



PROTECTING AND SUPPORTING HUMAN RIGHTS DEFENDERS

Public Guidelines of the
Foreign Ministry of Finland
on the implementation of the
European Union Guidelines on
Human Rights Defenders



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Foreword

The objective of Finnish foreign policy is to promote the rule of law, democracy and human rights. Supporting and protecting human rights defenders is an important part of this objective. These guidelines for the implementation of the European Union Guidelines on Human Rights Defenders have been prepared to further strengthen the work of the Foreign Ministry of Finland in supporting human rights defenders.

Human rights defenders work to promote the realisation of human rights around the world. They highlight human rights violations and demand that public authorities take action to ensure the realisation of human rights. Human rights defenders also play an important role in preventing conflicts. They report on the inequality, discrimination and flagrant human rights violations that often underlie conflicts.

Awareness of the work done by human rights defenders has increased globally in recent decades. Nevertheless, in many countries they still work at risk to their own safety, and even their lives. They need support and protection. Finland's objective is to bring about an environment in which human rights defenders can act freely and safely. This also helps promote the general improvement of the human rights situation in the host country.

As women human rights defenders are often in a difficult position, in many countries it is necessary to provide particularly active support for their work. Another area of priority is to support human rights defenders who promote the rights of the most vulnerable individuals and groups.

There is no single all-purpose model for supporting human rights defenders that is applicable to all situations. In addition to knowing the country and region concerned, it is important to respect the human rights defenders' own assessments of the situation. After all, they are the best experts in their own area of activity and situation. Cooperation under the framework of EU and international organisations as well as bilateral dialogue are Finland's key channels for influencing the situation of human rights defenders.

These guidelines are based on the European Union Guidelines on Human Rights Defenders and the priorities outlined in the Human Rights Strategy of the Foreign Service of Finland. The most important objective of these guidelines is to encourage all staff members of the Foreign Ministry of Finland around the world to support human rights defenders and engage in active dialogue with them. These guidelines are intended to be used as a practical tool that supports these efforts. They have been prepared in close cooperation with diplomatic missions, as they also play a crucial role in the field.

With these guidelines, I encourage everyone in the Foreign Ministry of Finland to take an active role in supporting and protecting human rights defenders.



Erkki Tuomioja

Minister for Foreign Affairs



1 Introduction

Support for human rights defenders is already a long-established element of the European Union's external relations policy. The European Union Guidelines on Human Rights Defenders are intended to promote and encourage respect for the right to defend human rights. The guidelines can be used in contacts with third countries at all levels as well as in multilateral human rights fora. The EU also has several other guidelines supporting the promotion of human rights that can be utilised¹.

These public guidelines for diplomatic missions on protecting human rights defenders have been prepared on the basis of the EU guidelines and in accordance with the objectives outlined in the Human Rights Action Plan of the Foreign Ministry of Finland². They are **intended to encourage Finnish diplomatic missions to take an active role in promoting an enabling environment and the capacity of human rights defenders as well as to promote human rights.**

¹ Incl. EU Human Rights Guidelines on Freedom of Expression Online and Offline; Guidelines to Promote and Protect the Enjoyment of all Human Rights by Lesbian, Gay, Bisexual, Transgender and Intersex (LGBTI) Persons; EU Guidelines on Torture and Other Cruel Treatment; EU Guidelines on Violence against Women and Girls; EU Guidelines on Human Rights Dialogues with non-EU Countries.

² "...prepares public guidelines on the practical implementation on the EU's Guidelines on Human Rights Defenders for diplomatic missions." Human Rights Action Plan of the Foreign Service of Finland 2013–2015, p. 18.



