

THE EUROPEAN UNION: WHAT IT CAN DO, GETTING IT TO TAKE ACTION



PROTECTION HANDBOOK FOR HUMAN RIGHTS DEFENDERS

f FRONT LINE
DEFENDERS

**“THE EU’S OBJECTIVE IS TO INFLUENCE
THIRD COUNTRIES TO CARRY OUT THEIR
OBLIGATIONS TO RESPECT THE RIGHTS OF
HUMAN RIGHTS DEFENDERS.”
(EUROPEAN UNION GUIDELINES ON HUMAN
RIGHTS DEFENDERS)**

**On the cover: Nasrin Sotoudeh and Jafar Panahi from Iran,
winners of the European Parliament’s Sakharov Prize for
Freedom of Thought 2012. Credit © European Union 2012**

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**PROTECTION HANDBOOK
FOR HUMAN RIGHTS
DEFENDERS**

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**FRONT LINE DEFENDERS
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FOR THE PROTECTION OF
HUMAN RIGHTS DEFENDERS**

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EDITED BY VINCENT FOREST
SEPTEMBER 2013**



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**Written by Chris Collier.
Edited by Vincent Forest
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يوجد الدليل باللغة الإنجليزية في نسخة مطبوعة، وأيضاً على شبكة
الإنترنت. وأما باللغات الأخرى (الفرنسية والإسبانية والعربية
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и русском языках) доступны только онлайн.

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FRONT LINE DEFENDERS

Front Line Defenders was founded in Dublin in 2001 with the specific aim of protecting human rights defenders at risk, people who work, non-violently, for any or all of the rights enshrined in the Universal Declaration of Human Rights (UDHR).

Front Line Defenders aims to address some of the needs identified by human rights defenders (HRDs) themselves, including protection, networking, training and access to international bodies that can take action on their behalf.

Front Line Defenders seeks to provide rapid and practical support to HRDs at risk, including through a 24-hour emergency response phone line, and through promoting the visibility and recognition of HRDs.

Front Line Defenders runs a small grants programme to provide for the security needs of HRDs. Front Line Defenders mobilises campaigning and lobbying on behalf of HRDs at immediate risk. In emergency situations Front Line Defenders can facilitate temporary relocation.

Front Line Defenders conducts research and publishes reports on the situation of HRDs in specific countries. The organisation also develops resource materials and training packages on behalf of HRDs as well as facilitating networking and exchange between HRDs in different parts of the world.

Front Line Defenders promotes strengthened international and regional measures to protect HRDs including through support for the work of the UN Special Rapporteur on Human Rights Defenders. Front Line Defenders seeks to promote respect for the UN Declaration on Human Rights Defenders.

If there are aspects of advocacy towards the European Union which you feel are not adequately addressed in this publication, we would be very happy to hear from you. Please feel free to contact us by sending an email to **euoffice@frontlinedefenders.org**. For general information on the work of Front Line Defenders, please log onto **www.frontlinedefenders.org**

Front Line Defenders has Special Consultative Status with the Economic and Social Council of the United Nations, partnership status with the Council of Europe, and is the winner of the 2007 King Baudouin International Development Prize.

The EU Office of Front Line Defenders

Located in Brussels, Belgium, the Front Line Defenders' EU office was established in 2006 to coordinate the organisation's advocacy activities towards EU institutions and individual EU governments. It raises cases of HRDs at risk, encouraging the EU and its Member States to take quick action in accordance with the EU Guidelines on Human Rights Defenders and to put in place appropriate mechanisms to improve the implementation of the Guidelines.

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This handbook was written by Chris Collier, an independent consultant supporting the work of human rights defenders through training, advocacy, research, evaluation and advice. He can be reached through his website **www.chriscollier.nl**.

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CONTENTS

LIST OF ACRONYMS	vii
INTRODUCTION	viii
QUICK REFERENCE TABLE FOR REQUESTING EU ACTION TO PROTECT HRDS	x
CHAPTER 1: WHAT HRDS CAN EXPECT FROM EU MISSIONS IN ADDRESSING THEIR PROTECTION NEEDS	1
CONTACT/ACCESSIBILITY	3
EU Liaison Officers on Human Rights Defenders and Human Rights Focal Points	4
PUBLIC SUPPORT	5
Public statements or declarations	7
Visible contact or recognition	11
Trial observation	12
Observation of demonstrations or public activities	15
Visits to HRDs in detention or under house arrest	15
Physical accompaniment	17
NON-PUBLIC SUPPORT	17
Directly raising urgent cases with local authorities by EU Missions	18
Raising cases by Representatives of the EU/Member States	19
Raising issues and cases in the “political dialogue”	21
REST AND RESPITE/ TEMPORARY RELOCATION	22
FUNDING	24
FACILITATING INTERNATIONAL ADVOCACY AND NETWORKING	26

CHAPTER 2:	
GETTING THE EU TO TAKE ACTION-	
HOW HUMAN RIGHTS DEFENDERS	
SHOULD PROCEED	30
CONTACT/ACCESSIBILITY	30
PUBLIC SUPPORT	34
Public statements or declarations	34
Visible contact or recognition	35
Trial observation	36
Observation of demonstrations	
or public activities	37
Visits to HRDs in detention	
or under house arrest	37
Physical accompaniment	38
NON-PUBLIC SUPPORT	38
EU Missions raising cases with authorities	38
Raising cases by Representatives	
of the EU/Member States	38
Political dialogue	39
REST AND RESPITE/ TEMPORARY RELOCATION	40
FUNDING	40
FACILITATING INTERNATIONAL ADVOCACY AND CONTACTS	42

CHAPTER 3:	
GENERAL LOBBY AND	
ADVOCACY STRATEGIES	44
GOOD DOCUMENTATION	44
COORDINATION	44
SEEK DOMESTIC REMEDIES	45
GET INTERNATIONAL NGOS INVOLVED	45
USE EU/MEMBER STATE PARLIAMENTS	48
REFER TO SPECIFIC POLICIES, PRACTICES AND STANDARDS	49
BUILD RELATIONSHIPS	50
GET FUNDING	51

**ANNEX 1: EU GUIDELINES
ON HUMAN RIGHTS DEFENDERS 54**

**ANNEX 2: UNITED NATIONS’ “GUIDELINES FOR
SUBMITTING ALLEGATIONS OF VIOLATIONS
AGAINST HUMAN RIGHTS DEFENDERS” 64**

**ANNEX 3: UN DECLARATION
ON HUMAN RIGHTS DEFENDERS 67**

LIST OF ACRONYMS

AI	Amnesty International
EEAS	European External Action Service
EIDHR	European Instrument for Democracy and Human Rights
EU	European Union
FIDH	International Federation for Human Rights
FORUM-ASIA	Asian Forum for Human Rights and Development
HR	High Representative
HRD	Human Rights Defender
HR/VP	High Representative for Foreign Affairs and Security Policy/Vice-President of the European Commission
NGO	Non-Governmental Organisation
OMCT	World Organization Against Torture
OSCE	Organisation for Security and Cooperation in Europe
SG	Secretary General
UN	United Nations

INTRODUCTION

In order to prevent them from doing their legitimate and peaceful human rights work, or in retaliation for the work they are undertaking, human rights defenders (HRDs) are threatened and their rights are violated by state and non-state actors. In many countries they face considerable personal risk because they stand up for the rights of others against powerful interests. Front Line Defenders documents hundreds of such cases per year.

It is therefore clear that HRDs need protection. There are different strategies that HRDs can adopt to improve their security, including getting foreign embassies to play a role in preventing or reacting to attacks on HRDs. The purpose of this handbook is to zoom in on this option for protection of HRDs, focusing on the European Union (EU).

In June 2004, under the Irish Presidency, the EU adopted the document “Ensuring protection – European Union Guidelines on Human Rights Defenders”¹ (hereafter referred to as the EU Guidelines on HRDs). As the EU Guidelines on HRDs state, the EU’s general objectives are “to bring about an environment where human rights defenders can operate freely” and “to influence third countries to carry out their obligations to respect the rights of human rights defenders and to protect them from attacks and threats from non-State actors.” In the measures it takes to protect HRDs, the EU often cooperates with like-minded countries such as Switzerland and Norway.²

Why this handbook?

While the EU and its Member States can contribute to the protection of HRDs, HRDs might not know exactly when they should seek help from the EU, what they can expect from it, or how to approach it. This handbook is meant to address this need and shows HRDs the specific actions they can expect from the EU in meeting their protection needs, and how they can approach the EU for assistance.

The handbook is targeted at HRDs at risk who are seeking ways to prevent or react to violations against them. It deals not with the violations and threats against the victims HRDs work for, but with violations and threats against HRDs themselves. It focuses on the action that the EU and its Member States can take, and especially on what HRDs can expect from EU Delegations and embassies of EU Member States – collectively known as “EU Missions” – in their country.

The aims and objectives of the handbook are to:

- Guide HRDs in deciding if they should request assistance from the EU and if so, what kind of assistance (i.e. when do you ask for what?);
- Describe what HRDs can expect from the EU and its Member States in addressing their main protection needs;
- Promote the involvement of HRDs themselves in action taken on their behalf by the EU;
- Guide HRDs in approaching the EU to seek its assistance.

1. They can be found in the annexes, and on the web at <http://www.consilium.europa.eu/uedocs/cmsUpload/16332-re01.en08.pdf>
2. In February 2005, Norway finalised and distributed to its embassies its own guidelines on supporting HRDs: http://www.regjeringen.no/en/dep/ud/documents/veiledninger/2010/hr_defenders_guide.html?id=633052
More recently, the United States announced how it would support HRDs as a priority in its foreign policy: <http://www.humanrights.gov/wp-content/uploads/2013/03/Support-for-Human-Rights-Defenders.pdf>

QUICK REFERENCE TABLE FOR REQUESTING EU ACTION TO PROTECT HRDS

Nature of threat or violation	EU Action	Who does it?	Contact
<p>Requiring urgent intervention (physical attack, arrest, conviction, killing, death threat, etc.) as well as structural/ systemic issues (restrictive laws, impunity, etc.)</p>	<p>Public Support EU Local Statement</p>	<p>EU Delegation (all EU Missions must agree)</p>	<ul style="list-style-type: none"> • Head of EU Delegation • Liaison Officer on HRDs • Ambassadors/human rights specialists at embassies of Member States
<p>Structural/systemic issues; also very serious urgent cases</p>	<p>EU declaration or statement</p>	<ul style="list-style-type: none"> • High Representative for Foreign Affairs and Security Policy/Vice-President of the European Commission (HR/VP) or spokesperson • EU Special Representative • Member of European Commission • Members/ President of European Parliament 	<ul style="list-style-type: none"> • Head of EU Delegation • Liaison Officer on HRDs • Ambassadors/human rights specialists at embassies of Member States • Members of the European Parliament (MEPs) and EP President, including during visits
<p>Idem</p>	<p>Member State public statement</p>	<p>Ambassador, Minister or other representative of Member State</p>	<p>Ambassadors/human rights specialists at embassies of Member States</p>

Nature of threat or violation	EU Action	Who does it?	Contact
(Death) threats, attacks, stigmatisation, other types of harassment/violation	Visible contact or recognition	<ul style="list-style-type: none"> • Representatives of EU Missions • Visiting EU or Member State representatives 	<ul style="list-style-type: none"> • Head of EU Delegation • Liaison Officer on HRDs • Ambassadors/human rights specialists at embassies of Member States
Unfair trial, trumped-up charges	Trial observation (other forms of non-public/public support also apply)	Representatives of EU Missions	<ul style="list-style-type: none"> • Head of EU Delegation • Liaison Officer on HRDs • Ambassadors/human rights specialists at embassies of Member States
Risk of use of excessive force, dispersal, arrest	Observation of public demonstrations/activities (other forms of non-public/public support also apply)	Representatives of EU Missions	<ul style="list-style-type: none"> • Head of EU Delegation • Liaison Officer on HRDs • Ambassadors/human rights specialists at embassies of Member States
Detention, torture or ill-treatment in detention, house arrest	Visit, attempt to visit (other forms of non-public/public support also apply)	Representatives of EU Missions	<ul style="list-style-type: none"> • Head of EU Delegation • Liaison Officer on HRDs • Ambassadors/human rights specialists at embassies of Member States
Immediate threat of attack, arrest, harassment	Physical accompaniment (exceptional)	Representatives of EU Missions	<ul style="list-style-type: none"> • Liaison Officer on HRDs • Human rights specialists at embassies of Member States

