

FRONT LINE HANDBOOK FOR HUMAN RIGHTS DEFENDERS WHAT PROTECTION CAN EU AND NORWEGIAN DIPLOMATIC MISSIONS OFFER?

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This handbook is meant for human rights defenders. It summarises the provisions of the EU and Norwegian Human Rights Defenders Guidelines. It also draws on the results of the EU's own evaluation of the implementation of its Guidelines carried out in the first half of 2006, which stipulated many steps that should be taken to implement the Guidelines.

The handbook details the ways in which the EU and Norway have committed themselves to supporting and protecting human rights defenders. It also makes suggestions to HRDs regarding how they might use these Guidelines as tools to improve their security.

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HANDBOOK FOR
HUMAN RIGHTS
DEFENDERS**
**WHAT PROTECTION
CAN EU AND
NORWEGIAN
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**PUBLISHED BY FRONT LINE
THE INTERNATIONAL FOUNDATION FOR
THE PROTECTION OF HUMAN RIGHTS DEFENDERS**

NOVEMBER 2007

FRONT LINE

Front Line was founded in Dublin in 2001 with the specific aim of protecting Human Rights Defenders, people who work, non-violently, for any or all of the rights enshrined in the Universal Declaration of Human Rights (UDHR). Front Line aims to address some of the needs identified by defenders themselves, including protection, networking, training and access to international bodies that can take action on their behalf.

Front Line seeks to provide rapid and practical support to at-risk human rights defenders, including through a 24-hour emergency response phone line, and to promote the visibility and recognition of human rights defenders as a vulnerable group. Front Line runs a small grants programme to provide for the security needs of defenders. Front Line mobilises campaigning and lobbying on behalf of defenders at immediate risk. In emergency situations Front Line can facilitate temporary relocation.

Front Line conducts research and publishes reports on the situation of human rights defenders in specific countries. The organisation also develops resource materials and training packages on behalf of human rights defenders as well as facilitating networking and exchange between defenders in different parts of the world. Front Line promotes strengthened international and regional measures to protect human rights defenders including through support for the work of the UN Special Representative on Human Rights Defenders. Front Line seeks to promote respect for the UN Declaration on Human Rights Defenders.

If there are aspects of personal security which you feel are not adequately addressed in this, or other Front Line publications, we would be very happy to hear from you.

Please feel free to contact us at info@frontlinedefenders.org

For general information on the work of Front Line please log onto www.frontlinedefenders.org

Front Line has Special Consultative Status with the Economic and Social Council of the United Nations.

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**This manual is being translated into French, Spanish,
Russian and Arabic by Front Line.**

FOREWORD

Dear Friends,

A few months ago French newspaper *Le Monde* carried an article with a very prominent headline reading “Europe must become a centre for the protection of human rights”. This is something that Front Line would obviously welcome warmly but we do feel that it is time to move from the point of making high sounding statements to taking those practical steps which will actually make a difference to the lives of human rights defenders at risk on the ground.

Front Line believes that, as key agents of social change, human rights defenders must be enabled to continue their legitimate work for the protection of the human rights of others without fear of harassment, intimidation or arrest. It may be a truism to say that the longest journey starts with a single step but applicable nonetheless. It is not revolution that will change the lives of human rights defenders but the steady application of clear principles. The EU Guidelines for the Protection of Human Rights Defenders marked a major breakthrough in terms of the recognition of, and respect for, the legitimate role of human rights defenders. The next step is to secure a firm commitment to uphold the guidelines and to find ways to make them work in practice. This handbook is meant to enable **human rights defenders** (HRDs) to use the EU Guidelines as a practical tool to improve their own personal protection.

This handbook is meant for human rights defenders. According to the United Nations, a HRD is anyone who, either individually or in association with others, works through peaceful means for the promotion, protection and realisation of human rights and fundamental freedoms. As the UN states, “*what is most important in characterising a person as a human rights defender is not the person’s title or the name of the organisation he or she works for, but rather the human rights character of the work undertaken. Human rights defenders are therefore not only the staff or volunteers of human rights organisations, but can also be lawyers, trade union leaders, journalists, teachers, doctors, judges, and police. A student who organises other students to campaign against torture, an inhabitant of a rural community who coordinates a demonstration by members of the community against degradation of their farmland by factory waste, and a politician who takes a stand against corruption can also be considered as human rights defenders.*”^{1,2} The EU and Norway use this broad definition of human rights defender that has been adopted by the UN.

Like previous publications, such as the Protection Manual for Human Rights Defenders and NGO in a Box, the objective of publishing this handbook is to provide a practical resource for HRDs, one they can use as part of their overall protection strategy. The handbook is also meant to promote the accountability of governments in protecting HRDs, which is the main focus of Front Line’s work. Of course we recognise that the EU and Norway must address a huge range of issues in their foreign policies and that even when they do take action, it is no “cure all” for the difficulties HRDs experience. However, Front Line believes that being aware of the EU and Norway’s policies will help HRDs get the greatest possible benefit from the stated commitments of the EU and Norway in the areas of support and protection.

Yours sincerely,

Mary Lawlor
Director
Front Line
The International Foundation for the Protection of Human Rights Defenders

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INTRODUCTION

Because of their work in promoting and protecting the rights of others, human rights defenders (HRDs) are often themselves targets of threats, attacks and harassment. Recognising this, the United Nations, in 1998, adopted what is commonly known as the UN Declaration on Human Rights Defenders. The Declaration spells out the rights of HRDs and the obligations of states to protect them.

The European Union (EU) and Norway have undertaken to promote the implementation of the UN Declaration on Human Rights Defenders in “third countries” through their foreign policies. They have adopted guidelines¹ on how they will contribute to supporting and protecting HRDs. Switzerland will finalise a similar set of guidelines at the end of 2007.

The EU Guidelines were adopted in June 2004, and the Norwegian guidelines were finalised and distributed to embassies in February 2005. While these guidelines are not legally binding, they represent political commitments by the institutions and individual governments concerned. The implementation of its HRDs’ guidelines has been identified as a priority within the EU’s human rights foreign policy. “Democracy and human rights cannot be simply imported or imposed onto any society,” stated the Minister of Foreign Affairs of Finland in December 2006, when his country held the EU Presidency. “That is why the support for the work of civil society, the local defenders of the democratic cause and human rights, is such a priority.” According to Hina Jilani, UN Special Representative on Human Rights Defenders, “the importance of the EU Guidelines cannot be overstated.”

This handbook summarises the provisions of the EU and Norwegian human rights defenders guidelines. It also draws on the results of the EU’s own evaluation of the implementation of its guidelines carried out in the first half of 2006, which stipulated many steps that should be taken to implement the guidelines.³ The handbook details the ways in which the EU and Norway have committed themselves to supporting and protecting human rights defenders. It also makes suggestions to HRDs regarding how they might benefit from these policies.

The handbook starts with a description of the relevant structures of the EU and Norway. This is followed by sections on the commitments the EU and Norway have made through their policies to support and protect HRDs. In each of these sections, details on the provisions of the policies will be given, sometimes illustrated by real-life examples. This handbook also includes some ideas regarding what HRDs can do to make use of or benefit from these policies. Subsequently, the limitations of EU/Norwegian action to support and protect HRDs are discussed. The handbook ends with a checklist for HRDs for engaging the EU and Norway.

EU AND NORWAY: INSTITUTIONS AND STRUCTURES ON THE GROUND

Before looking in more detail at the provisions of the two sets of guidelines, it is necessary to look at the structures of the EU and Norway, especially at the country level, responsible for the implementation of these policies. This knowledge is essential to be able to make practical use of these policies.

EU and Norwegian institutions⁴

The EU has three main institutions: the Council, the Commission, and the Parliament. The Council of the European Union, made up of the leaders of the 27 member states,⁵ is the main decision-making body of the EU. It defines and implements the EU’s common foreign and security policy and concludes agreements with governments outside the EU or international organisations. The work of the Council is prepared by committees and working groups. Human rights issues may be dealt with by the working group on human rights (COHOM) if of a general nature, or by one of the geographical working groups if a specific country or region is involved. The Council is assisted by a General Secretariat, including the Secretary General/High Representative for the Common Foreign and Security Policy and his Personal Representative on Human Rights.

The European Commission can be seen as the civil service of the EU. It is led by a college of 27 Commissioners, one from each EU country, including a Commissioner for External Relations. The work of the Commission is divided into Directorates General (DGs). The DG External Relations covers all countries except the African, Caribbean and Pacific (ACP) countries, which are covered by the DG Development (under Commissioner for Development). The DG External Relations has a human rights unit which has global responsibility, including ACP countries. In the area of external relations, one of the main tasks of the Commission is to implement cooperation agreements with countries outside the EU.

