



# Legislators and Human Rights Defenders



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## Credits

Published by Protection International in 2011  
Rue de la Linière 11  
B-1060 Brussels, Belgium

First Edition: *Legislators and Human Rights Defenders*

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Design and layout: Steve Ashton  
Printed by: édition & imprimerie

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Electronic copies can be downloaded, free of charge, from:  
**www.protectionline.org**

*Legislators and Human Rights Defenders*  
ISBN: 978-2-930539-24-9



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# 1: Protection and Support for Human Rights Defenders

## 1.1. What is a Human Rights Defender?

The term “Human Rights Defender” is used to refer to anybody who, individually or together with others, works towards promoting and protecting human rights<sup>1</sup>.

Human Rights Defenders are above all recognised by what they do. They work to promote, protect and implement civil and political rights, as well as economic, social and cultural rights.

“Human Rights Defenders are involved in all sorts of situations relating to human rights, for instance summary executions, torture, arbitrary arrest or imprisonment, female genital mutilation, discrimination, employment issues, forced eviction, access to healthcare or even toxic and harmful waste and the environmental consequences thereof. They champion basic human rights as diverse as the right to life, food and water, the right to better healthcare which may be prevented, the right to adequate housing or accommodation, to a name and nationality, education, freedom of circulation and non-discrimination.

Human Rights Defenders on occasion, also deal with certain specific categories of people, for instance, women, children, indigenous people, refugees and displaced persons, in addition to national, linguistic and sexual minority groups.

Human Rights Defenders are active throughout the world and strive to promote and protect human rights in all sorts of difficult contexts relating, notably, to HIV and AIDS, development, migration, structural adjustment policies and political transition<sup>2</sup>.”

This definition excludes **individuals or groups who commit acts of violence or who support the use of violent means in order to achieve their objectives.**

*“Human Rights Defenders  
work in favour of  
democratic development  
in order to increase the  
participation of citizens  
in making decisions  
concerning their own  
existence and to consolidate  
good governance.”*



**Through their active commitment, Human Rights Defenders are frequently the targets of acts of repression** perpetrated by States or by private or para-State groups acting in complicity with States.

Human Rights Defenders are in many countries targeted by attacks such as murders, forced kidnapping, arbitrary arrests, imprisonment, torture, improper treatment, retaliation against family or friends, death threats, defamation campaigns, adoption of restrictive legislation in terms of the freedom of association, expression and gathering.

1 <http://protectionline.org/files/2013/02/UN-Factsheet-29-Human-Rights-Defenders-Protecting-the-Rights-to-Defend-Human-Rights.pdf>

2 ibid

Human Rights Defenders have gained increased acknowledgement and recognition over the years, notably due to the appointment of a Special Representative of the UN Secretary-General for Human Rights Defenders, and subsequently owing to the creation of a Special Rapporteur on the situation of Human Rights Defenders.

This recognition is in large measure the result of the work undertaken by Non-Governmental Organisations for the protection of Human Rights.

Nevertheless, acts of harassment perpetrated against Human Rights Defenders remain prolific and there has been a general increase in the various forms of arbitrary acts perpetrated globally, which makes the activities undertaken by Human Rights Defenders increasingly difficult and risky. It is therefore important to **ensure the safety of Human Rights Defenders and to protect their rights.**



Throughout many countries, combating terrorism and organised crime is taken as a pretext to stigmatise and criminalise Human Rights Defenders. **Over the last decade, legal harassment of Human Rights Defenders has become one of the major means of repression against them.**

People working to defend economic, social and cultural – as well as environmental – rights are often the targets of attacks.

*Legislators contribute towards promoting the Declaration and ensure that Governments implement recommendations issued by the Special Rapporteurs to the UN and regional mechanisms.*

**The risks for Human Rights Defenders increase when they work in conflict zones or in countries where acts perpetrated against them go unpunished.**

Confronted with such a situation, the development of **policies and mechanisms to protect and support Human Rights Defenders must be a priority in order to allow these people to continue their essential work to promote and defend human rights.**

## 1.2. International, regional and national mechanisms to protect Human Rights Defenders

### *International Law*

All UN Member States have a responsibility to protect Human Rights Defenders in accordance with International Law and specific legally binding commitments undertaken in favour of Defenders. Civil authorities and law enforcement forces in each country are primarily responsible for protecting Human Rights Defenders.

On 9 December 1998, after 12 years of negotiations, UN General Assembly adopted by consensus the Resolution 53/144 or the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognised Human Rights and Fundamental Freedoms<sup>3</sup>.

In April 2000, the UN also created a supervisory mechanism, i.e. the Special Representative of the Secretary General for Human Rights Defenders, which in 2008 became the Special Rapporteur on the Situation of Human Rights Defenders, a post currently held by Mrs Margaret Sekaggya, a Ugandan magistrate (Chair of the Ugandan Commission on Human Rights from 1996 to 2008).