Nature of threat or violation	EU Action	Who does it?	Contact
Requiring urgent intervention	<p>Non-public support</p> <p>EU <i>démarche</i>/ raising case with authorities</p>	Head of EU Delegation	<ul style="list-style-type: none"> • Head of EU Delegation • Liaison Officer on HRDs • Ambassadors/human rights specialists at embassies of Member States
Idem	Member State <i>démarche</i> / raising case with authorities	<ul style="list-style-type: none"> • Ambassador of Member State • Minister of Foreign Affairs • Other representative of Member state 	<ul style="list-style-type: none"> • Ambassador/human rights specialist at embassies of Member State • Ministry of Foreign Affairs of Member State
Both urgent cases and structural/systemic issues	EU Representative raising case	<ul style="list-style-type: none"> • HR/VP • EU Special Representative • Member of European Commission 	<ul style="list-style-type: none"> • EU Representative • Head of EU Delegation • Liaison Officer on HRDs • Ambassadors/human rights specialists at embassies of Member States
Individual cases and structural/systemic issues; not requiring urgent intervention	Raising case or issue in political dialogue	European External Action Service (EEAS)	<ul style="list-style-type: none"> • EEAS Desk Officer(s) • Head of EU Delegation • Liaison Officer on HRDs • Ambassadors/human rights specialists at embassies of Member States

Nature of threat or violation	EU Action	Who does it?	Contact
Grave threats/violations constituting immediate danger to life/physical integrity	<p>Temporary Relocation</p> <p>Issuing “emergency visa”</p>	Embassies of EU Member States	<ul style="list-style-type: none"> • Ambassadors/human rights specialists at embassies of Member States • Sponsoring organisations in EU Member State
Threats and violations such as break-ins, surveillance, physical attacks, arrest and detention, trumped-up charges, etc.	<p>Funding</p> <p>Funding for legal or medical expenses, security measures at homes/offices, etc.</p>	<ul style="list-style-type: none"> • EU Delegation (funds from the EIDHR) • Embassies of EU Member States 	<ul style="list-style-type: none"> • Human Rights Focal Point at EU Delegation • EIDHR staff at European Commission in Brussels • Human rights specialists at embassies of EU Member States
Both urgent cases and structural/systemic issues	<p>International advocacy/networking</p> <p>Facilitating contacts and exchange with United Nations and regional mechanisms and international human rights NGOs</p>	EU Missions	<ul style="list-style-type: none"> • Liaison Officer on HRDs • Human rights specialists at embassies of Member States

1 WHAT HRDS CAN EXPECT FROM EU MISSIONS IN ADDRESSING THEIR PROTECTION NEEDS

PURPOSE:

This section will describe what HRDs can expect from the EU, especially EU Missions in the field, in terms of responding to their main protection needs.

EU commitments to support and protect HRDs

The commitments of the EU and its Member States are contained in:

- The EU Guidelines on HRDs. This is the main set of commitments, although not legally binding. They may have been translated into the local language(s), so HRDs should check this.
- The “EU Strategic Framework and Action Plan on Human Rights and Democracy,” adopted in June 2012 by the EU’s Foreign Affairs Council.³
- The European Commission “Agenda for Change” and its Communication “The roots of democracy and sustainable development: Europe’s engagement with Civil Society in external relations.”
- EU regional policies. The European Neighbourhood Policy,⁴ for example, which concerns the EU’s Southern and Eastern neighbours, includes commitments to promoting freedom of association, expression and assembly and the right to a fair trial, essential rights for HRDs.
- The “human rights clause” of agreements concluded by the EU with third countries (such as Partnership and Cooperation Agreements and Association Agreements). Although they do not mention HRDs specifically, they underpin the “political dialogue” between the EU and partner countries

on human rights issues, including the situation of HRDs, and provide the basis for EU measures in cases of human rights violations.

- “Action Plans” linked to trade and cooperation agreements.
- EU Human Rights Country Strategies, which are EU internal (and restricted) documents.
- Human rights foreign policies of EU Member States, including HRD and Human Rights Action plans.

As a consequence of HRDs’ work, family members of HRDs may be threatened or attacked. While the EU does not explicitly mention family members of HRDs in its commitments, HRDs should nevertheless include family members at risk when requesting EU protective action. EU commitments relate to HRDs working at both registered and non-registered organisations.



European Commissioner Štefan Füle attends LGBT rally in Moldova. Credit: Photo Martin Pluimers

CONTACT/ACCESSIBILITY

At the most basic level, HRDs need contact with the EU. HRDs should expect that EU Missions contact them and are accessible to them. HRDs should be invited to EU Missions, and representatives of EU Missions should visit HRDs' offices and areas of work. Since, in conformity with the EU Guidelines on HRDs, EU Missions have an obligation to monitor and report on the situation of HRDs, HRDs should expect the EU to be interested in their work and the obstacles they face, especially threats and violations of their rights.

There are cases, of course, where for local HRDs, contact with or support from the EU is problematic, possibly leading to them being targeted for harassment, stigmatised as “foreign agents,” or worse. This will depend at least in part on the state of the relationship between the government of their country and the EU or its individual Member States. The Guidelines on HRDs recognise this when they state that “in certain cases EU action could lead to threats or attacks against HRDs.” In such situations, HRDs need to assess whether and how visible contact with EU Missions will make them safer.

The level of interest of EU Missions in the situation of local HRDs varies from country to country. In some places, HRDs may find that economic relations or other concerns dominate the agendas of EU and Member State representatives and there is little concern for human rights issues, including the situation of local HRDs.

EU commitments:

- “EU Missions should... seek to adopt a proactive policy towards human rights defenders.” (EU Guidelines on HRDs)
- EU Missions should maintain “suitable contacts with human rights defenders, including receiving them in Missions and visiting their areas of work...” (EU Guidelines on HRDs)

- EU Missions should organise “at least once a year a meeting of human rights defenders and diplomats to discuss topics such as the local human rights situation, EU policy in this field, and application of the local strategy for implementing the EU Guidelines on human rights defenders...” (EU Guidelines on HRDs)
- EU Missions should “consult with human rights defenders in relation to actions which might be contemplated.” (EU Guidelines on HRDs)
- “If action is taken on behalf of the EU, EU Missions should provide feedback to human rights defenders and/or their families.” (EU Guidelines on HRDs)
- Where EU Representatives⁵ are visiting third countries, “they will, where appropriate, include meetings with human rights defenders during which individual cases and the issues raised by the work of human rights defenders are addressed, as an integral part of their visits” (EU Guidelines on HRDs)

EU Liaison Officers on Human Rights Defenders and Human Rights Focal Points

EU commitment:

- “Publish contact details of the human rights focal points of all EU missions, as well as EU Liaison Officers on human rights defenders on the websites of the EEAS⁶ and EU Delegations.” (EU Action Plan)

HRDs should expect that an EU “Liaison Officer on Human Rights Defenders” has been appointed by the EU Missions. He/she is likely to be based at the EU Delegation, although it could be a staff member of one of the Member State embassies.

The Liaison Officer should:

- maintain contact with human rights defenders;
- coordinate the implementation of the EU Guidelines on HRDs;
- act as “entry point to the EU” for HRDs;
- refer HRDs to appropriate diplomats;
- discuss cases with colleagues at other EU Missions;
- promote EU action to support and protect HRDs;
- ensure that the EU raises cases at meetings with local authorities;
- organise an annual meeting between EU Missions and local HRDs.

HRDs should also expect to find a Human Rights Focal Point at local EU Delegations who handles funding for HRDs (see section on funding, below), and may play the role of Liaison Officer. As the above-mentioned commitment makes clear, the names and contact details of these people should be published on the website of the EU Delegation.

PUBLIC SUPPORT

HRDs might need public support when:

- their legitimacy or the legitimacy of their work is publicly challenged;
- they are subjected to smear campaigns or public attacks;
- greater visibility and a raised profile will deter threats or violations against them;
- local authorities are expected to respond favorably to public pressure or are sensitive regarding their own public legitimacy;
- confidential approaches or “quiet diplomacy” have been already tried but have been ineffective;
- stronger voices are needed against threats or violations.



EUROPEAN UNION

Brussels, 26 March 2013
170/13

Statement by EU High Representative Catherine Ashton on the situation of NGOs in the Russian Federation

The High Representative of the European Union for Foreign Affairs and Security Policy and Vice President of the Commission issued the following statement today:

"I am concerned with the ongoing actions of the authorities against the NGO community in the Russian Federation. Civil society organisations play an essential role in today's society all over the world, including in the European Union and the Russian Federation. They help citizens exercising their rights and generate debate indispensable in a vibrant democracy, thereby contributing significantly to the modernisation of society. The inspections and searches launched against the Russian NGO community and conducted on vague legal grounds are worrisome since they seem to be aimed at further undermining civil society activities in the country.

The ongoing raids, taken together with the recent package of legislation that curtails the civil freedoms of Russian population, an upsurge in prosecution of civil society activists, the Bolotnaya and other political trials, as well as lack of action in some prominent cases of human rights abuses, constitute a trend that is deeply troubling."

P R E S S

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EN

Forms of public support are diverse and overlap with methods of maintaining contact with HRDs. Forms of public support HRDs can expect from EU Missions are:

- Public statements or declarations;
- Visible contact or recognition;
- Trial observation;
- Observation of demonstrations or other public activities organised by HRDs;
- Visits to HRDs in detention or under house arrest;
- Possible physical accompaniment.

EU commitments:

- EU Missions should provide “visible recognition for human rights defenders and their work, through appropriate use of the media – including the internet and new information and communication technologies – publicity, visits or invitations for such purposes as presenting prizes they have obtained.” (EU Guidelines on HRDs)
- “...condemnation of threats and attacks against human rights defenders, as well as...public statements where human rights defenders are at immediate or serious risk.” (EU Guidelines on HRDs)
- EU Missions should visit human rights defenders in custody or under house arrest and attend their trial as observers (EU Guidelines on HRDs)

Public statements or declarations

The EU can make public statements at various levels.⁷ Declarations and statements are made by:

- the High Representative of the Union for Foreign Affairs and Security Policy/Vice-President of the European Commission (HR/VP) or his/her spokesperson;
- EU Special Representatives;
- Members of the European Commission;
- EU Missions at the local level;
- Members of the European Parliament or the President of the European Parliament, including during

- visits to third countries;
- Ministers of Foreign Affairs or other representatives of EU Member States.

HRDs should expect that EU Missions bring their case to the attention of EU representatives and request that statements be made. They should also expect EU Missions to make statements at the local level. Local EU statements are issued by the EU Delegation “in agreement with the EU Heads of Mission” and approved in Brussels. They are published on the EU Delegation’s website.

EU local statements can express concern about problems like the arbitrary detention of HRDs, conditions of detention of HRDs, the harassment of HRDs, killing of HRDs, the raiding of the offices of human rights organisations, and call on the government to take appropriate measures, like releasing detained HRDs, protecting HRDs, investigating attacks on HRDs and bringing those responsible to justice,



Maryam Al-Khawaja from Bahrain addresses an event at the European Parliament to celebrate the first anniversary of the EU Strategic Framework on Human Rights, 2013

or generally ensuring respect for the rights of HRDs.⁸ If there is no agreement about an EU statement, individual Member States can still make their own public statements.

Besides these formal statements or declarations, EU or Member State representatives can make more informal statements of concern or support through speeches at public events, interviews with the media, etc.

Good Practice: *EU action on the arrest and conviction of Mr Faustin Ndikumana in Burundi.*

On 7 February 2012, Faustin Ndikumana, an anti-corruption campaigner in Burundi, was arrested and charged with “making false declarations.” The EU Delegation knew Faustin Ndikumana and his organisation well and attended some of its events. The EU took diplomatic action, including raising the case with the government during a political dialogue meeting. It is believed that this contributed to Faustin’s release on bail two weeks later. Subsequently, several EU Missions attended his trial. On 24 July 2012, he was sentenced to five years imprisonment. The EU Head of Delegation sent an urgent request to meet the President to discuss his case. When the request was rejected, the EU sent a joint statement⁹ to the Government and the media the following day. Faustin Ndikumana is currently free, pending an appeal in his case. Action by the EU, one of Burundi’s major donors, is believed to have contributed to keeping him out of prison.

