



A tool for human rights defenders

Leveraging diplomatic support for the protection of defenders

WHAT IS

DIPLOMATIC SUPPORT FOR YOUR PROTECTION AS A HUMAN RIGHTS DEFENDER?

The diplomatic community can be an important source for your protection at the national level. Supporting and protecting HRDs against threats and attacks is often a **priority for diplomatic missions of States committed to promoting the rule of law, democracy and human rights in their foreign policy**. While there are limits to this support and its impact, diplomatic support for your human rights work can contribute to your protection, and enhance your opportunities for participation and action.

Some States have developed specific policy documents – often called **‘national policies’, ‘action plans’ or ‘diplomatic guidelines’** for the protection of HRDs worldwide (hereafter ‘guidelines’). The EU also has **specific guidelines** to set out regional policy objectives and practical initiatives for their member States in support of HRDs worldwide. These guide their diplomatic missions on how to engage with you as HRDs, and what to do to support you.

This document is part of a series of ‘action sheets’ designed for human rights defenders (HRDs) and diplomatic representatives, with the purpose of enhancing the impact of diplomatic support to HRDs.

See the full series and sources at www.ishr.ch/diplomatic-support

PROVIDING GUIDANCE, NATIONAL POLICIES AND ACTION PLANS

 CANADA	 E.U.	 FINLAND
 IRELAND	 NORWAY	 SWITZERLAND
 NETHERLANDS	<p>➤ A national action plan for the protection of HRDs which also serves as a guide to diplomatic representatives</p>	
 U.K.	<p>➤ The diplomatic guidelines on HRDs are currently not publicly available</p>	
 U.S.A.	<p>➤ The official diplomatic guideline on HRDs is not publicly available, but a fact-sheet published by U.S. Department of State, Diplomacy in Action, Bureau of Democracy, Human Rights and Labor in 2017 named ‘U.S. Support for Human Rights Defenders’ is available at their website</p>	

Holistic Approaches to Security

- Your **physical safety** should be interlinked and integrated into your **digital security** and **psychosocial well-being**
- ⚠ Not explicitly stated in all of the diplomatic guidelines, however **the missions are expected to adopt a holistic approach to your security**.

Tips : from human rights defenders

- Consider your own security at the same level when focusing on the security of the victims of human rights abuses whom you support
- Consider the possibility of being targeted for your work and try to err on the side of caution.
- Ask for necessary measures to be taken by missions for your psychosocial well-being; and always remember that being emotionally and mentally well is central to being able to fully and actively doing your work.
- Do not believe that risks are inherent in your work and that there is little you can do to mitigate them effectively.
- Do not take your digital security for granted when communicating with diplomats.



"In February 2018, **Joanna K. Cariño**, an indigenous woman peace advocate whose name was included in a terrorism case lodged by the Philippine government

has faced judicial harassment, threats of warrantless arrest, surveillance, stigmatisation, online and offline sexual harassment, freezing of her bank accounts and other such violations engendered by the filing of terror charges. **A broad range of support from diplomatic missions were secured through the collective efforts of indigenous peoples' organisations, rights groups, and individual advocates.** These diplomatic actions and initiatives have made Cariño and other defenders in the case safer in the sense that **these actors provided recognition and affirmed the legitimacy of the work of these defenders.** While the high-profile projection of their case may serve as a deterrent to worse attacks, they still confront the challenges both to their security and their work up to present."

