



HUMAN RIGHTS DEFENDERS

POLICY RESPONSES TO IMPROVE THEIR SECURITY

This factsheet outlines some of the main challenges that human rights defenders (HRDs) face in their daily practices as well as the ways in which these challenges can be mitigated from a policy perspective. Justice and Peace Netherlands recognises that these challenges need to be tackled in a systematic way through legislative changes and action plans developed and implemented at the national level, regional level and the multilateral level so as to promote the protection of HRDs.

VISA REGIME

Justice and Peace supports the creation of an expedited visa regime for HRDs at risk, which consists of three elements: (1) the visa can be delivered through a special fast-track procedure in a short period of time; (2) the visa is valid for one year, for multiple entries within a timeframe of three years (3) the visa scheme is explicitly stated in a EU regulation or in Member States policy documents, and is predictable and reliable.

ENABLING LEGISLATION

Legislation that might undermine the activities of HRDs and Civil Society Organisations (CSOs), such as financial and security policies, should be consistently monitored. This holds particularly true for legislation that restricts freedom of speech online and offline as well as freedom of assembly and association. Monitoring of the legislation should be part of the regular review of countries through the Universal Periodic Review and should be raised during bilateral dialogues. Furthermore, HRDs and CSOs should be systematically supported to advocate for the amendments to these laws.

COUNTER TERRORISM MEASURES AND FUNDING RESTRICTIONS

Blanket counter-terrorism legislation and over-reach of Multilateral¹, Regional², and National forms of financial and anti-money laundering regulation has had a devastating effect on the operating space of CSOs and HRDs, serving to undermine the possibilities to diversify their funding sources. Therefore, the negative effects of these policies and regulations need to be tackled and measures should be taken to shield CSOs and HRDs from abuse and over-regulation.

TRADE TO AID HRDS

Trade should not serve economic and political goals only; it can also be a powerful tool to promote human and labour rights. Through the systematic inclusion of a chapter on core labour standards and human rights, and the need for a complaint mechanism in all Free Trade Agreements (FTAs), CSOs and HRDs will be able to hold accountable the perpetrators of abuses and play their role of watchdogs more effectively.

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1 E.g. the Financial Action Task Force (on Money Laundering) (FATF), is an intergovernmental organization founded in 1989 on the initiative of the G7 to develop policies to combat money laundering. In 2001 the purpose expanded to act on terrorism financing.

2 E.g. the European Union and Gulf Cooperation Council

PRIVATE SECTOR BUSINESS AND HRDs

The private sector has a positive role to play in the promotion of human rights and the protection of HRDs. This especially holds true for those businesses that operate in a fragile context, in which governments are unwilling or unable to enforce human rights standards. Through a sectorial approach, applying voluntary measures alongside the recognition of businesses that show a responsibility to respect human rights, progress can be achieved. Therefore, there is a continued need to focus on greater transparency in the supply chain and genuine cooperation and consultation between local communities, HRDs, CSOs, governments and businesses to mitigate conflict.

DUAL-USE TECHNOLOGIES AND EXPORT LICENSES

Dual-use technologies are goods, products and technologies that are normally used for civilian purposes but might also have a military application. For example, equipment that will record phone calls of entire nations, plot the locations of every mobile phone in any given city and infect Facebook and smart-phone users for the purpose of mass-surveillance. Dual-use technologies can therefore be abused to undermine the privacy of HRDs and limit their freedom of expression. The granting of export licenses for dual-use technologies should be linked to the threat they pose to CSOs and HRDs. As such, the capabilities of a product should be analysed, the company's human rights record should be monitored, and the exporter and buyers network should be mapped to ensure stricter end-user verification and to prevent technologies to be used for human rights violations and blanket monitoring of CSOs. The end-user verification should also be reflected in the Wassenaar Arrangement³ and the EUs regulation 2009/428 on dual-technologies.

FOLLOW-UP OF CASES

HRDs are often harassed, unlawfully detained and attacked. Through political dialogue, demarches and public diplomacy efforts are made by countries to ensure better protection of HRDs. In order to increase the affectability of these efforts and to ensure a better follow up of individual cases of abuses of HRDs, logbooks should be introduced to help with a more systematic follow-up to individual cases by the countries and to allow for better feedback to CSOs working on the same case⁴.

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³ The Wassenaar Arrangement on Export Controls for Conventional Arms and Dual-Use Goods and Technologies is a multilateral export control regime (MECR) with 41 participating states.

⁴ Adapted from a position paper in reaction to the Action Plan on Human Rights and Democracy (2015 -2019) drafted by Frontline Defenders, FIDH, Justice and Peace, PBI, Protection International and OMCT

DETENTION OF HRDs

In case of the detention of an HRD, targeted measures need to be taken to include a commitment to develop a clear communication policy and to define explicit benchmarks and decision making processes on how the countries will advocate strongly, effectively and consistently for the release of arbitrarily arrested or imprisoned HRDs⁵.

JUSTICE AND PEACE'S RESPONSE

Besides the aforementioned challenges that Justice and Peace is addressing through their policy influencing activities: we also provide practical tools to enhance the security of HRDs in the following ways:

1. SHELTER CITY INITIATIVE (SCI):

focusing specifically on the protection of HRDs. Through the SCI HRDs can apply for three-month temporary shelter in one of the five Shelter Cities

2. THE HAGUE TRAINING COURSE (THTC):

The THTC offers a variety of training modules, including a personal risk assessment and security analysis; international human rights mechanisms and protection guidelines for HRDs; digital security; advocacy and policy influencing; and a training of trainers, so as to ensure that the knowledge acquired by the HRDs at the THTC is disseminated to their colleagues in the field.

3. CONNECT2PROTECT (C2P):

C2P provides a mutually-beneficial relationship between a HRD and a Member of Parliament, Lawyer or Journalist to exchange information, broaden their network and provide protection to the HRD when needed.

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⁵ Adapted from a position paper in reaction to the Action Plan on Human Rights and Democracy (2015 -2019) drafted by Frontline Defenders, FIDH, Justice and Peace, PBI, Protection International and OMCT.

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