3 <http://protectionline.org/2009/11/30/un-declaration-on-the-right-and-responsibility-of-individuals-groups-and-organs-of-society-to-promote-and-protect-universally-recognized-human-rights-and-fundamental-freedoms/>

In the framework of this mandate, the primary duties of the Special Rapporteur<sup>4</sup> are to:

- Seek, obtain and examine information on the situation of human rights defenders;
- Establish cooperation and engage in dialogue with governments and other interested actors by promoting and successfully implementing the Declaration;
- Recommend effective strategies to protect human rights defenders better and follow up on these recommendations;
- Integrate a gender perspective throughout her work.

In performing her remit, the Rapporteur:

- Submits **annual reports** to the Human Rights Council and the General Assembly on particular topics or situations of special importance regarding the promotion and protection of the rights of human rights defenders;
- Undertakes **country visits**;
- Takes up **individual cases** of concern with Governments.

The Special Rapporteur is independent and impartial, and provides decisive support to Human Rights Defenders, thanks to her capacity to act and decry infringements of which the latter may be victim across the globe.

### *Regional mechanisms*

Regional protection mechanisms have also been implemented under the impetus of Mrs Jilani, the Special Representative of the UN Secretary General on the Situation of Human Rights Defenders between 2000 and 2008, continued subsequently by Mrs Sekaggya, the current Rapporteur, and thanks to the actions undertaken by international NGOs. The complementary nature of universal mechanisms with regional mechanisms and the possibilities of cooperation contribute to improving the protection of Human Rights Defenders.

#### **AMERICAS**

In its 1998 annual report, the **Inter-American Commission on Human Rights (IACHR)** highlighted the importance of the work carried out by Human Rights Defenders and recommended to Member States of the Organisation of American States (OAS) the adoption of measures necessary for their protection. On this basis, in June 1999 the General Assembly of the OAS adopted a resolution entitled *Human Rights Defenders in the Americas, support for the individuals, groups, and organisations of civil society working to promote and protect human rights in the Americas* (AG/RES.1671<sup>5</sup>), which has been reiterated on several occasions since. On 7 December 2001, the IACHR created the **Human Rights Defenders Functional Unit** within its executive secretariat. In March 2011, this was transformed into a post of **Rapporteur on the Situation of Defenders of Human Rights**, which since January 2010 is occupied by Commissioner José de Jesús Orozco Henríquez.

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

5 <http://www.oas.org/juridico/english/ga-res99/eres1671.htm>

*“In addition to threats, harassment and attacks against the life and integrity of defenders, the Commission has received reports of increased use of criminal prosecution against them on charges of rebellion, terrorism, sedition and conspiracy, among others, in 2011.”*

In the framework of this mandate, the Rapporteur:

- Provides support to IACHR in analysing attacks perpetrated against Human Rights Defenders and legal operators as referred to him.
- Drafts reports on the situation of Human Rights Defenders and issues recommendations aimed at identifying and developing international standards for the protection of Human Rights Defenders and at guiding States in the implementation of their international obligations.
- Undertakes country visits.
- Participates in activities to promote the protection of Human Rights Defenders.

In the event of imminent danger, the IACHR may issue **preventative measures** to Human Rights Defenders under threat so as to avoid any irreparable harm. The IACHR may also request information from States and issue recommendations thereunto. It is also possible to request that the Inter-American Court adopts provisional protection measures.

For further information go to

<http://www.oas.org/en/iachr/defenders/default.asp>

#### **AFRICA**

The **African Union (AU)** touched on the issue of the protection of Human Rights Defenders in 1999 during its Ministerial Conference on Human Rights in Africa. The **Grand Bay Declaration and Plan of Action** of 16 April 1999 calls upon African Union Member States to take all appropriate measures to implement the United Nations Declaration on Human Rights Defenders<sup>6</sup>.

The **Kigali Declaration** of 8 May 2003 “recognises the key role played by civil society organisations and Human Rights Defenders, in particular in promoting Human Rights in Africa” and “calls upon Member States and regional institutions to protect them and to foster their participation in the decision-making process”<sup>7</sup>.

In November 2003, the **African Commission on Human and People’s Rights (ACHPR)** established a Focal Point on Human Rights Defenders in Africa. A **Special Rapporteur for Human Rights Defenders**<sup>8</sup> was also appointed by a resolution of 4 June 2004, to deal with cases of African Human Rights Defenders. The post is currently occupied by **Mrs Reine Alapini Gansou**.

