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To cite this article: Karen Bennett (2015) European Union Guidelines on Human Rights Defenders: a review of policy and practice towards effective implementation, The International Journal of Human Rights, 19:7, 908-934, DOI: [10.1080/13642987.2015.1075303](https://doi.org/10.1080/13642987.2015.1075303)

To link to this article: <http://dx.doi.org/10.1080/13642987.2015.1075303>



Published online: 20 Aug 2015.



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European Union Guidelines on Human Rights Defenders: a review of policy and practice towards effective implementation

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The European Union Guidelines on Human Rights Defenders (the guidelines) are an EU external relations policy tool providing European diplomats with operational recommendations to support and protect human rights defenders (HRDs) in third country missions, recognising the critical need to protect those working on the frontlines to ensure human rights obligations are enforced in their countries. Implementation of the guidelines by the EU and its member states has resulted in many good practice actions towards the support and protection of HRDs. However the guidelines' recommendations are not systematically implemented by all European member states and implementation in EU mission countries around the world is patchy and inconsistent. This article considers EU commitments to effectively implement the guidelines policy tool in practice, including steps taken to integrate the guidelines' operational recommendations within the relatively new process of planning EU Human Rights Country Strategies in mission countries. Drawing from a study for the European Parliament assessing implementation of the guidelines in Kyrgyzstan, Thailand and Tunisia, the author identifies key areas of stakeholders' concerns, and argues for the need to link the EU's efforts towards coherence in human rights policy with on-the-ground approaches towards the protection of HRDs in third countries.

Keywords: European Union; human rights defender; protection; implementation; rights-based approach

Introduction

Human rights defenders (HRDs) – who by peaceful means advocate, mobilise and often put their lives at risk to defend the most fundamental freedoms of their fellow citizens – are key agents of change in their own society and make a significant contribution to the international community's efforts to support democracy and human rights. HRDs can face serious threats in their work from both state and non-state actors, including: intimidation, harassment and physical attacks; death threats; illegal imprisonment based on fabricated charges or arbitrary interpretation or application of laws; increasingly sophisticated state surveillance of HRDs' online communications and financial transactions; restrictions on freedom of assembly, expression and movement; torture and mistreatment; incommunicado and prolonged detention; and denial of due process and fair trial.¹ These problems are of particular concern in countries where criminal justice systems are vulnerable to executive interference, arbitrariness and abuse.

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Support to HRDs is identified as a major priority of European Union (EU) external policy in the field of human rights.² In order to streamline EU actions in this field, the Council of the European Union adopted the European Union Guidelines on Human Rights Defenders in 2004, and revised the guidelines in 2008.³

This article addresses how the guidelines, as an EU human rights policy instrument, are utilised in external relations by diplomats of the EU and its member state missions to support and protect HRDs. Analysis of effective implementation of the guidelines is based primarily on viewpoints from experts and stakeholders, including data collected from 48 interviews with European diplomats and HRDs in Kyrgyzstan, Thailand and Tunisia between October 2012 and January 2013.⁴ Kyrgyzstan, Thailand and Tunisia are not the worst or most consistent violators of rights against HRDs in their respective regions. All three countries provide legal safeguards enabling HRDs to engage publicly in their practice and (to varying degrees) safely meet with foreign diplomats. However, in these countries, serious offenses have been, and are being, committed against HRDs.⁵ These countries have all recently experienced major political transitions (2010–2011), and accordingly, political stability is, to varying degrees, not yet secured, and the work of HRDs in this respect is burdened by high political stakes.⁶

History and context

Providing support and protection to HRDs is a commitment made by many international and regional bodies, governments and national human rights institutions, as described in the 1998 UN Declaration on Human Rights Defenders.⁷ HRDs, as civil society actors, are acknowledged as key contributors to a healthy democracy, embedded in the principle of public participation, and recognised in various authoritative international documents and put forth in Article 71 of the UN Charter.⁸

The European Union Guidelines on Human Rights Defenders sets out both policy objectives and practical initiatives to be implemented by the EU and its member states in support of HRDs in third country missions worldwide. The guidelines provide guidance for diplomats to carry out their obligations to promote and respect the rights of HRDs and to protect them from attacks and threats from state and non-state actors. The overall objective is to bring about an environment where HRDs can operate freely.

