A Research Agenda for the Protection of Human Rights Defenders

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Abstract

This Special Issue of the Journal of Human Rights Practice is dedicated to critical reflection on the protection of human rights defenders (HRDs). In this article we consider existing research and knowledge about the protection of HRDs, highlight the contributions of the policy and practice notes in this collection, and put forward current issues and questions on the protection of HRDs for further exploration. Specifically, we highlight eight areas for research: the definition and use of the term 'human rights defender'; perceptions of risk, security and protection; culture, gender and diversity (with particular emphasis on protecting women human rights defenders); the use of legal and administrative mechanisms for repression; the effectiveness of protection mechanisms; strategies and tactics for protection; fostering enabling environments for the defence of human rights; and the impact of technology and digital security on HRDs. In the last section of this article, we highlight the importance of more collaboration between academics, practitioners and HRDs for the effective evolution of protection mechanisms and practices. We reflect on the merits and challenges of collaborative applied research, suggesting how this can be done effectively.

Keywords: definition; gender; human rights defender; protection; risk; security

Introduction

This year marks the 15th anniversary of the United Nations (UN) Declaration on human rights defenders.[1] Since the adoption of the Declaration, there has been growing recognition of the significance of human rights defenders (HRDs) as agents of change. Over time, governments, intergovernmental bodies, civil society actors and others—including HRDs themselves—have developed a range of protection mechanisms and practices to support HRDs at risk.

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1 Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms (commonly referred to as the Declaration on human rights defenders), adopted by UN General Assembly resolution 53/144, 9 December 1998. A/RES/53/144.

Nevertheless, in many countries, HRDs continue to suffer from human rights violations and abuses (Front Line Defenders, 2013; Observatory for the Protection of Human Rights Defenders, 2011). Perpetrators of violations and abuses against HRDs include state and non-state actors, such as the police, military, members of the judiciary, local authorities, state authorities, security services, paramilitary and other armed groups, right-wing groups, the media, and corporations (Landman, 2006).[2] Common abuses include arbitrary arrest or detention, threats, harassment, judicial investigation, extrajudicial execution and murder. HRDs have also been forced to pay the price for their activism in more subtle but nonetheless damaging ways—they have been dismissed from their jobs, evicted from their homes, defamed, ostracized, and stigmatized. Around the world, many HRDs struggle to continue their work in debilitating and deteriorating conditions (Amnesty International, 2013; Human Rights Watch, 2013).

In December 2011, academics, practitioners and HRDs came together in an international workshop to explore gaps in understanding and knowledge on the protection of HRDs.[3] Drawing upon these reflections—and recognizing the surprising paucity of research on the protection of HRDs—we, the co-editors of this Special Issue, put out a global, open call for papers that explored and analysed institutional and individual responses to the protection of HRDs.[4] In May 2013 we organized a second international workshop to discuss the submissions received and to facilitate collective reflection on how future research could inform practice on the protection of HRDs.[5]

In putting this Special Issue together, we selected contributions that raised key issues in the protection of HRDs and which highlighted pressing developments on the ground that merit further study. Unusually for this journal, this collection consists only of policy and practice notes and one review essay, all of them written by practitioners and HRDs.[6] These policy and practice notes bring an essential first-hand perspective on protection challenges as well as raising critical issues for further examination.

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2   Analysing annual reports released from the Observatory for Human Rights Defenders on the violations of rights of HRDs around the world from 1997–2003, Landman (2006) observed that the police were identified most frequently as the perpetrator (in 27 per cent of incidents), while the judiciary was implicated in 13 per cent, 'state authorities' in 10 per cent, the military/armed forces in 8 per cent, and security services in 7 per cent of incidents. Troublingly, as Landman points out, in many cases, the identity of perpetrators remains unknown.

3   This workshop was a one-day event organized by the Centre for Applied Human Rights (CAHR) on 14 December 2011, involving 25 academics, practitioners and HRDs.

4   This call was available in English, Arabic, French, Spanish and Russian.

5   The second workshop was a three-day event co-organized by Amnesty International, the Human Rights and Social Justice Research Institute (HRSJ) and CAHR, held from 15–17 May 2013. It involved 39 academics, practitioners and HRDs.

6   We are compiling a second collection of papers that provide further analyses on the protection of HRDs.

In this article, we set out eight areas for further research that we believe to be crucial for the effective development and evolution of HRD protection mechanisms and practices. In doing so, we draw on the policy and practice notes in this Special Issue as well as the collective reflection of academics, practitioners and HRDs at the two workshops mentioned above. These areas are: the definition and use of the term 'human rights defender'; perceptions of risk, security and protection; culture, gender and diversity (with particular emphasis on protecting women human rights defenders); the use of legal and administrative mechanisms for repression; the effectiveness of protection mechanisms; strategies and tactics for protection; fostering enabling environments for the defence of human rights; and technology and digital security. We end this article with brief reflections on the merits and challenges of collaborative applied research to encourage and inform future work.

