



ASIA PACIFIC FORUM
ADVANCING HUMAN RIGHTS IN OUR REGION

Implementation Guidelines

for APF Regional Action Plan on
Human Rights Defenders (RAP)



2021 - 2025

 International Service
for Human Rights

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Part 1:

Introduction and how to use this guide

A. About this guide

This resource provides a step-by-step guideline for your National Human Rights Institution (NHRI) to implement the APF Regional Action plan on Human Rights Defenders (RAP).

This resource, and the accompanying online course in the APF Community, aim to support your NHRI in implementing the Regional Action Plan at the national level.

B. Who is this guide for?

This guide is for leaders and members of NHRIs, including Ombudspersons, Commissioners, Senior Executive Officers (SEOs), senior managers, as well as staff that will be involved in work to promote and protect the rights of human rights defenders (HRDs).

C. How to use this guide

You can use this guide for individual learning at any time of your choosing, or, together with your colleagues when you begin the process of incorporating a focus on HRDs into your work. An accompanying online course is also available for NHRI staff to undertake in the APF Community.

D. The APF Regional Action Plan on Human Rights Defenders (RAP)

The Regional Action Plan on Human Rights Defenders (RAP) establishes an agenda for action on behalf of the APF and its members to champion the rights of HRDs across the region. The RAP also realises a key commitment of the APF and its members under the [2018 Marrakesh Declaration](#),¹ which established a global framework of actions by NHRIs to support the rights of HRDs.

Since the onset of the COVID-19 pandemic, HRDs have faced increased threats to their security, wellbeing and ability to speak out against rights violations. The shrinking civic space across the region and its impact on the capability of HRDs to work safely, demands a collective and systematic response in terms of advocacy, strategic partnerships, and program development from NHRIs and your partners.

The RAP highlights the increased risks faced by Women HRDs (WHRDs) and includes an engagement to focus support for defenders in key critical areas, including business and human rights; disability rights; rights related to Sexual Orientation, Gender Identity and Expression and Sex Characteristics (SOGIESC); and the right to a safe and healthy environment. Importantly, the RAP recognises the central role that NHRIs play in defence of HRDs, and as HRDs themselves.

The RAP contains regional and national actions that the APF and its member NHRIs will implement by 2025 to improve respect for the rights of defenders in the Asia Pacific.

1 https://ganhri.org/wp-content/uploads/2019/11/Marrakech-Declaration_ENG_-12102018-FINAL.pdf

Regional Actions include:

1. Support regional policy making on HRDs;
2. Engage with regional civil society actors and international partners;
3. Facilitate collaboration between NHRIs;
4. Facilitate relocation and respite for HRDs;
5. Support the establishment of NHRIs;
6. Develop regional data on HRDs; and
7. Strengthen the capacity of NHRIs.

National actions, which will be implemented by APF members with the support of the APF, include:

1. Advocate for national legal protections;
2. Promote gender equality and mainstream the recognition of Women HRDs;
3. Raise awareness of the rights of HRDs;
4. Develop 'early warning systems';
5. Monitor violations against HRDs;
6. Report on violations against HRDs;
7. Engage with the international human rights system; and
8. Strengthen national networks of HRDs.

Both the national and regional actions will be complemented by a detailed monitoring and evaluation framework that will track implementation over the life of the RAP and will include periodic and public reporting on progress.



Part 2:

Implementation Guidelines for the Regional Action Plan

These Guidelines are intended to provide guidance for NHRIs to implement the RAP. They are intended to be as practical as possible, to assist your NHRI in taking steps towards carrying out the actions in the RAP.

These Guidelines will focus on the national actions and include eight modules guided by each national action set out above.

A. Cross cutting elements: Consultation, Security and Collective Protection

i. NHRIs as HRDs

NHRIs themselves can, and should be, considered HRDs. Independent NHRIs promote and strive for the protection and realization of human rights and fundamental freedoms at the national level, in line with the definition of a HRD.²

The former UN Special Rapporteur on the situation of HRDs (UNSR on HRDs), Margaret Sekaggya indicated in her annual report that: “[...] *national institutions which operate in compliance with the Paris Principles and their members and staff, can be considered as human rights defenders. She is aware that they face important challenges and are exposed to attacks, threats, intimidation and harassment in connection to their human rights activities*”.³

Classifying NHRIs as HRDs recognizes the important work they carry out, the particular rights they are entitled and the dangers they face due to their work. This highlights why NHRIs should consider implementing standards on the rights of HRDs not only externally (for people seeking help) but also internally (for the NHRI staff).

As is the case with all HRDs, the enjoyment of rights and risks faced will vary. For example, members of the NHRI who work on the ground with victims will likely be more exposed to reprisals than any other staff. Given the link between the NHRI and the government, confrontational governments may try to financially or legislatively restrict a NHRI. In this vein, restrictions to their mandates, attacks on their autonomy and independence, and limitations to their competences are some of the particular risks that NHRIs face.⁴

Training programmes and protection tools should therefore take into account the particularities of NHRI as HRDs and be adapted to adequately respond to these challenges. As the SR on HRDs indicated: “...*members and staff of national institutions should be aware of the risks that their work could entail and should be properly equipped and trained to face such risks. In addition, specific provisions and resources should be made available in order to provide them with adequate protection if needed.*”⁵

ii. Consultation

All actions taken in the implementation of these Guidelines will need to be developed and require adaptation for the relevant national contexts. It is fundamental that you act from the ground with the HRDs, their communities and grassroots organisations, all actions at national and international levels need to start from the ground.

All of the national actions set out in this guide must be undertaken in consultation with HRDs. Any action for the protection of HRDs must be led by HRDs. Consultation with HRDs must be done in an inclusive manner and must include HRDs in all their diversity (WHRDs, SOGIESC rights HRDs, Indigenous HRDs etc.) and HRDs working across different areas and issues (migrant’s rights, environmental rights, women’s rights). In each national context there are specific groups

2 UN Declaration on HRD, Article 1, <https://www.ohchr.org/en/issues/srhrdefenders/pages/declaration.aspx>

3 <https://undocs.org/en/A/HRC/22/47> para.34

4 <https://undocs.org/en/A/HRC/22/47> pars. 27, 40, 59

5 <https://undocs.org/en/A/HRC/22/47> par. 83

of HRDs that are most at risk, therefore it is important that they are engaged and consulted in actions seeking to protect them, so those actions are both responsive and effective. You should incorporate human rights-based consultation practices and approaches and ensure that these do not unintentionally discriminate or isolate some HRDs. An intersectional approach is also necessary, given the multidimensional violations against HRDs, specifically women, indigenous, and marginalized communities.

iii. Security

All actions taken in the implementation of these Guidelines must prioritise the security of the specific HRD or group of HRDs. We propose that in implementing this Guide, users adopt a ‘do no harm’ approach and prioritise the safety of the victim into account to the best extent possible.

This includes ensuring confidentiality and communication security whenever you receive sensitive information from a HRD, as well as information on threats faced by an HRD. It is not uncommon for HRDs to be surveilled by government agencies as well as non-State actors, so secure communication should be maintained.⁶ Educational resources (such as the “security in-a-box guidelines”)⁷ should be available (and in relevant languages) so that both your staff and external HRDs know, adopt and implement appropriate digital security practices.

iv. Collective protection

Protection of HRDs has traditionally focused on the individual aspect of security; namely, how to guarantee the safety and integrity of a specific HRD (e.g. with bodyguards or relocation). However, the individual approach to protection has its limitations, such as generating conflicts within organizations and communities due to the prioritization of some defenders over others.⁸

Collective protection aims at strengthening social movements and creating an enabling environment for HRDs to defend human rights. It is deeply interlinked to the specificities of the local contexts, of the groups or communities and to their internal capacities to resist. Security of defenders is often inherently linked to the security of their communities and of their territories and can only be fully achieved in the context of a holistic approach. This approach includes the deepening of democracy, the fight against impunity, the reduction of economic inequalities, and the search for social and environmental justice.

Collective protection also implies building collective power by rooting protection strategies in territory, cultural practices, ancestral knowledge and community life of defenders, by supporting the creation and activation of protection networks and safe spaces.

Your approach to protection should consider the interrelatedness of all different aspects of the life of an HRD that may be impacted because of their work (physical, emotional, financial, interpersonal, professional, etc), and take actions to deal with them as a whole.⁹ This resource on holistic security¹⁰ by the Center for Victims of Torture, Tactical Technology Collective and Front Line Defenders provides useful guidance.

6 <https://undocs.org/A/HRC/31/55> par. 59

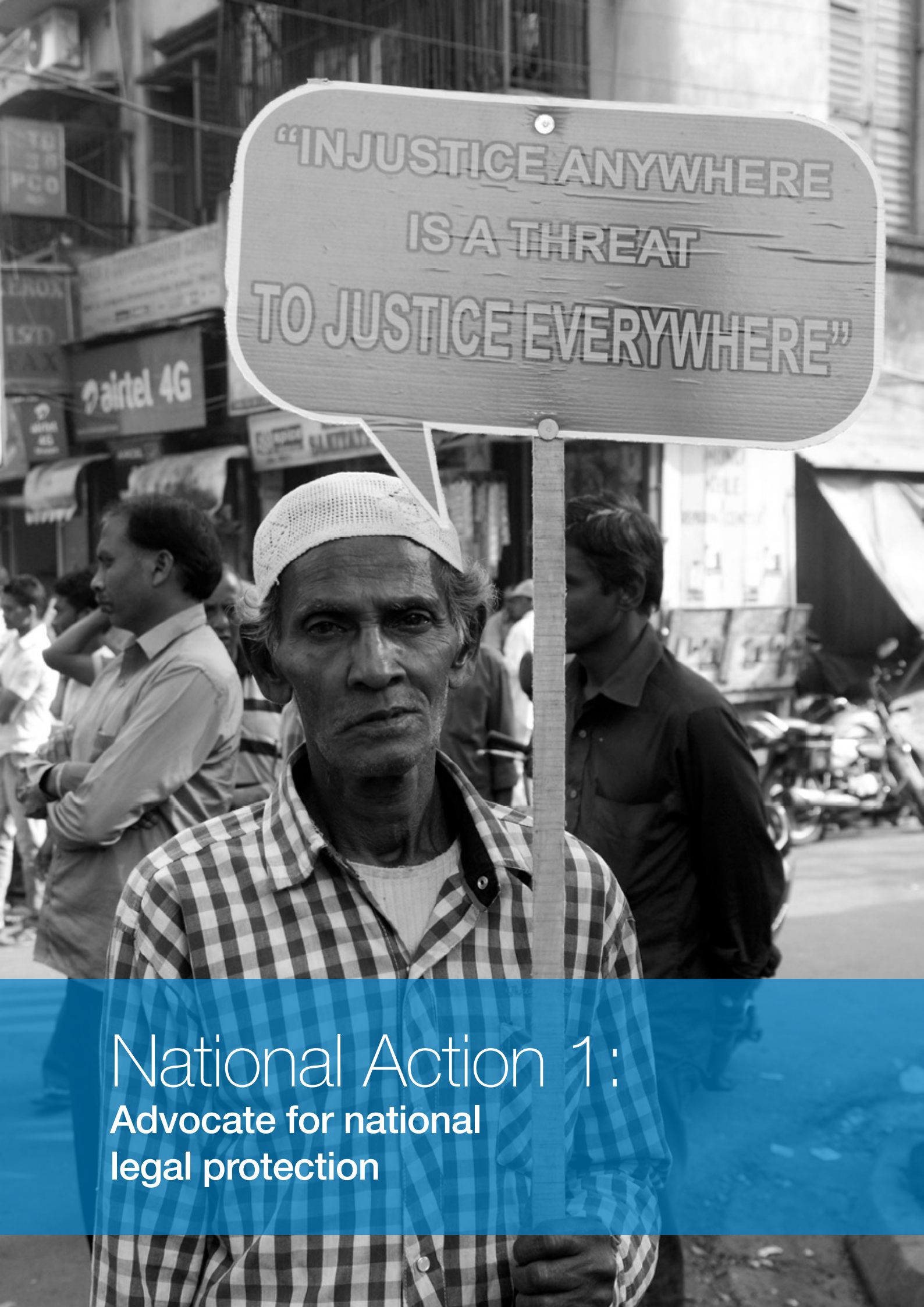
7 <https://securityinabox.org/en/>

8 Lolita Chavez/Marusia Lopez (2021): <https://www.jass-fghr.org/collective-protection-to-defend-territory-defense-of-territory-to-protect-life?source=share-jass>

See also: <https://justassociates.org/en/resources/mch-6-rethinking-protection-power-movements>

9 https://holistic-security.tacticaltech.org/media/sections/chapterpdfs/original/HS_Complete_HiRes.pdf

10 https://holistic-security.tacticaltech.org/media/sections/chapterpdfs/original/HS_Complete_HiRes.pdf



“INJUSTICE ANYWHERE
IS A THREAT
TO JUSTICE EVERYWHERE”

National Action 1:
Advocate for national
legal protection

A. Support government programs on HRD rights

Various government programmes already exist for the promotion and protection of the rights of HRDs. In the first instance, you should support these programs as best as possible- provided that national HRDs confirm their effectiveness, and ideally, were involved in their development and implementation.

You can also play a key role in advocating with, and supporting governments to improve existing programs, as well as develop new programs - as always, informed and guided by national HRDs.

B. Legal recognition of human rights defenders

The legal recognition and protection of HRDs is crucial to ensuring they can work in a safe, supportive environment and be free from attacks, reprisals and unreasonable restrictions.¹¹ The legal recognition and protection of defenders also contributes to the broader goals of upholding human rights, and promoting democracy, good government, sustainable development and respect for the rule of law.

Recently, there has been an enhanced demand to strengthen national legislative protection for HRDs. HRDs and community-based organizations in a growing number of jurisdictions have worked on strategies and campaigns to strengthen the legislative framework in which they operate, to better protect their rights.

C. Analysis of national legal framework

The UN Human Rights Council has recognised “[...] *the value of national human rights institutions, established and operating in accordance with the Paris Principles, in the continued monitoring of existing legislation and consistently informing the State about its impact on the activities of human rights defenders, including by making relevant and concrete recommendations*”.¹²

To strengthen the legal recognition and protection of HRDs, it is first essential to examine the existing legal framework for the protection of HRDs in a specific country. For this, an analysis of national laws and policies and the way in which they both protect and restrict the rights of HRDs should be undertaken. This will help to identify strengths in the legal framework, as well as gaps where strengthening is needed.

Any analysis of the legal framework must involve a desktop study of laws, policies and regulations, as well as a focus on the implementation of those laws and consultations with HRDs in the country. For example, it is essential that you can determine the extent to which the national legal framework protects key rights, such as the right to freedom of assembly or expression. However it is also necessary to examine other laws and the indirect impact they have on HRDs, such as laws restricting the right to freedom of association for certain populations (such as LGBTIQ communities or where caste-based discriminations interplay with fundamental rights). As highlighted above, any consultation with HRDs must include HRDs in all their diversity and across issue areas.

11 *December 2013 Report of the UN Special Rapporteur on the situation of HRDs A/HRC/25/55*;

The protection of HRDs, including through a conducive legal framework, is of concern to companies and investors: https://www.iccr.org/sites/default/files/resources_attachments/investor_alliance_for_human_rights_hrds_sign-on_fina04.23.18.pdf.