The Council of the European Union (Council) established a Working Party on Human Rights (COHOM) to take responsibility for shaping the EU's human rights policy in its external relations, including oversight for implementation of the guidelines.⁹ EU delegations and member state missions work as the EU's primary interface in third countries in maintaining contact with HRDs, giving HRDs visible recognition, and protecting HRDs through activities such as observing trials. Missions may directly fund projects implemented by HRDs, or assist them in utilising the European Instrument for Democracy and Human Rights (EIDHR), a funding mechanism available to HRDs worldwide.¹⁰ EIDHR also has a small grants programme (up to €10,000) specifically for responding to HRDs at risk. The fund became operational at the end of 2009 and works as a quick response mechanism for HRDs in emergency need.¹¹

Since 2004 the EU and its member states have taken a series of measures to translate the guidelines into action. These include elaborating local strategies for their implementation in third countries, increasing the role of EU representation and coordination with member state missions (missions) in the field, and setting up EU delegation offices (EUD) in third countries. In 2006, an evaluation of the guidelines was conducted by the Council under the Austrian presidency, and the Council adopted 64 recommendations.¹² A year later, a

set of local strategies developed by the EU under the German presidency were to be implemented. When the EU reviewed the implementation of local strategies in support of the guidelines in 2007, it was found that only 59 out of 124 missions had developed local implementation strategies (the list of countries adopting strategies is not public).

In 2008 the Slovenian presidency called for all missions to develop written strategies, with both long-term and short-term objectives to ensure the protection and sustainability of HRDs, and underlined the need for further commitment to help EU missions to be more proactive and effective (for example, by encouraging diplomats to get out of the capitals and into the regions, and by identifying key areas of focus).

A revision of the guidelines was adopted in 2008, drawing on EU missions' experience of engaging with HRDs, and in response to worsening conditions for HRDs in third countries. The 2008 version incorporates new provisions relating to: the reinforcement of coordination and implementation tools for direct assistance to HRDs; the enhancement of the role of HRDs in planning local strategies and engagement; an increased focus on the means to help facilitate HRDs' work; and the development of the EU's monitoring and protection role, with particular focus on specific risks and groups, such as women HRDs (WHRDs).

The UN Declaration on HRDs is the principle human rights instrument referred to in the EU Guidelines on HRDs,¹³ and the guidelines provide a specific operational mandate in 'support for Special Procedures of the UN Human Rights Council, including the Special Rapporteur on Human Rights Defenders'.¹⁴ In December 2008, UN and regional human rights mechanisms' representatives issued a joint statement marking the 60th anniversary of the adoption of the Universal Declaration on Human Rights stating, 'the new decade ahead must be one in which the provisions of the Declaration on Human Rights Defenders are made a reality worldwide'.¹⁵ Consistent with this, we have seen EU missions support the UN declaration being used as an advocacy and education tool by HRDs and human rights advocates. The UN Special Rapporteurs on Human Rights Defenders and HRDs have called for further support to advocate use of the declaration to governments, as a framework document to adopt and implement national laws, policies and protection mechanisms to ensure safe and enabling environments for human rights defenders' practice.¹⁶

In 2009, during the period of the Lisbon Treaty¹⁷ coming into force and the formation of the European External Action Service (EEAS), there were growing concerns amongst commentators that a lack of consistency in implementation of the guidelines could be a catalyst for worsening the security of HRDs.¹⁸ HRDs and international non-governmental organisations (INGOs) met with EU diplomats at this juncture to advocate for improved consistency in the implementation of the guidelines by suggesting EU missions consider specific benchmarks and indicators by which to assess their actions and effective implementation of the guidelines.¹⁹

The creation of the EEAS in June 2010 ushered in a renewed 'EU diplomatic corps' responsible for EU foreign policy and managing joint relations with third countries in 140 foreign delegations. The EEAS structure provides EU Delegations (EUDs) in third countries, which includes policy directives to strengthen commitments to improving external actions in support and protection of HRDs. Shifts in functions and staffing of the EEAS, particularly in enabling its delegations in the field to assume more political roles on behalf of the Union, provided potential for advancements in informed decision-making concerning EU member state engagement with human rights problems.²⁰ However, commentators also found 'it will be necessary for the Union to define more precisely (than in the Lisbon Treaty or in the European Security Strategy) what its foreign policy objectives are and what concrete policy implications they have. This would make the differences and the interplay

between self-regarding, collective and other-regarding interests clearer, both for the Union and for third parties.²¹