Good Practice: *EU issues local statement on the killing of Cambodian human rights defender and environmentalist Mr Chut Wutty.*

Front Line Defenders raised this case with the EU Delegation in Cambodia on 27 April 2012. On 30 April, the Delegation reported that the EU Heads of

Mission were discussing the case. Then, on 2 May, a local EU statement was issued in which the EU expressed deep concern about the incident and called for a thorough investigation.¹⁰ The murder was blamed on a military policeman who was himself killed during the incident. In September 2012, the investigation was abandoned.

Good Practice: EU action in relation to the shutting down of the Association of Young Lawyers “Amparo” in Tajikistan

On 24 October 2012, a court ordered the closure of the Association of Young Lawyers, “Amparo” due to “irregularities with regard to registration.” At this point, Amparo, which had previously made a presentation at an EU seminar and was a member of an international network supported by the European Commission, strengthened its contact with the EU Delegation. Meetings with the EU Delegation took place to discuss EU action and the security of Amparo’s members. Front Line Defenders also raised the case with the EU Delegation on 26 October 2012. On 1 November, a local EU statement was published, calling on the Tajik authorities to reconsider the decision to shut down the organisation and to reinstate Amparo’s license to operate, in line with Tajikistan’s obligations to promote freedom of association.¹¹ In the same month, at the request of the EU Delegation and probably some EU Member States, the HR/VP raised the case in a meeting with the Tajik President during a visit to the country and mentioned the importance of Amparo in a public statement following the meeting.¹² And in December, the EU expressed concern about looming closure of the organisation at a meeting of the Organization for Security and Cooperation in Europe (OSCE) Permanent Council.¹³



Left to right: Irish Minister of State at the Department of Foreign Affairs and Trade, Joe Costello, with Malala Yousafzai from Pakistan, Mary Lawlor and Emer Costello MEP

In all the above and below mentioned examples, local/regional/international NGOs played a significant role in lobbying for EU action.

Visible contact or recognition

Visible contact with the EU can enhance the legitimacy of HRDs, raise their profile and help prevent violations against them by raising the perceived costs of such violations. Examples of visible contact and recognition that HRDs can expect from EU Missions include:

- inviting HRDs to EU events;
- attending or participating in events organised by HRDs;
- organising a lunch to which diplomats and HRDs are invited;
- visible meetings with HRDs;
- visiting HRDs' offices or areas of work;
- telephone calls to HRDs whose lines are tapped.



MEP Helga Truepel meets with Chinese human rights defender Zheng Enchong in Shanghai

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Trial observation

When support is needed to prevent an unfair trial, trial observation is an intervention that HRDs can expect from EU Missions.

Good Practice: EU observes trial of three Thai HRDs regarding peaceful protest.

In August 2009, Ms Jittra Kotchadej, Ms Boonrad Paiwond and Mr Soonthorn Boonyord led a demonstration to demanding government support for 2,000 dismissed workers. The demonstration was forcefully dispersed and the three were charged in January 2011 with breaching the peace and disobeying an order to disperse. The EU Delegation attended the pre-trial hearings on 12 September and 21 November 2011. Subsequently, the EU Delegation and two Member States (United Kingdom, Sweden) attended a pre-trial hearing on 30 April 2012. The first hearings

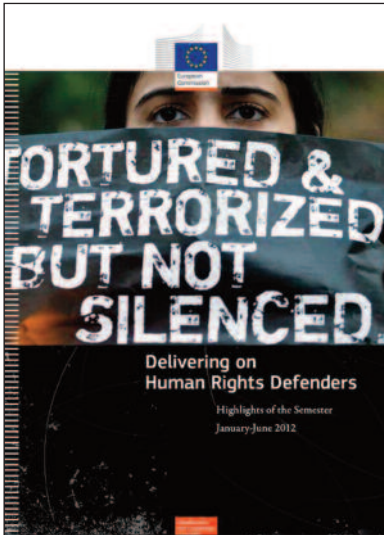


Andrew Anderson, Deputy Director of Front Line Defenders, visits human rights defender Azimjan Askarov in prison in Kyrgyzstan

of the trial finally took place in August 2012. Again, representatives of the EU Delegation observed the hearings. The trial is due to continue in May 2013. The EU Delegation is consulting with Member States on the appropriate reaction in case of guilty sentences.

Good Practice: *Trial observation, raising the case and public statement in Thailand.*

Mr Somyot Prueksakasemsuk is a labour rights activist in Thailand, campaigning for legal reforms and the editor of "Voice of the Oppressed" magazine. He was detained on 30 April 2011 and it was later alleged that he published articles which made negative references to the monarchy in his magazine and he was charged with defaming, insulting or threatening the royal family. The EU Delegation attended the first hearing in his case, in November 2011.



European Commission report on Human Rights Defenders

The EU Delegation and the embassy of Finland sent observers to a trial hearing in April. Representatives from a number of EU Missions attended another trial hearing in May. In September, the EU raised the case with senior officials of Thailand's Ministry of Foreign Affairs. It also requested to visit Mr Pruek-sakasemsuk and other prisoners convicted under the same laws, though no permission was given and no visit took place. The verdict was finally announced at a hearing on 23 January 2013. Observers from the EU Delegation as well as the embassies of six Member States (United Kingdom, Denmark, Finland, France, Luxemburg and Sweden) observed the hearing. On the same day, the EU issued a local statement in which it said it was deeply concerned about the conviction which "seriously undermines the right to freedom of expression and press freedom."¹⁴

Observation of demonstrations or public activities

EU Missions can be present not only to observe trials, but also to observe demonstrations, protests or other public activities organised by HRDs. This can enhance the legitimacy of these activities as well as prevent violations against HRDs such as arrest and the use of excessive force.

Visits to HRDs in detention or under house arrest

Visits to HRDs in detention or under house arrest can deter violations against them such as torture and ill-treatment. HRDs can expect such visits from EU Missions. Even if permission to visit is denied, EU Missions' efforts to do so signal concern for the detained HRD to the authorities.

Good Practice: *EU Missions visit detained Sri Lankan HRD and journalist J.S. Tissainayagam.*

In March 2008, the Sri Lankan HRD and journalist, J.S. Tissainayagam was arrested. After being detained for six months, he was charged under the Prevention of Terrorism Act. He was finally convicted in August 2009 and sentenced to 20 years in prison. He appealed this sentence and was released on bail on medical grounds in January 2010. Four months later, the Sri Lankan President pardoned him. While he was in detention, EU and other diplomats visited Mr Tissainayagam. It is believed that this helped prevent torture and other abuse, and it is also believed that the attention paid by EU and other foreign governments was instrumental in his release.

Good Practice: *Raising the cases of three Sudanese human rights defenders and trying to visit them.*

In mid-2012, in the context of demonstrations, three HRDs – Ms Mai Shutta, Mr Bakry Al-Ajami and Mr Faisal Shabu - were arbitrarily detained as part of a crackdown on civil society. Front Line Defenders contacted the EU Delegation on 2 August 2012 con-

cerning these detentions. Three days later, the EU Delegation reported that the cases had been raised with the authorities and that it had initiated contact with the defendants' lawyer and sought permission to visit these and other detainees, though the permission was denied. British officials also raised concerns about the detentions when meeting government representatives. The three HRDs were released between 11 and 16 August.



Dr Soraya Sobhrang, Commissioner responsible for Women's Rights at the Afghan Independent Human Rights Commission and winner of the Front Line Defenders Award in 2010, meets Catherine Ashton, High Representative of the European Union for Foreign Affairs and Security Policy, and Vice-President of the European Commission, in 2010.

Credit © European Union, 2010

Physical accompaniment

While not explicitly mentioned in EU policy, this is a method of protecting HRDs that has been practiced by EU Missions. It is usually a once-off intervention done under exceptional circumstances. An example is transporting HRDs to the airport or meeting them on arrival at airport in order to prevent their arrest or harassment.

Good Practice: *Physical accompaniment of HRDs at the airport in Sri Lanka.*

In March 2012, threats were made to HRDs from Sri Lanka who participated in the 19th session of the UN Human Rights Council in Geneva. Some of these HRDs feared retaliation when they arrived at the airport on returning to Sri Lanka. Diplomats from the EU and other like-minded Missions monitored their arrival at the airport. Some were monitored discreetly, while one female HRD was met publicly and accompanied out of the airport by diplomats. On another occasion, diplomats in Colombo accompanied to the airport an HRD who had previously been detained and released after an international campaign. At the airport, the HRD was questioned again and almost arrested, but it is believed the immediate intervention of the diplomat enabled the HRD to proceed.

NON-PUBLIC SUPPORT

Non-public support in the form of confidentially raising issues or cases with the local authorities is virtually always an appropriate EU action for HRDs to ask for, whatever the threat or violation (attacks, threats, arrest and detention, killings, legal harassment, etc.) and whatever kind of local authorities. It is a potentially effective way to prevent and react to threats and violations. It is usually the first step that the EU will take on any given case and because it is not public, it is relatively easier to get the EU to take it.

Directly raising urgent cases with local authorities by EU Missions

EU Missions should raise concerns about threats to HRDs or violations against HRDs on an ad hoc basis with relevant local authorities such as, for example:

- Ministry of Foreign Affairs;
- Attorney General;
- Ministry of the Interior;
- Special Prosecutor;
- Ministry of Justice.

Cases can be raised by the EU Delegation or by embassies of individual EU Member States.

The strongest means of raising a case is through an EU *démarche*, which is a kind of official protest to the local authorities. An EU *démarche* is agreed by all EU Member States and carried out by the EU Delegation. Any Member State can propose this measure. EU Member States can also carry out their own *démarche* on an individual basis.

Good Practice: *Uzbekistan - the Ambassador of the United Kingdom raises the case of Gulshan Karaeva with the Ministry of Foreign Affairs.*

Ms Gulshan Karaeva is a regional chairperson of the Human Rights Society of Uzbekistan. The EU Liaison Officer for HRDs – a British diplomat – was in regular touch with her. In May 2012, Gulshan Karaeva was threatened and physically attacked. Right after this, on 8 June, the Ambassador of the United Kingdom met with her. The Ambassador then raised Gulshan's case with the Uzbek Ministry of Foreign Affairs. However, Gulshan Karaeva was harassed again in September 2012, when she was arrested and charged with insulting and slandering two women who had attacked members of her family in July.

EU commitments:

- “EU Heads of Mission and EU Embassies will remind third countries’ authorities of their obligation to implement effective measures to protect human rights defenders who are or could be in danger” (EU Guidelines on HRDs)
- Heads of Mission “may decide to conduct an urgent local action to support human rights defenders who are at immediate or serious risk...” (EU Guidelines on HRDs)

Raising cases by Representatives of the EU/Member States

At a higher level, urgent cases should also be raised with local authorities by representatives of the EU or Member States such as:

- the HR/VP;
- EU Special Representatives (for specific countries or regions, or the Special Representative for Human Rights);¹⁵
- High-level officials of the EEAS;
- Members of the European Commission;
- Members of the European Parliament (especially members of Parliamentary delegations for relations with third countries);
- Ministers of Foreign Affairs or other representatives of Member States.

EU/Member State representative can raise cases on an *ad hoc* basis (for example, with ambassadors of the country in Brussels or in the capitals of EU Member States) or during scheduled meetings or visits to the country. HRDs should expect EU Missions to request that EU/Member State representatives raise their case and to provide these representatives with the necessary background information.



Palestinian NGOs issue joint statement to the European Parliament

Good Practice: EU Special Representative raises Uzbek human rights defenders cases.

Mr Akzam Turgunov, an activist on prisoners of conscience and torture, as well as an opposition politician, had been detained since July 2008 and charged with extortion. Ms Tatiana Dovlatova, a member of the Human Rights Alliance of Uzbekistan, had been subjected to intimidation, judicial harassment and threats in 2011. In January 2012, Front Line Defenders issued appeals on these two cases. Subsequently Germany's Federal Foreign Office (Ministry of Foreign Affairs) instructed staff at the German Embassy to Uzbekistan to liaise with the embassies of other EU Member States in order to discuss appropriate steps. Subsequently, EU Missions in Uzbekistan requested the EU Special Representative for Central Asia to raise the cases of Mr Turgunov and Ms Dovlatova in his meeting with Uzbek Foreign Minister Kamilov on 7 February 2012, which he did.