12 <https://www.refworld.org/docid/53bfa8564.html> para. 16

D. Laws that restrict the rights of human rights defenders

There remains a significant gap between commitments made by States through the UN Declaration on HRDs and other international instruments on the protection of HRDs, and implementation on the ground. There is also a concerning increase in the passage of laws that restrict the exercise of fundamental rights and freedoms, rights which are critical for defenders to carry out their legitimate work. For example the counter terrorism law in the Philippines,¹³ the National Security Law in Hong Kong,¹⁴ the Protection Against Online Falsehoods and Manipulation Act, the Public Order Act, and the Administration of Justice Act in Singapore,¹⁵ and the Draft Public Order Law in Cambodia.¹⁶

As stated in the Paris Principles, NHRIs should have the competence to submit to Parliament and other competent bodies, its opinions on legislative or administrative provisions that affect human rights, to recommend the adoption or amendment of national legislation to comply with international human rights instruments, and to freely address the public opinion on human rights issues.¹⁷

You have an important role in monitoring draft legislation which may have the (intended or unintended) consequence of restricting the rights of HRDs. It is important that you consider that these laws will seldom explicitly mention an intention to restrict HRDs. The laws are usually presented with broad, unclear goals such as “safeguarding public order”, “combating terrorism” or “protecting national security”.

Engagement on laws that impact the rights of HRDs should be carried out in consultation with HRDs and other stakeholders who can provide insight on the likely effects of the laws. Such consultation will also provide guidance as to the laws that require more urgent attention by your NHRI in calling for repeal or amendments of the law, policy or regulation, or specific provisions of the instrument.

Once dangerous laws are identified, a strategy should be developed. Strategies for NHRIs towards amending or repealing restrictive legislation can include public statements expressing concern for the instrument, public interest litigation, national inquiries, direct advocacy with government representatives and bodies or parliamentarians, as well as community focused campaigns. You can develop advocacy and technical advice best suited to the specific national context and developed and implemented in consultation with HRDs.

Educational and promotional activities on human rights topics can also serve as part of a campaign against restrictive laws. Forums or webinars where members of your NHRI are discussing the legal implications of certain laws can be a useful way to inform, update and discuss with civil society. These activities could be organised, sponsored or supported by your NHRI. You could also request support or statements from international organisations, which may have further reach online or in international spaces.

Useful examples can be found in the ‘Communication report and search’ site of the OHCHR, where communications by UN Special Procedure mandate holders to States are stored, some relevant to national level laws, policies and regulations and associated international human rights standards.¹⁸ You could also reach out to relevant Special Procedure mandate holders for advice.

13 <https://ishr.ch/latest-updates/philippines-anti-terrorism-law-further-threatens-safety-human-rights-defenders/>

14 <https://ishr.ch/latest-updates/hong-kong-un-committee-raises-questions-about-national-security-law-police-violence-and-free/>

15 <https://www.hrw.org/news/2021/09/30/singapore-must-expand-civic-space-and-end-undue-restrictions-fundamental-freedoms#>

16 <https://www.amnesty.org/en/documents/asa23/2873/2020/en/>

17 Paris Principles A.3; https://apf-prod.s3.amazonaws.com/media/resource_file/SCA_General_Observations_February_2018.pdf?AWSAccessKeyId=AKIA57J6V557ISASX34R&Signature=B5aMLNOsFIJyYXBujtR%2Fh21ag0%3D&Expires=1635448674 G.O. 1.2 Human rights mandate

18 spcommreports.ohchr.org/TmSearch/Mandates?m=30; ohchr.org/EN/Issues/SRHRDefenders/Pages/comments-legislation-policy.aspx

Case Studies:

In June 2020 the Philippines Human Rights Commission released a public statement regarding the proposed anti-terror law.¹⁹ The statement clearly outlined that its provisions were a cause for concern for the Commission when viewed through a human rights lens.

When restrictive reforms to the national Law on NGOs were announced, the Guatemalan NHRI submitted a legal action before the country's constitutional court, requesting the law to be declared unconstitutional for its deleterious effects on civic society space.²⁰

E. Laws for the protection of human rights defenders

States have the primary responsibility to ensure HRDs are able to conduct their work freely and in a safe and enabling environment. In recent years, a wide range of UN experts and mechanisms – including Special Procedures, Treaty Bodies, the Human Rights Council and the Office of the High Commissioner for Human Rights – together with regional human rights bodies and experts, have called on States to implement laws that explicitly guarantee the rights reaffirmed in the UN Declaration on HRDs.

Defender protection mechanisms were first established in Colombia and Brazil in the 90's. More recently, Côte d'Ivoire, Burkina Faso and Mali in West Africa, as well as Honduras, Mexico and Peru and Mongolia, have adopted laws for the protection of HRDs, and draft laws are before both houses of Parliament in the Philippines.

In 2016 ISHR facilitated the development of 'A Model Law on the Recognition and Protection for HRDs'.²¹ The Model Law is endorsed by 28 high-level experts and was developed over a three- year period informed by over 500 HRDs from more than 110 States from all regions, sub-regions and legal traditions.

The Model Law serves three primary objectives:

- to assist and provide technical guidance to States to develop laws, policies and institutions at the national level to support the work of defenders and protect them from reprisals and attacks;
- to provide a tool for defenders advocating for stronger legal recognition and protection of their important work; and
- to provide both States and defenders with a tool against which to measure and assess the coverage and effectiveness of existing laws and policies.

The Model Law provides a critical resource for NHRIs working with HRDs and civil society towards the development of a HRD protection law.

The Model Law is intended to be as comprehensive as possible, while recognising that it will require adaptation to national contexts, and national legal and constitutional frameworks. Substantive provisions in the Model Law are intended, at a minimum, to provide a baseline and to give full force and effect to relevant provisions of the UN Declaration. A range of provisions have also been incorporated or informed by good practice that may go beyond obligations or standards included under the UN Declaration or other international instruments.

The Model Law could be adopted in a range of ways, depending on the national legal context and tradition, including through a combination of legislation and regulations, or legislation and presidential or executive decree, or legislation and policy.

19 <https://chr.gov.ph/statement-of-the-commission-on-human-rights-on-the-proposed-anti-terrorism-act-of-2020/>

20 <https://twitter.com/PDHgt/status/1407028163104886800>

21 <https://ishr.ch/defenders-toolbox/resources/model-law/>

It is imperative that any national law on the protection of HRDs be developed and implemented in close consultation with HRDs and other civil society actors and apply a gender perspective and a sensitivity to the particular situation and protection needs of WHRDs and other groups or categories of defenders who are exposed or at risk. It is also imperative that any law for the protection of HRDs enjoy high-level political support and be accompanied by adequate resources for full and effective implementation.

A specific law for the recognition and protection of HRDs based on this Model Law is a necessary, but not itself sufficient element of the framework for a safe and enabling environment for defenders. Along with a specific law for the protection of HRDs, any law or policy restricting their work should also be reviewed or amended.

Several elements are essential to any effective instrument for the protection of HRDs, including ensuring it:

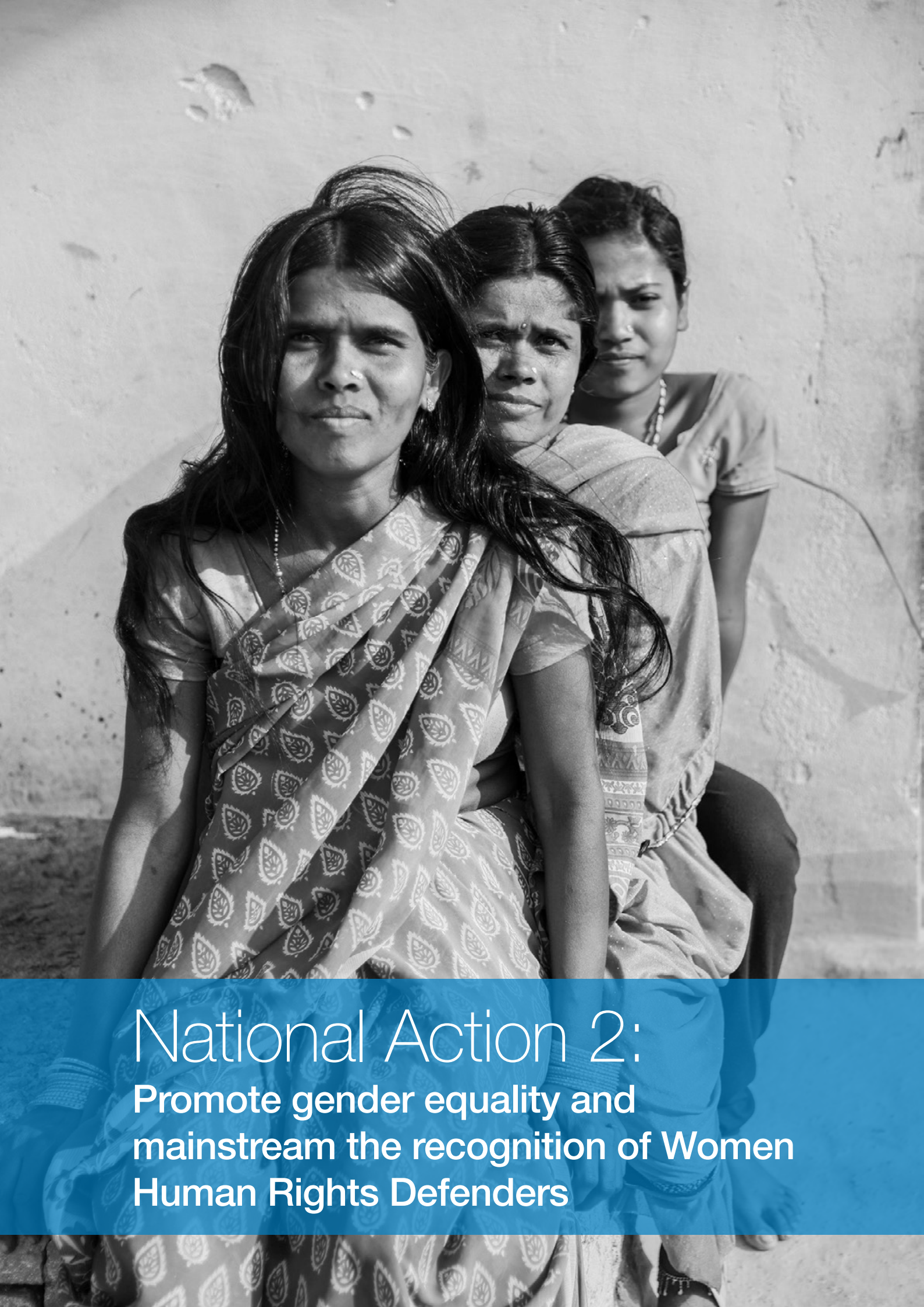
1. Is developed in close consultation with civil society;
2. Enjoys high-level political support;
3. Does not seek to impose 'responsibilities' on HRDs;
4. Contains provisions recognising and responding to particular risks and / or vulnerabilities and protection needs;
5. Articulates obligations of State and non-State actors; and
6. Contains enforcement, penalty and remedy provisions.
7. Protection mechanisms are adequately resourced and include HRDs in governance and decision-making.

As indicated in [sub-section D](#) above it is integral to note that some governments may develop and pass a HRD protection law, that in reality has the impact of restricting the rights of HRDs, or contains specific provisions that may restrict HRDs. One example is the HRD protection law in Mongolia, which contains multiple provisions favourable to HRDs, but some which seek to restrict their rights.

Case Study:

The 'Law of Mongolia on the legal status of Human Rights Defenders' was celebrated as being [the first law specifically destined for the protection of HRDs](#) adopted in Asia. However, despite major objections from civil society and HRDs, some broad provisions that could easily be used to restrict the rights of defenders were included in the final version.

For example, the law prohibits the defamation of the 'honour or reputation of others', a provision that could be misused to silence or criminalise defenders, [as has occurred with other national laws](#). The law also restricts funding from organisations or persons carrying out activities that are deemed 'terrorist, extremist, or that harm national unity', generic terms that could be used to blacklist any organisation that the government does not like. The NHRI in Mongolia has been active in engagements to strengthen the law.



National Action 2:

Promote gender equality and
mainstream the recognition of Women
Human Rights Defenders

A. Explicit recognition of WHRDs in protection and promotion activities

The RAP places women HRDs (WHRDs) at the forefront of its framework for protection and promotion. While noting that trans and non-binary HRDs face different and sometimes more complex protection challenges as a result of their gender identities, the RAP considers trans women as WHRDs.

WHRDs are exposed to the same types of risks that all other HRDs face. However, they are also exposed to gender-based violence and gender-specific risks because they challenge existing gender norms within their communities and societies.

In addition to gender, there are many economic, social, cultural and geographical factors that affect how WHRDs experience a violation. These factors include class, religion, age, language, sexual orientation, location, race and ethnicity.

These risk factors are often exacerbated by the different contexts in which WHRDs live and work. For example, in militarized contexts, sexual and gender-based violence is used by state and non-state actors to “assert or reassert gendered and other social/political hierarchies” and as a “weapon of war.”²² Under authoritarian regimes, WHRDs may be viewed as “challeng[ing] existing social inequalities or expos[ing] the deficiencies of political regimes and government.”²³

Similarly, WHRDs working in contexts where religious and cultural fundamentalisms are present are at a greater risk of attacks than their male counterparts because they are deemed to have transgressed social norms. Violence against WHRDs may be gendered or sexualized as a way to “recast women back into their ‘traditional’ roles.”²⁴ Finally, the growth and influence of transnational corporations also play an increased role in perpetrating violence against WHRDs and the communities that challenge them.²⁵

WHRDs require specific and gender-responsive protection. While there now exist various resources on risks faced by WHRDs, such as the Report of the Women Human Rights Defenders International Coalition “Our Right To Safety: Women Human Rights Defenders’ Holistic Approach to Protection”, and while some risks faced by WHRDs may be similar across and within regions, others will vary between national contexts. As an initial step you should consult with WHRDs to gain insight into their specific protection needs and risks they face in the particular national context. You should also consult with WHRDs to determine how to best support their work, including with awareness-raising campaigns and advocacy programmes.

WHRDs view the lack of recognition of their substantive contribution to the human rights movements as a form of violence.²⁶ In this regard, NHRIs speaking out publicly about the risks and protection needs of WHRDs, will enhance awareness of their specific situation. Beyond this, you can act as a critical link between government representatives and HRDs. In this vein, WHRDs in your country will guide you on how to communicate their specific risks and protection needs to government counterparts, so that government actions recognise and provide special consideration for WHRDs.

22 Women Human Rights Defenders International Coalition. Global Report on the Situation of Women Human Rights Defenders. p. 26. 2012. Web. January 2014. https://defendingwomen-defendingrights.org/wp-content/uploads/2014/03/WHRD_IC_Global-Report_2012.pdf

23 Women Human Rights Defenders International Coalition. Global Report on the Situation of Women Human Rights Defenders. p. vi. 2012. Web. January 2014 https://defendingwomen-defendingrights.org/wp-content/uploads/2014/03/WHRD_IC_Global-Report_2012.pdf

24 Women Human Rights Defenders International Coalition. Global Report on the Situation of Women Human Rights Defenders. p. 7. 2012. Web. January 2014. https://defendingwomen-defendingrights.org/wp-content/uploads/2014/03/WHRD_IC_Global-Report_2012.pdf

25 https://www.awid.org/sites/default/files/atoms/files/Our%20Right%20To%20Safety_FINAL.pdf

26 https://www.awid.org/sites/default/files/atoms/files/Our%20Right%20To%20Safety_FINAL.pdf

Any awareness-raising campaign, advocacy program, program to strengthen national legal protections or other actions by NHRIs should be developed taking into consideration the risks faced by and needs of WHRDs. Risks faced and protection needs of WHRDs should be taken into consideration in the implementation of each national action included in this Guide, mainstreaming a gender approach across all actions.