The European Parliament is composed of 785 members (MEPs) elected by the citizens of EU countries. There will be 750 after the European Parliament elections in 2009. The Parliament has a consultative role in relation to the Council and Commission concerning external relations. It must give its assent to international agreements. Perhaps most importantly, it exercises political supervision over the Commission’s and Council’s activities, including in the area of human rights. The Parliament’s work is organised into committees, including a committee on foreign affairs and its sub-committee on human rights.

The Norwegian Ministry of Foreign Affairs is responsible for the conduct of Norway’s foreign policy, including in the area of human rights. The Minister of Foreign Affairs is assisted by a number of State Secretaries. The Ministry has staff that are responsible for specific countries or regions, as well as a Section for Human Rights and Democracy, which supervises the implementation of Norway’s human rights policy globally.



Andrew Anderson, DEP DIR Front Line, meeting HRDs in Nepal

The EU and Norway on the ground

HRDs' first point of contact with the EU and Norway is usually local diplomatic representations.

Norway

Norway is represented by its embassies. Outside the EU, Norway has 57 embassies⁶ throughout Europe, the Americas, Africa, Asia and Oceania.

The EU

The EU is represented by the embassies of its member states and by the Delegation of the European Commission (collectively called "EU missions"). Not all 27 EU member states will always be represented in any given country. Member states like France, the United Kingdom and Germany have an extensive network of embassies. Smaller EU countries, like Ireland and Poland, have much fewer embassies. In over 120 countries, there is a Delegation of the European Commission and they will know which EU countries have embassies locally. This information is also usually posted on the Delegation's website.⁷ The Ambassadors of the EU member states and the Head of the Delegation of the European Commission are collectively referred to as the EU Heads of Mission and meet on a regular basis to discuss issues and decide actions.

In contacting the EU, it is important to be aware that at any given time, the EU is led by the Presidency of the Council of the European Union. Currently, the EU Presidency rotates among member countries every six months, although this may be modified in the future.⁸ At the country level, the embassy of the country holding the EU Presidency should play a leading role. If the country holding the EU Presidency does not have an embassy locally, then it will appoint the embassy of another EU member state to be the "local Presidency."⁹

The aim of the Guidelines is to promote concerted EU action on behalf of HRDs, led by the Presidency. However, proposals for such action can come from active individual member states. Individual member states who prioritise other concerns can also block such action. Finally, individual member states are free to take measures to support and protect HRDs, including when concerted responses are lacking. For this reason, it is important for HRDs to maintain contact not just with the EU Presidency, but with individual EU missions as well.

In relation to HRDs' issues and cases, the Ambassador or the person who is responsible for human rights or political affairs should be contacted. EU embassies are supposed to consider appointing a specific staff member as a "focal point" for HRDs. Many embassies have their own websites, where further information can be found.

ACTIONS TO SUPPORT AND PROTECT HUMAN RIGHTS DEFENDERS

The EU and Norway have regularly given support and protection to human rights defenders. However, guidelines were adopted in order to systematise and enhance these efforts. Diplomatic representatives are now supposed to monitor the situation of human rights defenders more consistently and take action to protect them more quickly and effectively, as this handbook describes. In the EU's case, "the overall objective should be to bring about an environment where human rights defenders can operate freely."

HRDs may be most familiar with the efforts of the EU and Norway to maintain contact with HRDs, to visit them, or even to observe trials in which they are involved. However, this handbook will first describe formal diplomatic measures (démarches, public statements and political dialogue), followed by ways of giving physical protection and visible recognition to HRDs and of monitoring their situation. By presenting the actions in this order, the handbook aims to highlight in the first place the commitments made by the EU and Norway to raise concerns about HRDs with third country governments, and to explain in some detail the instruments that the EU and Norway have at their disposal for doing this.

Démarches/raising the issue with authorities

A démarche is a formal method which the EU and Norway can use to raise issues with the local authorities. A démarche usually takes the form of a written document, delivered to a representative of the third country government. It is usually carried out "confidentially," thus being a form of "quiet diplomacy." Sometimes, however, démarches may be accompanied by public statements.

The EU Guidelines provide for démarches in the name of the EU as a whole. These should be made in situations "where HRDs are at immediate or serious risk." While EU démarches are usually "delivered" by the local EU Presidency or "Troika" (current Presidency, next Presidency, and European Commission), any EU member state can propose that a démarche be made.

Though the EU Guidelines don't mention it, individual EU member states can also carry out démarches. Individual EU member states, in their own foreign policies, may have similar commitments to raising HRDs' issues and cases with the local government.

The Norwegian guidelines also provide for démarches ("official protests"). These have to be approved by the Norwegian Foreign Ministry. In practice, Norway makes démarches only in exceptional cases and after careful assessment of the situation. Norway often cooperates with the EU in making démarches.

The EU and Norway can also raise HRDs' issues and cases in other ways. The EU says that when representatives of the Presidency, Council of the EU,¹⁰ or European Commission are visiting third countries, they will raise individual cases of HRDs where appropriate. Individual states can also bring causes or issue to the attention of local authorities. The Norwegian policy also mentions using "informal dialogue" to raise the situation of HRDs with the authorities.



EU commissioner Louis Michel, Vincent Forest Front Line, Mary Lawlor Front Line, Dr. Mudawi Ibrahim Adam, Sudan, Gégé Katana, DRC

The Netherlands. The human rights policy of The Netherlands states that where possible, in cases where an activist or an organisation is harassed or its work made impossible by the government, the Dutch Government will raise it, either through the EU or bilaterally, with the relevant authorities.¹¹

In practice, raising concerns about the situation of HRDs or individual cases, especially confidentially and informally, appears to be the most common way in which the EU and Norway intervene on behalf of HRDs. Démarches and other ways of raising issues or cases with local authorities can be used, for example, to express concern about threats against HRDs and request physical protection for them.

What you can do:

- *When discussing violations with EU diplomats, indicate whether you believe informal or formal action would be more effective, and whether the action should be publicised or confidential;*
- *In communications with diplomats, indicate which authorities are responsible or in a position to take action in relation to violations of your rights as a HRD;*
- *Provide complete and accurate information on a timely basis, including on why the particular situation or case constitutes a violation (diplomats will not raise issues or cases unless they have confidence in the quality of the information they have);*
- *Advise diplomats with regard to the questions that should be asked and the messages that should be communicated to the authorities;*
- *Obtain feedback from the diplomat regarding whether the situation or case was raised, what the response was, what commitments were made by local authorities and what the follow-up will be.*

Public statements

The EU Guidelines provide for official public statements including the “condemnation of threats and attacks against human rights defenders,” and “where HRDs are at immediate or serious risk.” These statements are usually issued by the Presidency, in Brussels and in the Presidency capital. They can also be made at the local level, by the EU Heads of Mission. Any member state can propose that an EU public statement be made. The EU should be approached to consider the views of HRDs when deciding on whether to make public statements.



Ruth del Valle showing bars on windows in Guatemala

Uzbekistan. On 4 May 2007, the EU issued a public declaration in which it expressed great concern about harsh prison sentences given to two Uzbek human rights defenders and deplored the fact that observers were not allowed to the trial. “The EU urges the Uzbek authorities to immediately review the two cases and to fully respect the principles of due and fair trial according to Uzbekistan’s commitments to international human rights standards. The EU calls on the Uzbek authorities to grant unhindered access to both women by family and lawyers,” read the EU statement, issued in Brussels.

Iran. Following the arrest of women human rights defenders on 4 March 2007, the EU Presidency issued a statement calling for immediate and unconditional release of those detained and the cessation of proceedings against those already released. An EU Presidency statement of 25 May 2007 expressed deep concern at developments in the human rights situation in the country, including the recent wave of arrests of civil society and women’s rights activists.

Guatemala. On 12 July 2007, the EU Heads of Mission issued a “Joint Declaration of the Heads of Mission of the EU Member States and the European Commission Accredited to Guatemala.” In this Declaration, the EU Heads of Mission expressed concern about recent attacks against human rights organisations and their collaborators. They stressed the importance of the relevant Guatemalan institutions to improve protection of the affected groups and thoroughly investigate the incidents. They stressed the need to take all possible measures to end impunity for such attacks. This Declaration was published in the local newspaper *El Periódico* on 13 July 2007.