Raising issues and cases in the “political dialogue”

HRDs should expect that the EU raise their issue or case in the political dialogue with their country. Political dialogue refers to meetings or exchanges between the EU and third countries which take place at various levels, at agreed frequencies (usually once or twice per year) and cover specified issues.

Political dialogue is part and parcel of agreements between the EU and third countries, such as trade and co-operation agreements or association agreements. These agreements usually include a “human rights clause” which states that respect for human rights is an “essential element” of the agreement and forms a basis for discussion of human rights issues. In the framework of these agreements, human rights issues and cases are often discussed in a “sub-committee on human rights,” a special “human rights dialogue” or “human rights consultations.”¹⁶

The agenda for political dialogue meetings is drafted by the European External Action Service (EEAS). It is then discussed and finalised by Council working groups in Brussels made up of representatives of all Member States. The meetings are then conducted by the EEAS.

In the case of African, Caribbean and Pacific (ACP) countries, political dialogue takes place under Article 8 of the Cotonou Agreement. The agenda is drafted by the EU Heads of Mission, and the meetings take place in the capitals of partner countries, between the EU Heads of Mission and local government representatives, usually around twice per year. The EU should raise HRD issues and individual cases at these meetings, in addition to other human rights issues.

Having an issue or case raised in the political dialogue is always good for HRDs to ask for. The regularity of meetings provides the opportunity for follow-up. However, since meetings are not that frequent, this form of EU action is less relevant in cases of immediate danger.

HRDs can expect EU Missions to:

- Involve them in the preparation of political dialogue meetings (i.e. drafting of the agenda);
- Request that cases be raised during the meetings and forward the necessary information to the relevant colleagues at central level (especially at the EEAS);¹⁷
- “Debrief” HRDs at the local level, informing them about the cases or issues raised and the outcomes.

Parallel to the EU’s political dialogue, individual Member States have their own political dialogue with third countries.

EU commitment:

- “...the human rights component of political dialogues between the EU and third countries... will, where relevant, include the situation of human rights defenders. The EU will underline its support for human rights defenders and their work, and raise individual cases of concern whenever necessary. The EU will be careful to involve human rights defenders, under the most appropriate arrangements, in the preparation, follow-up and assessment of the dialogue in accordance with the EU Guidelines on human rights dialogues.” (EU Guidelines on HRDs)

REST AND RESPITE/TEMPORARY RELOCATION

Exiting the country or the part of the country where they are targeted is a way HRDs can prevent or react to threats or violations.¹⁸ The EU Guidelines on HRDs encourage the EU Missions to assist HRDs when they need to leave the country in order to escape grave danger or threats, including by issuing emergency visas and facilitating temporary shelter in EU Member States.

In reality, special “emergency visas for HRDs” do not exist. However, EU Member States might speed up the granting of a regular visa to an HRD because the HRD is in grave danger. EU ‘Schengen’ countries issue national visas or Schengen visas, which are valid in the entire Schengen area. The UK and Ireland are not members of the Schengen area and issue only national visas, as do Bulgaria, Cyprus and Romania, who have still not joined the Schengen area.

The EU has agreed to support an initiative aimed at providing relocation for threatened HRDs for a certain period of time, with priority given to relocation in the country or region of origin. Different initiatives already exist in this field, both in the EU and beyond, for example in The Hague, in The Netherlands, where a relocation programme is being implemented. The EU initiative will aim to coordinate and support existing and emerging programmes, run by NGOs, municipalities and other implementing agencies.¹⁹

EU commitments:

- Practical support for HRDs can include “providing measures for swift assistance and protection to human rights defenders in danger in third countries, such as, where appropriate, issuing emergency visas and facilitating temporary shelter in the EU Member States.” (EU Guidelines on HRDs)
- The EU will “develop and implement a voluntary initiative to facilitate the provision of temporary shelter to human rights defenders at risk” by mid-2013. (EU Action Plan)

Good Practice: *Rapid visa and temporary relocation in The Netherlands for a threatened Russian lawyer.*

After a history of threats and being victim of an attack in which his leg was seriously injured, the threatened Russian lawyer Magamed Abubakarov needed treatment and a period of rest and respite. He came into contact with Justitia et Pax, the NGO responsi-

ble for implementing a 'Shelter City' programme in The Hague. Subsequently, he was selected to stay in The Hague for a three-month period. Having been chosen for this programme, he was rapidly granted a Schengen visa by the embassy of The Netherlands in Russia. After receiving medical treatment in Slovakia, he stayed in The Hague for three months where he was able to rest and take a course in English. He then returned to Russia to continue his work.

FUNDING

The EU and its Member States provide funding for measures that they need to take to prevent and to react to threats and violations against HRDs. These can cover, among others:

- Medical treatment;
- Psycho-social support;
- Legal expenses;
- Security measures in homes and offices;
- Measures for digital/communication security;
- Relocation/evacuation;
- Longer-term support such as capacity-building, monitoring and advocacy.

The main source of such funding is the European Commission's European Instrument for Democracy and Human Rights (EIDHR). The EIDHR "supports human rights defenders against repression and the arbitrary exercise of power, and aims at providing swift assistance to human rights defenders at risk. It also aims at reinforcing their capacities to do their human rights work in the medium and longer term."²⁰

On the one hand, the EIDHR funds larger, longer-term projects which support and help protect HRDs. These can be global projects or projects carried out in single countries where the situation of HRDs is particularly difficult. For these projects, EIDHR in Brussels issues calls for proposals on a

regular basis, and offers the possibility of re-granting to reach out to HRDs. EU Delegations at country level also manage EIDHR funds, so-called “Country-Based Support Schemes.” They issue calls for proposals under these schemes, which may have protection of HRDs as a priority. Non-registered organisations can be eligible for larger projects.

The EU can also provide direct small grants of up to 10,000 Euro to human rights defenders in need of urgent support through the EIDHR emergency fund for human rights defenders at risk. Small grants can be provided to human rights organisations that are not legally registered.²¹

In some cases, HRDs might also be able to get funding for security and protection measures from embassies of EU Member States.

Good Practice: *Funding for medical treatment and relocation for Mexican HRD Norma Andrade.*

Norma Andrade is the founder of Nuestras Hijas de Regreso a Casa (May Our Daughters Return Home). Her human rights work focuses on fighting for justice for the victims of femicide and their families in the State of Chihuahua. On 3 February 2012, she was approached by an unidentified assailant and slashed in the face. On 8 February, Front Line Defenders raised the case with the EU Delegation. The Delegation responded that it was following the case closely. Two days later, the European Commission informed Front Line Defenders that it had provided funding for Norma Andrade’s medical treatment and relocation.

FACILITATING INTERNATIONAL ADVOCACY AND NETWORKING

HRDs can expect that EU Missions help them get access to international human rights mechanisms and, once they get access to these mechanisms, to protect them against reprisals for speaking out at the international level. EU Missions should also support local, regional, and global HRD networking.

EU commitments:

- “Promoting, via EU missions, the use of UN thematic mechanisms by local human rights communities and human rights defenders including, but not limited to, facilitating the establishment of contacts with, and exchange information between, thematic mechanisms and human rights defenders” (EU Guidelines on HRDs)
- “Promote improved access by human rights defenders to the UN and regional human rights protection mechanisms, and address the issue of reprisals against defenders engaging with those mechanisms.” (EU Action Plan)
- “Assisting in the establishment of networks of human rights defenders at international level, including by facilitating meetings of human rights defenders both within and outside the EU” (EU Guidelines on HRDs)

Footnotes

3. http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/EN/foraff/131181.pdf
4. http://ec.europa.eu/world/enp/pdf/com_11_303_en.pdf
5. For example, the High Representative for the Common Foreign and Security Policy (HR/VP), the EU Special Representative for Human Rights, other EU Special Representatives, envoys/representatives of Member States or the European Commission.
6. European External Action Service.
7. For different EU public statements, see http://www.eeas.europa.eu/statements/index_en.htm. For examples of public statements by EU Member State, see a statement by the UK at <https://www.gov.uk/government/announcements?departments%5B%5D=foreign-commonwealth-office> or a statement by The Netherlands at <http://www.government.nl/news/2013/02/05/ploumen-human-rights-defenders-in-congo-need-protection.html>
8. Many examples of local statements that EU Missions have made can be found on the website of the EEAS: http://www.eeas.europa.eu/statements/local/index_en.htm
9. http://www.eeas.europa.eu/statements/local/20120803_burundi_fr.pdf
10. http://www.eeas.europa.eu/delegations/cambodia/documents/press_corner/20120501_local__eu_statement_k_k_incident_en.pdf
11. http://www.eeas.europa.eu/delegations/tajikistan/documents/press_corner/2012/local_eu_statement_-_closure_of_ngo_amparo_en.pdf
12. http://europa.eu/rapid/press-release_MEMO-12-927_en.htm?locale=en
13. http://eeas.europa.eu/delegations/vienna/documents/eu_osce/permanent_council/2012/pc_935_eu_on_taj-and_kazakhstan.pdf
14. http://eeas.europa.eu/delegations/thailand/press_corner/all_news/news/2013/20130123_01_en.htm
15. http://eeas.europa.eu/policies/eu-special-representatives/index_en.htm
16. http://eeas.europa.eu/human_rights/dialogues/index_en.htm

17. See, for example, a press release on a human rights dialogue meeting between the EU and Vietnam where the EU says it “expressed concern about the situation of a number of internet bloggers and human rights defenders.” http://www.consilium.europa.eu/uedocs/cms_Data/docs/pressdata/EN/foraff/133217.pdf
18. See Front Line Defenders’ “Protection Handbook for Human Rights Defenders”:
[http://www.frontlinedefenders.org/files/en/Front Line Protection Handbook.pdf](http://www.frontlinedefenders.org/files/en/Front%20Line%20Protection%20Handbook.pdf) (p.16-17)
19. For an inventory of these initiatives, see Annex 5 of the report “Mapping of Temporary Shelter Initiatives for Human Rights Defenders in Danger in and outside the EU,” available at: <http://www.eidhr.eu/files/dmfile/FinalEUHRDRReportMasterVersion.pdf>
20. <http://www.eidhr.eu/human-rights-defenders>
21. See Chapter 2 – Funding, on how to access small grants.



Biram Dah Abeid, Founder and Director of the Initiative for the Resurgence of the Abolitionist Movement (IRA-Mauritania), and winner of the 2013 Front Line Defenders Award; Edward McMillan-Scott, European Parliament Vice-President responsible for democracy and human rights; Abidine Ould-Merzough, Europe Coordinator of IRA-Mauritania.

2 GETTING THE EU TO TAKE ACTION – HOW HUMAN RIGHTS DEFENDERS SHOULD PROCEED

PURPOSE:

This section describes how HRDs can approach EU Missions in order to request that specific actions be taken.

CONTACT/ACCESSIBILITY

EU Missions should be proactive towards HRDs. However, if HRDs do not hear from them, they can contact EU Missions themselves. How does an HRD contact EU Missions?

A key point of contact for HRDs is the EU Liaison Officer on HRDs. Unfortunately, despite EU commitments, it is still not very easy for HRDs to identify this person. Probably the best approach is to contact the Human Rights Focal Point at the EU Delegation. This person may also be the EU Liaison Officer on HRDs. If not, he/she should know who the Liaison Officer is.

HRDs can find the contact details of the EU Delegation in their country in the following alternative ways:

- Search the Internet using the term “EU Delegation” followed by the name of their country.
- Go to the website of the EEAS, click EU AROUND THE GLOBE, then COUNTRIES. Click on the name of the country and then on the right hand side, the link to the website of the EU Delegation.
- On the website of the EEAS, after clicking EU AROUND THE GLOBE, click EU DELEGATIONS. Then, on the right hand side, click on DELEGATION DIRECTORY. The country listings include a link to the EU Delegation’s website.

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Las Damas de Blanco (Ladies in White), Cuba, winners of the European Parliament's Sakharov Prize for Freedom of Thought in 2005.

Credit © European Union, 2013



Human rights defender John Ryan Mendoza from the Philippines at the Front Line Defenders EU Office in Brussels, September 2013. On the left: Philipp Woschitz, Advocacy Officer with Front Line Defenders

Once at the website of the EU Delegation, HRDs should be able to find the name of the Human Rights Focal point by clicking on “Key EU policies” on the left hand side of the home page and then, on the right side, “Delegation’s Human Rights Focal Point.” Unfortunately, in many cases, the name of the Human Rights Focal Point is not indicated; HRDs should therefore call the EU Delegation and ask.