B. Disaggregation of data according to gender

Another factor that helps perpetuate violence against WHRDs is the lack of recognition and documentation of that violence. For example, WHRDs may be detained in a demonstration, and they may also be sexually harassed and verbally abused by the officials detaining them, though that harassment may not be recognized nor reported. Similarly, data documenting violence against defenders is often not disaggregated by gender, nor are there indicators to analyse specific violence against WHRDs. An additional impact of this lacking data is that it results in fewer resources for specific protection for WHRDs.²⁷

As defined in the APF Guide to Monitoring, Evaluation, Accountability and Learning (MEAL),²⁸ disaggregated data are data collected, analysed and presented separately, according to subcategories, that enable greater analysis and identification of trends/ discrimination. e.g. gender disaggregated data.

Gender-disaggregated data and information enables one to assess ongoing violations and develop appropriate, evidence-based responses and policies. Such data ideally are collected covering several years to track changes and take corrective action. Civil society organizations, including NGOs, women's rights organisations and HRDs, can be precious allies in gathering information about the potential or actual impact of policies, and they should be consulted regularly.

It is important to keep in mind that gender-disaggregated data should not be too 'women-only' focused. Non-binary, trans men and women, and other HRDs with actual or perceived gender identities, expressions and sex characteristics that place them in a particular situation of vulnerability should also be considered.

You can also play an important role in building the awareness of statisticians and representatives of government ministries of gender issues through information campaigns and training programmes.

Some examples of gender-disaggregation of data at the national level found in the OECD's 'Toolkit for Mainstreaming and Implementing Gender Equality'.²⁹ APF can provide lessons and information around how to ensure that data on violations against HRDs are disaggregated according to gender.

27 https://www.awid.org/sites/default/files/atoms/files/Our%20Right%20To%20Safety_FINAL.pdf

28 https://www.google.com/url?q=https://www.asiapacificforum.net/resources/monitoring-evaluation-accountability-and-learning-guide-national-human-rights-institutions/&sa=D&source=docs&ust=1637346715487000&usg=AOvVaw27_lucT1tMwipZuFQOjUZY

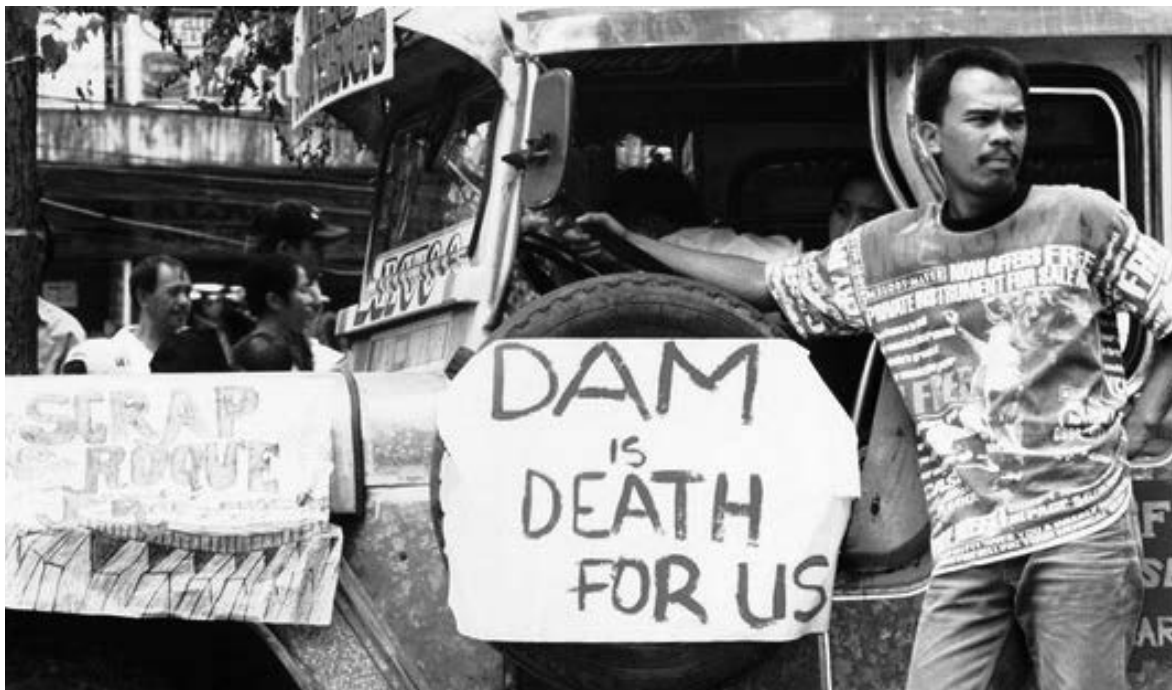
29 www.oecd.org/gender/governance/toolkit/government/assessment-of-gender-impact/disaggregated-data/

C. Protection for trans and non-binary HRDs

In accordance with the APF's 2019 Gender Equality Strategy, APF will support members to mainstream gender in the context of diverse identities, and recognises women as inclusive of trans women and trans girls. APF will also ensure that gender mainstreaming work includes targeted components on trans and non-binary HRDs. Trans and non-binary HRDs face even greater threats of violence and intimidation than WHRDs.

Your NHRI can play a key role in awareness raising and communication on specific risks faced by trans and gender non-binary HRDs. This should always be led by and in consultation with trans and non-binary HRDs. Particularly in national contexts where the legal system or societal perspectives on gender is strictly binary or critical of trans and of non-binary HRDs, a security risk assessment must always be completed with trans and non-binary HRDs prior to any campaign or action in relation to violations against them, in line with the do no harm approach identified at the start of this guide.

APF will provide resources and training programmes on *gender mainstreaming*³⁰ and how that can be implemented by members in their day to day functioning, this will also include trans and non-binary HRDs.



30 <https://www.asiapacificforum.net/resources/nhri-guidelines-mainstreaming-rights-women/>



National Action 3:

**Raise awareness of the rights of
Human Rights Defenders**

Information is key for the effective enjoyment of human rights. With proper information about our own rights, we know what we can demand to be respected and fulfilled; with proper information about the rights of others we know how to respect and promote those rights.

This situation is no different in the case of HRDs. Not all State agents are aware of the UN Declaration on HRDs and their obligations with regards to it. Similarly, not all people who defend human rights are aware of the rights contained in the Declaration. Further, enhanced understanding about the legitimate work of HRDs can support their work and increase its impact. For example, work by HRDs often involves an intention to influence decision-making at high levels, with political pressure becoming an indispensable tool to obtain tangible results. Political influence can seldom be achieved without support and awareness.

Critically, a lack of public support for HRDs can also affect their safety and integrity. A negative attitude towards HRDs can motivate attacks, and the lack of attention and public outrage towards these violations can motivate impunity.³¹

This section will examine what actions your NHRI can take to raise awareness of the rights of HRDs both internally (within your institution) and externally (with the public).

A. Mainstream HRD rights in NHRI promotion activities

In order to promote the rights of HRDs externally, it is necessary that their situation is well known and mainstreamed within the institution itself.

i. Mainstreaming HRD rights inside your NHRI

In this context, mainstreaming refers to ensuring that considerations about the rights and protection needs of HRDs are present across the various elements of work you carry out, and that such considerations are not siloed, or isolated from other considerations.

As is elaborated in *National Action 4* below, your NHRI could designate an **HRD Focal Point** who could assist to ensure that issues relevant to HRDs are mainstreamed across the entire institution.

Your HRD Focal Point, or whatever agency you designate to lead on promoting the rights of HRDs in your NHRI, could have the following functions:³²

- Serve as a consultant for processes within the NHRI to mainstream the perspectives of HRDs.
- Monitor the work of the NHRI and advise on different ways in which elements relevant to HRDs can be further considered across the NHRI.
- Collect, analyse, and translate knowledge to the broader NHRI about HRDs and their rights.
- Serve as a contact point and training hub for organisations and other NHRIs by providing training programmes for staff on HRDs.

ii. Mainstreaming the role of HRDs in campaigns and communications on different thematic issues

Mainstreaming the role of HRDs in external communications involves incorporating a HRD element in various communications materials and campaigns, even when they are not specifically focused on HRDs. The crossover is clear - as HRDs are fundamental in the promotion and protection of rights and the rule of law.

Furthermore, active participation of HRDs working on the relevant theme can provide valuable input to your work, and their participation in campaigns can serve to increase the effectiveness of the

31 <https://static1.squarespace.com/static/58a1a2bb9f745664e6b41612/t/5f7eddb62c-1737355da32499/1618482603792/Policy+Brief+9+%28English%29.pdf> p.5

32 <https://www.humanrights.dk/sites/humanrights.dk/files/media/document/Lorion%20Defining%20GHRFPs%20-%20DIHR%202021%20Final.pdf> p.58

campaign. If HRDs from local communities participate in your activities and campaigns, provided it is safe to do so, this can encourage people from the community to take part, as they see someone from their community is involved.

It is also important that your NHRI carries out activities and campaigns specifically related to the rights of HRDs (see [Section C](#) of this National Action below).

B. Countering narratives against HRDs³³

The RAP highlights the need to counter vilification, defamation and smear campaigns often endured by HRDs when carrying out awareness-raising activities for them.³⁴ Smear campaigns, as well as discourses that legitimise the actions of aggressors have a grave impact on HRDs and their work. Such narratives can change societal attitudes towards HRDs, leading to loss of support for their work, hindering protection efforts and even motivating new aggressions.³⁵

In this regard, it is clear that there is a pressing need to develop a strategy directed towards countering vilifying narratives against HRDs. Not only to ensure their security and ability to do their work, any effective strategy at the national level needs to be relevant to the national context. Some steps to developing an effective strategy in this regard, you should:³⁶

- Investigate how the public perceives and how the media portrays HRDs and their work.
- Convene actors outside the human rights' space, such as journalists, politicians and public personalities, to examine narratives on HRDs. Discuss possible approaches and strategies for a narrative change with those groups.
- Consider using positive narratives when communicating about them, including highlighting the values HRDs protect rather than the individual actions they perform. In doing this, avoid portraying them as "heroes", as this may shift the attention and sense of accountability from those violating human rights to HRDs.

i. Positive narratives on HRDs

You should pay particular attention to the wider narratives developed around HRDs.

Narratives on HRDs are often negative, including focusing on obstacles they face, attacks and reprisals they are subject to. While it is certainly important to highlight the difficulties that HRDs suffer so as to invite public scrutiny, this type of discourse can also have the detrimental effect of normalising violations of HRDs rights.

Being exposed to so much negative news about HRDs can also have a desensitising effect, causing audiences to instinctively associate human-rights defense work with reprisals and danger. This becomes counterproductive, as it reduces the impact of the stories being told, while at the same time deters potential defenders from engaging in this work.

Therefore, a change of discourse becomes useful and necessary, so that messages can reach a wider audience and have a stronger impact. Below are some tips to achieve this:³⁷

- Focus your narrative on the tangible benefits and importance of the work of HRDs, as well as on their achievements and objectives, not on the dangers and risks they face.
- Celebrate diversity, but also highlight the common desires, interests, characteristics and goals that humanity has in common and that are being promoted by HRDs.

33 <https://www.google.com/url?q=https://www.protectioninternational.org/sites/default/files/2017-Roundtable-report-EN.pdf&sa=D&source=editors&ust=1632243783827000&usg=AOvVaw2KT4x5vgXGIC85E0QOGggH>

34 RAP page 27

35 <https://www.protectioninternational.org/sites/default/files/2017-Roundtable-report-EN.pdf> p.11

36 <https://www.protectioninternational.org/sites/default/files/2017-Roundtable-report-EN.pdf> p.11, 13

37 <https://ishr.ch/defenders-toolbox/resources/new-narratives-a-seat-at-the-table/> pp. 3, 4, 9, 10

- Recall that any person can be an HRD and that there is a common interest and responsibility in protecting human rights. Remind your audience that anyone and everyone can, and must, contribute to the fulfilment of human rights, including by respecting and supporting the work of HRDs.
- Tell the story of the HRD, don't let your narrative be a response to your (or their) opponents.
- Motivate your audience to engage by mentioning the better tomorrow that is sought and the better today that has been achieved thanks to human rights work.
- Know the aspirations, grievances, needs and hopes of your target audiences. Tailor your message accordingly.
- Ensure that your message can provide clear answers to the following questions:
 - What are your values?: Focus on universal values (justice, peace, freedom) that align with the idea that human rights exist as a recognition of the inherent dignity of every human being.
 - What is your vision?: Motivate your audience by helping them picture how much better the world can be.
 - What problems are you seeking to solve?: Delineate a clear, tangible and specific problem. Using broad terms can make it seem as if grand, unstoppable forces are at play, which will in turn alienate most people from trying to help. If safe, name those responsible.
 - What's your solution and what do you need to succeed? Be clear about what specific steps can be taken at different levels to achieve change. Never make the amount of work look too daunting. Remind people that they do have the power to make a difference
- Lead by example and ensure that your institution actually guides itself by the principles it preaches. Projects related to specific groups (such as women or indigenous peoples) should be led or at least chiefly guided by people belonging to the group.
- Link the term "human rights" with positive concepts, rather than with the negative ones it is usually associated with (crimes, violations, war).

C. Develop specific campaigns about HRD rights

Your NHRI can encourage public awareness and acceptance of the right to defend rights, that working as an HRD is a legitimate way to demand policy changes, and that neither the government nor private entities should hinder their work. As discussed in *National Action 2*, awareness-raising campaigns and advocacy programs should be developed taking into consideration the risks faced by and needs of WHRDs.

i. Awareness-raising on the needs and situation of HRDs

NHRI's legitimacy, access and resources provide useful leverage that can be used to support HRDs when negotiating with governments or businesses.

There is a pressing need to adopt a preventive approach regarding the rights of HRDs. This implies engaging with stakeholders and informing them of their obligations and responsibilities towards HRDs, so they conduct themselves in accordance with international standards. Such campaigns can include resources, such as the Centre for Justice and International Law's and Protection International's report regarding effective public policies for the right to defend human rights, destined to improve protection policies.³⁸ Your NHRI could use this report or produce similar ones for discussions with government agencies, motivating them to adopt or improve their protection programmes.

38 <https://www.protectioninternational.org/en/%C2%A1-time-now-%E2%80%93-effective-public-policies-right-defend-human-rights>

In the case of business entities, your NHRI could carry out meetings, open dialogues, training courses or provide them with materials to instruct them on the *UN Guiding Principles of Business and Human Rights (UNGPR)*, as well as other relevant standards.

ii. Awareness-raising on violations against HRDs

Your NHRI can also raise awareness of violations of the rights HRDs defend, or of their rights themselves. This could be done through public statements, publications, social media or other media campaigns, conferences, events, submissions to international bodies and mechanisms (see *National Action 7*), as well as direct contact with authorities.

These actions should be aimed at amplifying the message of HRDs, and as all actions on HRDs, be done in consultation with them.

Case Study:

A land rights HRD in Thailand was fighting against a construction project that affected environmental and community rights, including by using soldiers to forcefully expel people from the territory. The National Human Rights Commission of Thailand raised awareness of the situation at the international and national level, putting pressure on local authorities, who paused the project and called for a meeting to discuss alternatives.³⁹

iii. Awareness-raising of the rights of HRDs

The promotion of HRD rights should also seek to educate society about the basic concepts of human rights work and the value HRDs bring to society.

When NHRIs show public support for HRDs - including through public statements or campaigns, including on social media - it increases their visibility and legitimacy because, as mentioned above, NHRIs can usually reach a wider audience and the institutional and public nature of their work gives weight to their messages.⁴⁰

Cooperation with other institutions, such as governments, international organisations, or businesses, can strengthen a campaign. The media plays an undeniable role in moulding public opinion, so working with it can serve more than just to put pressure on the government.⁴¹ Media campaigns can be used to educate about what are HRDs, the basic concepts of human rights work and the rights of defenders.

iv. Activities specifically focused on WHRDs

Any awareness raising campaign, advocacy program, program to strengthen national legal protections or other actions by NHRIs should be developed taking into consideration the risks faced by and needs of WHRDs. Beyond this, your NHRI can also carry out activities that have a specific focus on WHRDs, that seek to educate others and respond to the specific protection needs of WHRDs.