As far as Norway is concerned, its policy mentions that “many human rights defenders are subjected to defamation campaigns and negative comments in the media. Missions can play a part in promoting a positive image of human rights defenders through comment in the media...” The Norwegian guidelines also mention the possibility of publishing démarches on the websites of the Ministry of Foreign Affairs or the embassy concerned. As in the case of démarches, Norway often cooperates with the EU on public statements such as by co-signing EU declarations on HRDs.

Syria. On 16 May 2007, Norwegian State Secretary for Foreign Affairs, Raymond Johansen issued a press release criticising the conviction of HRDs in Syria. “I am very critical of the Syrian authorities’ attempts to stop the work of human rights and democracy advocates,” he said. “As a party to the International Covenant on Civil and Political Rights, Syria is obliged to respect the right to freedom of expression and freedom of association, and to respect basic principles of the rule of law such as the right to a fair trial. I therefore urge the Syrian Government to fulfil their international obligations and overturn these judgements,” he concluded.¹²

What you can do:

- *If you think that a public statement would be an effective way to address violations against you, make diplomats aware of that;*
- *Organise a press conference regarding your situation and the activities which you believe lead to attacks against you and invite diplomats to attend or participate;*
- *Organise media coverage of visits by diplomats to your office, area of work, event, place of detention, etc. This will give diplomats the opportunity to comment through the media;*
- *Translate and disseminate EU public statements to local media to ensure impact on the ground.*

Political Dialogue

Political dialogue refers to formalised and structured discussions between governments.

The EU considers political dialogue as its main instrument for furthering its external relations. Political dialogue usually takes place in the framework of cooperation agreements between the EU and the third country government. For example, the Cotonou Agreement between the EU and African, Caribbean and Pacific countries, and Association Agreements with Mediterranean countries.¹⁴ These agreements stipulate a common commitment to uphold the basic principles of human rights,



A demonstration in Egypt, protesting against the closure of the Association for Human Rights and Legal Aid

democracy and the rule of law. With Mediterranean countries, the EU is establishing sub-committees on human rights where HRDs' issues can be discussed. There is a specific "human rights dialogue" with China and a human rights "consultation" with Russia.

Political dialogue takes place through regular meetings between the EU and the partner government. The meetings take place in the partner country, or in the country of the EU Presidency, or in Brussels. The number of meetings per year may vary, and it appears that the dates are sometimes decided only a short time beforehand. Since the time between meetings may be months, political dialogue is not suitable for addressing urgent cases.

On the EU side, the meetings are led by the EU Presidency. The European Commission also plays an important role in preparing and conducting the meetings. However, any EU member state can propose topics for discussion. The topics of the discussions may vary, but in any case, human rights issues should be included. For example, in Article 8 of the Cotonou Agreement it is stipulated that the political dialogue will "encompass a regular assessment of the developments concerning the respect for human rights, democratic principles, the rule of law and good governance."

In relation to HRDs' issues and cases, the EU Guidelines on HRDs stipulate that:

"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."

In its political dialogue with third countries, the EU says that it may draw attention to the UN Declaration on HRDs, address concerns relating to the institutional framework and the environment in which HRDs work, and encourage the implementation of recommendations of the UN Special Representative on HRDs and regional HRD mechanisms. The advantage of political dialogue is that it can be used to ensure continuity and follow-up on HRDs' issues and cases.

The EU is supposed not only to raise HRDs' issues and cases during the dialogue, but also involve HRDs in the preparation of dialogue meetings and consult them in the establishment of human rights related priorities for the dialogue. Also, meetings with HRDs may be organised on the occasion of high level meetings between the EU and the third country government.

The involvement of HRDs in the political dialogue is sometimes stipulated in the cooperation agreement itself. For example, Article 8 of the Cotonou Agreement stipulates that "civil society organisations shall be associated with this dialogue." In any case, it is also stipulated in another set of EU human rights guidelines, the EU Guidelines on Human Rights Dialogues:

*"...civil society organisations could become involved (in the human rights dialogue) under the most suitable arrangement in the preliminary assessment of the human rights situation, in the conduct of the dialogue itself (particularly by organising meetings with civil society at local level in parallel with the formal dialogue), and in following up and assessing the dialogue. The European Union could thus signify its support for defenders of human rights in countries with which it maintains exchanges of this kind."*¹⁵

In relation to Norway, political dialogue, meaning formal bilateral consultations, is also a means through which the situation of HRDs can be raised with local authorities. Norway has dialogues specifically focused on human rights with China, Vietnam and Indonesia.

Russia. Since 2005, the EU has held human rights consultations with Russia, consisting of two meetings per year. Russian HRDs were not even aware of the first meeting in March 2005. But after that they pressed for involvement. At the time of the second consultation meeting in September 2005, they took the initiative to travel to Brussels to convey their views to EU officials and organise alternative public hearings. In 2006, their involvement increased further: the EU met them before the consultations to hear their assessments and concerns, and briefed them on the discussions afterwards. The EU has raised HRDs' issues such as the restrictive legal framework for NGOs and individual cases during the meetings. For example, at the meeting on 3 May 2007, the EU raised the issues of media freedom, pressure on NGOs and a series of individual cases. The EU expressed its concern that plurality of the media was diminishing and that journalists were working in dangerous conditions. The EU reiterated its concerns regarding the 2006 amendments to the NGO law, as well as concerning the breadth and application of the anti-extremist law, and urged the Russian authorities to place further amendments to the NGO law before the Duma as quickly as possible. The EU representatives met with Russian HRDs before their consultation with the Russian authorities. The EU suggested to the Russian authorities that they establish a "legal seminar" (with academics and civil society) before the official consultation meeting, similar to the one that is taking place before the HR dialogue with China. One Russian HRD involved in the consultation process stated that HRDs were satisfied with their level of involvement, though there were still some concerns. "There is no way for us to find out whether they actually incorporated our recommendations," he said. "And there are no outcomes or agreements that we can hold the government accountable to."¹⁶

Israel/Occupied Palestinian Territories. Local and international organisations collaborated in lobbying the European Commission and the EU Presidency to raise individual cases of the "administrative detention" of local organisations' Palestinian staff members with the Israeli authorities. (Administrative detention is detention without charge and on the basis of 'secret evidence' which is not revealed to the detainee or their lawyer.) During the meeting of the informal EU-Israel Human Rights Working Group in February 2007 in Brussels, the German Presidency raised with the Israeli authorities two individual cases. Within three months of the meeting, the two HRDs were released.¹⁷

What you can do:

- Contact the local Delegation of the European Commission (Political Affairs) or the local EU Presidency (Ambassador, person dealing with political affairs or human rights) to find out about the form the political dialogue takes, the calendar, topics to be discussed, and how you can provide input or be involved in the dialogue;
- Provide input, through the Presidency or Commission, about issues affecting HRDs or individual cases, including your own;
- Follow-up to find out whether your issue/case was raised and what responses were obtained from the local government.



Human rights defenders' training session in Moscow

Physical protection

EU policy does not provide for any measures for physically protecting HRDs. However, they should “consider developing protection tools for situations where the life or physical and mental integrity of HRDs may be at immediate risk,” and to “consider the issuing of emergency visas for HRDs in grave danger, building on the experience and good practice of some member states.”

Some EU countries do have efficient and speedy procedures in place to grant visas to human rights defenders in need of respite but these seem insufficient in responding to emergency situations.

Ireland. In 2005, the Irish Government began providing a fast temporary visa procedure for human rights defenders at risk, in a pilot scheme implemented in cooperation with Front Line. Front Line is now calling on all EU member states to introduce a similar procedure.

The Norwegian policy provides explicitly for protection for HRDs in critical situations, where the HRD is in acute danger. Norwegian embassies can support the establishment of safe houses or crisis centres. With the approval of the Norwegian Ministry of Foreign Affairs, Norwegian embassies may provide shelter to HRDs in danger. If the situation requires that the HRD leave the country, the embassy can support the stay in a neighbouring country or invite HRDs for training courses or conferences abroad. Norway can also consider allowing HRDs to stay in Norway for a limited period of time, for study, research or an internship at a Norwegian NGO. Asylum or residence in Norway can be granted to HRDs already in Norway on humanitarian grounds. It can also be granted if the person is not already in Norway, but then only if the HRD is registered as a refugee with the United Nations High Commissioner for Refugees.

What you can do:

- Establish contact with international human rights organisations. Their support for your case can be essential in obtaining physical protection from the EU and Norway;
- Share concerns about your security situation with EU and Norwegian missions and request assistance if needed;
- Discuss physical protection possibilities with mission staff before you need it.