The European Parliament resolution of 17 June 2010 On EU Policies in Favour of Human Rights Defenders proposed a number of recommendations to be followed through by the end of 2010.²² The resolution was critical of the lack of coherent and effective steps by the EU to promote and support human rights defenders in third countries and called on the Office of the High Representative for Foreign Affairs and Security Policy to take immediate action on implementation of specific guidelines' actions.²³ The EEAS responded to the recommendations and investments were made towards systemising implementation of the guidelines within country missions. In 2010, HRD liaison officers were appointed to EUDs or (EU member state) missions, a welcome step in showing the EU's commitment to engage with HRDs. However it was not clear what benchmarks were being set for the HRD liaison officers in this new role, or how this work would be integrated with the designated diplomats' other work priorities.

The EU Parliament continued to call for more coherent, active and effective human rights reforms across the EU, in particular overhauling delivery using a bottom-up, tailored, country-based approach; identifying cross-cutting themes for targeted campaigns; integrating EU external relations policies for achieving greatest impact; building strong partnerships with multilateral cooperation and regional organisations; and speaking with one voice to harness Europe's collective weight. In consideration of 'bottom-up' approaches, a particular need was stressed by the EU Parliament and INGOs that EU diplomatic missions must do better to engage in consultation with civil society, including dialogue with a range of active HRDs representing diverse communities, voices and regions within the mission country.

The EU publicised its pledge to implement fully an integrated and joined up approach towards human rights in its external action policies, as outlined in the Joint Communication to the European Parliament and the Council on 'Human Rights and Democracy at the Heart of EU External Action – Towards a More Effective Approach' in December 2011. Head of the EEAS, Baroness Catherine Ashton, stated 'Human rights and democracy must run as a "silver thread" throughout EU external policies.'²⁴

The EU Human Rights Country Strategy (HRCS) objective was published as part of the EU Strategic Framework and Action Plan on Human Rights and Democracy.²⁵ The Action Plan has a number of actions that have direct or cross-cutting significance to HRDs. Though the Action Plan does not specifically call for implementation of the guidelines on HRDs (or other EU human rights guidelines), it does state that the implementation of the Action Plan is to build on existing policies, notably the EU guidelines.²⁶ However, the particular direction on diplomatic engagement of EU mission countries with HRDs was vague and patchy in the development of the HRCS process, only requesting the EU consult with HRDs when developing strategy.²⁷

When plans for the HRCS process were announced, a consortium of nine international human rights NGOs called for 'minimum standards from the Guidelines to be included in the process: genuine consultations with HRDs on the country strategies; outreach and awareness raising with HRDs; proactive actions for and systematic feedback to HRDs; training to EU and mission staff on the Guidelines; and cooperation between EUD and EU member states, on HRD actions'. Legitimising civil society participation with reticent governments and advocating a human rights-based approach to development were at the core of this campaign.²⁸

In December 2012, the European Parliament called for a review of the current Action Plan, urging the EEAS to engage in timely reviews and consultation of actions to be concluded at the end of 2014 with consideration of next steps to be taken in 2015. The

parliament raised specific concerns for EU human rights guidelines, urging the EEAS and the Council to consider revisions with a more rigorous review process in order to respond to changing circumstances, and to give particular attention to implementation plans and stepping up training on the guidelines amongst EEAS and EU delegation staff.²⁹ The European Parliament also established an internal Human Rights Action Unit in 2012, to follow up on implementation of recommendations.³⁰

In September 2013 the European Parliament Directorate-General for External Policies of the Union Secretariat of the Sub-Committee on Human Rights held an inter-parliamentary committee meeting with national parliaments to address non-coherence and lack of consistency in human rights policy tools and directives of the EU.³¹ In November 2013, the European Parliament called for action:

[The Parliament] urges the EEAS and the Council to pay particular attention to the issue of proper implementation plans for the Guidelines; recommends further training and awareness raising among EEAS and EU Delegation staff, as well as among member state diplomats; expresses its particular concern regarding the implementation of the Guidelines on international humanitarian law and the Guidelines on torture and other cruel, inhuman and degrading treatment.³²

Baroness Ashton pledged the EU's continuing commitment to promoting the work of HRDs in June 2013³³ and introduced two new human rights guidelines, both significant in reaffirming EU policy commitments towards HRDs and the groups and individuals they seek to support and protect. The 'EU Guidelines on the Promotion and Protection of Freedom of Religion or Belief'³⁴ and the 'EU Guidelines to Promote and Protect the Enjoyment of all Human Rights by Lesbian, Gay, Bisexual, Transgender and Intersex (LGBTI) persons',³⁵ both have explicit reference to protection of HRDs, and to the guidelines on HRDs.