The definition and use of the term 'human rights defender'

The Declaration on human rights defenders states that 'Everyone has the right, individually and in association with others, to promote and to strive for the protection and realization of human rights and fundamental freedoms at the national and international levels' (article 1). The Declaration also sets out the rights and protection accorded to HRDs, the duties of states, and the role and responsibilities of non-state actors.[7] However, the Declaration neither provides a precise definition of a 'human rights defender' nor suggests a standardized procedure for determining the status of a HRD, leaving these open to interpretation.[8]

Whether the label 'HRD' applies to a specific actor can be controversial amongst those who engage in supporting HRDs and amongst HRDs themselves. Some place more emphasis on the specific actions of a person needing protection, while others only consider as a HRD those who demonstrate greater 'professionalism'. Such considerations are part of deciding whether or not protection mechanisms and resources designated for HRDs apply to specific actors. Thus, the definition of a 'HRD' and the use of this term is neither just a matter of semantics nor straightforward.

In practice, the term 'HRD' has been interpreted quite broadly to refer to anyone who carries out peaceful activities in the defence of human rights. This has been useful for civil society groups who argue for the protection of individuals and groups engaged in human rights work around the world, regardless of their profession, gender, race, religion, ethnicity or group association. This contradicts narrow interpretations by opponents of HRDs, who may argue that

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7   For further elaboration see UN Special Rapporteur on the situation of human rights defenders (2011).

8   Indeed, the term 'human rights defender' is absent from the text of the Declaration itself, although this term was used during the 14-year long negotiations that led to its adoption by the General Assembly in 1998 (Jones, 2013).

certain individuals, organizations and communities do not 'qualify' as HRDs and as such are not entitled to protection and/or assistance on that basis.[9]

Nevertheless, the lack of precision in the use of this term can be problematic. It can be used to refer to a number of very different—even oppositional—actors. Law enforcement agents, for example, can be considered HRDs by virtue of some of their actions. However, this can be disconcerting for human rights activists in the same sociopolitical milieu, who may also experience them as perpetrators of human rights abuses.

The Office of the UN High Commissioner for Human Rights (OHCHR) has tried to provide guidance on the interpretation and application of this term. Through its Fact Sheet No. 29, published in April 2004, it states that the term refers to 'people who, individually or with others, act to promote or protect human rights' (OHCHR, 2004: 2). Although the Fact Sheet points out that no 'qualification' is required for a person to be considered a HRD, it emphasizes that HRDs have responsibilities as well as rights. The Fact Sheet asserts that:

> Human rights defenders must accept the universality of human rights as defined in the Universal Declaration of Human Rights. A person cannot deny some human rights and yet claim to be a human rights defender because he or she is an advocate for others. For example, it would not be acceptable to defend the human rights of men but to deny that women have equal rights. (Ibid: 9)

Fact Sheet 29 also emphasizes that 'the actions taken by human rights defenders must be peaceful in order to comply with the Declaration on human rights defenders' (ibid).

However, this guidance has caused confusion amongst practitioners. Raghad Jaraisy and Tamar Feldman (this issue) explore the use of the 'HRD' label in the occupied Palestinian territory. They highlight the challenges involved in defining a HRD using the criteria outlined in Fact Sheet 29. They question how helpful the 'universality' criterion is in contexts where discrimination against women is a deeply entrenched cultural norm. They also discuss the difficulties of applying the 'non-violence' criterion in the context of an occupation and in times of conflict. Would this exclude from the definition of a HRD those who engage in 'stone throwing' as a form of protest, as well as those who organize peaceful protests that turn violent in response to aggressive and violent policing?

As they observe, sometimes, the label 'HRD' is used for certain actors within a sociopolitical context and not others, without clear explanation or consistent rationale. As the term is commonly deployed in a way that

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9   The framing of this can be highly pejorative, occurring as a precursor to (or in the context of) the defamation of HRDs who are then accused of acting as 'terrorists', defenders of criminals, or as 'the guerrilla'. Amnesty International and others have documented how such actions expose HRDs to additional risk through prosecution and attack.

internationalizes the work of a specific actor, it can serve to draw them into the limelight while excluding their colleagues. This can lead to division amongst human rights activists who work together.

Eguren and Hidalgo (2013) also raise concerns about the guidance provided in the Fact Sheet. They argue that the ahistorical, non-contextual focus on the actions of an actor can have negative ramifications for how we identify and protect HRDs. They argue that an important consideration when determining if an actor is a HRD is the ethical acceptability of his/her/their actions. For this assessment to be meaningful, they argue that it must be a situated interpretation conducted in light of the operational context of the actor.

Practitioners emphasize the importance of considering the protection needs of 'non-traditional HRDs' (New Tactics in Human Rights Project, 2013), such as artists, poets, academics, humanitarian workers, development workers, those engaged in peacekeeping operations, representatives of governments, and employees of transnational corporations.[10] Soohoo and Hortsch (2011) analyse the recognition as HRDs of health care professionals who defend sexual and reproductive rights.