Another key point of contact are embassies of individual EU Member States. On the websites of many EU Delegations, the contact details of all embassies of EU Member States in the country can be found by clicking on “travel to the EU” on the left hand side, and then on “embassies.” The contact details include links to the websites of the embassies.

To ensure contact with EU Missions, HRDs should:

- Identify and meet with the Liaison Officer on HRDs and/or the Focal Point on Human Rights, informing them about their work, their situation, any threats or violations against them and their perspectives on the situation of HRDs in the country.
- Respond to requests for information and invitations from EU Missions.
- Include EU Missions on mailing lists for urgent appeals, press releases, public statements, reports and invitations. In using electronic communication (e-mails), HRDs should be careful not to overwhelm EU Missions with information. This can be counterproductive. It is also important that information about urgent cases of threats or violations stands out from routine correspondence. This can be achieved, for example, by having “URGENT APPEAL” as the subject line of such e-mails.
- Invite EU Missions to visit offices and areas of work.
- Have the personal contact details of key staff at EU Missions so they can be informed and asked for assistance in case of an emergency or violation/attack. In general, HRDs and their organisations should keep an updated list of EU representatives so that they know who to contact when needed.

HRDs in rural areas can seek the collaboration and advice of HRDs in capital cities who already have contact and experience in engaging with EU Missions.

HRDs should prepare arguments to get the EU to take practical action, and can undertake a context analysis, i.e. analyse the environment in which they operate, before opting for getting either public or non-public support. This context analysis could be shared with the EU Missions.

PUBLIC SUPPORT

Public statements or declarations

HRDs should request public support from the EU in more or less the same way they request non-public support. They should:

- Contact the Liaison Officer on HRDs or human rights specialists at EU embassies. Provide them with reliable and factual information about cases.
- Request EU Missions to issue a local statement.
- Request the EU Delegation to contact the EEAS and the European Commission so that the EU express concerns and call on the authorities of your country to take specific action (statement by HR/VP, a relevant EU Special Representative or Commissioner).
- Through the human rights specialists at their embassies, ask individual Member States to make statements. Alternatively, in case of pre-existing contacts there, approach Foreign Affairs Ministries with this request. This can be important in cases where there is no agreement among EU Missions regarding an EU statement.
- Invite EU representatives to give speeches at public events in which they express support for the HRDs work and concern for threats or violations against the HRDs.
- In consultation with EU Missions, invite media to activities involving EU Missions (visits to offices, trial observation, etc.) and to interview EU representatives.

HRDs should not expect it will be easy to get EU representatives or Member States to make public statements. It is easier to get them to raise a case confidentially. Statements concerning violations against individual HRDs are usually only made in the most serious cases. Chances are improved if EU Missions:



Left to right: Vincent Forest, Head of Front Line Defenders' EU office; Igor Kalyapin of the Joint Mobile Group in Russia, which won the Front Line Defenders Award 2011, with Veronique Arnault, Director of Human Rights and Democracy with the European External Action Service (EEAS), and Engelbert Theuermann, permanent Chair of the EU Council's Working Party on Human Rights (COHOM).

Credit © Council of the EU, 2011

- Know the HRDs and are familiar with his/her work;
- Have been monitoring the case and know a lot about it;
- Have already raised the case with the authorities confidentially.

EU officials often argue that a public statement would not be “effective,” so HRDs should be prepared to explain why they believe it would make a difference.

Visible contact or recognition

HRDs should:

- Invite or request EU Missions and visiting representatives of the EU or Member States to visit



Schengen visas are issued by 22 of the 28 EU Member States, as well as Switzerland, Norway and Iceland.

- their offices and project activities, meet with them, contact them by telephone, etc.;
- Express interest in attending EU events as a means of raising visibility and attend such activities if invited;
- Get photos with EU Delegation and Member State Ambassadors to put up in their offices.

Trial observation

One or more individual embassies may decide to observe the trial, or an observer may be appointed to represent the EU as a whole. To get the EU to observe a trial, HRDs should:

- Contact the EU Liaison Officer on HRDs and human rights specialists at embassies of EU Member States, and explain why observation at this specific trial, at this specific time, is important.
- Meet EU Missions together with their lawyer(s) or the lawyers of the HRDs concerned if detained.

- Provide background information on the trial and explain how the proceedings diverge from international standards for a fair trial.
- Inform EU Missions about the time and location of hearings, including any last minute changes. For this, it is useful for HRDs and their lawyers to have the personal contact details of EU observers, like cell phone number and e-mail address.
- Inform EU Missions about accreditation procedures and, if they request it, assist them to get accredited as an observer of the trial.

Observation of demonstrations or public activities

HRDs should:

- Contact the EU Liaison Officer on HRDs and human rights specialists at EU embassies;
- Provide background information on the activity and explain concerns (for example, dispersal or use of excessive force by the police);
- Invite EU Missions to observe or participate in the activity;
- Inform EU Missions of the time and location of the activity and keep them up-to-date regarding any changes.

Visits to HRDs in detention or under house arrest

HRDs should:

- Contact the EU Liaison Officer on HRDs or human rights specialists at embassies of Member States directly or indirectly (through family, friends or lawyers);
- Request a visit, explaining its urgency and importance, in light of the circumstances in which the HRD is being detained;
- Mention any procedures which EU Missions need to follow to ensure the visit;
- In consultation with EU Missions, arrange for publicity about the visit, in order to raise visibility and increase safety.

Physical accompaniment

When physical accompaniment is needed to ensure the safety of HRDs, having in mind this type of EU action is exceptional, HRDs should:

- Contact the EU Liaison Officer on HRDs and/or human rights specialists at embassies of Member States (one or more key individuals with whom a relationship has been built);
- Provide background information (work of the HRD, etc.) and details about the nature of threats and risks;
- Request accompaniment, explaining how it may help, specifying times and places of the actions to be undertaken, needs for accompaniment and how it should be done (discreetly, publicly, etc.).

NON-PUBLIC SUPPORT

EU Missions raising cases with authorities

To get EU Missions to raise an issue or case with the local authorities, HRDs should:

- Contact the EU Liaison Officer on HRDs and human rights specialists at embassies of EU Member States. Face-to-face meetings are most effective;
- Provide background information on the issue or case, emphasizing the urgency of intervention;
- Indicate specifically which authorities the case should be raised with, what should be said to them, or what they should be asked to do;
- Follow-up with EU Missions to find out if action has been taken and if so, what the response of the local authorities was. EU Missions are committed to providing this feedback, in accordance with the EU Guidelines on HRDs.

Raising cases by Representatives of the EU/Member States

HRDs should:

- Contact the Liaison Officer on HRDs to find out about any planned visits to their country, or meetings with officials of their country, of the HR/VP, EU Special Representatives, members of the European Commission, or members of the European Parliament (the Parliamentary delegation to their country). Besides contacting the Liaison Officer on HRDs, HRDs can try to contact the EU representatives directly or via their international connections.²²
- Contact human rights specialists at embassies of EU Member States to find out about any planned visits to their country, or meetings with their governments, of Ministers of Foreign Affairs, other key officials of state or national parliamentarians. Alternatively, contact these representatives directly or, again, via international connections.
- Ask for the case to be raised and provide background documentation.
- Ask to participate in meetings with these EU representatives during visits, and during these meetings request EU representatives to raise HRD cases in meetings with the authorities.

Political dialogue

HRDs should:

- Contact EU Missions, especially the Liaison Officer on HRDs, to find out what kind of political dialogue exists between the EU and their country, and when and where the next political dialogue meeting takes place. Also find out when preparatory consultations are held with local HRDs and request to be invited to such meetings.
- Request that the case be raised during the political dialogue and provide EU Missions with the necessary background documentation.
- Follow-up after the political dialogue meeting to find out if the issue or case was raised, what the EU said, how the local authorities responded and any commitments that were made.

REST AND RESPITE/TEMPORARY RELOCATION

HRDs should:

- Contact human rights specialists at embassies of EU Member States who are perceived as the most active in quickly granting visas to HRDs in grave danger. Developing prior contacts with embassies can facilitate a quick visa when needed.
- Apply in the normal way for a Schengen visa or a visa for the United Kingdom, Ireland, Bulgaria, Cyprus or Romania. Front Line Defenders has published a guidebook on how HRDs should apply for a Schengen visa in such situations.²³
- Directly contact NGOs that might sponsor them during their stay. As the Front Line Defenders' guidebook points out, the whole process will be facilitated if the HRD is sponsored by a European organisation. In the case of Ireland, Front Line Defenders has been assisting HRDs to obtain an emergency visa and temporary shelter through its "fellowships" and "rest and respite" programmes.²⁴ In the case of The Netherlands, in order to request support from the 'Shelter City' programme in The Hague, HRDs in danger can contact the Dutch NGO that implements this programme - Justitia et Pax.²⁵ There are many other temporary shelter initiatives in Europe and HRDs can directly apply to the NGOs, municipalities and other implementing agencies.²⁶

FUNDING

For EIDHR funding for larger, longer-term projects, HRDs should contact the "focal point on human rights and democracy" at the EU Delegation or the "EIDHR team" of the European Commission in Brussels.²⁷ The names of focal points can be found on the EIDHR website or on the website



Human rights defender Alima Abdirova from Kazakhstan on rest and respite in Ireland

of the EU Delegation.²⁸ HRDs should find out when calls for proposals, both from Brussels and from the EU Delegation locally, will be made and whether the measures for HRD support and protection they would like to finance would be eligible.

For a small grant request, HRDs should contact either of the same officials, providing information including the name of the defender(s), background on the case(s), the amount of grant requested, and for what purpose.

When requesting a small grant, HRDs should find out how long the funds will take to become available. While the political decision is made in a matter of days, the contractual phase and transfer of funds could take up to one month. If funds are required sooner, HRDs should consider applying to other sources, such as international NGOs who may have access to the EIDHR emergency fund and channel the grant in a faster way.

Requests for small grants should be addressed to the EIDHR Team of the European Commission in Brussels, which manages the fund, or to the EU Delegation.

For funding from individual EU Member States, HRDs should contact human rights specialists at embassies.

FACILITATING INTERNATIONAL ADVOCACY AND CONTACTS

HRDs should contact the Liaison Officer on HRDs or human rights specialists at embassies of EU Member States.

Footnotes

22. In the case of Members of the European Parliament, HRDs can find a complete list of Parliamentary delegations by country, including names and contact details of members, at: http://www.europarl.europa.eu/delegations/en/home.html;jsessionid=F619AE15E8D80CEAE12723D09BB5B8.node2?sort=byCountry#current_zone
23. http://www.frontlinedefenders.org/files/fl_schengen_visa_guidelinesen.pdf
24. <http://www.frontlinedefenders.org/fellowships-internships>
25. A description of the programme and contact details of Justitia et Pax are available on the website <http://www.sheltercity.org>
26. See Annex 5 of the report “Mapping of Temporary Shelter Initiatives for Human Rights Defenders in Danger in and outside the EU,” available at: <http://www.eidhr.eu/files/dmfile/FinalEUHRDRReportMasterVersion.pdf>
27. Further information and contact details can be found at: <http://www.eidhr.eu/side-panels/human-rights-defenders/small-grants>
28. At <http://www.eidhr.eu/focal-points#> HRDs can find a table listing focal points for democracy and human rights related matters. “Operational” contacts and “political” contacts are listed. The people listed under “Operational” contacts deal with EIDHR funding for HRDs.

3 GENERAL LOBBY AND ADVOCACY STRATEGIES

PURPOSE:

The section provides suggestions for effective strategies for lobby and advocacy towards the EU.

GOOD DOCUMENTATION

HRDs should document the general context in which they operate. Such a “status report” should include details about laws and regulations, main threats and violations of their rights, accountability for violations, main perpetrators, role of local authorities, political factors, etc.

When threats or violations take place, HRDs should record as much factual, reliable information as possible²⁹ and provide a detailed report. There are a number of examples of a format for reporting violations against HRDs. The United Nations’ “Guidelines for submitting allegations of violations against human rights defenders”³⁰ is one of these and can be found in the annexes. HRDs should provide EU representatives with enough information not only to convince them of the merit of the case/seriousness of the threat or violation but also to make them feel confident that they will be able to present a strong case to the local authorities.

