian Human Rights Lawyer, Jose Alvear Retrepo Lawyers (in Spanish with translation)*
- 14:40 – 15:15 **Plenary Discussion with Audience** *(to incl. other HRDS/regional NGOs' comments)*

Session 3: *Strategies of States and NGOs to Address Repressive Trends and Gaps in the Protection of Human Rights Defenders*

Session 3 Chair:

- 15:15 – 15:20 **Professor Philip Leach**, *Director, HRSJ Research Institute*

Panel Presenters:

- 15:20 – 15:35 **Liam Mahony**, *PBI International Council Member, Researcher and Academic*
- 15:35 – 15:50 **Leos Javurek**, Principal Coordinator, Human Rights & Transition Policy, Ministry of Foreign Affairs of the Czech Republic
- 15:50 – 16:05 **Lena Nordstrom**, Ambassador of Sweden in Colombia

16:05 - 16:35 Coffee/Tea Break (30 min)

(Session 3 continued)

16:35 – 16:40 **Professor Philip Leach** (Chair Introduces Panel Presenters)

Panel Presenters:

16:40 – 17:00 **Mary Lawlor**, *Director, Frontline, Dublin*

17:00 – 17:20 **Riina Kionka**, *Personal Representative for Human Rights for Javier Solana, EU High Representative for the Common Foreign and Security Policy (CFSP)*

17:20 – 17:40 **Dr. Nicolas Beger**, *Director, Amnesty International EU Office*

17:40 - 18:05 **Plenary Discussion with Audience**

Closing remarks:

18:05 - 18:15 **Susan Hyland**, Head of Human Rights, Democracy and Governance Group, UK Foreign and Commonwealth Office



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