Writing about communities displaced through violence in Colombia, Gwen Burnyeat (this issue) argues that it is important to recognize as HRDs groups that undertake peaceful community initiatives for self-protection—such as establishing 'peace communities' and 'humanitarian zones'. Burnyeat explores the use of protective accompaniment (by both national and international actors) to support these communities. She argues that those who provide the accompaniment also need to be recognized as HRDs because they become targeted for the work they do in supporting these HRDs.

These papers, and others in this Special Issue, provide valuable insight into the lived realities of people engaging with the HRD framework as outlined in the Declaration. However, there is a need for more research aimed at evaluating the political positioning and the use of the term 'HRD'. It is important to assess how this label has been appropriated, instrumentalized, and mobilized for different types of consumption. Some important questions for further research include: What are the power relations involved in the use of the term 'HRD'? What are the merits and demerits of applying principles and criteria to the definition of a HRD? Does the application of the 'HRD' label facilitate or hinder access for individuals, groups or communities to protection as envisaged within this framework?

Perceptions of risk, security and protection

HRDs view the world and act in it in different ways. Rather than conceptualizing risk as an element that exists objectively and independent of an individual,

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10 Networks such as Scholars at Risk and the International Cities of Refuge Network (ICORN), which predate the emergence of the HRD discourse, provide refuge to academics and writers who can, now, also be reconceptualized as HRDs.

we suggest the importance of focusing on the social construction of risk—that is, studying how HRDs understand the risks involved in human rights work and examining how these understandings are mediated socially and culturally.[11] HRDs respond to risk differently; they also deal with fatigue and stress in different ways. The threats that HRDs face often have a significant impact on their family, friends and community, which further impact their stress levels and coping mechanisms (Barry and Nainar, 2008).

HRDs who are at significant risk often experiment with new tactics (van der Vet and Lyytikäinen, 2013). As they challenge the boundaries of state oppression and violence, they invent creative tactics in order to counter attacks and respond to the political constraints imposed on their work.[12] There are tactics that comply with the law and tactics that resist the law. In some cases, HRDs use direct action and civil disobedience to further their goals. Some HRDs use their vulnerability strategically, as a way of drawing attention to their issue. The legitimacy and morality of the actions of HRDs can, at times, be unclear to the international community, complicating decisions by others about the appropriateness of interventions to assist them.

Further research is needed on these questions: How do HRDs construct ideas of risk and security? What can be learned from the different ways that HRDs and actors understand risk and security? What coping strategies do HRDs rely on when responding to risk?

Culture, gender and diversity: protecting women human rights defenders

HRDs who challenge cultural norms and values face risks from a broad range of actors in society. At particular risk are defenders working on women's rights and rights related to sexual orientation and gender identity (UN Human Rights Council, 2010, 2011). The Women Human Rights Defenders International Coalition (2012) puts forward the following definition of 'women human rights defenders' (WHRDs):

> WHRDs are women active in human rights defense who are targeted for who they are, as well as those active in the defense of women's rights who are targeted for what they do. This includes human rights activists who are women, as well as other activists (whether male, lesbian, gay, bisexual, transgender or intersex) who also defend the rights of women and sexual rights. (Women Human Rights Defenders International Coalition, 2012: viii)

In her report to the Human Rights Council focusing on the situation of WHRDs, the UN Special Rapporteur on the situation of human rights defenders, Margaret Sekaggya, notes that women defenders are often at greater risk

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11 For examples of this approach, see Tate (2007) and Merry (2005).

12 The New Tactics in Human Rights Project (2004) provides a review of different tactics used by human rights defenders, classified according to their purpose.

than their male counterparts, because of sociocultural norms and traditions that script their role in society (UN Human Rights Council, 2010). She also notes that they are at greater risk of gender-based violence.

Many WHRDs draw attention to the importance of understanding the connection between the personal characteristics of HRDs (actual and perceived)—such as gender, class, sexual orientation, geographical location, and ethnicity—and their protection needs. Feminist HRDs argue for the importance of understanding how gender diversity and the intersectionality of differences impacts on risk. This, they suggest, is necessary for the development of more effective and tailored protection measures. The Women Human Rights Defenders International Coalition also draws attention to the need to understand the human rights context in which WHRDs work. Fundamentalist discourses, militarism and conflict, globalization and crises of democracy and governance, as well as contexts characterized by heteronormativity can influence the challenges that WHRDs face and increase their vulnerability (Women Human Rights Defenders International Coalition, 2012).