Any activities specifically focused on WHRDs, should be guided by and developed in consultation with WHRDs. They could for example discuss gender stereotypes and other damaging social constructs, sexual harassment, and the importance of equal participation and gender equality.

39 <https://static1.squarespace.com/static/58a1a2bb9f745664e6b41612/t/5f7eddb62c-1737355da32499/1618482603792/Policy+Brief+9+%28English%29.pdf> p.5

40 <https://static1.squarespace.com/static/58a1a2bb9f745664e6b41612/t/5f7eddb62c-1737355da32499/1618482603792/Policy+Brief+9+%28English%29.pdf> p.5

41 <https://static1.squarespace.com/static/58a1a2bb9f745664e6b41612/t/5f7eddb62c-1737355da32499/1618482603792/Policy+Brief+9+%28English%29.pdf> p.5

D. Conduct awareness-raising campaigns among HRDs

NHRIs can play a critical role in awareness raising campaigns among HRDs. For example, some people who defend human rights are not aware of international frameworks that protect HRDs, or what the definition of an HRD includes. Others have not engaged with international or regional human rights mechanisms or bodies, and others are not connected to networks or movements.

Your NHRI should therefore carry out these activities to provide HRDs with information relevant to the protection of their rights. Your NHRI could convene meetings (conferences, workshops, dialogues) or publish resources (online sites, booklets, reports) on some of the following topics:

- What and who are HRDs and what are their rights?
- Developing your protection capacities:
 - National and international legal framework relevant to HRDs.
 - National and international mechanisms available for the protection of HRDs. What are they and how to use them?
 - How to use the legal system to protect your rights and the rights of others. Tips on strategic litigation.

Case Study:

Protection International (PI) published a video titled “10 Steps to Improve your Protection While Defending Human Rights”⁴² and has protection manuals and other resources for HRDs.⁴³ It has also organised meetings between defenders of different regions to discuss experiences and best practices.⁴⁴

If your NHRI intends to carry out training activities on these topics, the “Guide for facilitators” prepared by Protection International may be useful. The Guide contains practical advice to structure and prepare workshop sessions related to the protection of HRDs.⁴⁵

Whatever activity you decide to carry out, you should ensure that these forms of capacity strengthening are actually empowering HRDs and not discouraging them by being paternalistic and overbearing. Capacity strengthening can be counterproductive when:⁴⁶

- It ignores or doesn’t understand the lived experiences of the HRDs and the context surrounding their work.
- It takes a prescriptive approach to risk analysis:
 - It ignores the particular needs and identities of each specific HRD.
 - It doesn’t take into account power relations and characteristics of HRDs that by themselves and when intersecting with one another lead to particular vulnerabilities (e.g. gender, SOGIESC, race)
 - It proposes “one size fits all” protection measures.
 - It directly or indirectly discriminates against certain HRDs by effectively excluding them from protection measures

42 www.protectioninternational.org/en/videos/10-steps-improve-your-protection-while-defending-human-rights

43 www.protectioninternational.org/en/defender-tools/publications-new-protection-manual-human-rights-defenders

44 www.protectioninternational.org/en/videos/collective-power-regional-exchange-thai-and-indonesian-hrds

45 <https://www.protectioninternational.org/en/protection-manuals/guide-facilitators>

46 <https://www.protectioninternational.org/sites/default/files/2017-Roundtable-report-EN.pdf> pp. 6,7, 9, 10, 12, 14

- It excludes HRDs from the preparation and facilitation of the event. HRDs are treated as people to be “taught” and not on equal footing with facilitators.
- Excludes certain HRDs, whether because of their identities, the causes they defend, their political affiliation or the type of work they do.
- It places unrealistic expectations on HRDs, such as the fact that they should all be martyrs or it uses discourses portraying them as heroes or superhuman.
- It focuses exclusively on negative subjects (risks, threats, impunity) that may inspire fear and reluctance.
- It ignores the collective dimension of human rights work and the need for collective protection.
- Engagement is difficult and non-continuous.
- There is a focus on reactive rather than preventive protection.
- It is conceived as a “to-do” list.
- It only focuses on high risks and immediate security concerns.
- It is regarded as an end in itself.

Alternatively, capacity strengthening is empowering when:⁴⁷

- It takes into account the lived experiences of HRDs and the context of their work.
- It is inclusive to HRDs in all of their diversity and treats them as equals.
- The discourse and narrative does not place unrealistic expectations and burdens on HRDs. It also mentions positive and inspiring aspects aimed at encouraging them.
- It takes into account the community and collective dimension of human rights and human rights work is
- There is continued engagement and there are permanent secure online and offline spaces for sharing good practices and lessons learned.
- It focuses on what HRDs can do, not what they should not or cannot do.
- It provides tools for preventive protection and protection from different kinds and levels of risks.
- It is treated as a means to an end, not an end in itself, that is, it is a continuing process.

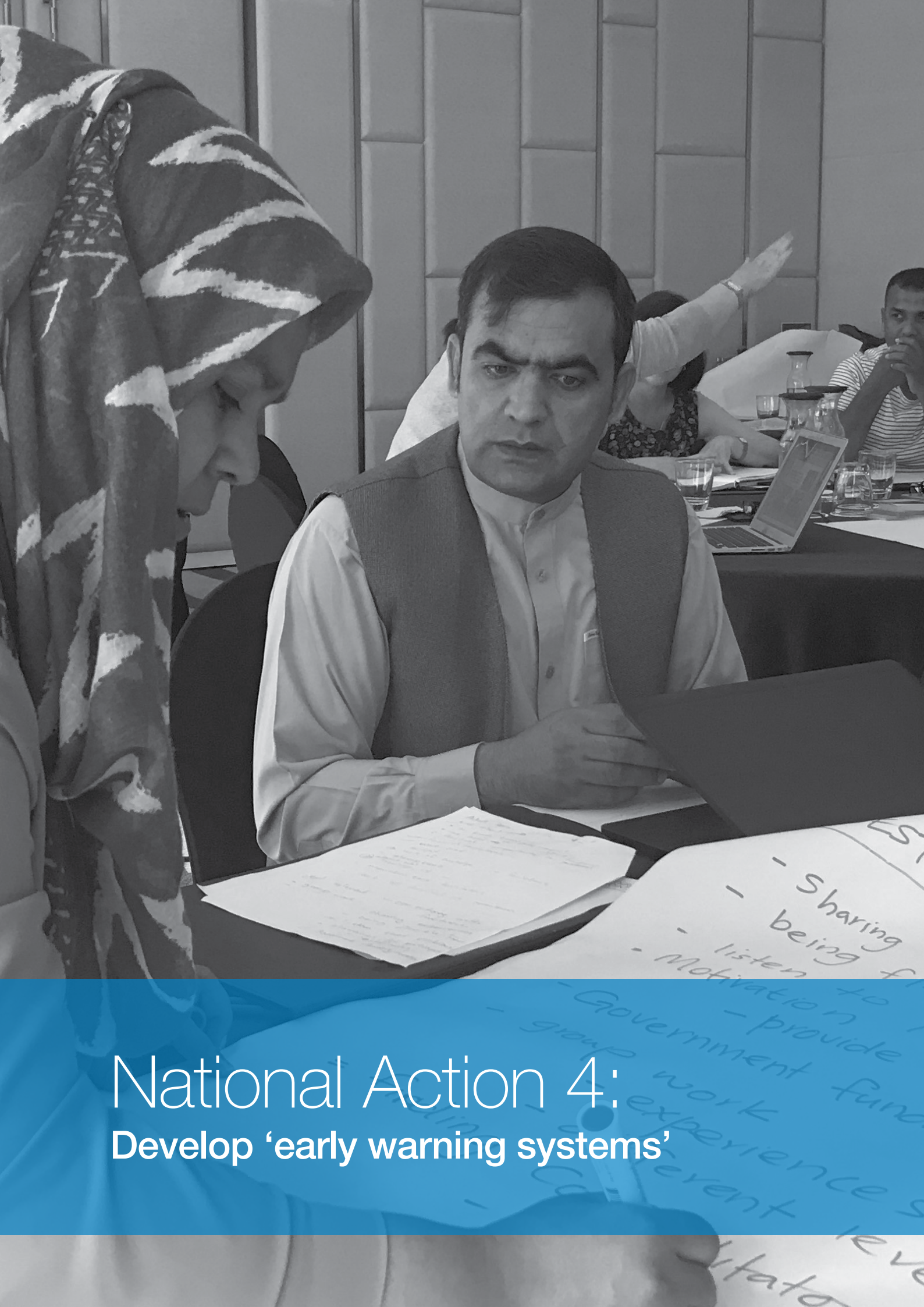
E. Make key resources available in local languages

Access to information is an essential element for the creation of a safe and enabling environment for HRDs.⁴⁸ On the one hand, it allows HRDs to know their rights and obtain the information that is necessary for them to carry out their work (e.g. resolutions and laws, government documents, reports from human rights organisations); on the other, it allows society at large to get to know their rights and those of HRDs, as well as the responsibilities of the government with regards to them. This can help manage expectations regarding the roles and responsibilities of HRDs, as well as help with public scrutiny regarding the human rights record of the government.

Particularly in countries where more than one language is spoken nationwide, translating key documents into languages spoken in your country can be a simple but highly impactful way to support HRDs. This could include documents such as the UN HRD Declaration, other UN resolutions related to HRDs, recommendations, concluding observations and reports of international human rights organisations. When a report is relevant to a certain population or area of your country, documents available in local languages become all the more important.

⁴⁷ <https://www.protectioninternational.org/sites/default/files/2017-Roundtable-report-EN.pdf> p.10

⁴⁸ A/HRC/32/20



National Action 4: Develop 'early warning systems'

- Sharing
- being f
- listen to
- Motivation
- Government fund
- group work
- experience s
- Co-herent leve
- facilitator

An ‘Early Warning System’ (EWS) is an apparatus put in place to monitor, detect, and predict situations where HRDs may be vulnerable or at risk. When such threats are identified, the EWS can alert you of potential future violations so that you can take action to prevent or respond to those threats.⁴⁹ Since an EWS functions chiefly by analysing data and predetermined indicators, it can detect patterns, potential protection crises, factors that motivate attacks, as well as periods and areas of greatest vulnerability.

As set out at the beginning of this Guide, a key principle for any EWS is the *security of communications with HRDs*.

A. Importance of an EWS⁵⁰

HRDs have stressed the importance of preventive rather than reactive measures.⁵¹ Even if a violation is stopped mid-way or if the perpetrator is sanctioned, there will still be a toll on the integrity of the victim, and likely a toll on their community also. Not only because of the attack itself, but also because of the emotional drain and time involved in the search for justice.

With prior information and constant monitoring, it is possible to detect threats at an earlier stage and act promptly with the intention of preventing, rather than responding to, attacks and violations. Human rights organisations have recognised the need to prepare a system to analyse possible patterns of attacks, aggressions and obstacles faced by HRDs.⁵²

Beyond preventing specific attacks, an EWS may track attacks on HRDs and analyse patterns. The resulting information can be used to guide human-rights oriented public policy, it can also change the culture of civilian security, from one of responsiveness and improvisation, to a culture of prevention. Your NHRI can also bring this information to the attention of the international community (see *National Action 7*).⁵³

B. Functions of an EWS

It is essential that an EWS responds to the national context and the specific risks HRDs face, which means that the system itself will vary greatly from one country to another. This guide will focus on the forms of EWS identified in the RAP, as well as providing some general guidance on an EWS.

Any EWS seeking to prevent violations against HRDs, should be staffed with qualified personnel trained on risks faced by HRDs, who can understand the context in which HRDs carry out their activities, the factors that lead to risks and motivate attacks and the adequate methods of addressing those risks.⁵⁴

In general, the functions of an EWS are divided into three main phases: monitoring, analysing information (risk assessment), and alerting.⁵⁵

The monitoring phase is intended to detect potential risks, and includes obtaining data from the ground, from the context in which HRDs carry out their activities. The data obtained are analysed and registered according to a predetermined set of indicators and subsequently analysed and reported so that actions can be taken.⁵⁶

49 <https://irb-cisr.gc.ca/en/country-information/research/Pages/honduras-attach.aspx> Art. 17

50 <https://protectioninternational.org/wp-content/uploads/2013/04/Best-Practices-and-Lessons-Learnt.pdf> pp. 51, 182, 192

51 <https://www.protectioninternational.org/sites/default/files/2017-Roundtable-report-EN.pdf> p.9

52 https://www.oas.org/en/iachr/jsForm/?File=/en/iachr/media_center/preleases/2021/106.asp (p.14 of the guide)

53 <https://protectioninternational.org/wp-content/uploads/2013/04/Best-Practices-and-Lessons-Learnt.pdf> pp. 51, 182, 192; http://acuddeh.org/IMG/pdf/ini_lg_periodistas_y_defensores_de_ddhh-final.pdf Art. 99

54 https://www.oas.org/es/cidh/R/DDDH/Guias/GuiaPractica_DefensoresDDHH-v3_SPA.pdf p.25

55 https://www.oas.org/es/sap/pubs/GuiaAlerta_s.pdf p.16

56 https://www.oas.org/es/sap/pubs/GuiaAlerta_s.pdf p.30

Practical guidance on the monitoring and analysing phases is elaborated in [National Action 5.C](#). The alerting phase is discussed below. Once data are collected, and risks identified and analysed, the EWS should alert relevant stakeholders, chiefly those who can protect the HRDs at risk. This may include national, regional and international authorities. If deemed appropriate, the alert may be made public.

Once actions have been taken to minimise the identified risk, it is important that the EWS follows up to verify if measures taken were actually effective. If agreements were reached between different parties, it is necessary to verify that these have been complied with.⁵⁷ If the risk hasn't completely subsided, the EWS could coordinate with competent authorities what new actions should be taken, or take new actions on its own.

i. Responding to the alert

In some cases (for example when the EWS is part of a protection mechanism within the NHRI), the NHRI may have the competence to respond to the risk.

Responses may seek to dissuade, control, mitigate or eliminate the risk. Any action taken should be done in consultation and with the consent of the HRD at risk; with attention paid to the specific needs of the HRDs, their families, organisations and communities.⁵⁸

If this is the case for your NHRI, you should carry out a prior assessment on how you can manage the risk,⁵⁹ and ensure there is clear communication of what measures you can provide. This, so that HRDs can manage expectations and conduct their own security assessment.⁶⁰

Some means of responding to risks faced by HRDs include:

- **Reporting on violations:** As elaborated further in National Action 6, NHRIs can report on violations of HRDs, referring to specific cases or to the general context, to bring attention to their situation. Reports can serve advocacy or litigation campaigns at national, regional and international levels, and can include recommendations to authorities, aimed at achieving structural change.
- **Coordination:** EWS can play a role in coordinating intervention by various entities to protect HRDs.⁶¹ For example, in cases of land conflicts, NHRIs can play a role in obtaining protection for affected communities, alerting national and international stakeholders of potential human rights violations, and contacting translators and culturally-sensitive mediators to facilitate communication and defuse tensions.⁶² Cooperation with security forces and justice operators (investigators, prosecutors) can also be valuable.⁶³
- **Independent investigations and access to justice:** Some NHRIs also carry out independent investigations of violations suffered by HRDs and support victims in taking legal action.⁶⁴ If appropriate, results from independent investigations can be shared with competent authorities in charge of prosecution.⁶⁵

57 https://www.dpe.gob.ec/rc2018/10.%20Ejecucion_programatica/7%20Prevenir%20vulneraciones%20DDHH%20a%20defensores%20y%20defensoras/Protocolo.pdf p.16

58 CIDH, Hacia una política integral de protección a personas defensoras de derechos humanos, OEA/Ser.L/V/II. Doc. 207/17, 29 de diciembre de 2017, párr. 265.