Trial Monitoring

The EU and Norway provide for monitoring trials involving HRDs, to observe directly whether fundamental legal safeguards are respected. This could involve not only situations in which HRDs are on trial, but also trials of people charged with violating the rights of HRDs. EU missions should be asked to establish rotation routines for trial observation on behalf of the local Presidency or Troika, and consider giving visibility to their observers. Norway prioritises “important court cases involving matters of principle.”

What you can do:

- Request the presence of diplomats at hearings, inform them about the case, the issues at stake, the times/dates/locations of hearings, and if necessary the procedure by which diplomats can gain access to the hearings;
- If diplomats cannot attend, arrange for other (for example, local or international NGO) observers and disseminate their reports to missions afterwards;
- Facilitate contact between the diplomats and the lawyers involved in the case so that diplomats are able to obtain first hand information;
- In the case of trial, issue a press release on the trial, informing media that observers from the diplomatic community have been invited; urge missions to give visibility to the observers and to make the observers' findings public.



Iranian HRD Shirin Abadi addresses HRDs in Tunisia

Ethiopia. In May 2006, the trial of 76 prisoners, many elected MPs, journalists and human rights defenders, arrested in early November 2005, following a series of demonstrations against alleged fraud in the May 2005 general elections, began. In order to monitor the trial, the EU employed a European expert as an independent observer, funded by a Member State. Similarly, representatives of the diplomatic community attended the trial regularly. The observer's interim report was shared in paper version with the EU Heads of Mission in Addis Ababa. In November 2006, the EU Troika discussed the report with the Ethiopian Minister of Justice and other government representatives. In addition to monitoring the trial, the Commissioner responsible for Development and Humanitarian Aid visited key political detainees in February 2006, and received commitments and assurances from Prime Minister Meles Zenawi on their detention and trial conditions. Concerns about the detainees, the conditions of their detention and the ongoing trial have been reiterated by the President of the European Commission to Prime Minister Meles Zenawi during his visit to Addis Ababa in October 2006 and again by the Commissioner responsible for Development and Humanitarian Aid when he met the Prime Minister in January and March 2007. On 23 July 2007, the EU issued a public declaration welcoming the release of 38 of the detainees on 20 July and expressing hope that the remaining detainees would be acquitted or released soon.

Visible recognition

Both the EU and the Norwegian Government consider visible recognition to be a way in which they can contribute to the protection of HRDs. This means visible contact. The EU stipulates that HRDs should be received at missions, and should be visited in their areas of work. EU missions can visit annual meetings and offices of human rights organisations, attend their press conferences, and visit them in prison. In situations where it can contribute to improving the situation of HRDs, EU missions can consider increasing publicity and visibility through activities such as visiting local human rights

projects, attending events of HRDs, and organising joint press conferences with HRDs. Visiting EU representatives (the Presidency, High Representative for the Common Foreign and Security Policy, EU Special Representatives and Envoys, European Commission) will, where appropriate, include meetings with HRDs.

Colombia. On 23 May 2006, in Bogotá, Colombia, a joint press conference was conducted by two EU Heads of Mission, representing the EU Presidency and the European Commission, and four local HRDs at risk. “We observe with deep concern the recent intensification of threats and attacks against recognised human rights defenders, both individuals and organisations, by illegal groups,” read the statement issued by the EU. “Individuals, organisations and institutions that work in the promotion and protection of human rights, including human rights defenders, should be supported and protected,” urged the EU. The event was attended by numerous representatives of the local media.



Gégé Katana receives her 2007 Front Line Award for Human Rights Defenders at Risk from Bono

Similarly, Norway says that HRDs should be invited to meetings at the mission or more neutral meeting places and be visited. The Norwegian policy also mentions possibilities like inviting HRDs to seminars, attending their annual meetings and press conferences, and visiting them in prison.

What you can do:

- Invite diplomats to visit you, whether its at your area of work, an event you organise, or the place where you are detained;
- Publicise visits of diplomats by taking and publishing photographs, being interviewed about the visit afterwards and inviting journalists to be present at the event.

Monitoring the situation of HRDs

The EU and Norway have committed themselves to monitoring the situation of HRDs. The EU Guidelines stress in particular the monitoring of threats or attacks against HRDs, the institutional framework in which HRDs operate, and measures that states have taken to protect HRDs. Not only the situation of HRDs, but also individual cases are supposed to be monitored. EU member states are also supposed to regularly instruct their missions to “proactively establish and deepen contacts with human rights defenders in a manner which best serves their security and protection, to monitor their situations and to proactively report on developments of concern and recommend concrete measures to be taken at mission/capital/Brussels level.” This summarises both the main method and purpose of EU missions’ monitoring of the situation of HRDs.

In the case of Norway, embassies are encouraged to make a fairly thorough survey of the situation of HRDs covering five points:

- 1) Human rights defenders in the country, including voluntary organisations, NGOs, the media, and individuals, and assessments of their credibility;
- 2) Any restrictions (direct or indirect) imposed by the authorities on the work of human rights defenders;
- 3) Any other reprisals by the authorities against human rights defenders;
- 4) Any failure by the authorities to protect human rights defenders adequately from attack by non-state parties;
- 5) The general level of awareness of human rights in the country and whether there is a culture of promoting human rights.

The EU and Norway monitor the situation of HRDs through contacts with HRDs themselves. EU missions are requested to take a proactive approach to HRDs and maintain contact with them, including by – as previously mentioned – receiving them at missions and visiting their areas of work. Heads of Mission are supposed to meet with a broad spectrum of HRDs at least once per Presidency and regularly invite HRDs to meetings with the human rights experts of EU missions.

What you can do:

- Get yourself known to diplomats, so that if you need to ask for help, you will not be a stranger;
- Inform diplomats about your work and your situation, restrictions on your work, reprisals or failures to protect you;
- Give them your contact information, and get theirs (phone number, e-mail address, etc.);
- Organise meetings at which the situation of HRDs is discussed/presented and invite diplomats;
- Make comprehensive reports about the situation of HRDs that describe the context in which violations against individual HRDs take place;
- Get funding from the EU and Norway. Not only will this ensure regular contact and enable them to be better aware of your situation, but they tend to take action quicker in cases involving organisations they are funding.

Guatemala. In the framework of the EU Guidelines on HRDs, a working group made up of representatives of the Dutch, Finnish and UK embassies develops close contacts with HRDs, meets regularly to discuss cases of HRDs at risk, raises cases with the authorities – notably the Minister of Home Affairs – and ensures the follow-up. The group also writes reports on their activities in this field and sends them to the other embassies, to EC delegations and Brussels-based EC country desk officer. Reports contain information on the cases taken up, the evolution of the cases, and Guatemalan authorities’ replies. The report often concludes that for the cases raised with the authorities, no new threat, aggression or harassment took place against the NGOs/HRDs.

Financial support

Providing financial support to HRDs is a component of the policies of both the EU and Norway.

Financial support from the EU can be provided by both the European Commission and member states. HRDs can be supported through activities such as capacity-building and public awareness campaigns. Both the European Commission and EU member states can assist in the establishment of networks of HRDs at an international level, including by facilitating meetings of HRDs, and can seek to ensure that HRDs can access financial resources from abroad.

During the period 2007-2010, the European Initiative for Democracy and Human Rights (EIDHR) has allocated a total of €16 million for supporting human rights defenders. This funding aims to strengthen the status of human rights defenders and their fundamental rights, in particular the right to a fair trial, and supporting their activities such as documenting violations, seeking remedies for victims of violations, and combating cultures of impunity. It will also be used to ensure a timely reaction to situations of urgency for protection of and support for human rights defenders, such as securing the physical security of a human rights defender and his/her immediate family and accompanying registration procedures of civil society organisations. Civil society organisations, organisations providing support and protection to human rights defenders, and human rights defenders themselves may apply for funding.

Norway can provide support for human rights projects, seminars, development of materials, developing and strengthening cooperation and networking between HRDs at both national and regional level, and other activities. Embassies may help arrange access to a personal computer, the internet and printing facilities. In exceptional cases, office equipment and facilities may be funded.

What you can do:

- Contact the Delegation of the European Commission, and embassies of EU member states and Norway, to obtain information about possibilities for funding your activities or your organisation's work, as well as in case of immediate risk;
- Obtain information as to the requirements for obtaining funding and how applications can be made;
- If necessary, seek assistance from other HRDs or the diplomatic missions themselves in making applications for funding;
- Develop and seek EU or Norwegian funding for specific initiatives to support/protect persecuted HRDs such as safe houses, crisis centres or short term stay abroad for HRDs under threat;
- Or a HRD network that can offer medical, legal, psychological or social support.