2 Who is a human rights defender?

The most important international instrument for defining a human rights defender is the UN Declaration on Human Rights Defenders³ adopted in 1998. Article 1 of the Declaration states that “everyone has the right, individually and in association with others, to promote and to strive for the protection and realisation of human rights and fundamental freedoms at the national and international levels”. Based on the Declaration, **a human rights defender is anyone who, alone or in association with others, works peacefully and non-violently to promote and protect human rights.**

Supporting the work of human rights defenders can promote their position and opportunities for participation and action, which in turn can improve the human rights situation of the country concerned. The overall objective is to bring about an environment in which human rights defenders can act safely and freely.



Finland supports the work of human rights defenders in Afghanistan through Finnish NGOs by means of funding for civil society organisations. The activities include, for example, the promotion of women’s rights and the work of female journalists. Photo: Laura Rantanen.

³ UN Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognised Human Rights and Fundamental Freedoms.



3 Focusing on the most vulnerable groups and the human rights defenders who promote their rights

Promoting opportunities for participation and action for human rights defenders is a priority for Finland. The focus is to highlight challenges faced by the most vulnerable groups and the human rights defenders who promote their rights.



In August 2014, the Ministry for Foreign Affairs of Finland and the Embassy of the United States organised an event to discuss the promotion of the rights of persons with disabilities internationally. In the photo Minister for Foreign Affairs Erkki Tuomioja, Special Advisor for International Disability Rights Judith Heumann, Ambassador of the United States Bruce Oreck and Director of the Threshold Association Kalle Könkkölä. Photo: Raino Heinonen

All human rights – civil and political rights as well as economic, social and cultural rights – are of equal value and interdependent. The efforts of human rights defenders focused on civil and political rights and economic, social and cultural rights are equally important. Local and national situations and contexts have an effect on the focus areas of human rights defenders.

The Human Rights Strategy of the Foreign Ministry of Finland states that women, children, minorities, indigenous peoples and persons with disabilities are often in a weaker position than the rest of the population.

Women and girls, for example, are in a highly vulnerable position in many countries. Women human rights defenders may encounter more challenges when taking an active role in society. This is particularly so when working with issues that are perceived as sensitive or taboo, such as violence against women or sexual and reproductive health and rights. The work of LGBTI rights defenders can be made more difficult by negative attitudes and social stigma. When working with human rights defenders, it is also important to remember that multiple discrimination is commonplace. For example, women with disabilities face discrimination due to both their disability and their gender. When assessing the area of activity and working with human rights defenders, it is important to use a gender-sensitive approach.

While global awareness of the work done by human rights defenders has increased in recent decades, they still face major challenges in their advocacy work. Efforts by some countries to restrict the work of human rights defenders by, for example, enacting laws or administrative regulations that restrict NGO activities are a cause for concern. Such measures require human rights defenders and those who support them to find new ways of conducting their activities.

Recognising the work of human rights defenders helps keep the issues they advocate on the political agenda. Human rights defenders themselves stress the importance of cooperation and support in challenging environments. In the worst cases, their safety or the safety of their family members may be at risk. Human rights defenders who are active in fragile and conflict situations are in a particularly vulnerable position and need support.

It is important for the Foreign Ministry of Finland, and the Finnish diplomatic missions in particular, to recognise and identify the risks faced by human

rights defenders. The starting point is that the human rights defenders' own assessment of the situation is heard and respected. The annual planning and target-setting process of diplomatic missions should take into account the assessment of the operating environment of human rights defenders as well as networking and cooperation opportunities with human rights defenders.

In bilateral dialogue with the host state's administration, questions pertaining to human rights defenders are brought up in consideration of the state's human rights situation. The availability of financial and human resources has an impact on the operating capacity of the diplomatic missions. Another important consideration is how Finland is represented in the state in question (in particular whether Finland has a diplomatic mission in the state or representation is realised through side accreditation).

Cooperation within the framework of the EU is a key channel for Finland. In political dialogue Finland participates actively in the EU's human rights defender work and its development at the country level. An example of good practices is the EU's country-level human rights defender working groups. It is important to coordinate the actions of these groups with other EU activities, such as the work of the heads of diplomatic missions. Acting through **Nordic cooperation** is a natural channel for Finland. Cooperation and influence together with other like-minded countries is also important.