Protection measures that are responsive to the protection needs of WHRDs require a more holistic understanding of security, one that isn't 'disconnected from the reality of human rights defenders' lives' (Barry and Nainar, 2008: 87). Introducing the concept of 'integrated security', Barry and Nainar emphasize:

> For us, security has to be integrated, which means employment, social well-being, development and national sovereignty in terms of natural resources. Security is not only for the individual, but also for the community. (Ibid: 89)

Barry (2011) observes that for many HRDs, especially WHRDs, human rights work is deeply personal and that perpetrators know and exploit this. 'It is why they deliberately attack your family: your children, your partner, your parents, your relatives. They attack your reputation, your credibility, calling you a spy, a traitor, a prostitute. They attack your body, and your sanity' (Barry, 2011: 9). She emphasizes that in order for security and protection measures to respond effectively to the needs of WHRDs, WHRDs themselves need to be supported to report and discuss risks, as well as to be involved in making decisions about their security and protection.

In their policy and practice note, Iniciativa Mesoamericana de Mujeres Defensoras de Derechos Humanos, IM-Defensoras (this issue), provide a critical analysis of existing protection advice and mechanisms for WHRDs, arguing that existing protection mechanisms fail to address the lived realities and needs of WHRDs in the Mesoamerican region. They emphasize the importance of supporting WHRDs so that they can feel physically and psychologically safe in their work, in public and at home. They highlight the importance of self-care, arguing that this is a 'political strategy' that ensures the sustainability of human rights work.

Masa Amir (this issue) looks at the breadth of challenges and violations faced by women defenders in Egypt. Noting that women defenders are more likely to be subjected to gender-based violence as a result of their work, Amir examines the different variables that come together to form the specific risks faced by different WHRDs. The risks that WHRDs in Cairo face, for example, are very different from the risks faced by women in other Egyptian governorates. She notes how traditional expectations of how women 'should' act are used to shame women and force them back into the private sphere, which increases their isolation. Furthermore, Amir points out that more isolated WHRDs are not benefiting from risk frameworks and security manuals developed by international actors, and rely instead on small circles of family and friends for protection.

In spite of the increasing international attention to WHRDs, much remains to be done to ensure that protection measures are sufficiently flexible and responsive to their needs. Research questions on this theme include: How do WHRDs understand and respond to risks? How should the international community support WHRDs in mitigating these risks? How do we address the protection needs of WHRDs related to families? How do we reach HRDs who are relatively isolated, socially and geographically?

Legal and administrative mechanisms for repression

The use of legal and administrative mechanisms to restrict certain human rights activities—in particular, those related to the exercise of freedom of association, assembly, information and movement—is a strategy for targeting HRDs (UN Commission on Human Rights, 2001). HRDs have been criminalized on a range of alleged grounds—for non-compliance with registration requirements, conducting 'terrorist' activities, threatening 'national security', tax evasion, 'hooliganism', sedition, corruption, possessing drugs, and so on (see also UN General Assembly, 2012; Peace Brigades International, 2012). Non-state actors, too, resort to a range of mechanisms to obstruct the work of HRDs, such as the use of strategic lawsuits against public participation and defamation suits.[13]

In some cases, the prosecution of HRDs is clearly an act of persecution, while in others it is less obvious. When HRDs are prosecuted on the grounds of income tax evasion, for example, defenders of HRDs and donors are unsure if it constitutes an act of persecution and whether they should intervene. It can also be difficult to get 'traditional' allies to respond because of the stigmatization that results from these actions. Criminalization therefore has

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13 See for example the case of Charles Hector, a Malaysian HRD who was sued for MYR10 million (3.3 million US dollars) in February 2011 by a Malaysian-based Japanese multinational firm Asahi Kosei for defamation, after he highlighted in his blog the problems faced by 31 Burmese migrant workers. For further information, see http://indefen ceofcharleshector.blogspot.co.uk/2011/08/asahi-kosei-libel-suit-against.html (referenced 15 August 2013).

proven to be a very effective strategy for weakening, or completely shutting down, the activities of HRDs.

States have also been using legislative and administrative measures to constrain and control the work of HRDs under the guise of statutory regulation (International Center for Not-for-Profit Law, 2013; Anstis, 2012). Whilst it is legitimate for states to establish regulatory frameworks for the voluntary/charitable/NGO (non-governmental organization) sector, in recent years there has been a proliferation of so-called 'NGO laws' and administrative regimens promulgated by states with questionable motivations. These laws are often worded vaguely, leaving them open to interpretation and abuse; some are also in clear breach of international law.[14] In particular, some states have introduced laws that restrict access to foreign funding (Observatory for the Protection of Human Rights Defenders, 2013), which can undermine an organization's capacity to operate and complicates the level and type of engagement that HRDs can have with the international community.

Tony Tate (this issue) looks at the use of anti-corruption legislation in Burundi to criminalize the work of HRDs. He notes that such legislation can be a double-edged sword—while it is needed to address prevalent corruption, it can also be used to attack HRDs. This has had a chilling effect on HRDs; it has weakened civil society and negates the usefulness of this particular legislation in combating corruption. Tate observes that there is no evidence that the law was established specifically to curtail the work of HRDs. Thus, he emphasizes that the situation in Burundi of criminalizing HRDs who denounce corruption contains important lessons for HRDs advocating for transparency laws, as well as for international funders supporting defenders.