Publicising the Guidelines and planning their implementation at the local level (EU)

Since not all HRDs may be aware of the commitment of the EU to support and protect HRDs and the possible actions that the EU can take, EU missions are supposed to publicise the guidelines through activities such as handing over copies of the Guidelines in contacts with HRDs and providing links to the guidelines on websites of foreign ministries, embassies and EC delegations. EU missions are also supposed to devise common strategies for promoting awareness of the Guidelines at local level.

Perhaps more importantly, under the German Presidency in 2007, EU missions in 120 countries have devised local strategies for the actual implementation of the EU Guidelines on HRDs. The strategy is supposed to have been made in consultation with HRDs and give attention to the specific needs of women human rights defenders. In other third countries, this effort should be initiated or coordinated by the local EU Presidency.

What you can do:

- Contact the local EU Presidency, preferably in collaboration with other HRDs, to get information on the existing strategy for the implementation of the EU Guidelines on HRDs in your country, or advocate for the creation of such a strategy.

Mozambique. On 11-12 December 2006, the Mozambican League for Human Rights organised the First National Conference on Human Rights Defenders in Maputo. One of the purposes of the conference was to provide local HRDs with tools they could use to gain support and protection for their work. The Finnish Embassy, acting as the EU Presidency, accepted an invitation to present the Guidelines and describe their application in Mozambique to the 60 or so participants. In co-ordination with the Presidency and the League for Human Rights, and in advance of the presentation, the European Commission Delegation had printed the Portuguese version of the Guidelines and had copies distributed to participants, who were able to refer to the document as the Finnish representative read through it. After the presentation, participants were able to address questions to the EU Presidency.¹⁸

LIMITATIONS OF EU/NORWEGIAN ACTION TO SUPPORT AND PROTECT HRDS

In spite of their countries' official policies, representatives of EU countries or institutions, and of Norway, may not always take action to protect and support HRDs. Action often depends on the commitment of individual diplomats. Certain diplomats will not take an interest in or be committed to the issue of HRDs. It may be difficult to convince such diplomats to take action. It might be better to identify interested and committed people, though this takes some investment of time.



Since concerted EU action requires consensus, it can be blocked by one or two member states who prioritise other concerns. As Human Rights Watch observed in its most recent annual report, "It takes only one government with deeply felt parochial interests – Cyprus on Turkey, Germany on Russia, France on Tunisia – to block an effective EU position."

Minister Tom Kitt TD, Mary Lawlor, Front Line, Raihana Diani, Indonesia, Aloysius Toe, Liberia

Another factor limiting action to support and protect HRDs is competing foreign policy interests. Most diplomats consider that activities to support and protect HRDs will complicate or worsen the good relations with the local authorities that are required to ensure cooperation in the areas of development, trade and investment, security, migration and other areas. Where competing foreign policy interests dominate, it may be difficult to get EU or Norwegian missions to take firm, especially public, action on behalf of HRDs.

This limiting factor is recognised explicitly in the Norwegian policy, which states that action on behalf of HRDs can pose risks in terms of a negative reaction from the local authorities and a negative impact on other interests that the embassy should promote, like the interests of the Norwegian business community or Norwegian humanitarian organisations. Norway also recognises that support to HRDs could lead to reprisals against the embassy and its staff. Desire to minimise these risks may limit Norwegian action on behalf of HRDs.

Finally, insufficient resources can impose limitations on the capacity of EU missions to take certain kinds of action to support/protect HRDs. A case in point may be trial observation, which is often labour-intensive.

Even when they implement their policies and take action to support and protect HRDs, foreign diplomats cannot always make a difference. For example, there are many cases where, in spite of EU intervention, HRDs are still persecuted.

In the worst case scenario, public intervention by foreign diplomats can provoke a negative reaction by authorities, such as a hardening of their position, or can negatively influence public perception of the HRD and their role. HRDs may be accused of being agents of foreign governments and even be threatened or attacked for receiving outside support. Both the EU and Norway recognise and are supposed to assess this risk. EU missions are supposed to consult with HRDs in relation to actions which could

be taken on their behalf, in order to ensure that EU actions do not lead to threats or attacks. When considering possible action, the security situation of HRDs and their families is often the primary concern of Norwegian missions. For example, staff of Norwegian embassies are supposed to assess how direct contact with HRDs can be established and maintained without putting the HRDs in danger.

What you can do:

- Identify embassies and individual diplomats who are interested and committed to the issue of human rights and prioritise contacts with them;
- Make diplomats aware of any possible negative consequences of their support for you, what risks you are willing to accept, and how these risks can be minimised;
- Contact the responsible people at foreign ministries about your case, so that they can instruct missions to act in relation to your case;
- Use the European Parliament. As previously mentioned, MEPs can put questions to the Commission and Council and adopt resolutions highlighting the situation of HRDs or individual cases in specific countries and the EU response;
- Collaborate and share information with European, Norwegian or international human rights organisations and if possible get them to request EU institutions, EU member states or Norway to take action in relation to your case;
- Request support and protection from the EU and Norway in conformity with their guidelines, but remember that due to the limitations mentioned above, they may not take action, or the action they take may have little or no effect.



CHECKLIST: POINTERS FOR HRDS FOR ENGAGING THE EU AND NORWAY

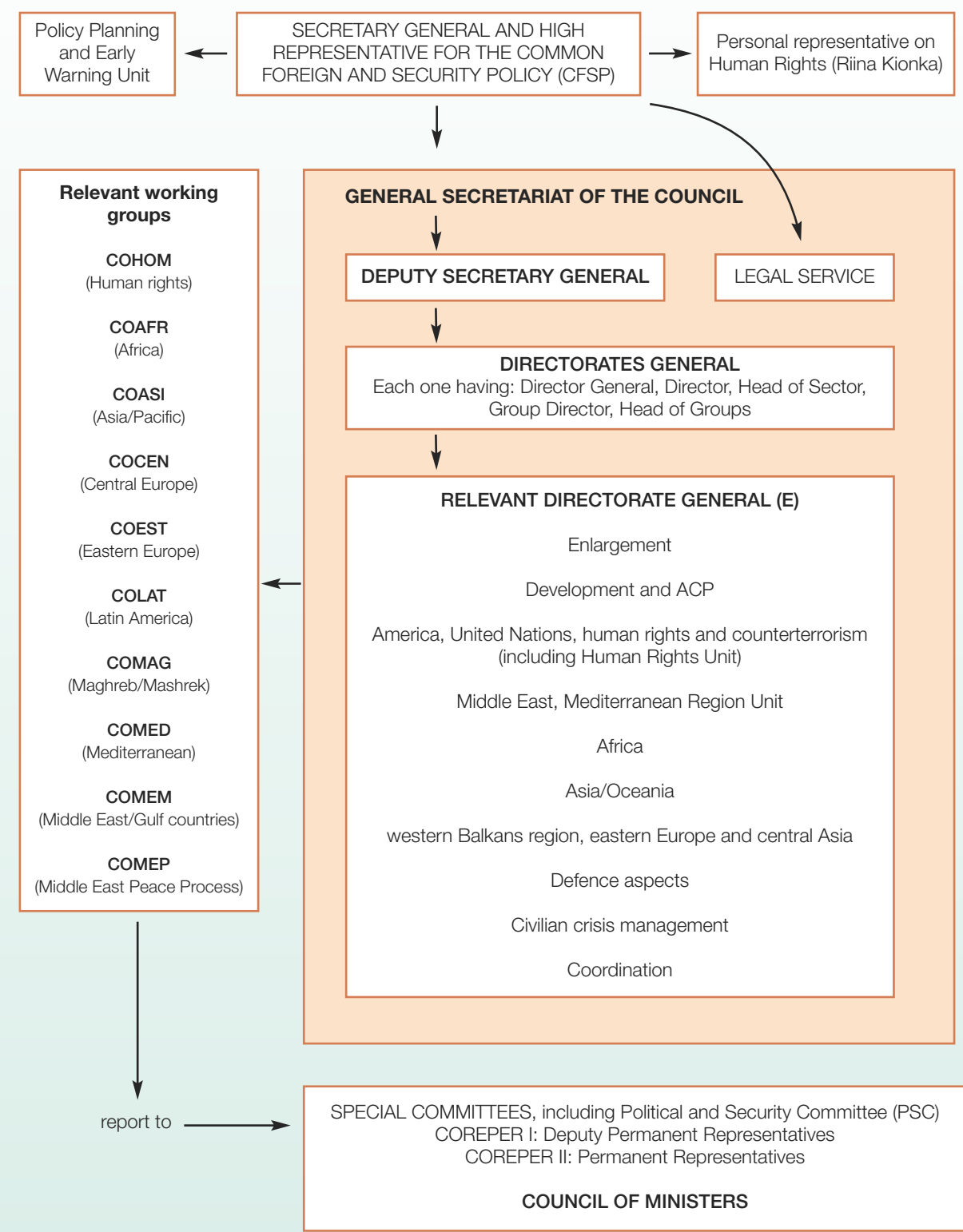
Under the heading “what you can do,” a number of suggestions have been made in this handbook regarding how HRDs might gain most benefit from the HRD policies of the EU and Norway. In conclusion, the following overall pointers are offered.