In May 2014, the 'EU Human Rights Guidelines on Freedom of Expression Online and Offline', were introduced, which provide important EU policy direction for the protection of HRDs and their freedom of opinion, expression and privacy, as guaranteed in human rights law.³⁶ The 'Freedom of Expression' Guidelines are well-developed in providing operational guidance to EU member state missions, including frameworks and operational guidance for protecting rights and freedoms in communication technologies, data protection, best practices of information and communication technologies (ICT) companies, trade measures, and direction for human rights training and capacity building.

The EU has now developed 11 human rights guidelines, articulating EU human rights policy and directives.³⁷ For diplomatic support and protection to human rights defenders, operational guidance articulated in the EU Guidelines on HRDs is complemented by many of the other EU guidelines' policy directives.

During the 2014 EU Forum Conference entitled 'Protecting Those Who Protect', the EU introduced new and enhanced support mechanisms for protecting HRDs. These include: an enhanced EDIHR budget for 2015–2020; creation of an HRD mechanism to be facilitated by a civil society expert consortium; a new facility of demand driven funding for access to HRDs working in difficult environments; and renewed commitment to the small grant emergency fund for HRDS at risk.³⁸ The European Council introduced simultaneously at the conference a new toolkit to operationalise a rights-based approach in foreign policy, inclusive of, and stressing the need for, 'continued EU support for human rights defenders, capacity-building of local civil society organisations, and promoting a safe and enabling environment in both law and practice that maximises their contribution to development'.³⁹ EU recognition of, and engagement with, HRDs as important

partners and actors in development, was further elaborated at the conference. However, some HRDs commenting at the conference during a panel session on support for and evaluation of implementation of the guidelines, expressed frustration with the lack of coherent planning for implementation of the guidelines, stating human rights (and defenders) are too often side-lined by other EU policy priorities.⁴⁰

Viewpoints on implementation of the guidelines from Kyrgyzstan, Thailand and Tunisia

Engaging with the guidelines' recommendations

A study assessing implementation of the EU Guidelines on Human Rights Defenders in Kyrgyzstan, Thailand and Tunisia was carried out for the European Parliament between October 2012 and January 2013.⁴¹ Research data were gathered using a participatory approach, primarily from semi-structured interviews with HRDs, European diplomats and representatives of INGOs working in these countries, and with EU representatives in Europe from the EEAS, EDIHR and European Ministry of Foreign Affairs desks responsible for human rights policy. Participants were asked to respond to a series of questions based on recommendations set out in the guidelines.⁴²

Findings from the study indicate knowledge of the guidelines' recommendations is limited amongst diplomats and other stakeholders.⁴³ Out of 41 participants, only 16 reported having knowledge of the contents of the guidelines, 8 reported some familiarity with the guidelines, 13 reported no prior knowledge of the guidelines, and 4 did not comment (or information was not available) (see Table 1).

Diplomats, INGOs and HRDs voiced concern that there was little awareness of the specific content of the guidelines amongst many diplomats worldwide. The diplomats in this study had not received any specific training to gain knowledge of, or strategies for implementation of, the guidelines. Results from the study show technical problems (lack of direction and lack of dissemination) impeding use of the guidelines and inconsistent implementation of guideline recommendations.