Tate's contribution helps us to understand the nuanced contexts in which criminalization happens and the effects it has on civil society. More research and reflection, however, is needed on how HRDs respond to such attacks and how they find ways to circumvent and challenge pernicious laws and measures. Such research would shed light on how HRDs who face such repression can be better supported by the international community.

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14 Recent examples include in Ethiopia the 'Proclamation to Provide for the Registration and Regulation of Charities and Societies' (2009), in Algeria the revised Law on Associations (2012), in Russia 'Introducing Amendments to Certain Legislative Acts of the Russian Federation Regarding the Regulation of Activities of Non-commercial Organizations Performing the Function of Foreign Agents' (2012), and in Azerbaijan amendments to the Law on Non-Governmental Organizations and the Law on Grants and Administrative Code (2013). As this Special Issue goes to print (October 2013) attempts are being made in several countries to revise existing legislation that would restrict and control the functioning and rights of HRDs and NGOs: in Kyrgyzstan a draft law entitled 'About Introducing Amendments and Changes into Some Legislative Acts of the Kyrgyz Republic', closely modelled on the Russian law, was put out for public consultation in September 2013, and in Egypt a revision to the existing NGO law, Law 84 of 2002, continues to be negotiated within the committee established by the Minister of Social Solidarity in August 2013.

The effectiveness of protection mechanisms

A number of protection mechanisms exist at the international, regional and national levels for the protection of HRDs at risk. At the international level, UN Charter-based and treaty bodies provide important monitoring mechanisms for the rights of HRDs.[15] In 2000, the (then) Commission on Human Rights established the mandate of a Special Representative to report on the situation of HRDs around the world and to enhance their protection in compliance with the Declaration on human rights defenders; Ms Hina Jilani was appointed to this position.[16] In 2008, the Human Rights Council renewed the mandate, appointing Margaret Sekaggya as the Special Rapporteur on the situation of human rights defenders.[17] The Special Rapporteur receives and acts on complaints of violations of the rights of HRDs, conducts country visits, and provides annual reports to the General Assembly and the Human Rights Council on the situation of HRDs, with recommendations for what states can do to increase their protection.[18]

States and civil society groups have also used the Universal Periodic Review process (UPR) to highlight violations of the rights of HRDs.[19] In the first cycle of the UPR, from 2008–2011, states made 326 recommendations to states under review that were directly related to the protection of the rights of HRDs. Of these recommendations, 68.7 per cent were officially accepted and 15 per cent rejected; the others either received a general response or no response at all (UPR Info, 2013).[20]

At the regional level, the European Union (EU) has issued Guidelines on HRDs to provide guidance to member states on how to engage in the protection of HRDs around the world (European Union, 2008).[21] A number of studies indicate that the Guidelines have led to good practice by some EU member state missions in different countries (Collier, 2006; Front Line Defenders, 2005; Observatory for the Protection of Human Rights Defenders, 2006). However, these studies also show that implementation of these

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15 Some of the treaty-based committees have individual complaint mechanisms. See http://www.ohchr.org/EN/HRBodies/TBPetitions/Pages/HRTBPetitions.aspx.

16 UN Commission on Human Rights resolution 2000/61, Human rights defenders, adopted 26 April 2000. http://www.ohchr.org/EN/Issues/SRHRDefenders/Pages/Mandate.aspx.

17 UN Human Rights Council resolution 7/8, Mandate of the Special Rapporteur on the situation of human rights defenders, adopted 27 March 2008. http://www.ohchr.org/EN/Issues/SRHRDefenders/Pages/Mandate.aspx.

18 For a full list of reports, see http://www.ohchr.org/EN/Issues/SRHRDefenders/Pages/AnnualReports.aspx (referenced 9 August 2013).

19 For an explanation of the UPR process, see the UN Human Rights website, http://www.ohchr.org/EN/HRBodies/UPR/Pages/BasicFacts.aspx; see also UPR Info (2013).

20 At time of writing, there have been 60 recommendations related to HRDs made during the first two sessions of the second cycle of the Universal Periodic Review (UPR) (2012–2016), covering 28 countries (UPR Info, 2013).

21 The Guidelines were issued in 2004 and updated in 2008.

Guidelines has been hindered by the limited awareness of them by other EU member state missions and local HRDs, as well as poor coordination, weak monitoring, and insufficient feedback on advocacy efforts (both public and through 'quiet diplomacy') between HRDs and EU missions (see also Amnesty International, 2008; Bennett et al., 2009). Examining the effectiveness of the Guidelines in three countries, Bennett (2013) found concern amongst HRDs and international NGOs about a gap in protection for less prominent HRDs working in remote areas. She recommends that EU missions systematically refer to and apply the Guidelines as a policy tool when drafting EU human rights country strategies.[22]

