



RETHINKING THE PROTECTION OF HUMAN RIGHTS DEFENDERS International Roundtable

REPORT

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Research & drafting

Sylvain Lefebvre

Editors

Sylvain Lefebvre, Sara Pastor, Mauricio Angel and
Nellie Epinat

Design and layout

Nellie Epinat and Paula Domínguez

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Disclaimer

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The views expressed in this report were extracted from the debates that took place during the event and do not necessarily reflect Protection International’s own views.

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Purpose of the roundtable

Ahead of the 20th anniversary of the UN Declaration on Human Rights Defenders,¹ **Protection International** and the **Centre for Applied Human Rights (CAHR)** of the University of York hosted an international roundtable in Brussels on 12 and 13 December 2017, entitled “**Rethinking the protection of Human Rights Defenders**”.

The main objective of this event was to offer a participatory platform to strengthen the human rights movement by supporting critical reflection and creative thinking on ways to improve both the protection of HRDs at risk and, more generally, the upholding of the right to defend human rights.

The roundtable gathered about 80 participants from all continents, amongst whom human rights defenders (HRDs), practitioners, representatives from civil society, academics and policy makers. They reflected collectively on the way security and protection of HRDs are conceptualised and implemented. Based on a participatory, action-oriented and multi-format approach, the event allowed participants to challenge the currently established protection approaches, tools and practices.

Identifying participants’ expectations and main topics of concern

The roundtable discussions mainly focused on the challenges and concerns identified by participants through a short survey conducted at the beginning of the first day. Expectations on the outcomes gave a clear idea of the main topics to address over the two days:

- The need to critically reflect on current protection practices to ensure that stakeholders adequately respond to the needs of HRDs;
- Reviewing ways in which current challenges should be address;
- Fostering networking, exchanges and collaboration between participants, especially regarding methodologies, as well as innovative and creative approaches to HRD protection; and
- Identifying best practices in order to maximise impact at the local level, including the respect of the do-no-harm principle, and to ensure the sustainability of protection strategies.

Purpose and structure of this report

This report aims at summarising and sharing the discussions that took place during the International Roundtable.

It is structured around two main parts: (A) The main concerns and challenges to HRD protection identified by participants; and (B) Ideas and ways forward that came up on how to tackle those challenges.

In addition to highlighting the diverse ideas and reflections that participants shared during those two days, this report opens the discussion to any other actor involved in the protection of HRDs.

¹ United Nations. [Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms](#). A/RES/53/144.

{ CHALLENGES FOR THE SECURITY AND PROTECTION OF HRDs

The roundtable was structured around **three overarching strands**:

- a) Re-conceptualising human rights defenders
- b) Gaps in current protection approaches
- c) Re-thinking the protection of HRDs

These strands were addressed by focusing on the following **key current challenges to HRD protection**:

1. Defining HRDs: who is an HRD?
2. Responding to HRDs' identities and diversity
3. Individual vs. collective protection
4. Challenges related to national and regional protection mechanisms
5. Building HRDs' capacities
6. Narratives against HRDs
7. Protection as a means to an end: how to address the root causes of aggressions against HRDs?

These seven current challenges are presented in this report in accordance with the debates that took place during the roundtable.

1. Defining “human rights defenders”: who is an HRD?

Both in the panel discussion and in the working groups, participants focused on the challenges posed by the UN Declaration on HRDs² and more precisely on how the concept of “human rights defender” drawn from the UN Declaration translates into practice within protection mechanisms and in different contexts. Despite a broad definition, as it includes anyone who defends a human right,³ in practice the UN Declaration excludes many defenders, albeit unintentionally.

Such exclusions are, inter alia:

- **Exclusion of certain causes:** The cause the HRD is fighting for can determine her/his exclusion from the definition (i.e. national self-determination).
- **Expectations on HRDs:** Being labelled as an HRD often comes with expectations from protection stakeholders. For instance, it is often assumed that HRDs should take risks and make sacrifices. Also, protection stakeholders often portray HRDs as heroic, pure, who dare dying for a cause. These expectations are unfair and place a heavy burden on HRDs.