Working through **the UN and other international organisations** increases the effectiveness of actions. Finnish representations in international organisations and cooperative bodies play an important role. Finland promotes support for and protection of human rights defenders – for example in the UN, the OSCE and the Council of Europe. In the work in these organisations, Finland takes into account the situation of human rights defenders in Finland's addresses and statements and participates in the meetings and thematic work in this field, among other measures. Finland can also participate in the work carried out by the UN and regional organisations to support human rights defenders at the country level.

The situation of human rights defenders is taken into consideration in the UN's Universal Periodic Review (UPR) process. Finland considers the work of the UN-

Special Rapporteur on the situation of human rights defenders⁴ to be very important. Finland also supports the access and participation of human rights defenders in international organisations, including their interaction with the treaty-monitoring bodies that monitor the implementation of the UN's human rights treaties.



The Finnish embassy on a field visit with the UNDP, meeting the personnel of the office of Nepal's National Human Rights Commission and local human rights defenders in Pokhara. Photo: Merja Lahtinen

Human rights work carried out by regional organisations is supported. Regional human rights norms should aim at human rights protection that exceeds the UN's level. In Europe, in addition to the Guidelines on Human Rights Defenders adopted by the EU, the OSCE/ODIHR (Office for Democratic Institutions and Human Rights) has prepared public Guidelines on the Protection of Human Rights Defenders. Cooperation with international non-governmental organisations also plays a key role.

When a human rights event is organised in Finland, with human rights defenders invited from different countries, the organiser is advised to contact the Ministry for Foreign Affairs and the Finnish diplomatic missions in the countries in question well in advance regarding visa applications to ensure that the practical arrangements can be made without problems. The authorities consider visa applications based on the criteria governing entry permits.

⁴ Website of the UN Special Rapporteur on the situation of human rights defenders: <http://www.ohchr.org/EN/Issues/SRHRDefenders/Pages/SRHRDefendersIndex.aspx>

4 Examples of best practices used by diplomatic missions to support the work of human rights defenders

Meetings and events

Lunch and breakfast meetings with human rights defenders. Where possible, in cooperation with EU Member States, the Nordic countries, and other like-minded countries.

Organising speaking events and participation in events organised by human rights defenders.

Taking note of theme days, such as Human Rights Day by, for example, organising events.

Cooperation

Participating in the EU delegation's human rights activities, particularly in human rights defender working groups.

Cooperation with NGOs, such as supporting training seminars, including in the fields of capacity development and assessment of security challenges and risks.

Cooperation and exchange of information with the human rights focal points of the UN's country team.

Field trips, in cooperation with other stakeholders where possible.

Cooperation with education institutions in, for example, the form of human rights courses for students.

Closer cooperation between the Human Rights Policy Unit, Consular Services, regional departments and diplomatic missions when a human rights defender is at risk in his or her own country.

Diplomatic mission

Appointing a human rights contact person and including this information on the diplomatic mission's website (note that having this information online is not possible in every country, in which case contact is made through the diplomatic mission's general contact details).

Link to the EU guidelines on the diplomatic mission's website, in the local language if possible.

Considering accessibility in communications by, for example, arranging interpreting in minority languages and sign language at events.

Ensuring accessibility at events.

Arranging videoconferences between the diplomatic mission and the ministry, together with human rights defenders, to discuss current issues.

Making information available to human rights defenders regarding their rights and the tools available to them.

Financial and political support

Using Local Cooperation Funds (LCF) to support the work of human rights defenders in countries where the LCF instrument is available.

Organising events and participation in events organised by human rights defenders.

Supporting local human rights defender coalitions.

Participating in the monitoring of trials concerning human rights defenders.

Influence and visibility

Active use of social media, such as utilising Facebook and Twitter to reach different target groups.

Influencing through the media, such as newspaper articles and radio programmes.