In Africa, the African Commission on Human and Peoples' Rights established the mandate of the Special Rapporteur on HRDs in Africa in 2004 with a similar mandate to the UN Special Rapporteur on HRDs.[23] In Latin America, the Inter-American Commission on Human Rights (IACHR) established an Office of the Rapporteur on the Situation of HRDs in April 2011. In addition to conducting studies, visiting states, and promoting the protection of the rights of HRDs generally, the Rapporteur also provides support in the analysis of petitions presented to the IACHR regarding alleged violations of the rights of HRDs. In response to petitions, the IACHR may issue 'precautionary measures', asking states to adopt urgent measures to prevent irreparable harm to HRDs. It may also ask the Inter-American Court to order states to adopt 'provisional measures' to prevent irreparable harm.[24]

In some countries, notably Colombia, Guatemala and Mexico, national mechanisms have been established to respond to human rights violations against HRDs (Eguren and Martin, 2011). Daniel Joloy (this issue) reflects on the process of developing the Mexican national mechanism, which was passed into law in April 2012. Joloy argues that in order for a national protection mechanism to be relevant and effective, it must be developed and implemented in consultation and cooperation with civil society. He highlights the importance of ensuring that such mechanisms are resourced sufficiently, and observes that the support of local authorities and their cooperation with federal authorities is crucial for effective protection on the ground.

Further research is needed to assess the factors that influence the effectiveness of national protection mechanisms and to analyse how HRDs can work with states to develop these, particularly in contexts where state agents are the main perpetrators of rights abuses and where high levels of impunity exist.

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22 The EU Human Rights Country Strategies objective was published as part of the EU Strategic Framework and Action Plan on Human Rights and Democracy, 11855/12, Luxembourg, 25 June 2012, http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/EN/foraff/131181.pdf (referenced 5 August 2013).

23 For more information on the activities of the Special Rapporteur, see http://www.srhrdafrica.org (referenced 15 August 2013).

24 See, for example, reports by the Inter-American Commission on Human Rights (2006; 2011).

Further research is also needed to evaluate the effectiveness of different protection mechanisms. How do mandate holders understand and exercise their role, and do other actors share this understanding? How can we measure the effectiveness of their recommendations; and how can we identify and overcome impediments to their implementation?

Strategies and tactics for protection: responding to security needs

Over the years, different actors have developed a range of creative strategies and tactics for the protection of HRDs. In this section, we focus on reactive responses, aimed at supporting HRDs who have experienced threats, while in the next section we look at prevention-oriented approaches, aimed at creating an environment conducive for human rights work. In practice, however, these approaches overlap.

Practitioners have long grappled with how international solidarity can enable the work of HRDs. International solidarity has been used to increase the visibility of HRDs at risk, in order to increase the political cost of aggression against them. Interventions include the use of urgent appeals, public statements, demarches, trial monitoring, and raising cases of HRDs at risk through formal dialogue as well as quiet diplomacy (Barcia, 2011). However, there are costs and benefits to these approaches; in ideal circumstances, these tactics are used in close consultation and collaboration with HRDs themselves.

International accompaniment (pioneered and developed for HRDs by Peace Brigades International) is a strategy that uses the physical presence of international volunteers to heighten the visibility of concerns for the security of individuals. In this strategy, volunteers act as 'unarmed bodyguards' (Eguren and Mahony, 1997) for HRDs at risk, spending up to 24 hours a day with them. These volunteers provide moral support to HRDs, witness any acts of aggression against them and highlight these violations to the international community who in turn put pressure on perpetrators (Coy, 1997; Koopman, 2011; Sanford, 2003). However, by its nature, international accompaniment exposes volunteers to risk (Coy, 2001; Pratt, 2008). Its protection function is dependent on whether there is a clear source of threat as well as whether the organization providing accompaniment has the capacity to leverage public and political pressure and to demonstrate this capacity to deter potential aggressors (Mahony, 2004).[25]

Organizations that assist HRDs at immediate risk also provide a range of services and material assistance, such as supporting risk assessment and analysis, emergency hotlines, emergency grants, legal aid, medical and psychosocial services, temporary relocation, and safe houses.[26] Such work often

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25 Mahony (2006) discusses how the field-based staff of intergovernmental bodies can use international accompaniment in their work.

26 For lists of organizations and resources they provide, see Advocates for Human Rights (2013), Barcia (2011) and the Association for Women's Rights in Development (2013).

involves creating mechanisms to receive applications from HRDs for support, assessing these in relation to the validity of claims, determining the financial capability of the organization to respond, and assessing the potential impact of an intervention. However, it can be a complex and invidious choice for practitioners to decide which HRDs they should support and which not. Also, funding such work, which can be very resource-intensive, remains a challenge.

Vanessa Kogan (this issue) provides a critical analysis of common measures for protection and support provided by international actors to HRDs at risk as well as locally developed protection initiatives (such as the Joint Mobile Group) in the North Caucasus region. She observes the significant increase in international support to HRDs since the murder of a prominent activist in 2009. While this can be helpful, she notes that it does not necessarily encourage HRDs to take responsibility for their own security. She stresses the importance of having a holistic view of security that includes a consideration of the psychological and physical consequences of human rights work, the threats posed by non-state actors, and the specific vulnerabilities faced by women defenders. Only then can international support and assistance meet the real needs of HRDs.