COORDINATION

It can sometimes be more effective to coordinate lobby and advocacy activities towards the EU with other local HRDs:

- Exchange information regarding contacts at EU Missions, funding opportunities, policies of EU Member States;
- Exchange experiences of lobbying the EU to take specific types of action in relation to individual cases;

- Collaborate on reports on the general context in which local HRDs operate;
- Identify issues of common concern (for example, restrictive laws) and jointly request the EU to take action on these.

When a HRD is at risk and unable to contact the EU (for example, because he/she has been detained), fellow HRDs can do so and request action. The EU Missions should meet the protection needs of HRDs based in rural areas, who are not so well connected and often more at risk. HRDs based in capital cities more often engage with EU Missions and can help HRDs in remote areas enhance their contact with EU Missions.

SEEK DOMESTIC REMEDIES

Although the purpose of lobby and advocacy towards the EU is to get external support and protection, it can be helpful – if deemed appropriate by them – that HRDs seek domestic remedies, even if there is no immediate prospect of redress. Seeking a domestic remedy includes submitting complaints to the relevant authorities and legal action. The EU can also be requested to contact the authorities about concrete follow-up.

As Front Line Defenders' "Protection Handbook for Human Rights Defenders" states, "It can be helpful in pursuing regional or international action to have demonstrated an attempt to make a national level complaint."³¹

GET INTERNATIONAL NGOS INVOLVED

Although local NGOs will generally have the more accurate and timely information, it is unfortunately the case that the EU is more likely to take action if they can see that the information has been taken up by a well-known international



Human rights defender Rebecca Masika from Democratic Republic of Congo discusses mechanisms for protection. © Michael Christopher Brown

NGO. The international visibility of the case, the amount and targets of lobby activity, and the costs to the EU of not taking action, are all increased if the case is taken up by an international NGO. It can be very helpful in situations where EU Missions show little interest in the situation of HRDs or their protection. HRDs should also try to mobilise their own partners and donors when at risk.

Front Line Defenders, Amnesty International and the Observatory for the Protection of Human Rights Defenders (FIDH/OMCT) – among others – can help HRDs in this respect.

Front Line Defenders

HRDs can, through its emergency hotline number, general e-mail address or secure contact form,³² contact Front Line Defenders’ “Protection Coordinator” for their region,

providing background information and any specific recommendations for EU action, and mentioning whether they have already contacted EU Missions and if so, what the response was.

Amnesty International

Amnesty International (AI) issues “urgent actions” when HRDs are threatened or their rights are violated. HRDs should contact the team for their country (staff doing research and campaigning on their country). The country team can be contacted through AI’s International Secretariat in London, or through the AI section/office in your country.³³ On the basis of these urgent actions and in consultation with the HRDs in question, it can undertake targeted advocacy towards the EEAS in Brussels, EU Delegations in the country concerned, and EU Member States to take action on individual cases.

Observatory for the Protection of Human Rights Defenders

The Observatory for the Protection of Human Rights Defenders³⁴ is a joint project of the International Federation for Human Rights (known by its French acronym FIDH) and the World Organisation Against Torture (known by its French acronym OMCT). It makes urgent interventions in the form of urgent appeals, press releases and letters to authorities when HRDs are threatened or their rights are violated. It lobbies the EEAS in Brussels and sometimes EU Delegations to take action on individual cases and issues affecting HRDs in specific countries. HRDs should contact Observatory staff or the desk officer for their country at the FIDH International Secretariat in Paris³⁵ or Observatory staff at the OMCT International Secretariat in Geneva.³⁶

Regional networks also publicise threats and violations and call for international action to address them, including Forum-Asia <http://www.forum-asia.org/> and East and Horn of Africa Human Rights Defenders Project <http://www.defenddefenders.org/>



Belarusian human rights defender Ales Bialiatski (extreme left), President of Human Rights Centre Viasna and Vice-President of the International Federation for Human Rights (FIDH), with FIDH delegation to the European Parliament. He is currently in strict regime detention in Belarus.

USE EU / MEMBER STATE PARLIAMENTS

The European Parliament can pressure the HR/VP to take action, either directly or through the EEAS, on cases of HRDs at risk in specific countries:

- Resolutions (called “texts adopted”) of the European Parliament can highlight specific issues or cases, and call on the HR/VP or the EEAS to take action, including through the EU Delegation.
- Written or oral questions by Members of the European Parliament to the HR/VP can pressure her to act on a case, including through the EU Delegation.

This can be particularly important in cases where EU Missions show little concern in relation to human rights issues due to other interests (economic, etc.)

Similarly, national parliaments in European Member States can table questions to the country's Minister of Foreign Affairs related to protection of HRDs and pressure the Minister to take specific actions to protect HRDs, such as raising the case with the authorities or action by the country's embassy.

HRDs should contact the Chairperson of the European Parliament's Human Rights Subcommittee³⁷ or the Chair of the Parliamentary Delegation to their country/region. HRDs need to identify individual Members of the European Parliament who are concerned about human rights in their country and request that they ask questions in parliament or promote resolutions about violations against human rights defenders in their country.³⁸ International or European NGOs, in Brussels or in European capitals, can be very helpful in facilitating contacts with the right people in the European Parliament or in parliaments in EU Member States.

REFER TO SPECIFIC POLICIES, PRACTICES AND STANDARDS

When requesting action, make reference to:

- specific EU policies (see EU commitments under Chapter 1);
- previous EU action to support or protect local HRDs;
- good practices of EU Missions elsewhere (as described in this handbook);
- international human rights standards, in particular the UN Declaration on Human Rights Defenders, which can found in the annexes;
- national laws.



Venezuelan human rights defenders at a Front Line Defenders workshop on the EU Guidelines in 2013

BUILD RELATIONSHIPS

HRDs should build relationships with key staff at EU Missions. This might be the EU Liaison Officer on HRDs, officially responsible for maintaining contact with HRDs. But it could also be another influential staff member at the EU Delegation, even the Head of Delegation, or staff members of embassies of EU Member States. The important thing is for HRDs to identify sympathetic and active representatives of the EU or Member States through whom they can get things done and build relationships with these individuals.

A relevant factor may be the specific types of HRDs that are prioritised by particular EU Member States.

HRDs should not expect that the EU will raise their case with the authorities or make a public statement about it on the basis of a first contact. HRDs should make the key staff at EU Missions aware of their situation on a regular basis before

threats and violations take place and they need help. The EU is much more likely to take action if EU Missions are familiar with the HRD and his/her situation, have been monitoring and following it.

Building relationships with representatives of key individual Member States is important. If they support a case, influential embassies can mobilise other EU embassies to take collective action. If they are unaware of a case or do not sympathise with it, they can block collective action.

GET FUNDING

HRDs should seek to obtain emergency funding for protection measures from EU Missions or from the European Commission in Brussels. HRDs should also invest in applying for project funding. While EU project funding procedures may be complicated and take significant time, not only does this provide valuable financial resources, but it creates a basis for building a relationship with EU Missions. Through a funding relationship, the EU gets to know the situation and work of HRDs. Furthermore, EU Missions are more likely to take action to protect HRDs whose activities they are funding.

Footnotes

29. Front Line Defenders' "Protection Handbook for Human Rights Defenders": See <http://www.frontlinedefenders.org/files/en/Front Line Protection Handbook.pdf> (p.17)
30. See <http://www.ohchr.org/EN/Issues/SRHRDefenders/Pages/Complaints.aspx>
31. See <http://www.frontlinedefenders.org/files/en/Front Line Protection Handbook.pdf> (p. 17)
32. Available at: <http://www.frontlinedefenders.org/emergency>
33. For contact details, go to www.amnesty.org and select your country under "Amnesty International in your country."
34. <http://www.omct.org/human-rights-defenders/observatory/>
35. E-mail for the Observatory staff of FIDH is obs@fidh.org. FIDH country desk officers can be contacted through the general telephone number + 33 (0) 1 43 55 25 18.
36. dr@omct.org. General telephone number of OMCT is + 41 (0) 22 809 49 39.
37. The e-mail address of the Secretariat of the Human Rights Subcommittee is droi-secretariat@europarl.europa.eu
38. HRDs can search for parliamentary questions mentioning the name of their country in the title or text on the website of the European Parliament: <http://www.europarl.europa.eu/plenary/en/parliamentary-questions.html>. They can obtain the contact details of the MEP who submitted the question by searching under the name of the MEP at: <http://www.europarl.europa.eu/meps/en/search.html>



European Instrument for Democracy and Human Rights (EIDHR) forum, Brussels, 2011

ANNEX 1: EU GUIDELINES ON HUMAN RIGHTS DEFENDERS

Ensuring protection – European Union Guidelines on Human Rights Defenders

I. PURPOSE:

1. Support for human rights defenders is already a long-established element of the European Union's human rights external relations policy. The purpose of these Guidelines is to provide practical suggestions for enhancing EU action in relation to this issue. The Guidelines can be used in contacts with third countries at all levels as well as in multilateral human rights fora, in order to support and strengthen ongoing efforts by the Union to promote and encourage respect for the right to defend human rights. The Guidelines also provide for interventions by the Union for human rights defenders at risk and suggest practical means of supporting and assisting human rights defenders. An important element of the Guidelines is support for the Special Procedures of the UN Human Rights Council, including the UN Special Rapporteur on Human Rights Defenders and appropriate regional mechanisms to protect human rights defenders. The Guidelines will assist EU Missions (Embassies and Consulates of EU Member States and European Commission Delegations) in their approach to human rights defenders. While the primary purpose of the Guidelines is to address specific concerns regarding human rights defenders, they also contribute to reinforcing the EU's human rights policy in general.

II. DEFINITION

2. The definition of human rights defenders, for the purpose of these Guidelines, draws upon operative paragraph 1 of the 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 (see Annex I), which 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".

3. Human rights defenders are those individuals, groups and organs of society that promote and protect universally recognised human rights and fundamental freedoms. Human rights defenders seek the promotion and protection of civil and political rights as well as the promotion, protection and realisation of economic, social and cultural rights. Human rights defenders also promote and protect the rights of members of groups such as indigenous communities. The definition does not include those individuals or groups who commit or propagate violence.

III. INTRODUCTION

4. The EU supports the principles contained in 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. Although the primary responsibility for the promotion and protection of human rights lies with States, the EU recognises that individuals, groups and organs of society all play important parts in furthering the cause of human rights. The activities of human rights defenders include:

- documenting violations;
- seeking remedies for victims of such violations through the provision of legal, psychological, medical or other support;
- combating cultures of impunity which serve to cloak systematic and repeated breaches of human rights and fundamental freedoms; and

– mainstreaming human rights culture and information on human rights defenders at national, regional and international level.

5. The work of human rights defenders often involves criticism of government policies and actions. However, governments should not see this as a negative. The principle of allowing room for independence of mind and free debate on a government's policies and actions is fundamental, and is a tried and tested way of establishing a better level of protection of human rights. Human rights defenders can assist governments in promoting and protecting human rights. As part of consultation processes they can play a key role in helping to draft appropriate legislation, and in helping to draw up national plans and strategies on human rights. This role too should be recognised and supported.

6. The EU acknowledges that the activities of human rights defenders have over the years become more widely recognised. They have increasingly come to ensure greater protection for the victims of violations. However, this progress has been achieved at a high price: the defenders themselves have increasingly become targets of attacks and their rights are violated in many countries. The EU believes it is important to ensure the safety of human rights defenders and protect their rights. In this regard it is important to apply a gender perspective when approaching the issue of human rights defenders.

IV. OPERATIONAL GUIDELINES

7. The operational part of these Guidelines is meant to identify ways and means of effectively working towards the promotion and protection of human rights defenders, within the context of the Common Foreign and Security Policy.

Monitoring, reporting and assessment

8. EU Heads of Mission are already requested to provide periodic reports on the human rights situation in their countries of accreditation. The Council Working Party on Human Rights (COHOM) has approved the outline of fact sheets to facilitate this task. In line with these fact sheets Missions should address the situation of human rights defenders in their reporting, noting in particular the occurrence of any threats or attacks against human rights defenders. In this contexts HoMs should be aware that the institutional framework can have a major impact on the ability of human rights defenders to undertake their work in safety. Issues such as legislative, judicial, administrative or other appropriate measures, undertaken by States to protect persons against any violence, threats, retaliation, de facto or de jure adverse discrimination, pressure or any other arbitrary action as a consequence of their legitimate exercise of any of the rights referred to the UN Declaration on Human Rights Defenders are all relevant in this regard.