Participating in events such as Pride parades and flying the rainbow flag.

5 Forms of financial support

Finland uses a variety of financial instruments to support the work of human rights defenders. The majority of these fall under development cooperation, which means that the availability of financial instruments depends on the geographic area of activities. Local legislation may also affect their use.

The work of human rights organisations can be supported by using Local Cooperation Funds (LCF) managed by diplomatic missions. Local NGOs can apply for LCF funding from diplomatic missions. According to the LCF instructions⁵, it is recommended that the selection of LCF projects should take into consideration the promotion of the rights of priority groups such as women, persons with disabilities, LGBTI persons, minorities and indigenous peoples.

EXAMPLE OF AN LCF PROJECT:

Finland uses Local Cooperation Funds (LCF) to support organisations such as the National Coalition of Human Rights Defenders – Kenya. The coalition supports human rights defenders in many ways. For example, by providing legal and psychological assistance, visiting detained and/or imprisoned human rights defenders, and protecting at-risk human rights defenders by, for example, supporting their relocation. The coalition plays a significant role in promoting cooperation and networking between human rights defenders in Kenya as well as elsewhere in East Africa. The coalition has also provided protection to human rights defenders who have fled other East African countries for Kenya. The coalition's support has allowed some human rights defenders to continue their human rights advocacy while in exile.

⁵ Internal Instructions for Funds for Local Cooperation, 2014.

It is important to support human rights defenders who defend the rights of groups that are vulnerable to exclusion and discrimination, even in rural areas and far from the capital. LCF and NGO cooperation provide effective tools for this, as NGOs can utilise their networks to reach remote areas.

Finland also supports the human rights and democracy work of international non-governmental organisations (INGO). INGOs have partner organisations at the country level and they can support the work of human rights defenders at the local level. Networking and partnerships with INGOs also help provide increased influence and protection for local human rights defender organisations.

In addition to actual human rights projects, human rights defenders can also be involved in projects in different sectors in the role of partners or consultants.

EXAMPLE OF AN INGO PROJECT:

One example of Finnish support for the work of human rights defenders is the INGO support given to the International Federation for Human Rights (FIDH). FIDH, which has its headquarters in Paris, engages in active human rights monitoring and reporting. As part of its activities, it sends representatives on human rights information-gathering trips to various countries. Finland supports FIDH's operations, which are aimed at providing safe operating environments for human rights defenders and increasing the capacity of NGOs to promote the realisation of human rights.

6 Support and protection for human rights defenders at risk

Finland supports human rights defenders at risk in accordance with the EU guidelines. The starting point is to aim at influencing the host country's authorities through political dialogue, bilaterally or, in many cases, via the EU. The goal is to urge the government to provide safety and freedom for human rights defenders who are active in their territory. In cases in which human rights defenders are subject to threats and persecution by the government, the focus is on highlighting the issue with the authorities in an effort to influence the situation. In some cases, contacting a diplomatic mission and receiving international attention can provide added security. An assessment must be made on the basis of the diplomatic missions' local and regional knowledge of whether the most effective method of exerting influence in each case is public or silent diplomacy. It is essential that the views of the human rights defenders themselves are heard and respected.

Diplomatic missions occasionally receive messages regarding human rights defenders in extreme distress. In the most serious cases, the human rights defender's life may be at risk. The diplomatic mission must forward information on such cases to the ministry using secure communication channels at their discretion. Avoiding unsecure e-mail messages is recommended. As a rule, these types of situations call for cooperation with the EU. National actions may be justified in certain cases, for example for family reasons.

Human rights defenders often wish to continue their activity either in their home country or a neighbouring country. In such cases the diplomatic mission may, where possible and within the limits of the law, assist the human rights defender in relocating within the country or to another country. If a person requests assistance from Finland, the response requires cooperation both within the Foreign Ministry of Finland (including the diplomatic mission, the regional department, the Political Department, Consular Services and Ministers' offices) and between branches of administration (namely between the Ministry for Foreign Affairs and the Ministry of the Interior / the Finnish Immigration Service). An application for asylum in Finland can only be filed within Finland's borders. A person may not apply for asylum at a Finnish diplomatic mission abroad.