² United Nations. [Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms](#). A/RES/53/144. 8 March 1999.

³ The Declaration on human rights defenders refers to “individuals, groups and associations (...) contributing to the effective elimination of all violations of human rights and fundamental freedoms of peoples and individuals”.

- **Exclusion of certain identities:** The cosmopolitan (universal) view of HRDs exposed in the UN Declaration does not match HRDs' many different cultural backgrounds.
- **Requirement to be politically neutral:** The definition raises questions regarding the relationship between political activism and human rights activism. Human rights are only achieved through social and systemic change, which require by essence a political change. This contradicts the often-assumed neutrality of human rights. International stakeholders do not easily accept HRDs' involvement in political parties or causes.
- **Identity and HRDs' self-perception:** in some other contexts, HRDs may not want to be perceived as political actors, as this could harm their image and the support they receive as HRDs.
- **Individualisation of human rights defence work:** both the UN Declaration and current protection mechanisms consider HRDs primarily as individuals. However, participants stressed the collective dimension of the defence of human rights and debated on whether the focus should shift from protecting individual HRDs at risk to protecting the right to defend human rights.

2. Responding to HRDs' identities and diversity

Although the UN Declaration on HRDs defines the latter on the basis of their actions, in practice it excludes some HRDs, due to their many different identities, working methods and/or causes. Also, many types of violence and attacks against women defenders (WHRDs) have not been typified in the traditional approaches to protection. Participants highlighted that prescriptive approaches to risk analysis can lead to inadequate measures and paternalistic attitudes.

Failure by protection actors to respond to HRDs' identities and diversity can lead to:

- The adoption of standard protection measures that do not answer the needs of HRDs;
- Discrimination against certain HRDs;
- A lack of attention to local HRDs;
- A lack of solidarity within the human rights movement.

Hence protection actors, in particular state institutions, national and regional mechanisms, as well as international NGOs and donors, need to critically reflect on their own practices and approaches in order to analyse their impact on HRDs and ensure that they do not unintentionally discriminate or isolate some HRDs. This is also linked to the use and distribution of resources for protection and how it shapes or reconfigures power relations amongst different civil society actors, including HRDs.

3. Individual vs. collective protection

The tension between individual and collective protection appeared to be a cross-cutting issue during the two days. Currently, the vast majority of protection mechanisms focus on the protection of individual HRDs, which appears to be a major shortfall. All participants agreed on 1) the lack of recognition of human rights work as a collective effort and 2) the consequent lack of emphasis on the collective dimension of protection, which aims to protect groups, communities or social movements and not only individuals.

As an example, the IACHR foresees precautionary measures for collective groups that rely on individualised risk assessments, regardless of the collective dimension of risks that local movements or communities face in their social struggles.

Participants identified several reasons explaining this lack of focus on collective protection:

- Historically, human rights have been conceived as individual rights.
- The complexity of the concept and definition of what a collective or community is or represents.
- Individual protection is easier to define, communicate and advocate for.
- It is hard to encourage state institutions and protection mechanisms to acknowledge this collective dimension due to a number of challenges:
 - The political (and controversial) dimension that working with communities entails, especially when those stand up against megaprojects or powerful business interests.
 - Even when protection stakeholders interact with communities, they tend to turn to community leaders as those are easier to identify.
 - The economic and social dimensions of collective protection are perceived as an obstacle, as they imply long-term protection measures and commitment.



Liliana de Marco Coenen, executive director of Protection International and Denis Mukwege, Congolese gynaecologist, laureate of the Sakharov Prize for Freedom of Thought 2014.

The debates stressed that collective protection is indispensable for strengthening social movements and deeply interlinked to the specificities of the local contexts, of the groups or communities and to their internal capacities to resist.