HRDs in the study did not find the appointment of focal points for human rights in EUDs resulted in increasing diplomats' engagement with a wider range of HRDs, particularly outside of capital cities. INGOs in particular welcomed the appointment of HRD liaison officers in EUDs, considering this a significant step in coordinating implementation of the guidelines. However, the time allowed for actually 'liaising with HRDs' in the position has been of concern, as 'liaising' appears to be undefined. Many HRDs did not know how to actually engage with the EU liaison officer.⁴⁴

Table 1. Participants' knowledge of the guidelines in Kyrgyzstan, Thailand and Tunisia

Participants	Knowledge of contents	Some familiarity	No knowledge	No comment
Diplomats	5	6	5	3
HRDs	7	2	8	1
Other	4	0	0	0
Total	16	8	13	4

Notes: Bennett, *Guidelines*, 77. *Knowledge* refers to having read the guidelines – *familiarity* refers to vague understanding of content. The 'others' category represents interviews with INGOs, UN, and Organisation for Security and Cooperation in Europe (OSCE) representatives working in the countries. In addition, consultations were made with a number of human rights experts and INGOs to gather background information for the study.

Some EU country missions taking part in the study had created their own mission-specific ‘human rights action plans’, providing recommended steps for interaction and support to HRDs. However other diplomats in the study were not aware of these ‘action plans’, or of any particular strategies to engage with HRDs, and were not aware of the guidelines’ recommendations to do so. One EU Foreign Ministry official described the dissemination of their human rights action plan posted on the intranet, providing access to their field operations, but the problem was the action plan was not accessed by diplomats in the field (of those queried in the study).

Suggestions made by some EU and Foreign Ministry officials were to further prioritise support to HRDs as a mandatory requirement of diplomatic work in EU missions. A similar proposal was put forward by a senior EU diplomat at the Conference for Support and Protection of HRDs in 2009, suggesting implementation of the guidelines to be part of the foreign-service job description and part of set criteria for career advancement.⁴⁵

Most diplomats in the study expressed a clear commitment, need and interest to work with HRDs, particularly in countries going through political transition. But some diplomats minimised the need for engagement with HRDs, and one stated that HRDs no longer need protection or support for their empowerment in a country that has already ‘democratised’. The majority of diplomats emphasised having an ‘open door’ policy to the HRD community (which meant HRDs were welcome to take the initiative for engagement with diplomats), noting the utility of diplomats meeting with large numbers of HRD actors being impractical.

Responses from HRDs were generally positive to this open door policy, but many expected more proactive engagement initiated by the EU countries. HRDs made aware of the guidelines’ recommendations in the study stated an interest to initiate contact on urgent cases or important human rights issues with EU diplomats, and welcomed the commitment of the EU to provide emergency funds for immediate protection measures.

But many other HRDs felt the initiative should be greater from the EU. HRDs recognised they have a responsibility for their own welfare and to voice their security/protection needs. Even so, the ‘open door’ policy from EU countries poses questions as to how HRDs can ‘engage’ to benefit from EU support. Power dynamics in the relationship between diplomats and HRDs exist, and most HRDs interviewed had a lack of understanding on how best to approach diplomatic missions. HRDs also have their own travel and time restrictions that inhibit opportunities to call on embassies or develop relationships.

For some HRDs, direct contact with EU countries is not appropriate. They are cognisant of the possibility of reprisals by state or non-state actors if they are seen engaging with foreign diplomats. Others are hesitant to make contacts with diplomats in a ‘world’ they are unfamiliar with or uncomfortable in, and there are often language and cultural barriers.⁴⁶

HRDs need to take initiative and communicate their protection needs, and will most often use trusted networks – liaising with family and friends, and possibly INGOs and UN offices (sometimes as a point of contact to access EU support). INGOs in the study recognise they have a role to play in facilitating and working as a bridge between HRDs and diplomats, and HRDs often voiced that INGOs are important facilitators for their support and protection, including their engagement with EU actors.

Good practice approaches and gaps in implementation

Participants in the study indicated a number of good practices by EU missions since the guidelines were revised in 2008.⁴⁷ These included: accompanying HRDs to airports to ensure security; monitoring HRD hearings and trials; providing financial and logistical

support to HRDs in emergency situations; supporting HRDs needing respite or health-related assistance; challenging laws that criminalise HRDs; developing European diplomats' outreach initiatives to HRDs; supporting HRD protection networks; requesting information from state authorities on HRD cases of serious concern; supporting HRD participation with state and national human rights institutions; and intervening with 'quiet diplomacy' on behalf of HRD cases of concern. In regard to the latter, quiet diplomacy discussions are by their nature never disclosed, and the EU's discretion in this approach can be frustrating for HRDs, their families and support networks, who do not have knowledge of what is being said or done on their behalf. That said it is practice that EU stakeholders would only intervene if the impacted HRD, or the HRD's family members, were in agreement.⁴⁸