7 Monitoring and reporting

The extent to which human rights defenders have opportunities to act reflects the human rights situation of the country in question. Cooperating with human rights defenders is an effective way of obtaining information on current issues related to human rights. Political influence must be supported by up-to-date monitoring and reporting on the situation of human rights defenders and the threats they potentially face. Reporting facilitates the allocation of support to human rights defenders (e.g. in the development of capacity for human rights defenders as well as the local authorities and politicians).

Monitoring must be a continuous activity to ensure that it is effective and fulfils its purpose. Cooperation with various actors is a key method that is particularly useful in countries managed via side accreditation where the diplomatic mission is not physically present.

Reporting on the situation of human rights defenders must be included in the diplomatic mission's annual target-setting and monitoring as well as routine human rights reporting. This is particularly important in countries in which human rights defenders are in a difficult position. Reporting is also carried out as an integral part of the monitoring of the human rights strategy and action plan of the Foreign Ministry of Finland.

An example list of issues to be highlighted and monitored in reporting, as well as information sources, is provided in Annex 1.

Where possible, monitoring and reporting should be supported by field trips, which should be particularly focused on meetings with human rights defenders who work in remote areas far from the capital. Cooperation with NGOs also plays a key role. Diplomatic missions can also cooperate with representatives of local and international media. It is important for diplomatic missions to also distribute information and be active in maintaining contact with human rights defenders. The goal is to provide them with information on current human rights issues and the measures taken by Finland to support human rights defenders.



8 Support for diplomatic missions

In addition to these guidelines, the key instruments for diplomatic missions include the European Union Guidelines on Human Rights Defenders, the Human Rights Strategy and Action Plan of the Foreign Ministry of Finland and the Development Policy Action Plan. The Human Rights Policy Unit of the Ministry for Foreign Affairs provides support in human rights issues. The Ministry can also provide advice to diplomatic missions remotely by video and teleconference. Where possible, regional training events are organised to allow several diplomatic missions to participate.

The ministry engages in active cooperation and organises training events with human rights defenders, particularly in Helsinki. Diplomatic missions are also encouraged to be active and organise training events.



Participation in Pride events by the staff of diplomatic missions is one effective way of supporting the work of human rights defenders advocating for LGBTI rights. Photo: Teemu Särkelä.



Useful links:

The Human Rights Strategy of the Foreign Service of Finland and the Human Rights Action Plan of the Foreign Service of Finland 2013–2015:

<http://formin.finland.fi/Public/default.aspx?contentid=282901&contentlan=1&culture=fi-FI>;

Government Report to Parliament on the Human Rights Policy of Finland:

<http://formin.finland.fi/public/download.aspx?ID=69310&GUID={0AFC392E-12BD-41C4-927C-257A392DB382}>

Development Policy Action Plan of Finland:

<http://formin.finland.fi/public/download.aspx?ID=91847&GUID={8FF2E517-F1D2-477F-AB6D-206155DD1C5F}>

European Union Guidelines on Human Rights Defenders:

<http://www.consilium.europa.eu/uedocs/cmsUpload/GuidelinesDefenders.pdf>

Other EU guidelines:

EU Human Rights Guidelines on Freedom of Expression Online and Offline:

http://eeas.europa.eu/delegations/documents/eu_human_rights_guidelines_on_freedom_of_expression_online_and_offline_en.pdf

EU Guidelines to Promote and Protect the Enjoyment of all Human Rights by Lesbian, Gay, Bisexual, Transgender and Intersex (LGBTI) Persons:

http://www.consilium.europa.eu/uedocs/cms_Data/docs/pressdata/EN/foraff/137584.pdf