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6 Grand Bay Declaration and Plan of Action of 16 April 1999 , paragraph 19  
<http://www.achpr.org/instruments/grandbay/>

7 Kigali Declaration of 8 May 2003, paragraph 28 <http://www.achpr.org/instruments/kigali/>

8 <http://www.achpr.org/mechanisms/human-rights-defenders/>

The Special Rapporteur's mandate is to:

- Seek, receive, examine and act upon information on the situation of human rights defenders in Africa;
- Submit reports on the situation of human rights defenders in Africa at every Ordinary Session of the African Commission;
- Cooperate and engage in dialogue with Member States, national human rights institutions, relevant intergovernmental bodies, international and regional mechanisms of protection of human rights defenders, human rights defenders and other stakeholders;
- Develop and recommend effective strategies to protect human rights defenders better and to follow up on his/her recommendations;
- Raise awareness and promote the implementation of the UN Declaration on Human Rights Defenders in Africa.

Furthermore the Special Rapporteur has since November 2007 published the *Letter of the Rapporteur*, a biannual newsletter informing Human Rights Defenders of her activities by outlining issues of interest to defenders.

The ACHPR examines, reports and acts on the basis of information concerning the situation of Human Rights Defenders submitted by the Rapporteur. In practice, since the post of Special Rapporteur was established, the ACHPR has adopted specific resolutions on the protection of Human Rights Defenders in Africa, confirming the protection of their rights via the Charter<sup>9</sup>.

 Non-Governmental stakeholders adopted the **Kampala Declaration** on Human Rights Defenders, during the Conference on Human Rights Defenders in Africa which was held in the Ugandan capital on 23 April 2009<sup>10</sup> at the initiative of the **Network of Human Rights Defenders in the East and the Horn of Africa** which bolstered the protection of Human Rights Defenders in Africa through networking.

For further information go to

<http://www.achpr.org/mechanisms/human-rights-defenders/>

## ASIA

There is no specific mechanism at this time for the protection of Human Rights Defenders in Asia. The recent Intergovernmental Commission on Human Rights (**ASEAN Intergovernmental Commission on Human Rights – AICHR**), the first session of which was held from 28 March to 1 April 2010, does not meet the criteria required for independence and impartiality. It is currently focussed on various issues, with no direct link to the protection of Human Rights Defenders, and moreover seems reticent to accept their contributions and suggestions.

<sup>9</sup> CADHP(XXXI)06 and CADHP/Res.119 (XXXII)07

<sup>10</sup> <http://protectionline.org/2009/05/05/kampala-declaration-of-human-rights-defenders/>

## EUROPE

**The Organization for Security and Cooperation in Europe (OSCE)** has an Office for Democratic Institutions and Human Rights (ODIHR) which is the primary institution responsible for promoting Human Rights and Democracy in the OSCE area. In October 2006, the ODIHR decided to establish a **focal point for Human Rights Defenders and national human rights institutions**<sup>11</sup>.

The focal point follows the situation of Human Rights Defenders closely and aims to promote and protect their interests. It carries out its work in close collaboration and consultation with NGOs and other international organisations, notably the Council of Europe and the UN High Commissioner for Human Rights, including the Special Rapporteur on the situation of Human Rights Defenders.

In its reports on Human Rights in the OSCE region in 2007 and 2008, the Focal Point identified the following priorities:

- i. On the basis of its Guidelines on Freedom of Peaceful Assembly ODIHR conducts monitoring programmes in several countries. Within these programmes, human rights defenders are trained to build their capacity to monitor and report on freedom of assembly.
- ii. In order to assist human rights defenders at risk, the Focal Point further encourages and supports the establishment of networks of human rights defenders and may address individual cases, where appropriate.
- iii. The Focal Point aims to strengthen the relationship between NHRIs and civil society and supports the creation and functioning of newly established institutions.
- iv. The Focal Point provides guidance, advice and technical assistance to NHRIs designated as National Preventive Mechanisms under the Optional Protocol to the UN Convention against Torture.

**The Council of Europe (CoE)**, under the impetus of the **Commissioner for Human Rights** and its Parliamentary Assembly, is moreover involved in stepping up protection and support for Human Rights Defenders. The Commissioner for Human Rights is an independent institution within the Council of Europe, established in 1997.

Its aim is to promote awareness and the observance of Human Rights throughout the 47 Member States of the Council of Europe. Since 2008, it has moreover been responsible for helping improve protection for Human Rights Defenders and for promoting their activities, on the basis of the **“Declaration of the Committee of Ministers on Council of Europe Action to Improve the Protection of Human Rights Defenders and Promote their Activities”**<sup>12</sup>, adopted in late February 2008. The Declaration is the result of a symposium organised in November 2006 entitled “Protecting and supporting Human Rights Defenders in Europe” and of work by the Group of experts on Human Rights Defenders.