- Provide complete, credible, detailed, and up-to-date information about your case. Diplomats will only want to take action on your case if they feel they have adequate information.
- Be professional and impartial in your work. Diplomats will more easily take action, especially if it is public action, on behalf of a HRD who enjoys a reputation of integrity and whose work is respected.
- Make yourself and your work known to the diplomatic community. While their policies require that diplomats be proactive in contacting HRDs, they will not always be so.
- Have contact information of the staff of diplomatic missions (mobile phone numbers, etc.) with you at all times; provide your contact information to diplomats.
- Collaborate with international human rights organisations in relation to your work and your own situation. Diplomats are more likely to take action in relation to issues and cases that the international human rights organisations bring to their attention. Give a personal reference of an international organisation you work with.
- Engage ambassadors and foreign ministries. Make efforts to ensure that decisions on whether to take action in relation to your case are not left only to less senior staff at embassies. However, be wise in your approach – write a letter giving a clear and accurate account of your situation and ask for a meeting. Then follow up with a phone call.
- Know the UN Declaration on Human Rights Defenders and refer to it when reporting on your situation or the situation of local HRDs.
- Understand the structures and processes (such as political dialogue) of the EU and Norway so that you know how and when you should lobby for attention for your situation or the situation of local HRDs.

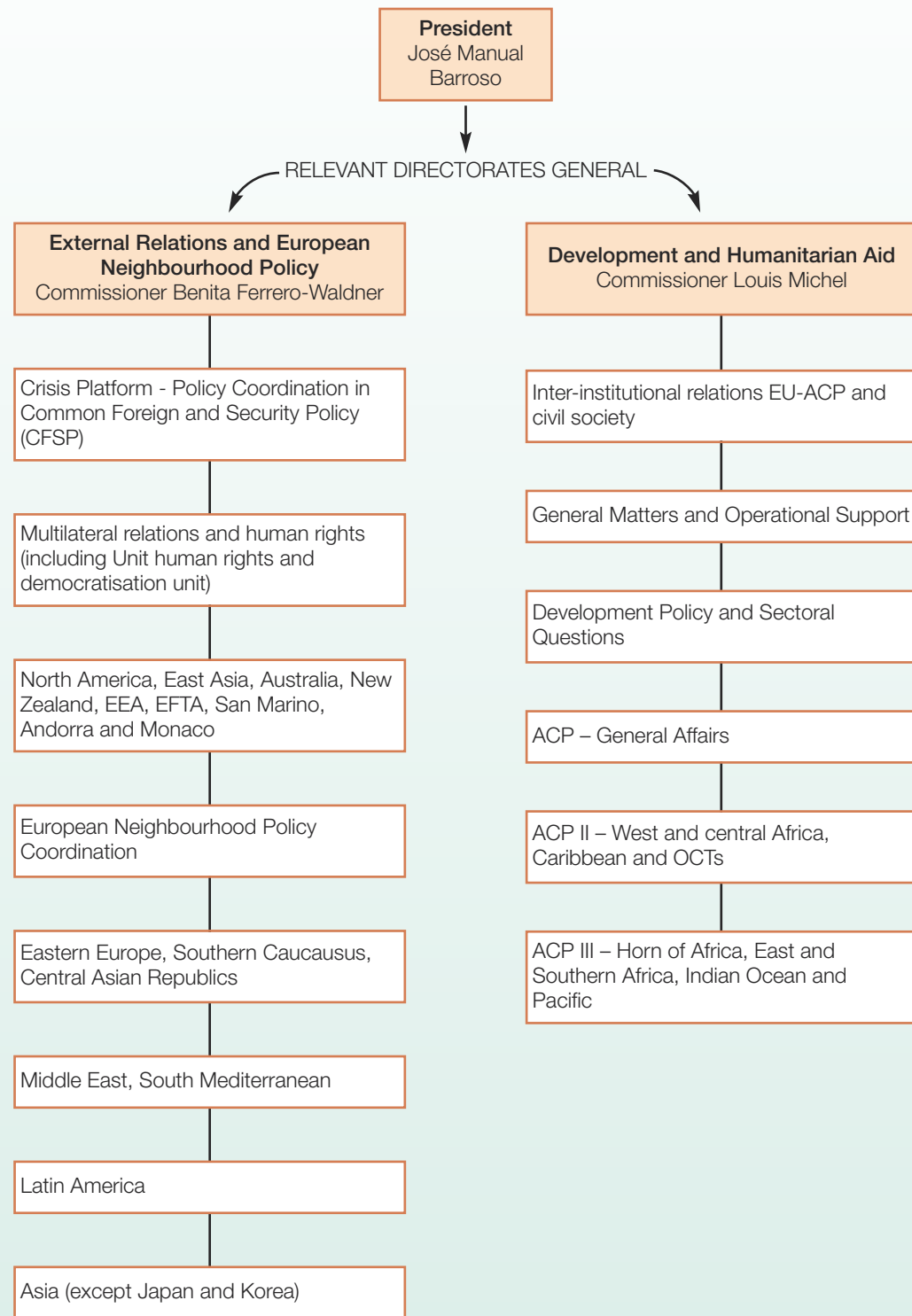
FOOTNOTES

1. The EU Guidelines on HRDs are available in many languages at http://www.consilium.europa.eu/cms3_fo/showPage.asp?id=822&lang=en&mode=g
The Norwegian Guidelines are available at: <http://www.regjeringen.no/upload/UD/Vedlegg/defenders.pdf>
2. *Human Rights Defenders: Protecting the Right to Defend Human Rights*, Fact Sheet 29, April 2004, Office of the United Nations High Commissioner for Human Rights, p. 6 and 8.
3. *Council Conclusions on EU Guidelines on human rights defenders*, Annex II, available at http://www.protectionline.org/IMG/pdf/AnnexII_EU_Guidelines_evaluation.en06.pdf
4. More detailed information on EU structures and policies can be found in the *Handbook for Human Rights Defenders on the External Relations of the European Union* published by Front Line in January 2007.
5. These are Austria, Belgium, Bulgaria, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, Netherlands, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden and the United Kingdom.
6. See Annex 4 for a list of Norwegian Embassies.
7. See websites and contacts at: http://ec.europa.eu/external_relations/delegations/intro/web.htm
8. See Annex 5 for a list of EU Presidencies to the end of 2012.
9. For example, in the second half of 2006, Finland held the EU Presidency. However, since it did not have an embassy in Angola, it appointed the German Embassy to play this role.
10. For example, the High Representative for the Common Foreign and Security Policy, EU envoys or special representatives. Particularly relevant is the Personal Representative of the Secretary General /High Representative for Human Rights, a position created in 2005. The current holder of this position is Riina Kionka, riina.kionka@consilium.eu.int
For more information, see: http://www.consilium.europa.eu/ueDocs/cms_Data/docs/pressdata/EN/declarations/92570.pdf
11. See the human rights foreign policy of The Netherlands, available – though only in Dutch - at <http://www.minbuza.nl/nl/themas,mensenrechten/mensenrechten/Nederlands-mensenrechtenbeleid.html#a6>
12. See <http://www.regjeringen.no/en/dep/ud/Whats-new/News/2007/hrdefenders.html?id=467570>
13. See Partnership Agreement Between the Members of the African, Caribbean and Pacific Group of States of the One Part, and the European Community and its Member States, of the Other Part (undated) at http://ec.europa.eu/development/ICenter/Pdf/agr01_en.pdf
14. The texts of Association Agreements with Mediterranean countries can be found at: http://ec.europa.eu/comm/external_relations/euromed/med_ass_agreemnts.htm
15. Council of the European Union, Guidelines on Human Rights Dialogues, section 7, available at: http://www.consilium.europa.eu/uedocs/cmsUpload/14469EN_HR.pdf
16. This example taken from Amnesty International, *Ensuring Protection? The European Union and human rights defenders*, May 2007, available at: <http://web.amnesty.org/library/Index/ENGEUR010072007>
17. Example provided by the Dutch development organisations ICCO, Oxfam Novib and Cordaid.
18. Taken from Amnesty International, “Ensuring Protection? The European Union and human rights defenders,” May 2007, available at: <http://web.amnesty.org/library/Index/ENGEUR010072007>