EU Guidelines on Torture and Other Cruel Treatment:

http://eeas.europa.eu/human_rights/guidelines/torture/docs/20120626_guidelines_en.pdf

EU Guidelines on Violence against Women and Girls:

<http://www.consilium.europa.eu/uedocs/cmsUpload/16173cor.en08.pdf>

EU guidelines on human rights dialogues with nonEU countries:

http://europa.eu/legislation_summaries/human_rights/human_rights_in_third_countries/r10109_en.htm

OSCE/ODIHR Guidelines on the Protection of Human Rights Defenders:

<http://www.osce.org/odihr/119633>

UN Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognised Human Rights and Fundamental Freedoms:

<http://www.ohchr.org/EN/Issues/SRHRDefenders/Pages/Translation.aspx>

UN Special Rapporteur on the situation of human rights defenders and the guidelines and other materials available on his website:

<http://www.ohchr.org/EN/Issues/SRHRDefenders/Pages/SRHRDefendersIndex.aspx>

EIDHR materials concerning support for human rights defenders:

<http://www.eidhr.eu/human-rights-defenders>

Links to guidelines on human rights defenders by other countries:

The Netherlands: <http://www.government.nl/issues/human-rights/documents-and-publications/reports/2012/06/15/action-plan-for-human-rights-defenders.html>

Norway: http://www.regjeringen.no/en/dep/ud/documents/handbooks_brochures/2010/hr_defenders_guide.html?id=633052

Switzerland: <http://www.eda.admin.ch/eda/en/home/doc/publi/ppese.html>

Links to INGO websites:

FIDH: <http://www.fidh.org/en/>

International Commission of Jurists: <http://www.icj.org> Front Line Defenders: <http://www.frontlinedefenders.org/> ILGA: <http://ilga.org/>

Minority Rights Group: <http://www.minorityrights.org/>

Information on Finnish human rights organisations and operators is available on the website of the Advisory Board on International Human Rights Affairs:

<http://formin.finland.fi/public/default.aspx?contentid=208099&culture=fi-FI>

ANNEX 1:

Examples: questions for monitoring and reporting, cooperation partners and information sources

- Who are the human rights defenders in the country (organisations and individuals)?
Are they part of a national or international network of human rights defenders?
- What are the conditions and general atmosphere in the country with respect to human rights advocacy? This refers to any legislation, operating models and practices that restrict the activity of human rights defenders.
- How common is dialogue between the authorities, human rights defenders and civil society? Do the authorities facilitate the participation of civil society in public hearings and open debates?
- What measures are implemented in the country by the authorities to protect human rights defenders? Are human rights defenders protected by law? Is such legislation actively applied?
- Are there legal obstacles to the independence, right of assembly, right of association and freedom of expression of human rights defenders?
- What are the concrete challenges faced by human rights defenders, such as insufficient financial resources, technical skills (such as online security) and knowledge (of matters such as the legal rights of human rights defenders and the latest human rights developments in the country concerned and internationally)?
- What degree of capacity and willingness do the authorities have to investigate violations against human rights defenders (how common is impunity)?
- To what extent do local UN offices, other international and regional organisations and the diplomatic missions of other countries work to promote the protection of human rights defenders?

Examples of cooperation partners and information sources:

- Local human rights defenders
- National and regional networks of human rights defenders
- National independent human rights institutions
- UN offices, particularly the Office of the High Commissioner for Human Rights (OHCHR) and/or UN human rights advisers
- Regional organisations
- Diplomatic missions of like-minded countries
- National public institutions (government ministries, legal ombudsmen/special advisers, committees), national research institutes and universities
- UN reports and recommendations, particularly materials produced by the Special Rapporteur on the situation of human rights defenders. The country's own reporting with respect to the UPR under the Human Rights Council.
- Reports and recommendations produced by regional mechanisms
- Remarks and initiatives by the authorities in national and international discussion forums
- Human rights reporting in local and international media
- International human rights organisations operating in the host state

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