However, individual protection (i.e. the protection of leaders or individual persons at a moment of particular or imminent risk) still needs to be taken into account, including in the collective protection approach for communities.

If, for instance, the strength of the social fabric in Latin America makes it easier to work on collective protection, in other contexts where communities are not immediately visible to outsiders, individuals can represent entry points into communities.

Finally, the debates also insisted on the fact that, should protection be individual or collective, it will always be relational. This implies that the protection of a specific individual depends on the actions of other people, including, for instance, protecting her/his family, close colleagues or community neighbours.

Individual and collective protections are interrelated because protection is always for, against, and from someone. In this regard, participants highlighted that:

- Risks for individuals and communities are intertwined. Whenever a community leader is affected, so is the whole community, and vice-versa;
- Individualised and vertical leadership increases risks;
- Raising the profile of leaders, which is often used to the political cost of aggressions, can also turn them into an easier target;
- Strengthening the capacity of communities, their social fabric and their organisational capacities is fundamental.
- When communities have a strong social fabric, they increase their capacity to take collective action, which decreases the level of risk.

4. Challenges related to national protection mechanisms

The adoption of the UN Declaration on HRDs in 1998 paved the way for the creation of national mechanisms to protect defenders. National protection mechanisms usually consist of structures controlled by the government and that HRDs at risk may approach.

Participants highlighted the following challenges faced and posed by national protection mechanisms:

- HRDs' engagement with national protection mechanisms is frequently scarce and challenging;
- The implementation gap that exists regarding existing mechanisms;
- Asian and African mechanisms are virtually non-existent;
- National mechanisms often adopt prescriptive, securitised and police-like approaches to protection;
- National mechanisms focus on reactive rather than preventive measures;
- State institutions tend to protect the cases for which simple measures and actions can be taken;



Participants take part in a workshop during the event

Diversity needs to be built in within any protection mechanism, which should also address the manifold dimensions related to the protection of HRDs.

They further stressed that national mechanisms should be accompanied by comprehensive public policies for the protection of HRDs, which particularly:

- adopt a preventive approach to protection, more focused in its role of protecting the right to defend human rights;
- address the fight against impunity;
- promote a legal environment that is enabling (i.e. by repealing restrictive legislation to the defence of human rights instead of just taking isolated measures to address specific cases of criminalisation of HRDs).

Issues related to the attitudes HRDs and protection stakeholders should adopt towards states are also linked to debates about national mechanisms.

Although states are often responsible for human rights violations, actions can hardly be built without involving them. A more collective framework, fostering collaboration amongst protection stakeholders is therefore needed to better and truly incite states to fulfil their obligations.

Finally, when states remain oblivious to HRDs’ concerns, regional mechanisms very often represent the only way to bring the state to the table.

5. Building capacities of HRDs

Building HRD capacities has been one of the main objectives of protection actors over the past decade.

Participants highlighted the need to tackle the existing gap between protection stakeholders’ and HRDs’ approaches to capacity building.

On the way capacity building is being or should be carried out, a number of points of agreement emerged:

| Capacity building <i>disempowers</i> when... | Capacity building <i>empowers</i> when... |
|---|--|
| ⇒ it is prescriptive and paternalistic. | ⇒ community (collective dimension) and culture are taken into account. |
| ⇒ it is conceived as a to-do list. | ⇒ risk analysis is used as a tool and not regarded as an output. |
| ⇒ it only focuses on high risks, thus paralysing any action. | ⇒ it focuses on what HRDs can change. |
| ⇒ it is standardised and not contextualised. | ⇒ it aims to develop protection strategies that strengthen communities or social movements as a whole. |
| ⇒ It only focuses on building HRDs’ capacities to protect themselves. | ⇒ It is regarded as a means to an end, not an end in itself. |

6. Narratives against HRDs

For all participants, smear campaigns against HRDs, legitimising perpetrators’ and states’ actions alike, are one of the biggest challenges faced by the human rights community. These narratives not only

hinder the efforts of many protection stakeholders and initiatives in many countries, but can also trigger aggressions. Furthermore, it was noted with concern that protection initiatives emerging from civil society and protection stakeholders often lack strategies to counter these negative narratives towards HRDs.