11 [www.osce.org/odihr/44936](http://www.osce.org/odihr/44936)

12 <https://wcd.coe.int/ViewDoc.jsp?id=1245887&Site=CM>

Moreover, the Declaration calls on the Commissioner on Human Rights to:

- Continue to act upon information received from human rights defenders and other relevant sources;
- Continue to meet with a broad range of defenders during his country visits and to report publicly on the situation of human rights defenders;
- Intervene with the competent authorities, in order to assist them in looking for solutions to the problems which human rights defenders may face, especially in serious situations where there is a need for urgent action;
- Work in close co-operation with other intergovernmental organisations and institutions, in particular with other existing mechanisms working to protect defenders.

### *European Union mechanisms*

On 15 June 2004, the European Council adopted **Guidelines on Human Rights Defenders**<sup>13</sup> (revised in June 2009). With this tool, the European Union (EU) and its Member States made the protection of Human Rights Defenders a priority of the policies of the EU in terms of Human Rights.

The EU Guidelines on Human Rights Defenders aim to issue concrete suggestions to improve the EU's action in protecting Human Rights Defenders, both in terms of its own contact with third countries as well as in multilateral fora.

The Guidelines provide in particular for:

- EU Heads of Mission (embassies and consulates of EU Member States and EU Delegations) include information on the situation of Human Rights Defenders in the Human Rights reporting in their countries of accreditation and issue recommendations to the “Human Rights” Working Party of the Council (COHOM) with a view to potential actions by the EU. The latter and all other competent groups may decide on actions to be taken to protect Human Rights Defenders.
- The EU Heads of Mission are requested to deal with the situation of human rights defenders at meetings of local working groups on human rights and they may decide to take local emergency action in order to support Human Rights Defenders who face immediate or serious danger.
- The EU **missions should be proactive** in protecting and in their interaction with Human Rights Defenders, particularly through the following measures:
  - ∞ Adopt **local strategies** for the implementation of Guidelines,
  - ∞ Hold an **annual meeting** that (in the very least) brings together Human Rights Defenders and diplomats,
  - ∞ Take action through **close** cooperation and exchange of information with Human Rights Defenders,

*The European Union (EU)  
and its Member States  
have made the protection  
of human rights defenders  
a priority of the EU policy  
on human rights.*

13 Guidelines on the EU foreign policy for Human Rights currently include seven themes: Dialogue on Human Rights, the death penalty, torture, children and armed conflict, Human Rights Defenders, violence and discrimination against women, and finally international humanitarian law.  
<http://www.consilium.europa.eu/uedocs/cmsUpload/16332-re02.en08.pdf>

*EU Member State legislators ask questions to Foreign Affairs Ministers on the actions undertaken by embassies and evaluate their impact on policies for protecting Human Rights Defenders in annual reports provided by Governments.*

- ∞ Make **regular contact** with Human Rights Defenders (including welcoming them in their missions and going to zones where they work, and by appointing the appointment of specific liaison officers),
  - ∞ **Visible and public recognition** of Human Rights Defenders and their work,
  - ∞ Visit **Human Rights Defenders** in custody or under house arrest and attend their trials in an observer capacity.
- In its relations with third countries in multilateral fora, the EU will indicate its objectives as intrinsic elements of its Human Rights policy and will underline the importance it attaches to the protection of Human Rights Defenders (notably during political dialogue between the EU and third States, and in the framework of the UN Universal Periodical Review of the Human Rights Council). The EU should moreover support special procedures of the UN Human Rights Council, notably that of the Special Rapporteur on the situation of Human Rights Defenders.
  - As part of its development policy, the EU should also support Human Rights Defenders and NGOs working towards the promotion and protection of Human Rights. Rapid measures to assist and protect Human Rights Defenders should also be taken (notably emergency visas and hosting of threatened Human Rights Defenders).

On 17 June 2010, the **European Parliament** adopted a **Resolution on the EU policy in favour of Human Rights Defenders** (2009/2199(INI)), in which it called on the various EU institutions and its missions to reinforce their action for effective implementation of the Guidelines, notably by ensuring **regular contact with Human Rights Defenders prior to taking any action on their behalf** and to provide them **with feedback**. These recommendations were reiterated with the adoption, on 16 December 2010, of its annual report for 2009 on Human Rights in the World, and the European Union policy on Human Rights (2010/2202(INI))<sup>14</sup>.



EU Member States and their Parliaments should play an active role in the enforcement of Guidelines issued by the EU for the protection of Human Rights Defenders. Moreover, as members of the Council of Europe and the OSCE, they should play a dynamic role in order to **create a successful mechanism to protect Human Rights Defenders in Europe**.