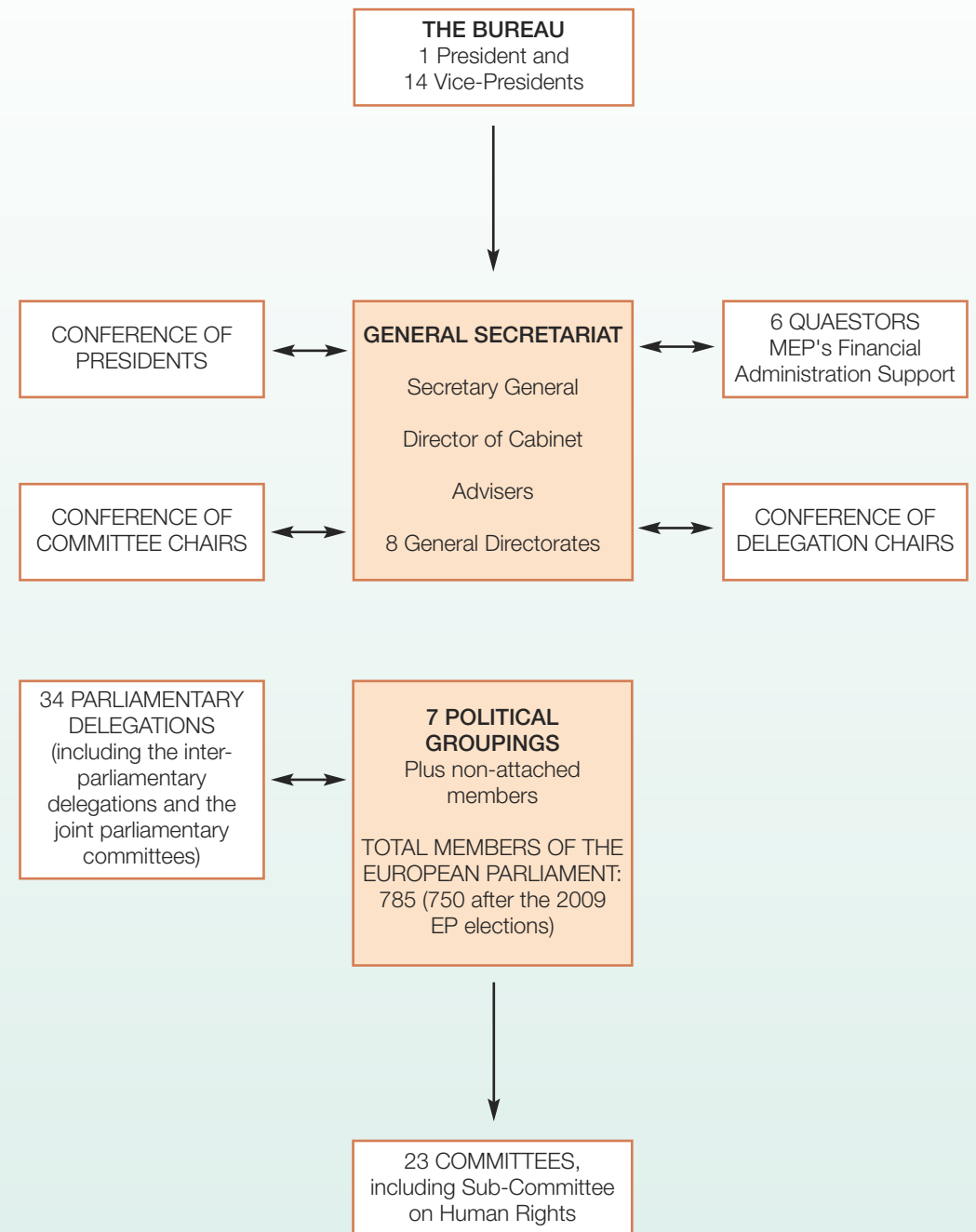
ANNEX 1: COUNCIL OF THE EUROPEAN UNION



ANNEX 2: EUROPEAN COMMISSION



ANNEX 3: EUROPEAN PARLIAMENT



Relevant websites:

- Sub-Committee on Human Rights:
http://www.europarl.europa.eu/committees/droi_home_en.htm
- Committee on Development:
http://www.europarl.europa.eu/committees/deve_home_en.htm

ANNEX 4: NORWEGIAN EMBASSIES IN COUNTRIES OUTSIDE THE EU

Europe

Albania
Herzegovina
Croatia
Iceland
Russia
Serbia
Switzerland
Turkey
Ukraine

Americas

Argentina
Brazil
Canada
Caribbean
Chile
Colombia
Cuba
Guatemala
Mexico
Nicaragua
United States
Venezuela

Africa

Angola
Côte d'Ivoire
Eritrea
Ethiopia
Kenya
Madagascar
Malawi
Mozambique
Nigeria
South Africa
Sudan
Uganda
Tanzania
Zambia
Zimbabwe

Asia

Afghanistan
Azerbaijan
Bangladesh
China
India
Indonesia
Japan
Malaysia
Nepal
Pakistan
Philippines
Republic of Korea
Singapore
Sri Lanka
Thailand
United Arab Emirates
Viet Nam

Middle East & North Africa

Egypt
Iran
Israel
Jordan
Lebanon
Morocco
Palestinian Territory
Saudi Arabia
Syrian Arab Republic
Tunisia

Oceania

Australia

ANNEX 5: OVERVIEW EU PRESIDENCIES TO 2012 AND WEBSITES OF MINISTRIES OF FOREIGN AFFAIRS

Presidencies

Jan-Jun 2007:	Germany	www.auswaertiges-amt.de/diplo/en/Startseite.html
Jul-Dec 2007:	Portugal	www.min-nestrangeiros.pt/mne/
Jan-Jun 2008:	Slovenia	www.mzz.gov.si/en
Jul-Dec 2008:	France	www.diplomatie.gouv.fr/en/
Jan-Jun 2009:	Czech Republic	www.mzv.cz/wwwo/mzv/default.asp?amb=1&idj=2&trid=3
Jul-Dec 2009:	Sweden	www.sweden.gov.se/sb/d/2059
Jan-Jun 2010:	Spain	www.mae.es/en/Home/
Jul-Dec 2010:	Belgium	www.diplomatie.be/en/default.asp
Jan-Jun 2011:	Hungary	www.mfa.gov.hu/kum/en/bal/
Jul-Dec 2011:	Poland	www.mfa.gov.pl/
Jan-Jun 2012:	Denmark	www.um.dk/en/
Jul-Dec 2012 :	Cyprus	http://www.mfa.gov.cyt

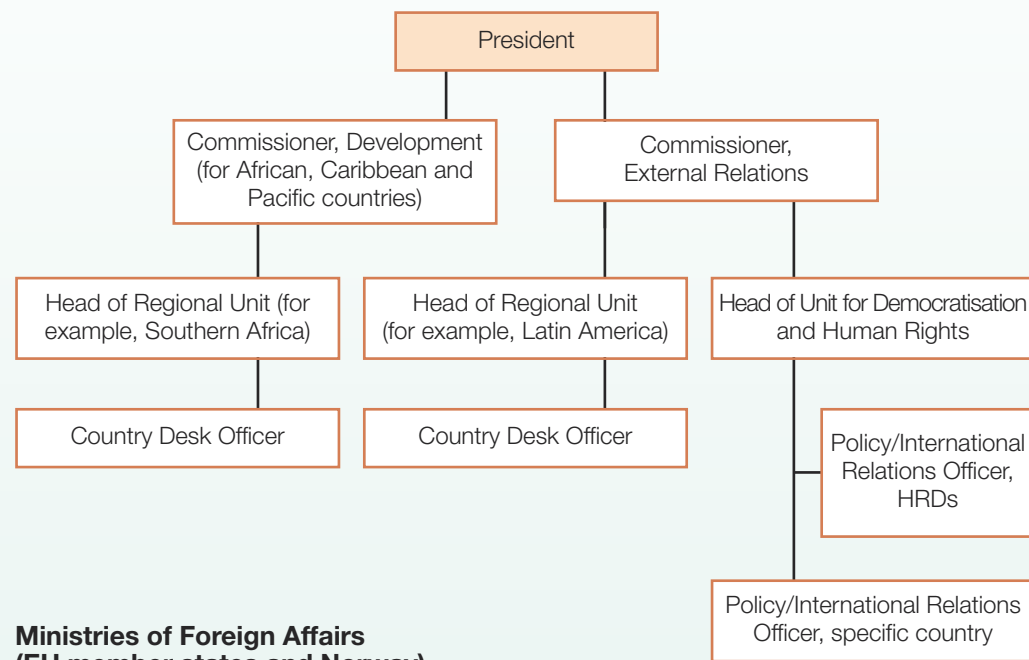
Other active EU member states

Ireland	http://foreignaffairs.gov.ie/home/index.aspx
Netherlands	www.minbuza.nl/en/home
UK	www.fco.gov.uk