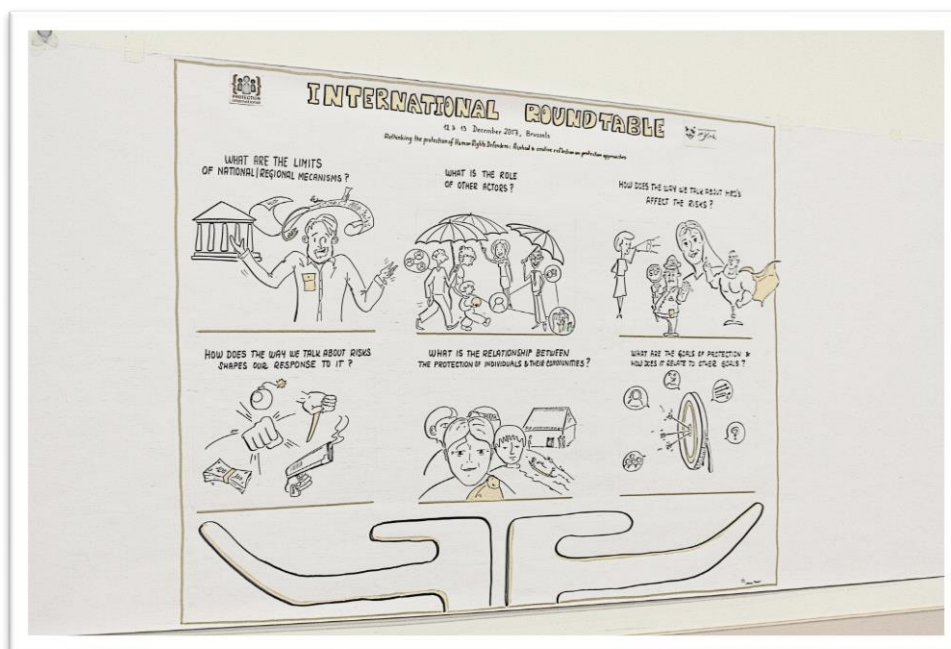
Protection stakeholders' narratives about HRDs also have flaws, notably when they focus on individual HRDs, portraying them as 'heroes'. As proposed during the discussion, these narratives should tell about the rights and values HRDs defend rather than their individual actions. The way protection actors approach risk can also shift attention from perpetrators to the responsibility of HRDs only.

Participants called for the development of new narratives that emphasise the right of everyone to defend human rights, and that can appeal to a wider spectrum of audiences. For this, more research is needed on how civil society perceives HRDs and on how the media portray them.

7. How to address the root causes of aggressions against HRDs? Protection as a means to an end

The fundamental challenge debated by the participants is how to address the root causes of aggressions against HRDs. Impunity and the need for criminal investigations that effectively identify and prosecute aggressors appeared as a cross-cutting issue.

Some participants pointed out the fact that specific measures against impunity should be included in any public policy or mechanism aiming to protect HRDs, going beyond their current focus on risk analysis. Others stressed the need to integrate the impact of non-state actors in risk analysis and design protection strategies addressing power dynamics, which are at the heart of the risks HRDs face.



The artist Catherine Focant sketched the ideas coming out of the meeting

WAYS FORWARD FOR THE PROTECTION OF HRDs

This section presents the main proposals for action that emerged from the discussions on how to tackle them and move forward. For clarity, these proposals have been gathered under key topics.