### **National mechanisms**

Some countries, in which Human Rights Defenders are at serious risk, have implemented **national mechanisms for the protection of Human Rights Defenders**. Such initiatives are generally the result of pressure enforced by Human Rights Defenders themselves and relayed by the international community. They work, in general, towards accessing immediate protection measures.

14 [http://europa.eu/legislation\\_summaries/human\\_rights/human\\_rights\\_in\\_third\\_countries/l33601\\_en.htm](http://europa.eu/legislation_summaries/human_rights/human_rights_in_third_countries/l33601_en.htm)

A clear **political** will to protect Human Rights Defenders, to fight against the impunity of attacks perpetrated against the latter and to facilitate their work, is **essential** in order to prevent and eradicate attacks against Human Rights Defenders. Such will is nonetheless lacking in part<sup>15</sup>.

It is, therefore, essential that these mechanisms be **constructed and implemented in close cooperation with Human Rights Defenders** so as to ensure optimal effectiveness and to prevent any action against the outlined objectives. These mechanisms should go beyond immediate protection measures and should include provisions related to fighting against impunity and providing remedy to the structural causes which contribute towards the dangerous situation for the security of Human Rights Defenders.

There are national protection mechanisms currently in place for Human Rights Defenders in **Mexico, Colombia, Guatemala and Brazil**. Initiatives in this direction have also been taken in **Honduras**. In the **Democratic Republic of the Congo** a national law and provincial decree (South Kivu) are being discussed. Other countries with activity in the area are South Sudan, Indonesia, the Phillipines and more recently, Ivory Coast.



Protection International has established a **Global observatory on national policies on the protection of defenders**:  
<http://focus.protectionline.org/>

PI has also published **two volumes of studies focused on national mechanisms and laws**:

- A first volume on legislation, national policies and offices of Human Rights Defenders, which analyses the legislative and structural aspects of these protection initiatives.
- A second volume, on the operational aspects of protecting Human Rights Defenders, which examines the practical aspects of protection: what they are, how they work and how effective protective measures under these programmes are (such as reintegration funds, communication means, police escorts, etc.)

PI recently published the *Focus Report 2013*, which sets out the latest developments in the field. Available at: [http://protectioninternational.org/wp-content/uploads/2013/05/Focus-2013\\_130523\\_ENG\\_2nd-Ed1.pdf](http://protectioninternational.org/wp-content/uploads/2013/05/Focus-2013_130523_ENG_2nd-Ed1.pdf)

*Legislators seeking better national practices on the protection of Human Rights Defenders are urged to consult the FOCUS Project on the Protection International website*

**Other countries have also adopted mechanisms aimed at protecting Human Rights Defenders from third countries.**

In this regard, since 1997, **Spain** has had a support and protection programme for people defending human rights as included in the Universal Declaration on Human Rights and those who are in danger<sup>16</sup>.

In December 2006, the **USA** adopted Guiding Principles on Non Governmental Organizations<sup>17</sup>.

**Norway** adopted guidelines for the protection of Human Rights Defenders in 2010<sup>18</sup>.

15 In Colombia, many Human Rights Defenders have decried that members who are part of their protection mechanisms may have been used to spy and harm their work.

16 Royal Decree 1257 of 21 September 2007:  
<http://www.boe.es/buscar/doc.php?id=BOE-A-2007-17342>

17 <http://www.humanrights.gov/wp-content/uploads/2013/03/Support-for-Human-Rights-Defenders.pdf>

18 Norway's efforts to support human rights defenders,  
<http://www.regjeringen.no/upload/UD/Vedlegg/Menneskerettigheter/Menneskerettighetsforkjaempere/VeiledningMRforkjengelskFIN.pdf>

## 2. Implementation of parliamentary commitments in favour of Human Rights Defenders

### 2.1. Parliamentary actions

Factsheet 29 of the Office of the United Nations High Commissioner for Human Rights (OHCHR ) reiterates that “Annual General Assembly resolutions on the Declaration on human rights defenders, beginning in 1998, have called upon all States to promote and give effect to the Declaration”. The requirement for States to promote the Declaration and to cooperate with the Special Representative [today the Special Rapporteur on the situation of Human Rights Defenders] and to assist the latter in the accomplishment of her work are also reiterated<sup>19</sup>.