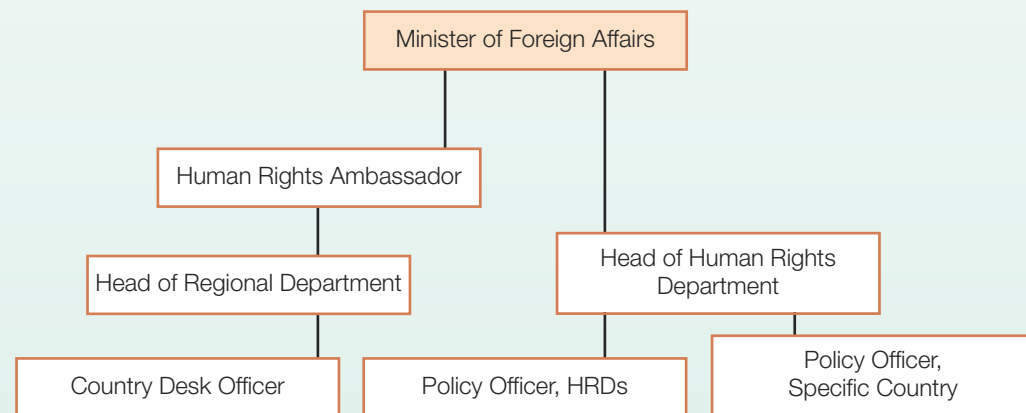
Source: <http://www.norway.info/> (includes links to websites)

ANNEX 6: KEY CONTACTS IN EUROPE

European Commission, Brussels



Ministries of Foreign Affairs (EU member states and Norway)

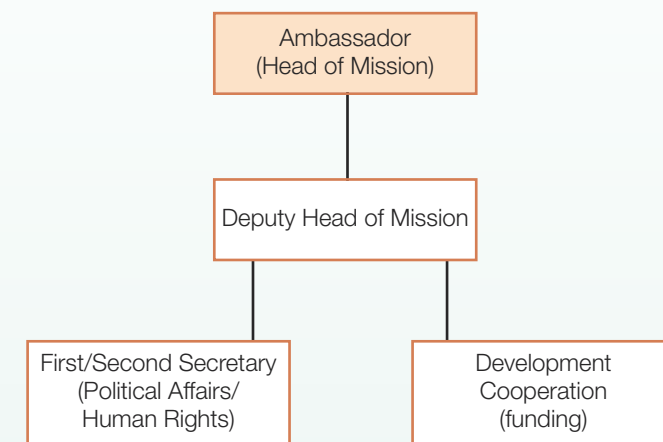


Relevant websites:

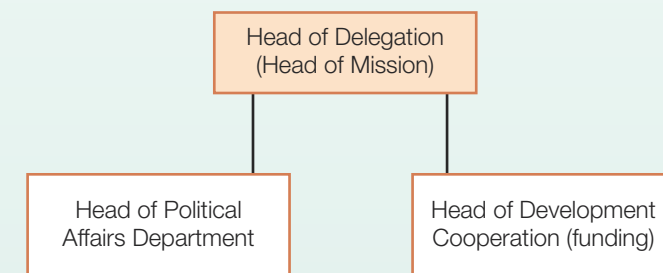
- 1) External Relations (RELEX): http://ec.europa.eu/external_relations/index.htm
- 2) External Relations Directory:
http://ec.europa.eu/staffdir/plsql/gsys_tel.display_search?pLang=EN
- 3) Human Rights and Democratisation:
http://ec.europa.eu/external_relations/human_rights/intro/index.htm
- 4) Development and Relations with African, Caribbean and Pacific Countries:
<http://ec.europa.eu/development/>

ANNEX 7: KEY CONTACTS AT THIRD COUNTRY LEVEL

Embassies of EU Member States/Norway



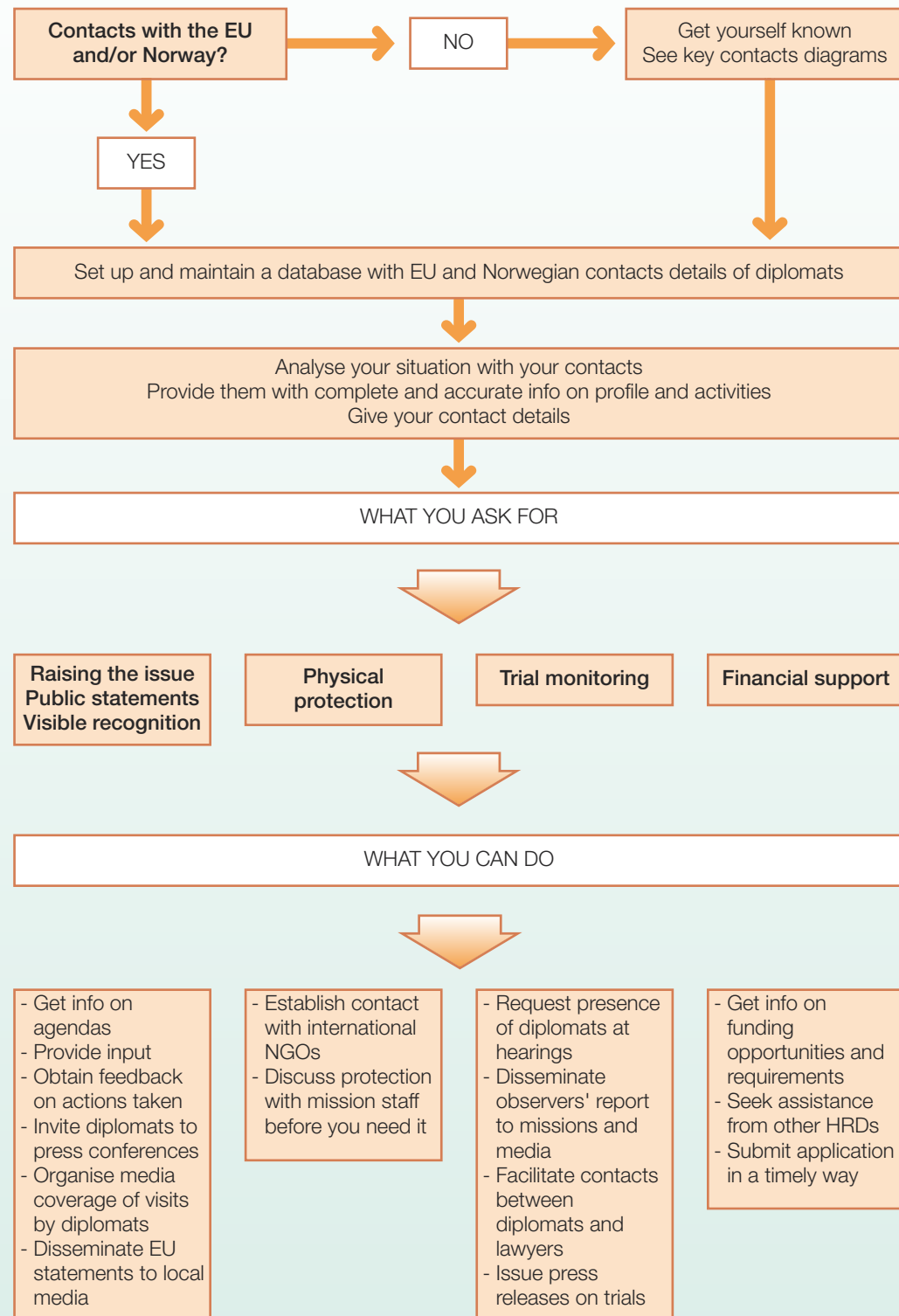
Delegation of European Commission



Relevant websites:

- European Commission Delegations:
http://ec.europa.eu/external_relations/delegations/intro/web.htm

ANNEX 8: FLOW CHART



Notes