Protection mechanisms

- ⇒ Go beyond the narrow approach focused on risk analysis of individual HRDs, and develop **comprehensive public policies for the protection of the right to defend human rights**. As such, protection should be understood not as a technical know-how, but rather as a political shift toward the safe exercise of human rights work.
- ⇒ Have an **intersectional approach** to protection mechanisms, and include families in protection measures.
- ⇒ Go **beyond immediate security concerns** of community or group leaders considered to be most at risk, and address the protection needs of the entire community or group to design collective protection measures and strategies;
- ⇒ Facilitate and **strengthen access** of HRDs to regional protection mechanisms.
- ⇒ Develop **protocols for independent investigation** related to aggressions against HRDs (including their root causes), with the fight against impunity as one of the pillars of HRD protection. Consensus amongst lawyers, judges and HRDs should be reached on the key elements such protocols should include.

Learning and capacity building within the HRD protection sector

- ⇒ Carry out **systematic research** on successful attacks against HRDs and share the investigation results with the aim to draw lessons learned.
- ⇒ Develop **indicators** to monitor the effectiveness of different protection strategies.
- ⇒ Create new spaces to analyse the link between power dynamics, protection and social movements.
- ⇒ Create permanent, online and offline spaces for inter-disciplinary and peer learning on protection activities.
- ⇒ Create new spaces for sharing good practices and build common methodologies.

Building coalitions and networks, strengthening social fabric and movements

- ⇒ **Design collaborative ways** of working that take into account diversity and prevent competition between HRDs and protection stakeholders.
- ⇒ **Foster exchanges between HRDs and communities** to learn from each other and discuss protection strategies.
- ⇒ Shift the focus from individual HRDs to their communities or groups, and their link to local and national networks.

- ⇒ Develop a better understanding of why and when solidarity between HRDs and protection stakeholders breaks.

Countering narratives against HRDs

- ⇒ Investigate how the general public perceives HRDs and the work they do in order to develop strategies for countering narratives against HRDs.
- ⇒ Convene groups of actors outside human rights' echo chamber, to examine narratives on human rights defenders, movements and organisations, and come up with new ideas on possible approaches and strategies for a narrative change. This exercise should also pay particular attention to 'almost closed', 'closing' and 'open but contested' environments or countries.
- ⇒ **Highlight the values HRDs protect** rather than the individual actions they perform.
- ⇒ Get a good understanding of how the media discourse on HRDs is shaped.
- ⇒ Bring the commonly agreed positive narrative on HRDs to external actors.
- ⇒ **Educate journalists** about HRD protection.

How to engage with States?

- ⇒ Keep insisting on the **responsibility of states** and create a more collective framework between protection stakeholders to pressure states to respect their obligations to protect both HRDs and collective groups at risk and, more generally, the right to defend human rights.
- ⇒ Engage and work with state officials that are willing to help.
- ⇒ Engage with **police and security forces**; when possible, go further and train them.

Collective protection

- ⇒ Embrace the concept of collective protection as the way to strengthen social movements, communities and other collective groups that defend human rights.
- ⇒ **HRD protection actors need to act from the ground** with the HRDs, their communities and grassroots organisations, and all actions at national and international levels need to start from the ground.
- ⇒ Recognise the need to **coordinate individual and collective protections**, as they are interrelated and complementary in every specific context.
- ⇒ **Strengthen the protection of territories**, not only in their geographical dimension but also in their socio-economic and cultural dimensions.
- ⇒ Advocate for **awards to be given to collective groups** and not only to individuals.

How to engage with business?

- ⇒ Engage with **investors concerned about the situation of HRDs**, as a way to influence the corporate behaviour on HRD protection.
- ⇒ Advocate for the creation of an 'HRD-protection compliance certificate' for both companies and financial institutions.