Measuring the impact of the EU's strategies and actions is easier in some situations (i.e. visits or meetings with HRDs) and more difficult in others (i.e. diplomatic processes challenging laws and practices that violate human rights/HRDs). Often, responding to a violation against a HRD can be from collective actions taken by a variety of actors, and it may be difficult to discern who or what had a specific impact. However, through increasing EU/EU member state record keeping and documentation of actions and successful strategies, both the initiative of implementing recommendations of the guidelines, and the impact on HRDs, might be easier to discern. For example, research results showed the EU coordinating, and mission diplomats engaging in, trial monitoring in Thailand and Kyrgyzstan, and both INGOs and diplomats gave commentary on this as best practice.⁴⁹ Such best practices could be applicable and transferable to other mission countries. If such knowledge-sharing and measures for evaluation of practice were carried out by the EU missions on a systematic basis, this could have a wide impact.⁵⁰ The use of indicators and measures for good practice were recognised as a means to help missions effectively implement the guidelines.

There were also suggestions for improvement of EU actions towards HRDs at risk, noted by HRD and INGO participants in the study. The use of public declarations was criticised in some instances as being reactive rather than pre-emptive. There was concern that diplomats often respond only after HRDs are sentenced. There was also criticism that the issuing of 'weak' statements may send a message that the EU is either too pressured to respond or does not care. Participants stressed that EU public declarations should articulate concerns about violations with more detailed reference to the law or specific human rights frameworks.

The complexity of the EU public declaration process needing all member state signatures can result in watered-down messages. HRD and INGO participants noted that in some situations the EU may best refrain from making a statement where member state 'buy-in' is weak, and choose a different means of intervention. When *démarches* and declarations fail, other tactics should be considered to prevent further human rights violations or a worsening situation. Non-EU embassies might be consulted by EUD and EU missions on the appropriateness of interventions on behalf of HRDs. Non-EU countries may share equal concerns to take an urgent stand, and may be better positioned within the host country to make a difference through a *démarche* or public statement. Longer-term political ramifications need careful consideration by the EU when evaluating the impact of EU *démarches*. Releasing a statement that has been diluted through collective member state endorsement can cause political fragmentation across member states, impacting EU cohesion, and possibly causing unintended or negative consequences for HRDs or their practice.

Both diplomats and HRDs reported concern for an absence of engagement with the guidelines' recommendations by diplomats working in other sections of an embassy

(non-political sections). This lack of engagement has repercussions on the protection of HRDs when they are involved in human rights issues that intersect with, for example: business, trade and investment policies; security and defence contracting; development planning; and consular services for visas (this may impact issuing visas to HRDs for their professional activities abroad, or for emergency respite needs). Lack of diplomatic engagement with HRDs in these sectors is potentially very dangerous for HRDs. Many international development issues relate to HRDs, and cut across all sectors of diplomatic work. Positive steps to integrate staff across sections might be seen in EU missions that are developing new platforms for engagement with 'environmental HRDs', recognising their role and their vulnerability in development processes.⁵¹

One diplomat serving as a human rights focal point found engagement with HRDs was mostly taken on by individuals assigned with the task, and not taken up by other diplomats, including those working in embassy departments such as trafficking and border regulation, migration, security and defence, or investment and trade. These embassy sections may be in consultation when preparing input for the EU HRCs, but it was noted by a significant number of diplomats in all three countries that HRDs normally did not have opportunities to engage with diplomats from non-political sections. The interaction and level of shared information as per the guidelines' recommendations within EUDs and EU missions was not researched in depth in this study, but some diplomats did raise the issue of the lack of attention to HRDs across embassy sectors, expressing that improvement is needed to achieve knowledge of the guidelines internally across all mission staff.

Diplomats who were well-informed about the guidelines mentioned knowledge of their own Ministry of Foreign Affairs national human rights guidance, which they integrate into their work, inclusive of attention to HRDs. These diplomats appeared to have a good understanding of how to effectively manage approaches to support HRDs in their work, and challenges specifically relating to the security of HRDs. Many of these diplomats continue to use best practices from prior diplomatic post experiences, and call for a more coherent approach needed to acknowledge HRDs' contributions to diplomatic missions, and how to support HRDs' work across diplomatic thematic sectors.