9. 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. Where it is called for, HoMs should make recommendations to COHOM for possible EU action, including condemnation of threats and attacks against human rights defenders, as well as for demarches and public statements where human rights defenders are at immediate or serious risk. HoMs may decide to conduct an urgent local action to support human rights defenders who are at immediate or serious risk, and to report on their action to COHOM and other relevant working parties with recommendations concerning the scope for following up the European action. HoMs should also report on the effectiveness of EU action in their reports. Furthermore, Missions should pay particular attention to the specific risks faced by women human rights defenders.

10. The HoM reports and other relevant information, such as reports and recommendations from the Special Rapporteur

on Human Rights Defenders, other UN Special Rapporteurs and Treaty bodies and the Commissioner for Human Rights of the Council of Europe as well as non-governmental organisations, will enable COHOM and other relevant working parties to identify situations where EU action is called for and decide on the action to be taken or, where appropriate, make recommendations for such action to PSC/Council.

Role of EU Missions in supporting and protecting human rights defenders

11. In many third countries, EU Missions (Embassies of EU Member States and European Commission Delegations) are the primary interface between the Union and its Member States and human rights defenders on the ground. They therefore have an important role to play in putting into practice the EU's policy towards human rights defenders. EU Missions should therefore seek to adopt a proactive policy towards human rights defenders. They should at the same time be aware that in certain cases EU action could lead to threats or attacks against human rights defenders. They should therefore, where appropriate, consult with human rights defenders in relation to actions which might be contemplated. If action is taken on behalf of the EU, EU Missions should provide feedback to human rights defenders and/or their families. Measures that EU Missions could take include:

- preparing local strategies for the implementation of these guidelines, with particular attention to women human rights defenders. EU Missions will bear in mind that these Guidelines cover human rights defenders who promote and protect human rights, whether civil, cultural, economic, political or social. EU Missions should involve human rights defenders and their organisations in the drafting and monitoring of local strategies;

- organising at least once a year a meeting of human rights defenders and diplomats to discuss topics such as the local

human rights situation, EU policy in this field, and application of the local strategy for implementing the EU Guidelines on human rights defenders;

- coordinating closely and sharing information on human rights defenders, including those at risk;

- maintaining suitable contacts with human rights defenders, including receiving them in Missions and visiting their areas of work; consideration could be given to appointing specific liaison officers, where necessary on a burden-sharing basis, for this purpose;

- providing, as and where appropriate, visible recognition for human rights defenders and their work, through appropriate use of the media – including the internet and new information and communication technologies – publicity, visits or invitations for such purposes as presenting prizes they have obtained;

- where appropriate, visiting human rights defenders in custody or under house arrest and attending their trials as observers.

Promoting respect for human rights defenders in relations with third countries and in multilateral fora

12. The EU's objective is to influence third countries to carry out their obligations to respect the rights of human rights defenders and to protect them from attacks and threats from non-State actors. In its contacts with third countries, the EU will, when deemed necessary, express the need for all countries to adhere to and comply with the relevant international norms and standards, in particular the UN Declaration. The overall objective should be to bring about an environment where human rights defenders can operate freely. The EU will make its objectives known as an integral part of its human rights policy and will stress the importance it attaches to the protection of human rights defenders. Actions in support of these objectives will include the following:

– where the Presidency or the High Representative for the Common Foreign and Security Policy or the Personal Representative of the SG/HR on Human Rights or EU Special Representatives and Envoys or representatives of the Member States or the European Commission are visiting third countries, they will, where appropriate, include meetings with human rights defenders during which individual cases and the issues raised by the work of human rights defenders are addressed, as an integral part of their visits;

– the human rights component of political dialogues between the EU and third countries and regional organisations, will, where relevant, include the situation of human rights defenders. The EU will underline its support for human rights defenders and their work, and raise individual cases of concern whenever necessary. The EU will be careful to involve human rights defenders, under the most appropriate arrangements, in the preparation, follow-up and assessment of the dialogue in accordance with the EU Guidelines on human rights dialogues;

– EU Heads of Mission and EU Embassies will remind third countries' authorities of their obligation to implement effective measures to protect human rights defenders who are or could be in danger;

– working closely with other like-minded countries notably in the UN Human Rights Council and the UN General Assembly;

– recommending, where appropriate, to countries when they are under the Universal Periodic Review of the Human Rights Council that they bring their legislation and practices into line with the UN Declaration on Human Rights Defenders;

– promoting the strengthening of existing regional mechanisms for the protection of human rights defenders,

such as the focal point for human rights defenders and national human rights institutions of the OSCE Office for Democratic Institutions and Human Rights, the Commissioner for Human Rights of the Council of Europe, the Special Rapporteur on Human Rights Defenders of the African Commission on Human and Peoples' Rights and the special Human Rights Defenders Unit within the Inter-American Commission on Human Rights, and the creation of appropriate mechanisms in regions where they do not exist.

Support for Special Procedures of the UN Human Rights Council, including the Special Rapporteur on Human Rights Defenders

13. The EU recognises that the Special Procedures of the UN Human Rights Council (and the individuals and groups carrying them out: Special Rapporteurs, Special Representatives, Independent Experts and Working Groups) are vital to international efforts to protect human rights defenders because of their independence and impartiality and their ability to act and speak out on violations against human rights defenders worldwide and undertake country visits. While the Special Rapporteur on Human Rights Defenders has a particular role in this regard, the mandates of other Special Procedures are also of relevance to human rights defenders. The EU's actions in support of the Special Procedures will include:

- encouraging States to accept as a matter of principle requests for country visits under UN Special Procedures;
- promoting, via EU Missions, the use of UN thematic mechanisms by local human rights communities and human rights defenders including, but not limited to, facilitating the establishment of contacts with, and exchange information between, thematic mechanisms and human rights defenders;
- since the Special Procedure mandates cannot be carried

out in the absence of adequate resources, EU Member States will support the allocation of sufficient funds from the general budget to the Office of the United Nations High Commissioner for Human Rights.

Practical supports for Human Rights Defenders including through Development Policy

14. Programmes of the European Union and Member States aimed at assisting in the development of democratic processes and institutions, and the promotion and protection of human rights in developing countries – such as the European Instrument for Democracy and Human Rights – are among a wide range of practical supports for assisting human rights defenders. These can include but are not necessarily limited to the development cooperation programmes of Member States. Practical supports can include the following:

- supporting human rights defenders, as well as NGOs that promote and protect human rights defenders' activities, through such activities as capacity building and public awareness campaigns, and facilitating cooperation between NGOs, human rights defenders and national human rights institutions;

- encouraging and supporting the establishment, and work, of national bodies for the promotion and protection of human rights, established in accordance with the Paris Principles, including, National Human Rights Institutions, Ombudsman's Offices and Human Rights Commissions.

- assisting in the establishment of networks of human rights defenders at international level, including by facilitating meetings of human rights defenders both within and outside the EU; seeking to ensure that human rights defenders in third countries can access resources, including financial resources, from abroad and that they can be informed of the availability of those resources and of the means of requesting them;

- ensuring that human rights education programmes promote, inter alia, the UN Declaration on Human Rights Defenders;
- providing measures for swift assistance and protection to human rights defenders in danger in third countries, such as, where appropriate, issuing emergency visas and facilitating temporary shelter in the EU Member States.

Role of Council Working Parties

15. In accordance with its mandate COHOM will keep under review the implementation and follow-up to the Guidelines on Human Rights Defenders in close coordination and cooperation with other relevant Council Working Parties. This will include:

- promoting the integration of the issue of human rights defenders into relevant EU policies and actions;
- undertaking reviews of the implementation of these Guidelines at appropriate intervals;
- continuing to examine, as appropriate, further ways of cooperating with UN and other international and regional mechanisms in support of human rights defenders;
- reporting to the Council, via PSC and COREPER, as appropriate on an annual basis, on progress made towards implementing these Guidelines.

ANNEX 2: UNITED NATIONS' "GUIDELINES FOR SUBMITTING ALLEGATIONS OF VIOLATIONS AGAINST HUMAN RIGHTS DEFENDERS"

A. Essential information	B. Useful information	C. Sample letter to the SRSG
<p>1. Name of alleged victim/s Human rights defender first and family names and to spell names correctly. - individuals, groups or organisations.</p>	<p>If the victim is an individual, please provide information on gender, age, nationality, ethnic group and profession. If the victim is an individual or an organization, please provide contact details. Contact details are treated as confidential.</p>	<p>Ms. Aabb Ddee, a lawyer, lives in [name of city/town and country]</p>
<p>2. Status of the victim as a human rights defender In what human rights activity is the victim (person/s, organization) engaged?</p>	<p>Where relevant, please also indicate the city and country in which the victim (person/s, organization) conducts this human rights work.</p>	<p>Aabb Ddee takes up legal cases supporting the right to adequate housing on behalf of ethnic minorities. She is also a member of the National Commission for Human Rights.</p>
<p>3. Alleged violation/s committed against the victim What happened? Where? When? What is the current situation?</p>	<p>If an initial violation leads to other events, please describe them chronologically. E.g. if the initial concern is that a human rights defender has been arrested, details should be provided. But if he or she is later detained, other useful information would include: the place of detention; the person's access to a lawyer; conditions of detention; the charges; etc.</p>	<p>Aabb Ddee received an anonymous threat to her safety. On [day/month/year] Ms. Ddee received a letter at her office in [name of town]. The letter was addressed to her and contained only the words "Be careful". In addition, the following day Ms. Ddee was followed closely while driving home from her office by two men in a white car.</p>

A. Essential information	B. Useful information	C. Sample letter to the SRSB
<p>4. Perpetrators Give available information on who allegedly committed the violation: e.g. two men (in uniform?); rank, unit or other identification or title.</p>	<p>Witnesses Were there any witnesses to the alleged violation? Were there any other victims?</p>	<p>Aabb Ddee was unable to identify the two men following her or their vehicle. A friend accompanying Ms. Ddee in her car also saw the vehicle following them.</p>
<p>5. Action by authorities Has the matter been reported to the relevant authorities? What action has been taken?</p>	<p>Action taken by the victim or by human rights organizations Has the alleged violation been made public? Has this information been sent to others?</p>	<p>Aabb Ddee reported both incidents to the police [name/address of police office] the same days they occurred. The police have opened an investigation. She also reported the incidents to a local newspaper [name].</p>
<p>6. Link between the violation and human rights work Why do you think the alleged violation is a response to the human rights work of the victim?</p>	<p>Previous incidents If there have been previous incidents which are relevant, please give details.</p>	<p>A year ago [date], another lawyer representing the same ethnic group as Aabb Ddee received a threatening letter similar to Ms. Ddee's and was later [date] killed by unknown persons.</p>
<p>7. Who is submitting this information? (Confidential) Give name, contact details and professional role (if relevant).</p>	<p>Submissions may be made by organizations or individuals.</p>	<p>This letter is submitted by the National Commission for Human Rights, with which Aabb Ddee works.</p>

continued over >

ANNEX 2: CONTINUED

Updates

Please send any updated information you have as soon as possible. It is especially important to know if there has been any change in the situation of the victim. Updates might be given where:

- 1) additional information becomes known (e.g. the identity of the perpetrator of the violation); or
- 2) new events occur (e.g. the victim's release from detention).

[two months later] We learned today [date] that the police investigation was closed yesterday. Two men have been arrested and detained on charges of sending a threatening letter to Aabb Ddee on [date] and of following her in their car when she left work the next day. The men are due to appear in court in two weeks. While pleased with the arrests, Ms. Ddee believes that the person who ordered these acts to be committed remains at liberty. She has asked that the police investigation be continued.



ANNEX 3: UN DECLARATION ON HUMAN RIGHTS DEFENDERS

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

General Assembly resolution 53/144

The General Assembly,

Reaffirming the importance of the observance of the purposes and principles of the Charter of the United Nations for the promotion and protection of all human rights and fundamental freedoms for all persons in all countries of the world,

Taking note of Commission on Human Rights resolution 1998/7 of 3 April 1998, See *Official Records of the Economic and Social Council, 1998, Supplement No. 3 (E/1998/23)*, chap. II, sect. A. in which the Commission approved the text of the draft declaration on the right and responsibility of individuals, groups and organs of society to promote and protect universally recognized human rights and fundamental freedoms,

Taking note also of Economic and Social Council resolution 1998/33 of 30 July 1998, in which the Council recommended the draft declaration to the General Assembly for adoption,

Conscious of the importance of the adoption of the draft declaration in the context of the fiftieth anniversary of the Universal Declaration of Human Rights, Resolution 217 A (III).