59 <https://www.protectioninternational.org/wp-content/uploads/2013/04/Best-Practices-and-Lessons-Learnt.pdf>

60 <https://undocs.org/en/A/HRC/22/47> par.89

61 See, for example, the OSCE Focal point on HRDs: <https://www.fidh.org/en/international-advocacy/other-regional-organisations/organization-for-security-and-cooperation-in-europe-osce/Focal-Point-on-Human-Rights>

62 <https://undocs.org/A/HRC/25/55> par.93, 94

63 https://www.oas.org/en/iachr/jsForm/?File=/en/iachr/media_center/preleases/2021/106.asp (p.24 of the guide)

64 <https://undocs.org/en/A/HRC/22/47> par.74

65 https://www.knchr.org/Portals/0/CivilAndPoliticalReports/Human%20Rights%20Defenders%20Policy%20and%20Action%20Plan_B5_L_22-1-18.pdf?ver=2018-06-06-191138-293 p.14 Policy Action I.

- **Emergency grants:** Financial assistance can be essential for HRDs to evade risk. Grants can be provided to support HRDs to cover essential expenses, such as secure communication, humanitarian assistance, medical, legal, travel, relocation, equipment replacement, transportation, monitoring, administrative, advocacy campaigns', training activities or capacity strengthening.⁶⁶
- **Responses of rapid response teams:** Elaborated in [sub-section D](#), teams specifically designed to provide an urgent and immediate protection can help minimise risk.
- **Protection measures:** In the context of NHRI's, protection measures are usually granted by a protection mechanism that can be housed within an NHRI,⁶⁷ NHRI's may also support HRDs in requesting protection measures from other authorities who grant them (such as regional human rights bodies, or protection mechanisms independent of the NHRI). While these measures vary among national contexts, some common measures include: protective accompaniment, regular contact and visits with HRDs, trial monitoring, urgent appeals, public statements, emergency grants, and relocation initiatives.

Protection mechanism case study:

Where a specific protection mechanism exists, that is the entity granting protective measures. The mechanism of Mexico divides its measures into three: preventive measures, protection measures and urgent measures. Measures are granted to HRDs depending on the type and urgency of risk faced.⁶⁸

- Preventive measures include: manuals, individual and collective self-protection courses and accompaniment of human rights observers and journalists.
 - Protection measures include: providing safe means of communication (phones, radio); installation of cameras, locks, alarms or other security devices in the work or home premises of a HRD; providing bulletproof and armoured cars.
 - Urgent measures include: evacuation, temporary relocation, bodyguards and security officers.
-

C. Establish HRD focal point staff at NHRIs

A common and effective way to incorporate an EWS into your work NHRI is through the establishment of an HRD Focal Point.

An HRD focal point is a section within the NHRI (made up of one person, a group of people or a specific body) dedicated to analysing and working on promotion and protection of the rights of HRDs.⁶⁹

The functions of a focal point vary, some include:

- Monitoring the situation of HRDs, including risks to their security, as well as legal and other impediments to the creation and maintenance of a safe and conducive environment for their work.⁷⁰

66 <https://freedomhouse.org/programs/emergency-assistance-and-thematic-programs/lifeline-embattled-cso-assistance-fund>

67 <https://undocs.org/A/HRC/31/55> pars. 65, 95

68 http://www.oas.org/juridico/PDFs/mesicic5_mex_ane_12.pdf Art. 32-34

69 <https://www.humanrights.dk/sites/humanrights.dk/files/media/document/Lorion%20Defining%20GHRFPs%20-%20DIHR%202021%20Final.pdf> p.5

70 <https://undocs.org/A/HRC/25/55> par. 80

- Mainstreaming standards on HRD protection and coordinating action between different parts of the NHRI on promotion and protection of HRDs.⁷¹
- Managing any complaints-handling systems.

A few examples of focal points for HRDs are in the NHRIs of India⁷² and Uganda.⁷³ Among other things, the Ugandan focal point reviews draft legislation relevant to HRDs, informing the NHRI's inputs on the matter.⁷⁴

Case study:

The NHRIs in Azerbaijan, Denmark and Portugal have developed focal points for vulnerable populations, including children and older persons. The Portuguese focal point provides personalised assistance through specialised helplines, providing information, directing users to competent authorities, establishing direct contact with those responsible to ensure that the rights of the citizens are being respected, and following up on the situation.⁷⁵

Like any mechanism relevant to HRDs, this should be responsive to the national context and developed in consultation with national level HRDs. It should also not work in isolation from focal points on other issues, or the broader work of your NHRI. An intersectional approach to the protection of HRDs is essential, taking into account various elements of vulnerability, such as gender, race and ethnicity.

Some potential elements of HRD focal points include:

- A mandate to protect and promote the rights of HRDs.
- Personnel with relevant experience and understanding on the rights of HRDs, trained on HRD's rights, risks, challenges, and on how to investigate violations.⁷⁶ The "Capacity development programme on HRDs" run by the APF is an example of such training.⁷⁷
- Multiple communications channels with HRDs, potentially including national hotlines, as discussed further in [sub-section E](#) below.
- Fulfilment of some functions of an EWS and/or a protection mechanism (see [sub-section G](#) below). For example, monitoring the situation of HRDs, as well as alerting relevant stakeholders and responding to risks.

D. Develop and equip rapid response teams

Rapid response teams can respond rapidly to threats, providing immediate protection to HRDs. Ideally a rapid response team is flexible, so that it can provide quick responses to unanticipated events.

71 <https://www.humanrights.dk/sites/humanrights.dk/files/media/document/Lorion%20Defining%20GHRFPs%20-%20DIHR%202021%20Final.pdf> p.57

72 <https://hrcnet.nic.in/HRCNet/public/NHRCStatisticsList.aspx?Statistics=HRDAI>

73 <https://www.uhrc.org/about/administrative-structure/>

74 <https://undocs.org/en/A/HRC/22/47> par.92

75 <https://ganhri.org/wp-content/uploads/2019/12/GANHRI-UNICEF-Children%E2%80%99s-Rights-in-National-Human-Rights-Institutions.pdf> p.38, 39

76 <https://ganhri.org/wp-content/uploads/2019/12/GANHRI-UNICEF-Children%E2%80%99s-Rights-in-National-Human-Rights-Institutions.pdf> p. 43

77 <https://community.asiapacificforum.net/>

Once the team has detected that a threat is imminent, it should respond as fast as possible, ideally in no longer than 48 hours. This means it should have enough means at its disposal (contacts with relevant authorities, funds) to provide adequate responses.

Case studies:

The Indian NHRI has a form of a rapid response team called the ‘Rapid Action Cell’ (RAC), which deals with urgent cases. Its functions include: speaking to authorities/complainants personally over telephone to ascertain facts, faxing the complaint to various authorities for reference and asking them to send their replies expeditiously.⁷⁸

The Mexican HRD Protection Mechanism also has a form of rapid response team.⁷⁹ Its mandate says ‘If the life or physical integrity of HRDs or their families are in imminent danger, the Rapid Reaction team will grant, within 3 hours, urgent protection measures, which will be implemented in no more than 9 hours. Simultaneously, an Immediate Action Assessment study will be carried out. Once this is ready, the file is sent to the Executive coordinator, so that the process can continue through the ordinary means.’

E. Set up national hotlines and other communication channels for HRDs at risk

Specialised national hotlines that HRDs and their acquaintances can reach out to in case of concern or emergency can be critical in providing urgent responses. A hotline should be cost-free, operating all days and hours of the year, and available in multiple languages. One good example of an international hotline is the Frontline Defenders hotline.⁸⁰

Moreover, the means to communicate with your NHRI should be open-ended and of a varying nature, including, for example: in-person, phone or internet-calls, text or instant messaging, online communication, digital applications, or through the reception of letters and other physical forms of communication.⁸¹ As mentioned *above* (and further elaborated in *National Action 5*), the security of HRDs should be the highest concern, which means that digital security protocols should be followed and all sensitive information protected.

F. National respite and relocation programmes

Respite and relocation programmes are one of the most effective and complex measures to protect HRDs. Their objective is to remove HRDs from territories where they are in immediate danger and place them in areas where they can have some rest and respite. Relocation must be temporary and can be national (e.g. safe houses, housing by volunteers or moving to another city), or international. In cases where a return home is impossible, asylum is a better option.

The logistics and complexity of relocating an at-risk person demonstrates the necessity of NHRIs having pre-established protocols, procedures and contacts to reach out to.⁸² Your NHRI could also support defenders by facilitating contact with national and international organisations that provide shelter or housing.

78 https://nhrc.nic.in/about-us/organization-structures/specialized_divisions_and_staff

79 http://www.oas.org/juridico/PDFs/mesicic5_mex_ane_12.pdf arts. 26

80 <https://www.frontlinedefenders.org/en/emergency-support>

81 www.dpe.gob.ec/rc2018/10.%20Ejecucion_programatica/7%20Prevenir%20vulneraciones%20DDHH%20a%20defensores%20y%20defensoras/Protocolo.pdf p.19;
<https://rspo.org/about/contact/hrd-hotline-eng>

82 <https://undocs.org/A/HRC/31/55> par. 72-75

In cases of international relocation, your NHRI could support HRDs by providing legal assistance to obtain all necessary travel documents or to file an asylum application. Coordination with other NHRIs (e.g. members of the APF) could facilitate international relocation, for example by promoting international agreements on the issuance of visas or residence permits for HRDs seeking relocation.

G. Special protection mechanisms

Protection mechanisms are systems designed to safeguard the life, well-being and safety of HRDs at risk as a result of their political, public, social or humanitarian activities. They can be part of the government infrastructure or independent.⁸³ They offer a centralized institution to monitor and report on the situation of HRDs and coordinate responses to threats.⁸⁴

The UNSR HRDs recommended that “*protection programmes should include an early warning system in order to anticipate and trigger the launch of protective measures. It should also assess the safety of the defenders’ family members and relatives.*”⁸⁵

ISHR’s Model Law indicates that, among other things, protection mechanisms should:⁸⁶

- Seek to identify and address both structural and systemic factors contributing to risk and provide for individualised assessment for particular HRDs.
- Include measures to promote a safe and enabling environment for HRDs, contribute to the prevention of threats, risks and restrictions to HRDs, and provide both urgent and longer-term protection to HRDs at risk.
- Aid, assist and inform investigations for the purpose of prosecuting the offences against HRDs.
- Disseminate information about the importance of the work HRDs do and about the UN Declaration on HRDs.

Some NHRIs also serve as protection mechanisms for HRDs. Recently such mechanisms have been developed in some West African countries. A recent study of these mechanisms in West Africa outlined some improvements to enhance their effectiveness. The report concluded that if an NHRI is to serve as a protection mechanism, in addition to the abovementioned elements, it should:⁸⁷

- Have a specific mandate to consult with civil society on the development, establishment and implementation of protection mechanisms for HRDs.
- Be provided with adequate, earmarked and independently sourced funds to undertake the specific mandate of protection mechanism for HRDs.
- Have a prevention function and be able to comment on draft legislation and public policies relevant to HRDs.
- Be empowered to undertake and enforce concrete protection measures and directives, in close collaboration with the security and judicial agencies in the country.
- Be mandated to scrutinise and properly train staff and personnel involved in the implementation of the protection mechanism.
- Be involved from the onset in the development of HRD law.
- Sit within a Paris Principles’ compliant NHRI.

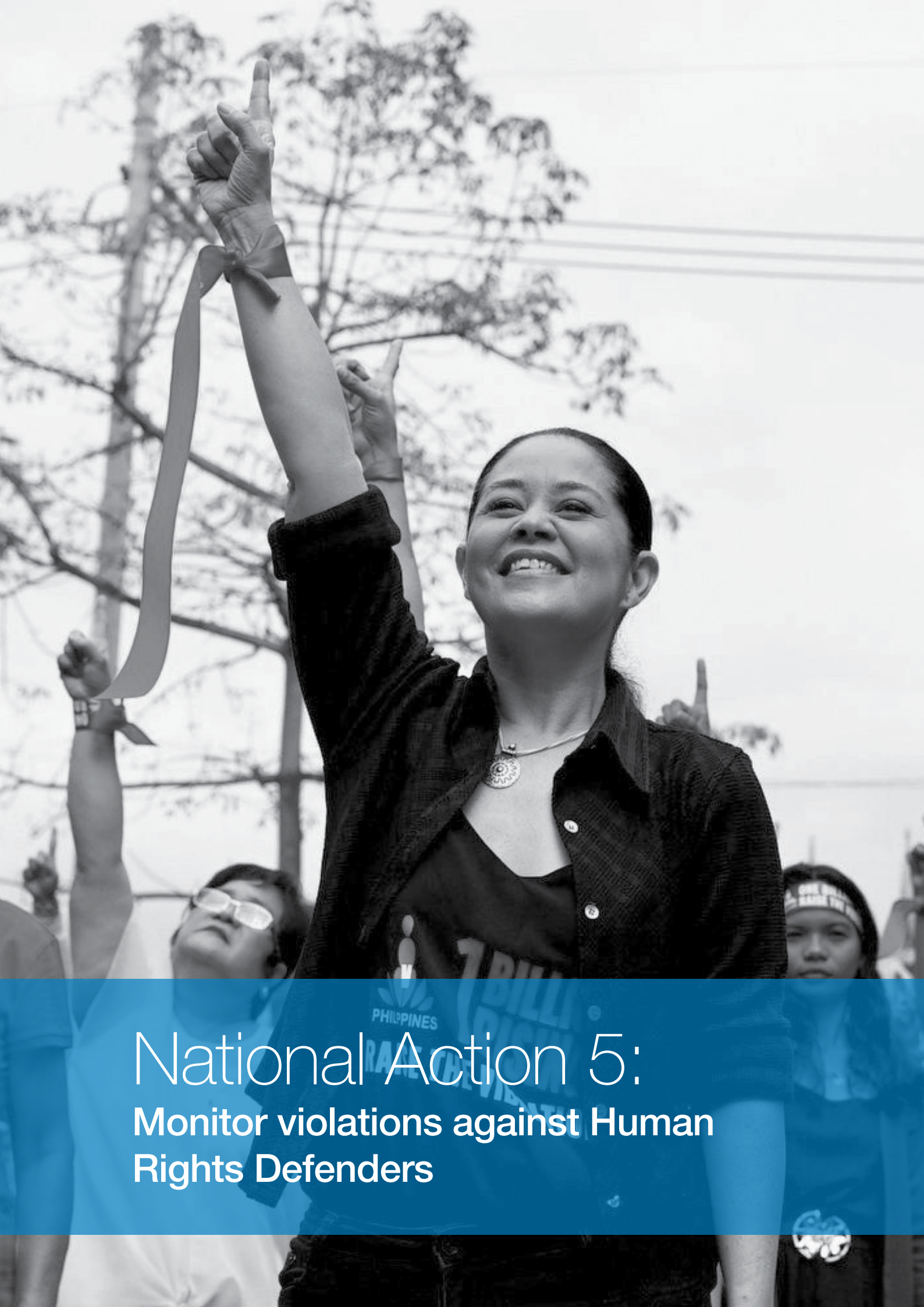
83 <https://undocs.org/A/HRC/13/22> par. 81, 84

84 <https://undocs.org/A/HRC/31/55> par. 93

85 <https://undocs.org/A/HRC/25/55> par. 88

86 https://ishr.ch/wp-content/uploads/2021/04/05_jan2017_english_model_law_all.pdf Part IV. Sections 34-37

87 <https://ishr.ch/defenders-toolbox/resources/nhri-ishr-launches-research-potential-national-human-rights-institutions-serve-protection/> p.21



National Action 5:

Monitor violations against Human Rights Defenders

NHRIs are in a unique position to collect information on the rights of HRDs.⁸⁸ The UN Human Rights Council has recognised the value of their monitoring and recommendations on existing and proposed legislation, especially in regards to its impact on HRDs' activities (as was discussed in *National Action 1*).⁸⁹

Monitoring can also include a focus on the lived experiences of HRDs in the country, including by investigating rights violations. Monitoring can yield immediate and long-term results, both by helping a victim obtain redress and by triggering investigations and broader inquiries, which can identify systematic patterns of violations.