*MPs have a crucial role to play in verifying the implementation by the executive branch of power of its obligations regarding the protection of defenders.*

To support and protect Human Rights Defenders, the United Nations High Commissioner for Human Rights recommends various types of initiatives to **Parliaments**, in order to:

- **Ensure that domestic legislation is in conformity with the Declaration on human rights defenders.** Give particular attention to ensuring that there are no legislative obstacles that limit defenders’ access to funding, their independence or their rights to freedom of association, assembly and expression.
- **Make the Declaration a national legal instrument** in order to facilitate its application by national authorities and to ensure adherence thereto by the judiciary and State authorities.
- **Ensure that legislation**, for instance in terms of security, **is not misused in such manner so as to hinder the actions of Human Rights Defenders.** This initiative may be taken on behalf of Human Rights Defenders established in the country of those residing in third countries.
- **Adopt a support programme** for the UN Declaration and for **Human Rights Defenders**<sup>20</sup>.
- **Promote** the implementation of **national or regional protection mechanisms.**
- **Ensure that there is a solid, independent mechanism with sufficient resources** – such as a national commission on Human Rights – likely to receive information from Human Rights Defenders on any infringements observed in the performance of their duties or those of which they are themselves victims.
- **Create a parliamentary supervisory committee on the situation of Human Rights Defenders.**

<sup>19</sup> Fact sheet 29, OHCHR p.33

<sup>20</sup> [http://protectionline.protectioninternational.org/files/2013/04/Resolution\\_AG\\_ONU\\_17\\_Nov\\_09\\_En.pdf](http://protectionline.protectioninternational.org/files/2013/04/Resolution_AG_ONU_17_Nov_09_En.pdf)

- Provide **individual support to Human Rights Defenders** under threat and **public defence thereof**. This initiative could be taken on behalf of defenders established in the country or those residing in third countries.

Moreover, members of Parliamentary Assemblies may contribute to efforts to **protect Human Rights Defenders in third countries**. They may in particular:

- Address parliamentary questions to their Minister for Foreign Affairs so as to strengthen action on the ground undertaken by their embassy and to contribute towards ensuring visibility, at international level, of any critical situation for Human Rights Defenders.
- Insist with their Ministry for Foreign Affairs that, in line with recommendations included in Factsheet 29 of the OHCHR, the latter ensures “that foreign policy led by the Government and activities linked to international trade take due account of the concerns of Human Rights Defenders working abroad”.
- Ask parliamentary questions concerning urgent issues which may concern Human Rights Defenders (visa issues, support of embassies or consulates for any Human Rights Defenders in trouble, etc.) and ensure the implementation by the executive of the UN Declaration on Human Rights Defenders and the regional or national commitments as well as the EU Guidelines on the protection of Human Rights Defenders.
- Go public with their concern about any Human Rights Defender in danger or the general situation of Human Rights Defenders within a country.
- Invite Human Rights Defenders to bear witness to the situation in their country and the conditions in which they undertake their work to defend and protect Human Rights.
- Organise visits on the ground, support delegations and meetings with Human Rights Defenders in order to increase the visibility of international support of which the latter benefit and to have access to first-hand information concerning infringements of Human Rights.
- Write to their counterparts in third countries to point out any concerns or encourage positive initiatives to protect Human Rights Defenders (for instance, adopting legislation to protect Human Rights Defenders).
- Send letters, visit or invite ambassadors of third countries to indicate concerns in the event of any attacks being perpetrated against Human Rights Defenders.
- Placing the issue of the defence of Human Rights Defenders on the agenda of meetings of the Interparliamentary Union or other interparliamentary negotiation entities<sup>21</sup>;
- Mainstream the requirements of Human Rights Defenders in the various duties of the Parliament (budget, annual reports, hearings, etc.) and encourage the role of inspection by the Parliament into the obligations and commitments of the State in this area (during the UN Council of Human Rights or within regional organisations).

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21 <http://www.ipu.org/english/home.htm>

*The Congress of Deputies in Spain is kept informed on an annual basis by the Government of measures and initiatives taken to implement its recommendations for the protection of Human Rights Defenders*

#### EXAMPLES OF GOOD PRACTICES

Some Parliaments have adopted **resolutions in favour of Human Rights Defenders**. For example, **in Belgium**, in February 2012 the House of Representatives adopted, unanimously, a resolution concerning the protection of Human Rights Defenders<sup>22</sup> to contribute towards making the commitments taken by Belgium towards Human Rights Defenders more operational. In 2007, the Congress of Deputies in Spain also adopted a resolution in favour of Human Rights Defenders<sup>23</sup>. The German **Bundestag** had already adopted, in 2003, a support motion for threatened Human Rights Defenders<sup>24</sup>.

The importance of this work at Parliamentary level was underlined by the former Special Representative of the UN Secretary General for Human Rights Defenders, Mrs Hina Jilani, in her annual report in January 2006: the Special Representative notes that some Governments have made efforts to ensure that domestic legislation reflect State obligations contained in the Declaration and other international human rights standards. In this respect, the Special Representative has repeatedly recommended the adoption of the Declaration as part of domestic legislation. Parliaments of at least two European countries (Germany and Belgium) have passed resolutions that made express reference to the situation of human rights defenders and to the mandate itself<sup>25</sup>.