1. *Adopts* the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and

Protect Universally Recognized Human Rights and Fundamental Freedoms, annexed to the present resolution;

2. *Invites* Governments, agencies and organizations of the United Nations system and intergovernmental and non-governmental organizations to intensify their efforts to disseminate the Declaration and to promote universal respect and understanding thereof, and requests the Secretary-General to include the text of the Declaration in the next edition of *Human Rights: A Compilation of International Instruments*.

*85th plenary meeting
9 December 1998*

ANNEX

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

The General Assembly,

Reaffirming the importance of the observance of the purposes and principles of the Charter of the United Nations for the promotion and protection of all human rights and fundamental freedoms for all persons in all countries of the world,

Reaffirming also the importance of the Universal Declaration of Human Rights and the International Covenants on Human Rights Resolution 2200 A (XXI), annex. as basic elements of international efforts to promote universal respect for and observance of human rights and fundamental freedoms and the importance of other human rights instruments adopted within the United Nations system, as well as those at the regional level,

Stressing that all members of the international community

shall fulfil, jointly and separately, their solemn obligation to promote and encourage respect for human rights and fundamental freedoms for all without distinction of any kind, including distinctions based on race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status, and reaffirming the particular importance of achieving international cooperation to fulfil this obligation according to the Charter,

Acknowledging the important role of international cooperation for, and the valuable work of individuals, groups and associations in contributing to, the effective elimination of all violations of human rights and fundamental freedoms of peoples and individuals, including in relation to mass, flagrant or systematic violations such as those resulting from apartheid, all forms of racial discrimination, colonialism, foreign domination or occupation, aggression or threats to national sovereignty, national unity or territorial integrity and from the refusal to recognize the right of peoples to self-determination and the right of every people to exercise full sovereignty over its wealth and natural resources,

Recognizing the relationship between international peace and security and the enjoyment of human rights and fundamental freedoms, and mindful that the absence of international peace and security does not excuse non-compliance,

Reiterating that all human rights and fundamental freedoms are universal, indivisible, interdependent and interrelated and should be promoted and implemented in a fair and equitable manner, without prejudice to the implementation of each of those rights and freedoms,

Stressing that the prime responsibility and duty to promote and protect human rights and fundamental freedoms lie with the State,

Recognizing the right and the responsibility of individuals,

groups and associations to promote respect for and foster knowledge of human rights and fundamental freedoms at the national and international levels,

Declares:

Article 1

Everyone has the right, individually and in association with others, to promote and to strive for the protection and realization of human rights and fundamental freedoms at the national and international levels.

Article 2

1. Each State has a prime responsibility and duty to protect, promote and implement all human rights and fundamental freedoms, inter alia, by adopting such steps as may be necessary to create all conditions necessary in the social, economic, political and other fields, as well as the legal guarantees required to ensure that all persons under its jurisdiction, individually and in association with others, are able to enjoy all those rights and freedoms in practice.

2. Each State shall adopt such legislative, administrative and other steps as may be necessary to ensure that the rights and freedoms referred to in the present Declaration are effectively guaranteed.

Article 3

Domestic law consistent with the Charter of the United Nations and other international obligations of the State in the field of human rights and fundamental freedoms is the juridical framework within which human rights and fundamental freedoms should be implemented and enjoyed and within which all activities referred to in the present Declaration for the promotion, protection and effective realization of those rights and freedoms should be conducted.

Article 4

Nothing in the present Declaration shall be construed as impairing or contradicting the purposes and principles of the Charter of the United Nations or as restricting or derogating from the provisions of the Universal Declaration of Human Rights, the International Covenants on Human Rights and other international instruments and commitments applicable in this field.

Article 5

For the purpose of promoting and protecting human rights and fundamental freedoms, everyone has the right, individually and in association with others, at the national and international levels:

- (a) To meet or assemble peacefully;
- (b) To form, join and participate in non-governmental organizations, associations or groups;
- (c) To communicate with non-governmental or intergovernmental organizations.

Article 6

Everyone has the right, individually and in association with others:

- (a) To know, seek, obtain, receive and hold information about all human rights and fundamental freedoms, including having access to information as to how those rights and freedoms are given effect in domestic legislative, judicial or administrative systems;
- (b) As provided for in human rights and other applicable international instruments, freely to publish, impart or disseminate to others views, information and knowledge on

all human rights and fundamental freedoms;

(c) To study, discuss, form and hold opinions on the observance, both in law and in practice, of all human rights and fundamental freedoms and, through these and other appropriate means, to draw public attention to those matters.

Article 7

Everyone has the right, individually and in association with others, to develop and discuss new human rights ideas and principles and to advocate their acceptance.

Article 8

1. Everyone has the right, individually and in association with others, to have effective access, on a non-discriminatory basis, to participation in the government of his or her country and in the conduct of public affairs.

2. This includes, inter alia, the right, individually and in association with others, to submit to governmental bodies and agencies and organizations concerned with public affairs criticism and proposals for improving their functioning and to draw attention to any aspect of their work that may hinder or impede the promotion, protection and realization of human rights and fundamental freedoms.

Article 9

1. In the exercise of human rights and fundamental freedoms, including the promotion and protection of human rights as referred to in the present Declaration, everyone has the right, individually and in association with others, to benefit from an effective remedy and to be protected in the event of the violation of those rights.

2. To this end, everyone whose rights or freedoms are

allegedly violated has the right, either in person or through legally authorized representation, to complain to and have that complaint promptly reviewed in a public hearing before an independent, impartial and competent judicial or other authority established by law and to obtain from such an authority a decision, in accordance with law, providing redress, including any compensation due, where there has been a violation of that person's rights or freedoms, as well as enforcement of the eventual decision and award, all without undue delay.

3. To the same end, everyone has the right, individually and in association with others, *inter alia*:

(a) To complain about the policies and actions of individual officials and governmental bodies with regard to violations of human rights and fundamental freedoms, by petition or other appropriate means, to competent domestic judicial, administrative or legislative authorities or any other competent authority provided for by the legal system of the State, which should render their decision on the complaint without undue delay;

(b) To attend public hearings, proceedings and trials so as to form an opinion on their compliance with national law and applicable international obligations and commitments;

(c) To offer and provide professionally qualified legal assistance or other relevant advice and assistance in defending human rights and fundamental freedoms.

4. To the same end, and in accordance with applicable international instruments and procedures, everyone has the right, individually and in association with others, to unhindered access to and communication with international bodies with general or special competence to receive and consider communications on matters of human rights and fundamental freedoms.

5. The State shall conduct a prompt and impartial investigation or ensure that an inquiry takes place whenever there is reasonable ground to believe that a violation of human rights and fundamental freedoms has occurred in any territory under its jurisdiction.

Article 10

No one shall participate, by act or by failure to act where required, in violating human rights and fundamental freedoms and no one shall be subjected to punishment or adverse action of any kind for refusing to do so.

Article 11

Everyone has the right, individually and in association with others, to the lawful exercise of his or her occupation or profession. Everyone who, as a result of his or her profession, can affect the human dignity, human rights and fundamental freedoms of others should respect those rights and freedoms and comply with relevant national and international standards of occupational and professional conduct or ethics.

Article 12

1. Everyone has the right, individually and in association with others, to participate in peaceful activities against violations of human rights and fundamental freedoms.

2. The State shall take all necessary measures to ensure the protection by the competent authorities of everyone, individually and in association with others, against any violence, threats, retaliation, de facto or de jure adverse discrimination, pressure or any other arbitrary action as a consequence of his or her legitimate exercise of the rights referred to in the present Declaration.

3. In this connection, everyone is entitled, individually and in

association with others, to be protected effectively under national law in reacting against or opposing, through peaceful means, activities and acts, including those by omission, attributable to States that result in violations of human rights and fundamental freedoms, as well as acts of violence perpetrated by groups or individuals that affect the enjoyment of human rights and fundamental freedoms.

Article 13

Everyone has the right, individually and in association with others, to solicit, receive and utilize resources for the express purpose of promoting and protecting human rights and fundamental freedoms through peaceful means, in accordance with article 3 of the present Declaration.

Article 14

1. The State has the responsibility to take legislative, judicial, administrative or other appropriate measures to promote the understanding by all persons under its jurisdiction of their civil, political, economic, social and cultural rights.

2. Such measures shall include, inter alia:

(a) The publication and widespread availability of national laws and regulations and of applicable basic international human rights instruments;

(b) Full and equal access to international documents in the field of human rights, including the periodic reports by the State to the bodies established by the international human rights treaties to which it is a party, as well as the summary records of discussions and the official reports of these bodies.

3. The State shall ensure and support, where appropriate, the creation and development of further independent national institutions for the promotion and protection of

human rights and fundamental freedoms in all territory under its jurisdiction, whether they be ombudsmen, human rights commissions or any other form of national institution.

Article 15

The State has the responsibility to promote and facilitate the teaching of human rights and fundamental freedoms at all levels of education and to ensure that all those responsible for training lawyers, law enforcement officers, the personnel of the armed forces and public officials include appropriate elements of human rights teaching in their training programme.

Article 16

Individuals, non-governmental organizations and relevant institutions have an important role to play in contributing to making the public more aware of questions relating to all human rights and fundamental freedoms through activities such as education, training and research in these areas to strengthen further, inter alia, understanding, tolerance, peace and friendly relations among nations and among all racial and religious groups, bearing in mind the various backgrounds of the societies and communities in which they carry out their activities.

Article 17

In the exercise of the rights and freedoms referred to in the present Declaration, everyone, acting individually and in association with others, shall be subject only to such limitations as are in accordance with applicable international obligations and are determined by law solely for the purpose of securing due recognition and respect for the rights and freedoms of others and of meeting the just requirements of morality, public order and the general welfare in a democratic society.

Article 18

1. Everyone has duties towards and within the community, in which alone the free and full development of his or her personality is possible.

2. Individuals, groups, institutions and non-governmental organizations have an important role to play and a responsibility in safeguarding democracy, promoting human rights and fundamental freedoms and contributing to the promotion and advancement of democratic societies, institutions and processes.

3. Individuals, groups, institutions and non-governmental organizations also have an important role and a responsibility in contributing, as appropriate, to the promotion of the right of everyone to a social and international order in which the rights and freedoms set forth in the Universal Declaration of Human Rights and other human rights instruments can be fully realized.

Article 19

Nothing in the present Declaration shall be interpreted as implying for any individual, group or organ of society or any State the right to engage in any activity or to perform any act aimed at the destruction of the rights and freedoms referred to in the present Declaration.

Article 20

Nothing in the present Declaration shall be interpreted as permitting States to support and promote activities of individuals, groups of individuals, institutions or non-governmental organizations contrary to the provisions of the Charter of the United Nations.

THE EUROPEAN UNION: WHAT IT CAN DO, GETTING IT TO TAKE ACTION

PROTECTION HANDBOOK FOR HUMAN RIGHTS DEFENDERS

Human rights defenders are people who, individually or collectively, work peacefully on behalf of others to promote and defend internationally recognised human rights. The European Union (EU) Guidelines on Human Rights Defenders constitute a key element of the EU's human rights external relations policy since their adoption in 2004. Their purpose is to provide suggestions for enhancing EU action to promote and encourage respect "for the right to defend human rights." The Guidelines also provide for practical interventions by the EU and its Member States for human rights defenders at risk.

This handbook is aimed at informing human rights defenders on what protection they can expect from the EU – with a particular focus on its field Missions, i.e. EU Delegations and Member State Embassies –, and how to proceed to get the EU to take action. It also gives some tips for effective strategies for lobby and advocacy towards the EU.

Front Line Defenders seeks to provide 24 hour support to human rights defenders at immediate risk. If you are a human rights defender and are concerned about your personal safety please feel free to contact our emergency number at any time. After office hours you will be offered five language options, each of which will connect you to a member of staff.

EMERGENCY NUMBER: +353 1 21 00 489

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