Disaggregated and contextualised data can help to:

- Ensure that resources, policies and advocacy for HRDs are effectively targeted and responsive.⁹⁰
- Indicate HRDs most at risk and in need of support, as well as which protective measures have had actual impact.⁹¹
- Ensure accountability for human rights violations, as it aids in identifying root causes of aggressions and common manifestations, as HRDs and areas most affected.⁹²

The above means NHRIs can be essential actors in the fight against impunity.⁹³

By obtaining data through a set of indicators agreed at the regional level, regional statistics can also be developed. In this regard, the APF can support its members with technical assistance required to establish effective data collection and analysis, as well as support the development of frameworks for national and regional statistics.

A. Important rules on data collection

i. Including HRDs as a specific priority in Strategic Plans

Considering the major role that HRDs play in promoting the effective enjoyment of human rights by all, the protection and promotion of HRDs and their work should be a priority for NHRIs, and NHRIs should consider this when developing their strategic plans.

HRDs could be classified as a specific priority in your strategic plans, which would ensure that resources and time are devoted to their protection. The framing of this priority will be up to each NHRI, based on the particular needs of HRDs in their country, and - as always - developed in consultation with HRDs. This could also be supported by the APF.

If there are particularly pressing problems for HRDs in a given country, the priority should reflect this, such as where there are extractive industry projects infringing on the rights of indigenous HRDs, or where specific groups of HRDs are being criminalized because of their work.

ii. Secure management of information from HRDs

As mentioned at the start of this Guide, one cross-cutting element when dealing with information related to HRDs is keeping it secure and prioritising the security of the HRDs. This is essential when monitoring and also reporting (see *National Action 6*) on violations against HRDs.

Some HRDs abstain from reporting violations to their rights due to a fear of reprisals. This is particularly the case when the violations were committed by State agents.⁹⁴ In this regard, no

88 <https://undocs.org/en/A/HRC/22/47> par. 23, 72

89 <https://www.right-docs.org/doc/a-hrc-res-22-6/> par. 16, 17

90 RAP page 22

91 https://www.oas.org/en/iachr/jsForm/?File=/en/iachr/media_center/preleases/2021/106.asp (p.18 of the guide)

92 https://ganhri.org/wp-content/uploads/2019/10/DIMR_GANHRI-CSW-Report_final-BF.pdf p.14, 35

93 <https://undocs.org/en/A/HRC/22/47> par. 24

94 <https://undocs.org/en/A/74/159> pars. 56-58

identifiable information of HRDs or the violations should be disclosed unless authorized by them, or their associates. For example, while the NHRI of South Africa interviewed HRDs and people working with them for its report on the national situation of HRDs, no direct quotes are referenced.⁹⁵

A protocol and digital security practices should be developed to ensure the identities of defenders and their families are protected and that no personal data are shared. Records with information of HRDs or the violations suffered can be kept in a secure location (both physical and digital)⁹⁶ and, as an additional precaution, your NHRI could identify cases by numbers, rather than by the names of HRDs, with the corresponding names kept separately.⁹⁷

For further information, including on secure data storage, see the APF *Monitoring, Evaluation, Accountability and Learning: A Guide for National Human Rights Institutions*.⁹⁸

The NHRI of Argentina, as well as the Prosecutor's office of Guatemala provide good examples on how to record anonymised information on human rights violations.⁹⁹ Both gather and publicise statistics of violence against women, while maintaining in anonymity the identity of the victims and specificities of the case.¹⁰⁰ The protection mechanism of Brazil contains a database to register defenders at risk.¹⁰¹

Secure handling of information will ideally also encourage more HRDs to come forward and denounce violations. This will make the system more efficient and increase the impact on the situation of HRDs in your country.

iii. Disaggregation of data

All collected information should be disaggregated by multiple elements, including race, gender, age, type of human rights work, type of violation, date and time, and possible perpetrators, among others. This information will help your NHRI understand the magnitude of the issue, adopt preventive and investigative actions when necessary, and identify similar cases that could demonstrate patterns or criminal organisation.¹⁰² See National Action 2 for more information on *disaggregation of data according to gender*.

Disaggregation of data will also help to indicate other factors, for example the fact that some groups do not present complaints may not be because they're not suffering violations, but rather because other elements prevent them from accessing the NHRI. For example, a study on children's rights at NHRIs considered that some children abstained from denouncing violations to their rights because of insufficient digital infrastructure for telephone or online helplines, which were easy to access, rather than because no violations were occurring.¹⁰³

95 <https://www.sahrc.org.za/home/21/files/Human%20Rights%20Defenders%20Publication.pdf> page. 10

96 <https://www.asiapacificforum.net/resources/monitoring-evaluation-accountability-and-learning-guide-national-human-rights-institutions/> p.65

97 [asiapacificforum.net/resources/preventing-torture-operational-manual-national-human-rights-institutions/](https://www.asiapacificforum.net/resources/preventing-torture-operational-manual-national-human-rights-institutions/) p.41

98 <https://www.asiapacificforum.net/resources/monitoring-evaluation-accountability-and-learning-guide-national-human-rights-institutions/>

99 <http://observatorio.mp.gob.gt/>

100 Observatorio de Femicidios de la *Defensoría del Pueblo de la Nación Argentina*

101 <https://undocs.org/A/HRC/13/22> par. 79

102 <https://undocs.org/en/A/74/159> par. 60

103 [ganhri.org/wp-content/uploads/2019/12/GANHRI-UNICEF-Children%E2%80%99s-Rights-in-National-Human-Rights-Institutions.pdf](https://www.ganhri.org/wp-content/uploads/2019/12/GANHRI-UNICEF-Children%E2%80%99s-Rights-in-National-Human-Rights-Institutions.pdf) p.29

B. Identify HRDs in complaints-handling systems

If your NHRI has a complaints-handling system, it can be used to collect data on violations of human rights generally. For example, the NHRIs of Bosnia and Herzegovina and Nigeria have registries of complaints for gender-based violence.¹⁰⁴

Procedures to identify HRDs, including an option for identification or self-identification within existing complaints-handling systems, will allow an NHRI to obtain information on violations against HRDs within existing architecture. It is likely that not all HRDs will identify themselves as such, so it is also important to be able to deduce from information provided through complaints-handling systems whether a victim would fall within the broad definition of a HRD.¹⁰⁵

If your NHRI does not have an existing complaints-handling system, data collection can be done through other means such as in researching reports, through emergency hotlines or other direct contact points.

C. Monitor government implementation of the 1998 HRDs Declaration

NHRIs can assist States in bringing their legislation and its application in line with international standards. For example, the Moroccan NHRI designated a specific mechanism to monitor the realisation of the Sustainable Development Goals (SDGs) in the country.¹⁰⁶

NHRIs are encouraged to support governments in complying with international standards on the protection of HRDs, including the UN Declaration on human rights defenders.¹⁰⁷ NGOs and NHRIs provide valuable examples of how to effectively carry out this monitoring.

In its report on the status of HRDs in the country, the South African NHRI (“SAHRC”) dedicated a section to ‘Monitoring South Africa’s international and regional obligations regarding HRDs’. It monitored compliance by verifying the contents of reports and recommendations from international human rights institutions. Beyond specific monitoring of implementation of elements of the HRD Declaration, as the rights contained therein articulate rights in key international instruments (i.e. freedom of expression, liberty, work), the observations of UN treaty bodies can also serve to determine compliance with the HRDs Declaration.¹⁰⁸

APF is working to support NHRIs to ensure that comparative tools to monitor the implementation of the Declaration are analogous between member NHRIs, so that regional comparisons can also be conducted.

Case study:

In 2018, ISHR, along with the Colombian Commission of Jurists (CCJ) and the Tunisian Human Rights League (LTDH) carried out a study on whether the UN Declaration on HRDs had made a difference to the lives of HRDs in Colombia and Tunisia. The methodology used by that study could also provide valuable guidance on means of monitoring the implementation of the HRD Declaration. Some of the actions include:¹⁰⁹

- Analysing the situation on the ground.

104 https://ganhri.org/wp-content/uploads/2019/10/DIMR_GANHRI-CSW-Report_final-BF.pdf p.15

105 Namely, anyone who promotes and strives “for the protection and realization of human rights and fundamental freedoms at the national and international levels.” <https://undocs.org/A/RES/53/144>

106 <https://ganhri.org/wp-content/uploads/2019/12/GANHRI-UNICEF-Children%E2%80%99s-Rights-in-National-Human-Rights-Institutions.pdf> p. 25

107 <https://www.right-docs.org/doc/a-hrc-res-22-6/> par.20, 21

108 <https://www.sahrc.org.za/home/21/files/Human%20Rights%20Defenders%20Publication.pdf> pag 14

109 <https://ishr.ch/defenders-toolbox/resources/has-the-un-declaration-made-a-difference-to-the-lives-of-human-rights-defenders/>

- Meeting with State representatives, UN Officials and civil society actors to discuss and analyse the procedures and practices employed to implement UN resolutions and recommendations related to HRDs.
- Analysing human rights reports from human rights experts, institutions and organisations. Valuable reports can come from the UN Treaty Bodies, Special Rapporteurs (particularly the UNSR on HRDs), regional organisations and local and international NGOs (such as Amnesty International and Protection International).
- Reviewing votes and participation of the government in negotiations and resolutions related to HRDs in human rights bodies (such as the UN Human Rights Council and the General Assembly). A similar approach was taken by the SAHRC, which reviewed the votes of the South African Government in UN Resolutions related to HRDs.
- Reviewing dissemination of the international standards and existence (or lack thereof) of databases where the public can review and monitor UN recommendations and resolutions.
- Analysing speeches and statements of public officials to determine political will and public sentiment.
- Analysing cases of criminalisation and other judicial and political decisions.
- Reviewing the legislative framework.
- Reviewing requirements, capabilities and effectiveness of entities responsible for monitoring, reporting and ensuring the implementation of international standards. This includes reviewing competences, resources and results.
- Verifying the existence of directives and laws designed to comply with the requirements of the Declaration.

D. Collect disaggregated data on violations from HRDs networks and other community sources

It has been consistently reiterated throughout this Guide that information on rights violations of HRDs is fundamental for their protection, and procedures to collect that data are also critical.

To begin, it is valuable to develop principles to guide investigations, they may include elements, such as:¹¹⁰

- The defence of human rights a key element of the investigative strategy;
- Investigations should be geared towards determining degrees of responsibility and commensurate penalties;
- An intersectional approach;
- Involving analysis of contextual and risk factors;
- Adopting methods of investigation that reflect the complexity of violations; and
- Seek to prove harm and lead to reparations.

i. Data to be collected

The data to be collected should be registered in a standard format following a set of predetermined indicators. This will allow cross-checking between different cases and establish patterns of violations against HRDs.¹¹¹ This, in turn, will allow the determination of a specific risk and its gravity. The format and indicators should be elaborated in close cooperation by all members of the APF

¹¹⁰ <https://undocs.org/en/A/74/159> 87-128

¹¹¹ asiapacificforum.net/resources/preventing-torture-operational-manual-national-human-rights-institutions/ p.41

- and with the guidance of the APF - so that metrics allow for an eventual regional comparison through the planned regional database APF will implement in the future.¹¹²

Data collected could constitute and highlight:¹¹³

Causes of attacks against HRDs: ¹¹⁴	Structural causes: deeply-rooted variables that evolve over time that can lead to violations.¹¹⁵ This includes: • Political environment: political will, transparency, respect for the rule of law, levels of corruption and impunity, efficiency. High levels of criminal and gun violence, or deprivation of indigenous peoples' land, territories and resources. • Legal framework: recognition of HRDs in law, specific prohibition of violations to their rights, available protection mechanisms. • Institutional environment: functioning of legal institutions, independence and impartiality of judiciary; role, functioning and training of State forces, level of accountability and transparency of authorities, existence and ability to operate independent of other actors. • Societal and cultural environment: attitudes towards HRDs, discrimination, stereotypes, stigmatisation, demographic changes, economic factors. Proximate causes: circumstantial variables that gradually cause violations. This includes events attracting international attention (elections, sports) where HRDs are silenced. Conflict situations. Trigger causes: events that lead directly to a violation.¹¹⁶ For example, when a HRD denounces violations or carries out an activity (e.g. public demonstration), related to violations
Nature of the violations:	General: when they represent a broad potential of harm for any or all HRDs (e.g. adoption of restrictive legislation), they are part of a structural issue (e.g. high incidence of violations and/or impunity) or when they are part of a systemic pattern (e.g. social animosity against HRDs). Specific: On the other hand, affectations will be of a specific nature when it can be determined that actual harm was caused to individual defenders (e.g. an attack or a criminalisation process). It should be considered that harm was caused when any of the rights of HRDs outlined in the Model Law were violated.¹¹⁷

112 RAP page 22

113 https://www.oas.org/en/iachr/jsForm/?File=/en/iachr/media_center/preleases/2021/106.asp (pp.15, 27 of the guide)
https://www.dpe.gob.ec/rc2018/10.%20Ejecucion_programatica/7%20Prevenir%20vulneraciones%20DDHH%20a%20defensores%20y%20defensoras/Protocolo.pdf p.12, 13

114 https://www.oas.org/es/sap/pubs/GuiaAlerta_s.pdf pp.40, 41

115 https://ganhri.org/wp-content/uploads/2019/11/Torture_Prevention_Guide.pdf page. 3; <https://undocs.org/en/A/HRC/46/35> par.30

116 <https://undocs.org/A/HRC/13/22> par.52-61

117 Model Law, page ii

Dynamics of violence against HRDs, including:	‘Seasonal’ changes / time periods when certain HRDs are more likely at risk. ¹¹⁸
	Known ways in which violations are exerted: characteristics, frequency, intensity, people involved.
	Motivations of actors: economic needs, interests opposed by the HRD, power dynamics (gender, culture, race).
	Nature of threats: veiled or explicit, individual or collective, context-specific or not, direct, indirect or general, in-person or remote. ¹¹⁹ Note: The definition of what constitutes a threat should be wide to reflect the diversity of the type of threats HRDs can face.
Characteristics of involved actors:	Of victims: age, socioeconomic status, geographic location, gender, gender identity, sexual orientation, race, ethnicity, type of human rights work, capacity to avoid risk (education, self-defence), among others. Also risk in case protective measures were not granted.
	Of aggressors: identity and profession (state/non-state actor), threats and actions taken, skills and resources to operate, previous aggressions, level of influence. Differentiate between intellectual and material authors.
	Of those responsible to protect: willingness, capacity, effectiveness, diligence, resources, influence.

ii. Data collection

Once the framework and indicators for data collection are agreed, the data can be collected. As with all other elements of this Guide, the main source of information should be HRDs themselves, as they are best placed to share their lived experience. Other ‘primary sources’ include observers and those with direct engagement with HRDs (acquaintances, family members, networks, other CSOs), as they can provide valuable first-hand testimonies about HRDs’ experiences.¹²⁰

Other means of data collection can include NGO reports and submissions and public hearings, which allow multiple parties to provide information on relevant issues.¹²¹ For example, the Inter-American Commission on Human Rights carries out public hearings on the human rights situation of different countries, which HRDs can use to denounce violations and impediments to their work.¹²² These will facilitate the “passive” obtainment of data (namely, that which you obtained without actively looking for it, but rather because someone else -the HRD or an acquaintance- provided it, usually through a complaint).