- Cristina Palabay, the Phillipines

"The high levels of violence and impunity which HRDs and journalists face in Mexico, have encouraged a group of European and Mexican civil society organisations to **call on the EU Delegation and the EU embassies to publicly recognise the fundamental work of the HRDs in Mexico and their enormous contributions to the democracy, and to condemn attacks against them.** Since January 2017 the EU Delegation in Mexico, with the support of EU member States, the United States, Canada, Norway and Switzerland, regularly publish press releases to condemn the killings of HRDs and journalists in Mexico. This public measure means support and awareness for victim's relatives, and to HRDs and journalists as a whole. It is the result of Mexican civil society organisations consistently informing EU embassies about attacks and reprisals suffered by HRDs and increasing pressure on them to not remain silent"



- Olga Guzmán Vergara, Mexico

10 THINGS TO KEEP IN MIND

- 1 **ENGAGE** on an ongoing basis with relevant diplomatic representatives and with national/international NGOs working on the protection of HRDs before threats or reprisals arise. This will help to establish relationships of trust and increase the impact of your future engagements.
- 2 **CLEARLY RAISE** your own protection and security needs when in contact with diplomats or requesting diplomatic support for a given human rights situation in your country.
- 3 **BEAR IN MIND** that diplomatic support provided by missions may increase the risk of threats and reprisals against you.
- 4 **MANAGE YOUR EXPECTATIONS**, meaning you should always seek other options and see diplomatic support as one of several tools of supporting your protection and work, while being aware that missions may be limited in offering support.
- 5 **GRANTING OF VISAS** or offering financial support for temporary stay in a safer country to avoid aggressions are always the last resort, and granted only in exceptional cases for urgent protection. Since the necessary conditions for obtaining relocation support, and the types of visas/resident permits that can be granted to defenders differ from each other, make sure that you obtain clear information about what missions can and cannot do.
- 6 **DIPLOMATIC SUPPORT** is as useful a tool as you make it. Make use of the flexibility of the guidelines, meaning you decide what, if any, new type of support may be appropriate in a given case, and ask diplomats to use their discretion.
- 7 **ALWAYS BE CLEAR** about what you need, including the security measures you want to be taken while receiving the support; as well as be cooperative in engagement with diplomats since their support can only be effective with the contribution of both sides.
- 8 **HOLD UP** your end of the bargain, meaning you should increase your familiarity with the diplomatic guidelines and the types of support you can possibly receive; and identify as accurately as possible the most updated information about the extent and the content of diplomatic support offered by a given mission.
- 9 **DISSEMINATE** the diplomatic guidelines within the human rights community in your country, and share experience on the risks and opportunities of receiving diplomatic support within your community
- 10 **KNOW THE POLITICS** of the State you are seeking support from, meaning you should consider the political dynamics between your country and the mission's State, and their impact on a mission's political leverage and ability to provide support.

Collective Approaches to Protection

- Although this is not yet explicitly stated in many of the current diplomatic guidelines, recent good practice and the 2019 Human Rights Council resolution encourage missions to adopt a **collective approach to your protection** when offering support. That means the goal of diplomatic support should be not only to provide security to HRDs who are at risk but **to achieve sustainable and structural changes leading to policies that guarantee a safe and conducive environment for all of you, who individually or collectively, defend human rights.**

Things to bear in mind

- Acknowledge that your security is linked to that of your communities, groups, networks and coalitions; and the threats you face very often aim at hindering your collective effort.
- Bear in mind that individual measures, in particular when focusing on individual and vertical leadership may contribute to increasing risks for your communities and for the individuals directly receiving support.
- Demand types of diplomatic support that can strengthen your capacity as a community or group, your social fabric and your organisational capacities.
- Consider the contextual factors and the operating environment that you work in while receiving support.
- Always remind yourself that you are not only individual subjects of protection but also agents of your own protection.

Sourced from Protection International's 2018 report called "Collective Protection of Human Rights Defenders".

■ *Am I considered a HRD?*

A 'human rights defender' means anyone who tries to promote and protect human rights and fundamental freedoms. This can include community activists, indigenous or trade union leaders, anti-corruption campaigners, human rights lawyers or journalists, and many others. You do not have to call yourself a 'human rights defender' to be entitled to support and protection. Some guidelines explicitly exclude those who use violence to pursue their goals.