{ CONCLUSION

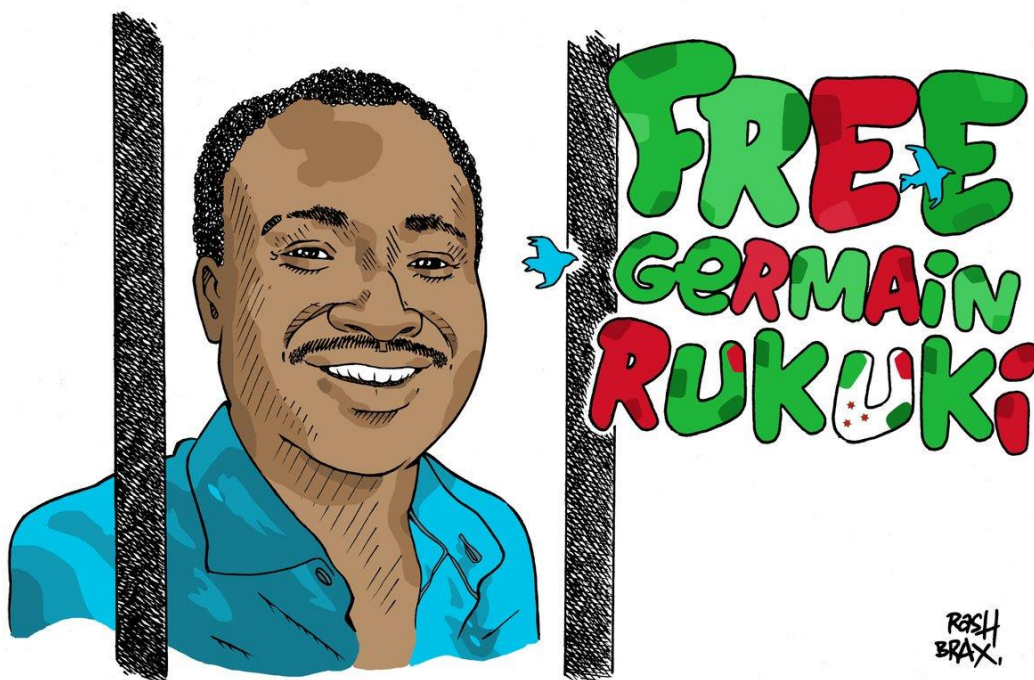
Through this international roundtable, **Protection International** and **CAHR** offered a participatory platform for key actors to discuss, exchange and design new ways forward on the defence of human rights and protection of HRDs.

The next steps should be that the proposals and recommendations made by the participants materialise and that collaboration between different human rights stakeholders is strengthened. We believe that spaces such as this roundtable are key to achieve what should essentially be a collective and collaborative endeavour.

All actors concerned by human rights defenders work and protection, from HRDs themselves, grassroots organisations, CSOs, practitioners, academics to policy makers, are strongly encouraged to take up these recommendations and engage in innovative collaborations for a better protection of human rights defenders.

Protection International and **CAHR** wish to thank all participants again for such a rich and fruitful encounter, and also welcome any feedback or comments on this report, as a way to carry on the discussion.

Participants to the event expressed solidarity and joined the international campaign calling for the release of HRDs facing spurious charges in Burundi, including Germain Rukuki, unlawfully charged with "rebellion and endangering of state security" and in detention since 13th July 2017. See #rukuki



“We are the sentinels of human rights protection, for which we must work together hand in hand”

- **Dr. Mukwege**, Congolese gynaecologist, laureate of the Sakharov Prize for Freedom of Thought 2014.

“We must join our efforts into a global coalition of human rights defenders, to raise awareness on who they are and what they do and finally change the narrative driven by smear campaigns against them”

- **Mr. Michel Forst**, UN Special Rapporteur for human rights defenders.

Watch the video of the roundtable <https://bit.ly/2MBS7yg>



This roundtable is part of Protection International's campaign ***Communities are human rights defenders*** marking the **20th anniversary of the Declaration on human rights defenders.**

The objective of this campaign is to change the narrative on HRDs towards the recognition of their collective work and achievements.

#CommunitiesareHRDs



Protection International,
Rue de la Linière 11, B-1060 Brussels, Belgium

Tel: +32 2 609 44 05

Fax: +32 536 19 82

ao@protectioninternational.org

www.protectioninternational.org