118 E/CN.4/2003/104, para. 23.

119 <https://undocs.org/en/A/HRC/46/35> par. 53-55, 63

120 https://www.oas.org/es/sap/pubs/GuiaAlerta_s.pdf p.36, 37

121 <https://ganhri.org/wp-content/uploads/2019/10/English-Mapping-Survey-on-Complaints-Haldling-Systems-Final.pdf> p.24

122 COMISIÓN INTERAMERICANA DE DERECHOS HUMANOS. Venezuela: Niñez y crisis. 163 Período Extraordinario de Sesiones de la CIDH. [Venezuela: Niñez y crisis](#)

However, you should take a proactive attitude and actively seek for data, for example by directly reaching out to HRDs or their acquaintances, or by carrying out investigations, surveys, or on-site visits to detention centres, and through complaints-handling systems, HRD Focal Points and national hotlines.¹²³ Focused monitoring around specific public events, such as elections or court proceedings which may result in higher vulnerability for HRDs is also useful.¹²⁴

With all data collection, secondary sources can also be useful. Secondary sources may be in a better position or have more resources to obtain necessary information from primary sources, which in turn can increase the reliability of the data. Such sources include the media, civil society organisations, international organisations, government officials and agencies, observations from the ground and judicial or quasi-judicial decisions.¹²⁵

Finally, tertiary sources, which are those that have no direct connection to the specific case at hand, but may serve as reference to understand the context or other, less specific aspects, such as history books or country analysis.¹²⁶

Case study:

In order to prepare a report on the situation of criminalised HRDs, the NHRI of Kenya held both individual and group meetings with HRDs and their networks, as well as with police officers who interacted directly with imprisoned HRDs. HRDs who could not be interviewed were provided with questionnaires. The NHRI also talked to judges and state actors, and reviewed publications and reports from multiple sources to collate the primary sources of information from the field.¹²⁷

Similarly, when preparing a report on the situation of HRDs, the NHRI of South Africa conducted interviews with activists, researchers, academics and lawyers working with HRDs to provide context on the experiences of HRDs. It also referenced country reports and reports submitted to international and regional bodies, reports and documents available from government departments; reports and research conducted by civil society organisations (CSOs), networks and campaigns; and media reports.¹²⁸

iii. Analysing the data

Once data are collected, they should be analysed. This involves, among other things, determining the existence of a risk. That is, the objective probability that some danger faced by HRDs will materialise.¹²⁹

Once all information is analysed, conclusions can be drawn regarding the situation of HRDs in general or of an HRD in particular. If applicable, the result of risk assessments can be shared with relevant authorities, alerting them of the analysis of the risk situation, so that adequate (individual or collective) protection measures can be taken (as discussed in *National Action 4*). Alternatively, conclusions of collected information can be used to prepare reports on the situation of HRDs (as discussed in *National Action 6*).

123 https://ganhri.org/wp-content/uploads/2019/10/DIMR_GANHRI-CSW-Report_final-BF.pdf p.23

124 <https://ganhri.org/wp-content/uploads/2019/12/GANHRI-UNICEF-Children%E2%80%99s-Rights-in-National-Human-Rights-Institutions.pdf> p.33

125 http://www.civicus.org/images/stories/csw/EWS_Toolkit-March2010.pdf p.4

126 https://www.oas.org/es/sap/pubs/GuiaAlerta_s.pdf p.36, 37

127 https://www.knchr.org/Portals/0/CivilAndPoliticalReports/Defending%20the%20Defender_Human%20rights%20defenders%20in%20conflict%20with%20the%20law.pdf?ver=2018-06-06-175208-833 p.14

128 <https://www.sahrc.org.za/home/21/files/Human%20Rights%20Defenders%20Publication.pdf> page. 10

129 <https://www.protectioninternational.org/wp-content/uploads/2013/04/Best-Practices-and-Lessons-Learnt.pdf> p.89



National Action 6:

Report on violations against Human Rights Defenders

In the context of the RAP, reporting includes both public reports of specific incidents, as well as violations committed on a larger scale.¹³⁰ The elements contained in each type of report are elaborated below.

A. Conduct context-specific or national inquiries on violations against HRDs

Context specific or national inquiries on violations against HRDs assist in enhancing your NHRI's understanding of the situation of HRDs at the national level and the violations they face.

Context specific inquiries are also useful when HRDs in a given context suffer violations, such as trans or land rights HRDs being disproportionately affected. Context-specific inquiries could also be carried out when the political climate warrants, such as when a restrictive law is touted.

The means to carry out the inquiries are essentially the same as those elaborated in *National Action 5* on monitoring violations. As illustrated by the examples of the RAP and the aforementioned National Action, public hearings can be a particularly useful method,¹³¹ such as that conducted by the Philippines Commission on Human Rights (CHR) in developing the national inquiry on the situation of human rights defenders in 2019.¹³²

B. Prepare special reports on the situation of violations against defenders

i. National reporting

Reporting on violations suffered by HRDs is essential. Reports can form the basis of campaigns for the protection of HRDs, public statements or press releases condemning attacks,¹³³ complaints or strategic litigation before regional or international human rights bodies, or even social media posts and events.

These reports should include recommendations for competent State authorities, or UN bodies or other stakeholders such as businesses, on how to enhance the protection of HRDs.¹³⁴

These reports and additional actions that they form the basis for, including public advocacy sheds light on issues that might otherwise go unnoticed, reduces the probabilities of risks materialising by bringing public attention to them and puts political pressure on those responsible.¹³⁵

Case study:

Some NGOs provide valuable examples: The Centre for Defenders and Justice of Venezuela (*"Centro para los defensores y la justicia"*) publishes monthly, quarterly, semi-annual and annual reports on the attacks suffered by HRDs on the country. The data are disaggregated by date, type of attack, victims and perpetrators.¹³⁶ Frontline Defenders also collects and reports on defenders at risk worldwide.¹³⁷ The reports of both NGOs do include the names of some of the victims, presumably those that consented to being identified or whose information was already public.

The Kenyan NHRI provides a good example of how a complaints-handling system can be used to prepare reports. Since complaints can be presented electronically, it contains a database

130 RAP page 29

131 RAP page 29

132 <https://chr.gov.ph/statement-of-chr-commissioner-roberto-eugenio-t-cadiz-on-the-launching-by-the-commission-on-human-rights-of-a-national-inquiry-on-the-situation-of-human-rights-defenders-in-the-country-today/>

133 <https://www.frontlinedefenders.org/en/statement-report/international-and-local-ngos-condemn-32-year-prison-sentence-germain-rukuki-upheld>

134 <https://undocs.org/en/A/HRC/22/47> par. 87

135 <https://undocs.org/en/A/HRC/22/47> par.98; <https://undocs.org/A/HRC/31/55> par. 94

136 <https://centrodefensores.org.ve/?p=281>

137 <https://www.frontlinedefenders.org/open-cases>

system where information from the petitioner can be submitted (name, identity number, telephone, postal address, sex, citizenship, age, education, occupation, district and subdistrict). Once the information is filled out, an account number is assigned to that complaint. The database system can then generate reports and categorise them into civil, political, economic, social, cultural rights or group rights.¹³⁸

ii. Reporting as a form of engagement

Reports can also be used as a form of engagement with the international human rights system in order to develop standards on the protection of HRDs.¹³⁹ There are multiple ways to do so (discussed in detail in *National Action 7*), including:¹⁴⁰

- Contributing to the Universal Periodic Review (UPR) of your country.
- Contribute independently to the reporting process under human rights treaties or submitting alternative and “shadow” reports.
- Follow up on recommendations made by regional and international human rights mechanisms.

In some cases, NHRIs are invited to participate in the preparation of reports by the government presented to UN human rights bodies. Such is the case of Benin’s NHRI.¹⁴¹

C. Include HRDs chapter in NHRI annual reports

Reports are an important way to raise awareness on the situation of HRDs and the challenges they face in their work.¹⁴² In this vein, including a chapter on the situation of HRDs in your annual reports is a simple and effective means of ensuring ongoing reporting and engagement. Such chapter could indicate the dynamics and characteristics of threats faced by HRDs, the strengths and vulnerabilities of HRDs, the institutional mechanisms available for their protection and the amount of alerts activated/deactivated, among other things. It should also include recommendations for relevant stakeholders, particularly the government. This requires data collection and analysis (see *National Action 5*).

Case study:

The Peruvian Ministry of Justice and Human Rights has a division for HRDs, which is tasked with publishing annual reports on the situation of HRDs. The purpose of the report is to highlight risk situations and the attack patterns faced by HRDs at the local, regional and national levels, with an emphasis on HRDs from vulnerable groups.¹⁴³

138 <https://ganhri.org/wp-content/uploads/2019/10/English-Mapping-Survey-on-Complaints-Haldling-Systems-Fi-nal.pdf> p.25

139 https://ganhri.org/wp-content/uploads/2019/10/DIMR_GANHRI-CSW-Report_final-BF.pdf p.14

140 <https://ganhri.org/wp-content/uploads/2019/12/GANHRI-UNICEF-Children%E2%80%99s-Rights-in-National-Hu-man-Rights-Institutions.pdf> p.34

141 <https://ganhri.org/wp-content/uploads/2019/10/English-Mapping-Survey-on-Complaints-Haldling-Systems-Fi-nal.pdf> p.17

142 <https://undocs.org/en/A/HRC/22/47> par. 101

143 https://cdn.www.gob.pe/uploads/document/file/310740/RM_159_2019_JUS.pdf art. 6.2.2



National Action 7:

Engage with the international human rights system

A. Report violations to the international human rights machinery

National Action 6 covered reporting on violations against HRDs. This section will examine engagement with the international human rights bodies and mechanisms, one critical space where those reports can be submitted.

These mechanisms provide a space to increase scrutiny and apply more pressure on governments to promote and respect human rights. Engagement with the international bodies and mechanisms is even more important in situations where governments are either inefficient at addressing human rights situations, or are involved in those violations.

The UN has a number of mechanisms to promote and protect human rights, and each works in its own way:

- The Human Rights Council (HRC)
- The Special Procedures of the Human Rights Council
- The Universal Periodic Review (UPR)
- The Treaty Bodies

ISHR and APF have some useful resources on how to engage with these mechanisms.¹⁴⁴

You can submit reports to any and all of these mechanisms, and each of these mechanisms produces forms of recommendations, outcomes or actions that those reports will feed into. It is essential that once a report is submitted to one of these bodies or mechanisms, you follow up on that report - and specifically any recommendation, outcome or action that it produced.

You are invited to submit reports on the human rights situation of your country, in procedures under the UPR and the Treaty Bodies. Reports to the UPR can cover all human rights in the country, while reports to treaty bodies must be relevant to the treaty that the treaty body monitors. When submitting such reports, there should ideally be a separate section on violations against HRDs.

Case Study:

In 2020, the Indonesian National Commission on Human Rights (KOMNASHam) submitted a List of Issues Prior to Reporting (LOIPR) on Indonesia's anticipated 2nd periodic report under the International Covenant on Civil and Political Rights. The report mentioned that *"Some negative notes were observed in the implementation of the ICCPR that includes (sic), among others, the rise of hate speech, criminalization of policy criticism, threats to human rights defenders [...]"*¹⁴⁵

For the Third Cycle of the Universal Periodic Review of Bangladesh, the National Human Rights Commission Bangladesh (NHRCB) submitted a report which, among other things, recommended that the State: *"Ensure a conducive environment to build a culture of human rights and create more opportunities and platforms for human rights activists, human rights defenders, NGOs, CSOs, journalists allowing constructive engagements to promote and propagate human rights."*¹⁴⁶

B. Monitor implementation of recommendations of international bodies

Recommendations made by human rights bodies or mechanisms will need to be implemented by the State. Your NHRI will play a critical role in monitoring the implementation of those recommendations, agreements or commitments.

144 See: <https://www.asiapacificforum.net/resources/manual-on-international-human-rights-system/>; also see 'Navigating the UN' by ISHRGlobal. Mar 13, 2019. <https://www.youtube.com/watch?v=6lZplzFqSuw>

145 https://tbinternet.ohchr.org/Treaties/CCPR/Shared%20Documents/IDN/INT_CCPR_IFR_IDN_42303_E.pdf para. 5

146 <https://www.ohchr.org/EN/HRBodies/UPR/Pages/UPRBangladeshStakeholdersInfoS30.aspx> p. 10

i. How to follow up on recommendations

a) Media

One way of following up is to disseminate widely and get news coverage of action taken by a body or mechanism. This can help bring attention to the issue in your country and put pressure on the government to respond in some way, including implementing the recommendations.

For example:

- You can hold press conferences and interviews, speaking slots as human rights experts on radio and television, and raise recommendations in the media.
- You can distribute concluding observations to civil society, courts and members of local government, as well as translating them into national languages, and/or producing short and simplified versions of the concluding observations in accessible and reader-friendly formats.
- You can secure publicity for the issues through short articles in newspapers or other public forums which can draw public attention to the recommendations.
- You can write an article, press release, social media event or post, to mark six months since a report was submitted and highlight what the government has done, or failed to do.
- You can organize a public screening of the dialogue held between the body or mechanism and representatives of your Government, with a view to fostering debate and general scrutiny of your government's follow up.

b) Monitoring implementation

You can monitor the efforts of the government to implement the observations and recommendations of the body or mechanism, and report this information back to the body or mechanism either through formal submissions or informally. This can be done, for example, by producing a follow-up report or mid-term report for the review process as a means to help the body or mechanism assess the level of implementation of the recommendation by the State.

c) Meetings with government

You can also push for your governments to implement the recommendations. This may include holding meetings or conferences with government officials and NGOs, meeting members of parliament individually, or relevant parliamentary committees (for example, on human rights or foreign affairs) and discussing the recommendations with State delegates. Parliamentarians in particular have a key role to play in the implementation of human rights treaties and recommendations of Treaty Bodies.

During your discussion, you should particularly emphasise those recommendations that have been prioritised and specifically identified for follow-up within six months or a year. The shorter time limit coupled with prioritisation of those particular recommendations can help place additional pressure on the State to implement them, and also help the State to identify long-term and short-term goals.

Finally, you can work with your government to implement recommendations, and to promote legislative or policy reforms. You can also use the concluding observations and recommendations to guide your own work at the regional, national or local levels.

d) Adoption of implementation plans

A number of countries have adopted national implementation plans for international human rights recommendations, including from Treaty Bodies, Special Procedures and the UPR, often with international support (primarily from OHCHR). Recommendations from regional human rights mechanisms may also be included in such plans.

For example, the Committee Against Torture adopted a *follow-up policy* under which States are asked to adopt implementation plans on the Committee's recommendations. Such plans can contribute to significant coordination between relevant stakeholders and progress towards compliance and implementation of recommendations at national level. International NGOs, the diplomatic community, and UN agencies, notably the OHCHR and UNDP, can often support the development and delivery of such plans.

e) Engagement with NGOs

NGOs are important allies in the national follow up process. You can and should (*as a requirement of the Paris Principles*)¹⁴⁷ coordinate and cooperate with NGOs on strategies and tactics related to follow up to views and recommendations. In many countries, NHRIs can cooperate with NGOs on the preparation of country reviews.

Case Study:

The Pacific Commonwealth Equality Project supports the establishment and functioning of NMRFs in the Pacific region, and the engagement of various actors in the preparation and follow up of Treaty Body and UPR reviews.

For more information on how you can engage with Treaty Bodies, see *Annex I*.

In addition to engaging with NGOs during follow-up, you may wish to involve a range of other relevant actors, such as parliamentary committees, trade unions, and UN agencies. You may wish to start with a comprehensive mapping of actors that will be concerned with the implementation of the recommendations.