Belgian representatives were twinned with Burundi counterparts and a twinning between Dutch representatives and Human Rights Defenders from the Democratic Republic of the Congo is in progress.

**Legislators have a decisive role to play in the verification of implementation of obligations by the executive power in terms of protecting Human Rights Defenders.**

**The resolution of 17 June 2010 of the European Parliament<sup>26</sup> on the EU policy in favour of Human Rights Defenders** “underlines that implementation by the EU missions of the guidelines on human rights defenders has so far been unsatisfactory and calls on the Commission to undertake an in-depth analysis to ensure that this issue will be addressed” (paragraph 5). The European Parliament “reiterates that **through the Lisbon Treaty the promotion, protection and security of human rights defenders have to be placed as a priority issue in the EU relationship with third countries and have to be integrated at all levels and in all aspects and instruments of the Union’s Foreign policy in order to increase the coherence, effectiveness and credibility of the EU’s support for human rights defenders**; considers that the development, effective implementation and regular follow-up of specific country strategies on human rights and democracy could substantially contribute to this targeting approach” (paragraph 17).

22 <http://protectionline.org/files/2012/10/R%C3%A9solution-relative-%C3%A0-la-protection-des-d%C3%A9fenseurs-des-droits-humains.pdf>

23 <http://protectionline.org/files/2012/08/Non-legislative-motion-about-the-protection-of-the-Human-Rights-Defenders.pdf>

24 <http://protectionline.org/files/2012/08/Germany-Motion-on-the-protection-of-human-rights-defenders-under-threat.pdf>

25 Report by the Special Representative of the Secretary General concerning the situation of Human Rights Defenders, Hina Jilani, 23 January 2006, (E/CN.4/2006/95), paragraph 49

26 <http://protectionline.org/2010/09/29/european-parliament-resolution-of-17-june-2010-on-eu-policies-in-favour-of-human-rights-defenders-20092199ini/>

This resolution of the Parliament lists many suggestions which could lead to an improvement of the implementation of the EU Guidelines for the protection of Human Rights Defenders including a series of obligations for Member States as a consequence (for further details please see the section on EU mechanisms) and for which monitoring could be undertaken by national parliaments.

*Inter alia*, the European Parliament:

- “Urges the EU and its Member States to express their political will to support the action of human rights defenders, and thus to make better use of all existing tools and develop new complementary mechanisms to support and promote their work through a genuinely participative strategy, which should contribute to an enabling environment for defenders in which they can perform their duties and enjoy protection; underlines that this must be combined with a policy aimed at prevention and protection from attacks and threats against human rights defenders, through both urgent and long-term measures” (paragraph 3).
- Recommends “more regular and systematic meetings” between Human Rights Defenders and EU diplomats (paragraph 11).
- “Stresses the need to systematically raise the situation of human rights defenders in all political and human rights dialogues and in trade negotiations with third countries” (paragraph 18).
- “Reiterates its request for Member States to develop, as a matter of priority, a coordinated policy on the issuing of emergency visas for human rights defenders and members of their families, for which special schemes implemented in Spain and Ireland can serve as an example” (paragraph 39).

Moreover, the EU should, through EU delegations and Member State delegations, adopt local strategies to implement Guidelines for the Protection of Human Rights Defenders, in order to facilitate their enforcement and application. Such strategies have already been adopted in many third countries.

 National parliaments should insist on the adoption or review, in consultation with local Human Rights Defenders, of local strategies to be implemented, in compliance with recommendations by the European Parliament in this regard<sup>27</sup>. National parliaments should also insist that these strategies be made public or, failing this, shared with Human Rights Defenders. For these local strategies to be effective, Human Rights Defenders must be aware of the content thereof.

*The European Parliament strongly recommends that the establishment of local strategies in close cooperation with the local independent civil society, including their review, be institutionalised by the High-Representative/Vice-President.*

<sup>27</sup> See, *inter alia*, European Parliament resolution of 17 June 2010, aforementioned.

*Originally, in 2005, some members of Foreign Affairs Commissions or Foreign Affairs bodies of the House of Representatives and Senate in Belgium and NGOs working for the defence of Human Rights set up an informal working group to define common strategies and lead initiatives for protection*

## 2.2. The “MPs for HRDs” network: Representatives for Human Rights Defenders

The legislative network “MPforHRDs” is an area for discussion about the protection of Human Rights Defenders on the Protection International website, and is intended for members of parliamentary assemblies from any country wishing to be involved in protection.

The network aims to **exchange best legislative practices in favour of protection**, to facilitate **the drafting of policies for protection or to provide negotiated responses** in favour of Human Rights Defenders whose rights are infringed upon.

**PI responds to questions from representatives** concerning the security situation of Human Rights Defenders and protection policies in force in countries where the organisation is active.