■ *Do all the guidelines include the same types of support for HRDs?*

No. Although the support provided by the diplomatic mission is similar for most States, there are actions that only some foresee, and they are framed slightly differently. Therefore it is useful to reference the specific diplomatic guidelines of the country you are approaching.

■ *Can diplomatic missions offer a kind of support NOT listed in their guideline?*

Sometimes yes. Since there is no single all-purpose model for supporting HRDs that is applicable to all situations, those guidelines are intended to serve as a guide or checklist to ensure that all possible avenues are considered. Therefore, most diplomatic guidelines emphasise that the tools for intervention should not be considered mutually exclusive nor as an exhaustive list, and should be interpreted and applied in consultation with HRDs and in the context of local circumstances.

■ *Is a diplomatic mission legally obliged to offer types of support that are listed explicitly in the guidelines?*

Generally speaking, guidelines are not legally enforceable or confer legal rights to defenders. Providing support to HRDs, including those explicitly listed in the guidelines, remains at the discretion of the diplomatic mission. However, as a matter of national law, diplomats may be required to act in compliance with the guidelines and consider the support measures foreseen in them, and there may be a requirement to justify where no action is taken. Missions are sometimes limited in the support they can provide, particularly when their actions would put their own staff at risk, through limited human resources and embassy capacity, or where political leverage is limited. Thus, you should never solely rely on potential diplomatic support for protection.

■ *Can a diplomatic mission offer support even if its country has NOT adopted guidelines on the protection of HRDs?*

Countries that have developed specific guidelines for their missions on the protection of HRDs in the host countries can be expected to be particularly responsive to HRDs who have faced or are facing threats, attacks or reprisals. There should be trained staff, who take HRDs' concerns seriously and who know how to respond to them. However this does not mean that other countries' missions do not provide diplomatic support for HRDs. For example, all EU member States should be expected to base their actions on the EU guidelines, even if they do not have their own national guidelines, so you should consider approaching those States for support. Some countries without diplomatic guidelines may have special HRDs protection programmes, special visa procedures applicable to defenders at risk, which you may consider depending on your specific situation.

■ *Can a diplomatic mission offer asylum or refugee status?*

Normally, an application for asylum or residence on humanitarian grounds must be submitted by a person who is already in the country from which one seeks asylum. However Canada and Norway have special provisions in their asylum procedures which may allow applying for refugee status without the person being in that country, on the condition that the person is already registered as a refugee with the UNHCR. It can be useful to inquire with relevant missions for further information.

■ *Do diplomatic missions consider the risks of retaliation against HRDs when providing support?*

Most of the guidelines explicitly stress the 'do no harm' principle, therefore missions are supposed to consider whether their involvement could lead to retaliation or reprisals against you or your family and community; and whether their intervention could have negative consequences for your human rights work. However, since the information available to mission staff and their experience of and sensitivity to the risks of reprisals may vary, it is critical for you to always consider the risks yourself, and be conscious about who you engage with when receiving diplomatic support.

■ *How can I obtain grants from diplomatic missions?*

Many diplomatic guidelines foresee various opportunities for the support of HRDs including through financial support, with the European Union, Norway, Finland, the Netherlands, United States of America and Ireland explicitly referencing it. Grants may for instance be given to support human rights projects, seminars, building up and strengthening networks of HRDs, security training, legal aid, insurance, the development of materials or other activities. Diplomatic missions often prefer to cooperate with national human rights institutions or with established local human rights organisations (e.g. NGOs) and it is usually easier for them to provide financial support through these organisations than on an individual basis. However, not all missions award grants, and even those that do, do so on an occasional basis. Some missions can also provide financial support in exceptional cases for emergency protection of HRDs, for example in the case of temporary relocation.

