

04.03.2014

Ten years of the European Guidelines on Human Rights Defenders

On 20 February, PBI participated in the *Seminar for European Union Delegations' Focal Points on Human Rights*, which took place in Brussels and was organized by the European External Action Service (EEAS). The purpose of our participation was to share best practices and to illustrate the challenges we have observed over the 10 years since the implementation of the *European Union Guidelines on Human Rights Defenders* began.

Since 2004, we have made reference to the guidelines regularly, asking European Union (EU) missions and delegations to take action on behalf of the human rights defenders (HRDs) we accompany in the countries where we have or have had projects. We have also monitored the application of the guidelines by several missions and delegations. Between October 2013 and January 2014 we interviewed HRDs and members of the diplomatic corps in Colombia, Mexico and Guatemala in order to give voice to HRDs accompanied by us and to verify and complete our analysis.

During the seminar, we showed a video with extracts of these interviews. Later, we shared our conclusions with the focal points of at least 100 countries, 5 EU member States permanent missions to Brussels, and EEAS and European Commission employees.

It is worth noting that the HRDs interviewed represent only a small fraction of HRDs working in these three countries. All of them have received protective accompaniment by, or have worked closely with PBI. They have had contact with the international community and this distinguishes them from other HRDs. Indeed, we have evaluated a small group of HRDs that have probably benefited most from the EU guidelines. As a result, the conclusions of our small study are partial and not representative of the reality lived by the majority of HRDs in the Americas.

Ninety per cent of the interviewees reported that they had known about the EU Guidelines on HRDs. But most of them said they had learned about these guidelines through PBI or other international or national NGOs. Few of them could identify who had been the focal point in charge of the implementation of the guidelines in the respective EU delegations. At least half of the interviewees had benefited from the guidelines, noting that EU delegations and EU State members missions had taken protection measures for them. The measures taken included bilateral meetings with HRDs in the headquarters, mission or delegation, invitations to multilateral meetings, such as the meeting of the EU missions political advisers, field visits in order to see HRDs in their offices and meet with local authorities, observation of hearings, mention of particular cases in private dialogues with host governments, physical accompaniment to HRDs on their return home having been forced into exile for security reasons and public statements. In all of these cases, HRDs consider that the actions taken by the diplomatic corps were extremely helpful and contributed to lowering their risk.

Notwithstanding these best practices, HRDs interviewed identify remaining challenges in the implementation of the guidelines:

- The first challenge is the dissemination of the guidelines and human rights policies implemented by the EU. As explained by HRDs and missions, reaching community and grass-roots defenders has been particularly difficult. As a result, guidelines are less known and implemented in rural areas, where HRDs are most at risk. In this context, all the interviewees have asked for more visits to the field and meetings with grass-roots and community defenders.

- The second challenge identified by the interviewees relates to the follow-up of the actions taken by the EU and its members. Political advisers interviewed mentioned to PBI that a close follow-up was often difficult, in part due to the high staff turnover and the lack of human resources.
- The third challenge is self-imposed by the EU and its members when the risk of HRDs is linked to demands that affect their economic interests. Embassies interviewed argued that they were caught between two fronts (their human rights values on the one hand and their commercial interests on the other). HRDs also highlighted that economic interests often prevail over human rights. During the event on 20 February, it was recognized that it is necessary to pursue coherence between the different field missions and delegations, especially between commercial interests and the obligation to respect human rights. HRDs interviewed also recommended that an active and early application of the mechanisms foreseen by the guidelines in areas where European investments are planned would be important. As a first step, it would be important for missions and delegations to replicate Mexico's example: visit the areas and communities affected by these investments and become informed of the situation. HRDs also added that EU members should require the companies of their countries to respect human rights and especially to consult, as stated by international law, with indigenous communities where they are planning to invest. They also suggest that EU delegations and missions could play a role by convening round tables between companies, communities, HRDs and authorities in order to facilitate consultations and raise awareness on the opinions of local people.

Finally, more than changes to the guidelines themselves, all the HRDs interviewed asked for a much more active implementation of the diverse activities provided by them. Based on their experience, HRDs felt that some actions were more effective than others and especially recommended to: (1) disseminate and make public the actions taken through press releases or articles in webpages; (2) make more public statements in support of HRDs, including those in situations of grave threats or attacks against them. Carry out a public campaign recognizing the importance of HRDs and naming expressly women HRDs and community defenders, a important measure which would support and legitimize their work; (3) Make greater use of trial observation tools. Increasingly, HRDs are facing legal accusations, especially economic, social and cultural rights defenders and rural HRDs. The observation of hearings of criminalized HRDs could help revert this tendency and ensure compliance with international standards of due process; (4) Improve transparency and involve more HRDs and civil society organizations in the implementation of human rights policies such as the Human Rights Dialogues between the EU and third States. This is something that has improved in the case of Mexico and that could be replicated in other countries.

In the seminar, Stavros Lambrinidis, the EU Special Representative for Human Rights, delivered a speech asking EU delegations around the world to take advantage of the tenth anniversary of the Guidelines on HRDs in order to organize public events focused on the situation of human rights defenders, especially considering that the EU has prioritized the respect for human rights in its domestic and external policies.

We thank the EEAS for the opportunity and for allowing us to present our analysis. We call for the best practices mentioned during the seminar to be shared with other countries and for the challenges facing the implementation of the EU Guidelines on Human Rights Defenders to be overcome.