Fostering enabling environments for the defence of human rights

There has been an increasing emphasis on the importance of adopting prevention-oriented protection measures—often referred to as initiatives for fostering 'enabling environments'. In this section, we focus on three types of strategies: building commitment, processes and institutions to promote human rights at the national level; strengthening the capacity, legitimacy and credibility of HRDs at risk; and working through networks and coalitions.

In recognition of the role of the state as the primary duty bearer in relation to the rights of HRDs, the international community has invested in helping governments to build national bodies, processes and mechanisms to promote and protect human rights, such as national human rights institutions, ombudsman's offices and human rights commissions (European Union, 2008). This work also involves engaging with state officials to understand who HRDs are, why their work is legitimate, and why they are deserving of respect and protection.

Strengthening the capacity, legitimacy and credibility of HRDs has also been an important strategy in fostering an enabling environment for human rights work. Over the past decade, the international community has developed a range of resources for HRDs at risk. These include toolkits, guides and training programmes (both face-to-face and online) on areas such as security management, digital security, and the use of protection mechanisms and measures.

An essential element of capacity building is ensuring that HRDs are aware of and understand their rights as well as the protection tools and resources available to them. Jamie Hitchen and Jacqueline Kasoma (this issue) examine a community-based initiative in Uganda to simplify and translate the Declaration on human rights defenders into several local languages. The aim

of this project was to sensitize communities about their rights and responsibilities as HRDs. They argue that this kind of participatory approach was necessary because the language of the UN (and the Declaration specifically) can be foreign and elitist. Overcoming these barriers is therefore crucial for ensuring that the Declaration on human rights defenders is used to create the kind of support it was meant to facilitate.

Human rights awards are another way in which the international community draws visibility to HRDs at risk in order to protect them. Johannes Thoolen (this issue) points out that over the years there has been an exponential growth in the number of human rights awards for HRDs. However, he points out that there has been little systematic analysis to see if these awards meet their aims. He argues that there is need for guidance for HRDs and award givers on how to create the most useful impact through awards, in particular, how to increase their protection function.

While bringing attention to certain HRDs can be an effective protection strategy, it is important to note that HRDs rarely work in isolation. Networks and coalitions such as the East and Horn of Africa Human Rights Defenders Project (EHAHRDP), the Asian Forum for Human Rights and Development (Forum Asia), the Euro-Mediterranean Foundation of Support to Human Rights Defenders, and the Women Human Rights Defenders International Coalition engage in different types of activity to assist HRDs at risk.

Sharing their experiences, the East and Horn of Africa Human Rights Defenders Project (this issue) emphasise that a holistic approach to the protection of HRDs is necessary to mitigate the worst risks that HRDs face as well as to foster an enabling environment for the defence of human rights. They discuss how they have developed proactive and responsive interventions comprising protection, security management, advocacy, and capacity and coalition building. They highlight the importance of building relationships, trust and confidence between local HRDs, national coalitions and regional networks. They also discuss how national coalitions and regional networks derive mutual benefit from working together to support HRDs at risk, in particular those who are hard to reach.

However, it isn't easy to build networks and coalitions; the right political conditions, organizational structures, and governance practices are needed. Maggie Beirne (2013) argues that effective coalition work requires 'organizational modesty', which can be quite counter-intuitive for some organizations, including donors. Finally, it is also important to understand the significance of the formation of informal networks around formal networks and key individuals.

Further research is needed on the following questions: How do HRDs understand and try to foster enabling environments for their own work? What are good practices in strengthening the legitimacy, credibility and capacity of HRDs? What are the differences and advantages of building networks at the community, national, subregional and regional levels? More broadly, what other factors contribute to creating an enabling environment for HRDs to do their work?

Technology and digital security

For many HRDs technological advances have fundamentally altered the landscape of human rights work. HRDs now have access to a huge array of instruments that can support their work. Mobile phones, laptops, and digital cameras, for example, enable HRDs to document and transmit data swiftly. Social media sites and information sharing/storing platforms enable HRDs to share human rights information widely. However, while these instruments are helpful and have arguably been key factors in many recent human rights struggles, they can also be used for surveillance, monitoring, and censorship. In order to work safely and effectively, HRDs need to understand what the risks are, and know how to protect their information and identity, how to recover from information loss, and how to maintain privacy online.

Stephanie Hankey and Daniel O'Clunaigh of Tactical Technology Collective (this issue) outline tools that have been used for surveillance and repression as well as those that have been developed to support HRDs to use technology safely.[27] They also take a critical look at the assumption that technological insecurities can be addressed with more technology. They argue that online work can only be done as safely as the individual capacity of users, and highlight the importance of graduated capacity building for HRDs using new and evolving technologies. They warn against adopting an 'all or nothing' approach to digital security tools and practices, observing that this can be overly intimidating for HRDs.