General support for the protection and empowerment of HRDs

1. Monitoring and reporting an human rights situation

2. Engaging with HRDs on an ongoing basis: meetings, visits and invitations

- Attending the events organised by HRDs, visiting them in their places of work and inviting them to the meetings at mission or in a neutral place
- Regular meetings with HRDs

3. Building Capacity of HRDs

- Capacity-building activities such as organising training, workshops to develop the knowledge, network, skills, abilities and strengthening well-being support services for HRDs.
- Facilitating the stay in shelter cities for HRDs who have been under threat
- Assisting in building up and strengthening networks of HRDs at national, regional and international level
- Providing/facilitating human rights education, and/or fellowship/internship opportunities
- Assistance with return to/entry into home country from meetings abroad
- Providing technical assistance, sharing expertise
- Providing financial support to HRDs

4. Increasing the visibility of human rights work through the use of the media

- Recognising efforts and raising the profile of HRDs through awards
- Press releases, public interviews, public statements, public awareness campaigns

5. Promotion of respect for HRDs third countries and in multilateral fora

- Cooperation with key regional and international actors at local level, working with like-minded governments, the UN, and regional and/or international organisations to discourage laws/regulations that constrain the operating space for HRDs
- Promoting, strengthening and advancing instruments in multilateral forums that protect HRDs, such as UN Special Rapporteur on HRDs
- Using national, regional and international forums to advocate for the protection of HRDs

6. Promotion of respect for HRDs in relations with local actors

- Advocacy in support of a more conducive legal framework, steps to end impunity for attacks on HRDs, advocacy for national protection mechanisms for HRDs, stronger national human rights institutions, or for clearer political support to HRDs by the host State authorities
- Engaging with businesses operating in the host country, with a view to ensure respect for and consultations with HRDs
- Engaging with national authorities on an ongoing basis
- Cooperation with national human rights institutions

7. Promotion of respect for HRDs transnational companies

- Engaging with companies to ensure they consult and do not interfere with the work of HRDs and leverage their influence for the protection of HRDs.

Targeted support for improving the situation of particular HRD(s) in a specific situation

1. Informal diplomatic measures

- Engaging with local authorities discreetly through established networks and mechanisms

2. Formal diplomatic measures

- Official meetings; formal enquiries; official protest (démarche), other firmer diplomatic measures

3. Public interventions/Actions

- Visit of the HRDs under threat, observation of their court cases, prison visits and visits to persons under house arrest (and their families when necessary) if relevant to the situation in question.
- Call for cooperation with the international community such as like-minded governments, and relevant regional and international organisations to push the host country.
- Official public statements, declarations, press releases, media interventions, open letters, op-eds, news conferences, and social media postings
- Observation of court cases involving matters of principle with regard to HRDs.

4. Engaging specific companies (Canada)

- Informal or formal interventions with specific companies linked to or contributing to a threat against a HRD, particularly if domiciled in the States in question

Types of DIPLOMATIC SUPPORT

Exceptional or emergency support

1. Assistance with accessing short-term protection/emergency shelter

2. Assistance with temporary relocation by issuing 'short-term visas through an accelerated procedure' shelter

3. Assistance with issuance of 'temporary residence permit' in exceptional circumstances and on humanitarian grounds

4. Assistance with relocation by allowing applications for asylum without being in the country of the mission

5. Using other protection tools and urgent response mechanisms

- Providing for financial resources
- Housing and accompanying programmes ('shelter cities')

6. Establishing a connection with other relocation initiatives and civil society organisations that Specialise in Providing Emergency Assistance

- Civil society organisations that specialise in providing emergency assistance
- Relocation initiatives

Various guidelines, policy documents and initiatives, (including those by Brazil, Canada, Czech Republic, Denmark, EU, Finland, Germany, Ireland, Netherlands, Norway, Spain, Switzerland, and the USA) provide for some of these types of exceptional support. However, which support is appropriate and feasible will be decided by missions on a case by case basis

This page summarises the main types of support available for HRDs, as currently foreseen by one or several of the existing guidelines. While it is based on the different guidelines mentioned, and can serve as a reference, we recommend using the original guidelines when approaching specific missions for support.