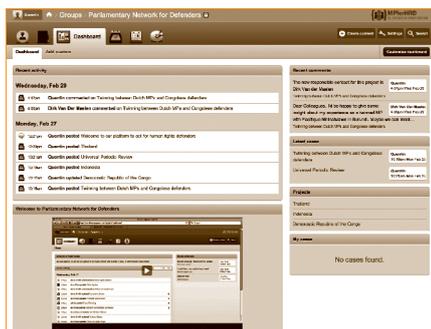
**PI informs legislators of any default in the respect by governments of their obligations** in terms of protection or the inconsistency in diplomatic responses to emergency situations as faced by Human Rights Defenders, suggests strategies and tactics to remedy them, and seeks means to ensure their implementation.

PI and its partner organisations establish **direct and preferential ties between legislators and Human Rights Defenders** who are threatened via “twinning” procedures.

PI leads a **discussion forum** on a protected area facilitating negotiation between legislators on sensitive issues regarding protection.

PI **pools responses** provided by legislators to issues relating to protection and ensures publication of these responses in necessary cases, in agreement with legislators.

The website also includes, questions, resolutions, various initiatives taken in favour of Human Rights Defenders and those which contribute to their protection. The aim of such information is to facilitate the adoption of “best practices” and to influence the attitude of authorities in those countries where the rights of Human Rights Defenders are not fully respected.



### 3. Introduction to Protection International

Protection International (PI), the former European Office of Peace Brigades International (PBI)<sup>28</sup>, is an international not-for-profit association established in 2007, having its registered office in Brussels.

Its objective is to contribute towards the protection of Human Rights Defenders (HRD).

PI notably contributes towards the protection of these key people by developing continued advocacy for the respect, by States, of national, regional and international obligations concerning Human Rights Defenders, in addition to training HRDs in protection and security.

In the framework of its mandate, the activities and initiatives undertaken by PI focus primarily on the following areas:

#### *Building the capacities of HRDs in protection – security and training*

- Training: workshops focussing on the development of capabilities in terms of protection and security help improve the skills of HRDs themselves in managing their own security and the protection of others. The aim of these training programmes is to provide a methodology for a review of the risks, and to manage security for individuals as well as their organisation. This applies also to victims or people who are received by HRDs in connection with their activities.
- Publication of manuals (the New Protection Manual for Human Rights Defenders, Guide for LGBTI Defenders) issued to HRDs for training purposes in particular.

#### *Research in the area of protection*

- Research and publication of methodological and operational tools for protection/security.
- Publication of information based on experience and best practices.

*Representatives are invited to participate in the MPforHRDs network and to visit the website that Protection International has set up especially for that purpose.*

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<sup>28</sup> From 25 October 2007 and by decree of the Federal Public Service Justice, the European Office of Peace Brigades International became, via an amendment to its articles of association as published in the Belgian Official Gazette, “Protection International”.

PI members have over 25 years of experience in the protection of Human Rights Defenders as well as other vulnerable groups, which stems from their prior involvement and participation in Peace Brigades International -PBI- and other international organisations.

### *Promotion of protection*

PI bases its activities on international standards in the areas of Human Rights, international humanitarian law and, in particular, the provisions included in the United Nations Declaration on Human Rights Defenders, the EU Guidelines on Human Rights Defenders, as afore indicated, in addition to resolutions on HRDs as adopted by EU Member State Parliaments such as Spain, Belgium and Germany. PI moreover:

- Facilitates their distribution
- Distributes information about the protection of Human Rights Defenders to EU institutions and EU Member States, in the form of awareness raising articles, recommendations, reports, press releases and documentaries.
- Reminds international authorities of their international obligations towards the protection of HRDs.
- Supports local NGOs and initiatives in which they ask national authorities to respect their obligations to HRDs.
- Promotes debate and initiatives with a view to protecting HRDs, involving parliaments, unions and the media.
- Combats impunity concerning offences committed against HRDs, including observation of trials, and advocacy in this area.

### *Videos about protection*

PI undertakes work to raise awareness as well as advocacy through videos. These videos present an overview of Human Rights Defenders, comprising tools to raise awareness on their situation, documentaries on issues relating to protection in various countries and interviews of institutional partners responsible for protection and implementation of protection policies.

### *Implementation of Protection Desks*

In partnership with local networks of Human Rights Defenders, protection desks are set up to act as regional and national centres for the management of protection and security of Human Rights Defenders.

### *Protectionline: a website for the protection of HRDs*

- [www.protectionline.org](http://www.protectionline.org) is a website published by/with/for HRDs and those seeking to assist in their protection.
- PI regularly updates information, and the publication of documents, accounts, urgent actions and tools designed to promote the protection of HRDs.

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