In summary, while it is important to continue researching the impact of technology on human rights work, technology is not a panacea. For some HRDs, technology is not the root of their risk. When technology might be able to offer solutions, it is important that the tools developed are rooted in the experiences and needs of the HRDs at risk. Finally, it is also important to note that the lack of access to technology remains a significant barrier for many HRDs around world. This inhibits their ability to communicate, coordinate and document violations; it increases their isolation and reduces their access to resources. Furthermore, there is a need to develop the competence and confidence of HRDs in engaging with new technologies safely and effectively.

Research questions on this theme include: How has technology been used to suppress the work of HRDs? How do political and legal frameworks influence the use of technology in relation to human rights? What forms of technological regulation inhibit the work of HRDs, and what forms enable their work? How do HRDs even know the risks that they are facing through the use of technologies?

Conclusion: developing a collaborative research agenda

By the very nature of their work, HRDs challenge political, legal, religious, societal and cultural norms. Even with increased recognition of the importance

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27   These include 'Security-in-a-box' (https://securityinabox.org/en) and 'Me & My Shadow' (https://myshadow.org).

of their work, HRDs will continue to face risks and threats from state and non-state actors. It is vital for academics, practitioners and HRDs to critically examine the evolution of HRD protection mechanisms and practices and to evaluate their effectiveness in relation to individuals, groups and communities around the world.

In putting this Special Issue together, we encouraged HRDs and practitioners to reflect and draw out lessons from their own experiences that could be applied to other contexts. The breadth and gravity of the topics discussed in this Special Issue indicate the complexities and challenges involved in the protection of HRDs.

We suggest that the gaps in knowledge in the eight areas highlighted in this article are best filled through collaborative, focused, applied projects involving academics, practitioners, and HRDs with mutual interests. We see value in the distinct perspectives, skills, and knowledge of collaborators with different backgrounds and experiences. In particular, academics can bring theoretical and methodological tools that aid the analysis of complex issues. Practitioners and HRDs can help to identify priorities for research, facilitate access to key witnesses and survivors, and challenge the validity of abstract arguments in the light of existing realities. By working together, there is greater chance for research to be relevant, timely, practical, and firmly rooted in the day-to-day realities of the working environments and practices of HRDs.

Nevertheless, it is important to note the challenges involved in such collaboration. Firstly, potential collaborators from different backgrounds may not have the same interests, expectations, priorities and institutional agendas. These differences need to be acknowledged; in some cases, compromises need to be made. For effective collaboration to occur, different partners must be willing to act beyond self-interest. Secondly, academics, practitioners and HRDs face different institutional constraints. When disseminating research, academics, for example, are expected to publish in internationally recognized peer-reviewed journals, forums that may be inaccessible for many HRDs. Practitioners and HRDs may also find it difficult to take time out from their work to reflect and write critically about their experiences of security and protection. Thirdly, it is important to recognize that close collaboration between different parties often requires more resources—time, energy, and funds—for coordination, consultation and joint problem solving.[28]

We stress the importance of creating opportunities for dialogue about evolving protection mechanisms and practices and of linking these conversations

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28   These reflections echo the observations of others about the merits and challenges of collaborative applied research involving practitioners and academics. See for example, the work of the International Council on Human Rights Policy (http://www.ichrp.org), and conference reports from the School of Oriental and African Studies' Human Rights Forum entitled 'Developing Practice-led Research to Meet Contemporary Challenges' held in London on 3 June 2013 and the Association of Human Rights Institutes' Annual Conference entitled 'Emerging Research in Human Rights' held in London from 9–10 September 2013.

together in order to build knowledge and understanding. Opportunities for dialogue can help researchers consider the practical application of their work from different perspectives. They can break down barriers to the flow of information and ideas and provide a platform to test assumptions, debate complex issues, and brainstorm recommendations. They can provide avenues for HRDs who may not want to engage in research themselves to share invaluable analyses and experiences in ways that further the impact and relevance of research activities. We also see the benefit of creating 'safe' spaces that allow different actors to challenge each other in a constructive manner and to reflect collectively on past mistakes.[29] This space is invaluable for the development of effective protection mechanisms and practices for HRDs. This kind of 'deep' engagement, however, requires trust and commitment between all collaborators.

Through its adoption of the Declaration on human rights defenders on 9 December 1998, the UN General Assembly recognized the importance of the work of individuals, groups and associations in eliminating violations of human rights and fundamental freedoms around the world. Since then, there has been unprecedented growth in the type and range of protection mechanisms and practices developed for HRDs at risk in different contexts. The international community is also more aware now of the range of issues faced by HRDs at risk and the complexities of providing them with support. On this occasion of the 15th anniversary of the Declaration on human rights defenders, we hope that this Special Issue triggers further reflection and analysis on how different actors can work together with HRDs to protect their rights and their 'operational space' as they continue to build rights-based societies.

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29 In creating such spaces for reflection, however, one must always consider the possibility that perpetrators of abuses against HRDs may want to use these spaces to learn about HRD protection tactics.

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