For efficiency, you may wish to consolidate your efforts on follow up, by bringing together the recommendations from various human rights mechanisms. There are numerous examples of national follow up processes which review not only recommendations of Treaty Bodies, but also those from the UPR process, as well as recommendations from Special Procedures and regional human rights mechanisms.

f) Meetings

You can request to meet (or discuss) with members of a body or mechanism to keep them up to date on how their decisions / views / recommendations have been implemented. In addition, keeping in touch with and maintaining a relationship with the relevant members is useful for monitoring and if you wish to engage further.

C. Special Procedures

Special procedures are independent human rights experts tasked by the UN to investigate and report on human rights situations around the world. As of November 2021, there are 45 *thematic mandates*¹⁴⁸ and 13 *country mandates*.¹⁴⁹

i. Key elements

Some key elements of the Special Procedures are:

147 <https://www.asiapacificforum.net/support/what-are-nhris/fact-sheet-9-cooperation/>

148 <https://spinternet.ohchr.org/ViewAllCountryMandates.aspx?Type=TM>

149 <https://spinternet.ohchr.org/ViewAllCountryMandates.aspx>

Urgency: Special Procedures can respond rapidly to urgent situations. They are the only UN human rights mechanism that can issue urgent appeals. This function is key in cases of ongoing violations or in preventing violations about to occur, and has saved lives in the past.

Advocacy and Raising Awareness: All work of Special Procedures can be considered advocacy or attempts to raise awareness of particular human rights issues. It may not look the same as grassroots advocacy, but Special Procedures can do many things: make recommendations, make statements at events, issue press releases, and meet with States and other actors privately to try and change the way governments and others act.

Accessibility: Special Procedures are easily accessed. Any victim or group can work with the mechanism.

Coverage: Special Procedures can operate independently of treaty ratification by States. That is to say, their work is universal such that they can review and respond to violations of rights in any country in the world within the scope of their mandate. For example, the Special Rapporteurs on housing, extreme poverty and health can review human rights issues in the United States, even though it has not ratified the International Covenant on economic, social and cultural rights.

No need to exhaust domestic remedies: Some international human rights mechanisms require victims to have exhausted all domestic avenues of redress (e.g. courts) before they will act. This is not the case for the Special Procedures. You can engage directly with them at any time.

Independence: A crucial characteristic of the Special Procedures is their independence from governments once appointed. This enables them to work on politically sensitive issues and to challenge governments in a way that other bodies may be unable to do. They are also able to propose and support progressive interpretations of international law that reinforces human rights, and to keep specific issues on the international agenda at times when States are either actively hostile, or timid in the face of the hostility of their peers.

ii. Outputs of the Special Procedures

a) Communications

Communications are letters sent by the Special Procedures to governments to follow up on information they have received about allegations of violations of the rights covered by their mandates. Communications seek to bring such violations to an end, and to obtain redress for victims. In recent years, some Special Procedures have begun to send communications to non-State bodies, including corporations and inter-governmental actors like the Human Rights Council.

There are three main kinds of communications available to the Special Procedures:

- **Urgent appeals:** These are emergency tools to bring a halt to ongoing violations or prevent violations likely to occur. The Special Procedures aim to transmit such appeals very soon after having received information. Urgent appeals request clarification on the status of individuals or groups, as well as remind governments of their responsibilities towards those persons.
- **Allegation letters:** These, by contrast, deal with human rights situations that have already occurred. They outline the relevant allegations and then request information from the government on those allegations, as well as on any measures taken to provide redress to victims. They may make suggestions as to actions the government should take following on from the incidents they describe. They can deal with cases involving violations against individuals or groups and can also address more general concerns about the human rights situation in a country.
- **Policy/legislative communications:** These are a relatively new form of communication and are sent to register concern that an existing or proposed policy or piece of legislation has or will impact on the enjoyment of rights by certain members of the population. Unlike other communications, some of these are immediately made publicly available on the website of the relevant Special Procedure.

Usually communications are based on information submitted to the Special Procedures by NGOs or victims. All types of communication may be sent by an individual Special Procedure or jointly with others where the violations fall into multiple categories. For example, allegations of a HRD being detained arbitrarily for organising a protest could lead to a communication being sent jointly by the Special Procedures working on hrdS, on arbitrary detention, and on freedom of assembly. Special Procedure communications, and any government responses, are made available in a [database on the OHCHR website](#) and in a [report presented to the HRC](#).

b) Statements and press releases

- **Statements:** These are often made when the experts are speaking at events or when they wish to mark a particular date. Special Procedures regularly issue such public statements with other UN or regional mechanisms, to show a shared position on a particular issue.
- **Press releases:** These are usually issued in response to a situation that the expert feels is sufficiently urgent or severe to warrant a public response. A press release on a particular case cannot be made until a communication has first been sent to the relevant State. Press releases – like a communication – will often be issued jointly by several experts. Special Procedures mandate holders also typically issue a press release at the beginning of a country visit, and then hold a press conference at the end of the visit. Increasingly, Special Procedures use these events as opportunities to present preliminary conclusions and recommendations based on what they have observed. Press releases of Special Procedures are made available in a database on the [OHCHR website](#).

c) Country visits

A key way in which the Special Procedures inform themselves about situations in countries is through country visits. During such visits, the experts attempt to gain an understanding of the realisation of the rights covered by their mandates, as well as the more general human rights situation, by meeting with government representatives, victims and members of civil society, as well as by visiting sites of relevance to their mandate.

These visits can be ‘official’ or ‘formal’ (at the invitation of the government) or ‘unofficial’ or ‘informal’ (often related to a conference or event organised by an NGO or university).

- **Official visits:** At the end of an official visit, the experts make recommendations and present a report to the HRC. The number of official visits made by each expert, or group of experts, is 2-3 in any given year. Information on country and other visits of Special Procedures are made available in a database on the [OHCHR website](#).
- **Informal visits:** These visits do not lead to a report or a list of recommendations and the costs are not covered by the OHCHR, but such visits provide other opportunities, as there is no limit on the number an expert can make in a year.
- **Urgent Missions:** In exceptional circumstances Special Procedures may be mandated by the HRC to undertake urgent missions, individually or as part of a group, to assess emergency human rights situations and to update the HRC.

You can help coordinate country visits and provide support for their effective realisation, for example by advising the Special Procedures about stakeholders of interest or concern.

d) Thematic reports

All Special Procedures submit an annual written report to the Human Rights Council, which is made available on the [OHCHR’s Human Rights Council web page](#) in the weeks leading up to the session at which they will be presented. These reports are also available on the website of the specific mandate holder.

The reports usually include a summary of the year's work, and address emerging thematic or normative issues. The reports also contain recommendations for States and other relevant actors, such as UN agencies, businesses, and civil society. They can ask countries to confirm the status of a human rights situation, as well as call for a State to actively address a situation.

These official thematic reports are one way that Special Procedures play a role in the normative development of human rights. During the Human Rights Council session, the experts make an oral presentation of their report to the HRC and engage in an interactive dialogue with States and other stakeholders, including NGOs. During this dialogue, questions can be addressed to the experts on their present and future work, as well as on the normative development of the rights they cover.

Special Procedures are sometimes asked by the Human Rights Council to provide an update on situations of particular concern or a report on a specific issue. Sometimes the Human Rights Council will, by resolution, mandate a Special Procedure to report to the General Assembly. When reporting to the General Assembly, mandate holders engage in an interactive dialogue with only States, although NGOs can try to influence statements and questions made by States. In preparation of the annual reports, the UNSR also receives inputs from multiple stakeholders, including NHRIs.¹⁵⁰

Case Study:

On 24 December 2020, the Special Rapporteur on the situation of HRDs published a report on the killing of HRDs around the world. In preparation for the report, the mandate received inputs from the following NHRIs: Burundi (BHNHRC), Ecuador (DPE), Egypt (NHRC), Georgia (Ombudsman of Georgia), India (NHRC), Maldives (HRC), Mexico City (CDHCM), Slovakia (NHRC) and Togo (CNDH). The inputs come in the form of answers to a questionnaire sent by the UNSR, and are available for download on the website of the report.¹⁵¹

For more information on how you can engage with special procedures, see [Annex I](#).

D. Special Rapporteur on the situation of human rights defenders

The UN Special Rapporteur on the situation of HRDs is a critical ally in work on the promotion and protection of the rights of HRDs. The Special Rapporteur has a mandate to promote the work of HRDs and protect defenders at risk. They do this in the context of the UN Declaration on HRDs adopted by consensus in 1998. As all special procedure mandate holders they serve in a voluntary capacity and are independent of the UN, States and non-governmental organisations.¹⁵² They have a [web page on the OHCHR web site](#), as well as an [independent web page](#).

As part of their work, the mandate:

- **Writes formal letters** to governments and other actors (such as companies) called “communications”. In these letters, they raise concerns about situations where human rights defenders are at risk.¹⁵³
- **Engages State authorities** in dialogue about the situation of HRDs in their countries through public and private meetings, webinars and other events.

150 <https://www.ohchr.org/EN/Issues/SRHRDefenders/Pages/longterm-detention-defenders.aspx>

151 <https://www.ohchr.org/EN/Issues/SRHRDefenders/Pages/CFI-killings-human-rights-defenders.aspx>

152 <https://www.ohchr.org/EN/Issues/SRHRDefenders/Pages/MaryLawlor.aspx>

153 You can find these letters here: <https://srdefenders.org/news/> <https://spcommreports.ohchr.org/Tmsearch/TMDocuments>

- Makes **two annual official visits** to countries following a Government invitation. They then write reports on the situation of HRDs in those places, including recommendations to the Government and other actors on how to better support and protect them.¹⁵⁴
- Writes **thematic reports** which are presented to States at the UN Human Rights Council and UN General Assembly each year. In most cases, the Special Rapporteur invites HRDs and civil society to inform these reports by formally submitting information.
- **Promotes the work of HRDs** on social media and their website.¹⁵⁵
- **Organises** and participates in **consultations** with HRDs, both online and offline.
- **Participates** in **events** and **webinars** with HRDs, both online and offline, including *those prepared by the APF*.

E. Strengthening member capacity in engagement

Capacity development and training programmes on engaging with UN mechanisms and bodies is a key component to ensuring strengthened engagement with those systems. UN mechanisms and bodies can seem confusing and impenetrable from the outside.

There are also various organisations that are willing and able to assist in that capacity development, that includes NGOs that support engagement by stakeholders in a specific mechanism, such as the Centre for Civil and Political Rights - which supports engagement with the UN Human Rights Committee, one of the treaty bodies.

APF is committed to supporting your NHRI to enhance its capacity to engage with UN bodies and *mechanisms*, including the APF manual entitled '*International Human Rights and the International Human Rights System: A Manual for NHRIs*.'



¹⁵⁴ See previous country visit reports: <https://www.ohchr.org/EN/Issues/SRHRDefenders/Pages/CountryVisits.aspx>

¹⁵⁵ You can follow the UNSR on HRDs on Twitter here: <https://twitter.com/MaryLawlorhrds>



National Action 8:

**Strengthen national networks of
Human Rights Defenders**

A. Support the establishment, resourcing, outreach and partnerships of HRD networks

The scope of HRD work is broad, thus to optimize impact and effectively share knowledge, resources, and acquired skill, the formation of coalitions is vital. NGO or HRD coalitions can be formed on an ad-hoc basis, or they can be permanent. Such coalitions can be local, national, regional or international. They can also be focused on specific themes.

There are various existing HRD networks, that are local, regional and international. You can play a critical role in supporting those networks. Simply facilitating conversations within and among these networks is invaluable for progress.

As mentioned in the section on '*Collective Protection*', you will be most effective when you support the collective dimension of human rights work, which necessarily includes HRD networks. You can play a key role in strengthening and supporting networks of HRDs, for example by:

- Strengthening their ability to reach out to other stakeholders to discuss strategies and exchange lessons learned.
 - You can help new networks to develop connections through facilitated dialogues and with other stakeholders, such as government representatives, international organisations, UN experts and bodies, as well as supporting them to conduct essential outreach.
 - As an institution commonly with more funding and connections, you can also foster exchanges between HRDs and communities to learn from each other and discuss protection strategies.
- Strengthening their organisational and institutional presence.
- Providing them with free and secure spaces, infrastructure and human and other resources to ensure that they can meet and organise safely. As is often done by the Commission on Philippines Human Rights of the Philippines (CHR)
- Providing support and capacity-development programmes for HRDs, including guidance of governance and other capacity development support
- Carrying out political actions aimed at legitimising the network and its members. You can strengthen HRD networks' legitimacy by supporting their actions and campaigns, especially in circumstances where you have the trust of the community or particular stakeholders that the network is yet to develop.

The establishment of HRD Networks can have several positive impacts:

- Networks provide "strength in numbers" for HRDs;
- Facilitate the promotion of collective protection of HRDs;
- Such networks increase the impact of human rights defense work by allowing defenders to pool their resources and capabilities, avoiding duplication of work and having a stronger political impact;
- Networks can leverage public agencies (including NHRIs) to connect with international actors, government policy processes, UN mechanisms and others; and
- Networks can provide support to organisations carrying out work related to HRDs, including by providing first-hand data and information.

Case Study:

The Philippines NHRI often provides its space for NGOs and HRDs to hold meetings and events.

ANNEX I

Further resources on how you can engage with the international human rights system (*National Action 7*):

- *Role of NHRIs in the UN Treaty Body Process* (German Institute for Human Rights).
- *Implementation of Human Rights Committee recommendations: What role for States, NHRIs, and civil society? (2015) Regional consultation report - Eastern and Southern Africa* (Centre for Civil and Political Rights)

Further information on how you can engage with special procedures (*National Action 7*):

- **Communications:** You can submit information to Special Procedures so that they send a communication to your government or other relevant stakeholders about a particular issue or case.¹⁵⁶
- **Statements and press releases:** You can convince Special Procedures to make public statements to mark an event or highlight a particular issue or case to suit your advocacy needs.¹⁵⁷
- **Country visits:** You can try to ensure that Special Procedures visit your country and make recommendations relevant to the issues you work on.¹⁵⁸
- **Thematic reports:** You can encourage the Special Procedures to use their thematic reports to include or focus on the issues you work on, and you can use their reports in your advocacy.¹⁵⁹
- **Following up:** You can work with the Special Procedures after they have acted to ensure ongoing attention to an issue and push for change on the ground

156 For more information, see: ISHR Academy: Communications – Why are they useful? In: <https://academy.ishr.ch/learn/special-procedures/communications-1>;

ISHR Academy: Requesting a communication in: <https://academy.ishr.ch/learn/special-procedures/requesting-a-communication>

UNSR HRDs: <https://srdefenders.org/the-mandate/the-mandate/the-communications/> <https://srdefenders.org/submit-information/submit-information-on-a-human-rights-violation/>

157 For more information, see: ISHR Academy: Statements and press releases
<https://academy.ishr.ch/learn/special-procedures/statements-and-press-releases-1>
<https://academy.ishr.ch/learn/special-procedures/pushing-for-statements-and-press-releases>

158 For more information, see: ISHR Academy resources on country visits.
<https://academy.ishr.ch/learn/special-procedures/obtaining-a-country-visit>
<https://academy.ishr.ch/learn/special-procedures/country-visits-1>

159 For more information, see: ISHR Academy resources on thematic reports. <https://academy.ishr.ch/learn/special-procedures/thematic-reports-1>
<https://academy.ishr.ch/learn/special-procedures/influencing-thematic-reports>

Note

The designations employed and the presentation of the material in this publication do not imply the expression of any opinion whatsoever on the part of the APF concerning the legal status of any country, territory, city or area, or of its authorities, or concerning the delimitation of its frontiers or boundaries.

Operational Guide for Regional Action Plan on Human Rights Defenders

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