A number of diplomats did not engage in facilitating partnerships between government and civil society. HRDs reported that they were supported by the EU in consultations with state officials from time to time, but, with the exception of HRDs in Bishkek, Kyrgyzstan, HRDs felt they needed more support to strengthen their legitimacy and to achieve genuine participation in government. The EU guidelines state:

The principle of allowing room for independence of mind and free debate on a government's policies and actions is fundamental, and is a tried and tested way of establishing a better level of protection of human rights. Human rights defenders can assist governments in promoting and protecting human rights. As part of consultation processes they can play a key role in helping to draft appropriate legislation, and in helping to draw up national plans and strategies on human rights. This role too should be recognised and supported.⁵²

When diplomats were asked of their role to support HRD participation with government, responses were split – some indicated they did not see facilitating HRD engagement as part of their diplomatic work, while others did actively support giving voice and platforms to HRDs in government relations. The mainstreaming of the EU Guidelines on HRDs, and best practices for effective implementation, could be developed in human rights trainings provided for all diplomats, to address any knowledge gaps on EU policy recognising HRDs' contributions to human rights as part of a national political agenda.

A number of HRDs found support to engage civil society in political processes to be driven by particular individuals or small groups of 'rights friendly' missions. When the individual left the mission, HRDs complained that relationship to the mission and its support was lost. Some HRDs did not have knowledge of how to re-engage. Some embassies have taken steps to address this, but more missions reported that when diplomatic posts change, knowledge-sharing of human rights contacts and a process of documentation is needed, to further systemisation across and within missions, and to provide HRDs with ongoing support.

Strengthening support for HRDs in remote areas

European funding streams have been effective in supporting the work of HRDs in each of the three countries studied.⁵³ However both diplomats and HRDs recognised a number of factors impeding projects being submitted or supported in remote areas. These include: language barriers and knowledge skills needed for the complex project application process; lack of network links to diplomats, INGOs and other HRD partnerships; limited information access and technology available; and the management of large grants impossible or inappropriate for many smaller organisations working in remote areas.

Many HRDs would like to consult diplomats and see them make more effort to visit remote areas and show their interest in the work of HRDs outside capitals. HRDs are concerned that those working in remote areas often do not know of funding available to support their human rights work from small funding streams available through missions or EUDs. Some HRDs thought diplomats pick and choose 'tried and trusted' HRDs to fund, and one HRD noted that 'no new, creative voices will come from this process'.

Tools and actions for mitigating risks for HRDs have been well supported in some geographic areas by the EU. HRDs note methodologies in some situations must be flexible and creative, and HRDs are well situated with ideas and contributions, which could be incorporated in the HRCS process. It is noted that research is lacking in understanding situated protection needs (i.e. for WHRDs in remote areas, HRDs in humanitarian crisis zones, etc.). Building this evidence base for understanding protection needs is vital to their practice and well-being.⁵⁴

Some HRDs in remote areas who already receive funding as recipients of larger projects suggest the local management of projects could be improved to have more impact. There may be projects where impact and value for money can be better achieved in remote areas if efforts are made to identify leadership capacity in those remote areas. Other HRDs in remote areas have suggested more EU investment be made in training and skills building by 'central' partners and international educators to teach those working in remote areas how to meet European standards expected in project management. It is necessary to assess and acknowledge the human rights expertise existing outside of capitals, and their capacity to lead projects, and equally to give attention to those HRDs that would benefit from support and education to increase their capacity to become HRD leaders in their communities.

Another suggestion to enable EU funding to reach remote areas was for EU member state bi-lateral funding streams to initiate smaller projects that could later be matched with EIDHR funds, allowing an easier initial project application process for HRDs to be negotiated with individual missions on the ground. The EUD could monitor the start-up of the project with the member state mission, with the EU providing further funding for sustaining activities beyond the initial start-up period. It was suggested the EU invest more in supporting skills building amongst civil society, for managing projects across a wider range of geographic regions.

Visits to HRDs in remote areas

EU representative visits offer HRDs personal engagement, recognition of their work, and can legitimise their activities in what may be a hostile environment for human rights practice. This engagement can initiate supportive steps that help HRDs feel part of a larger network concerned for their well-being. INGOs noted the importance of security assessments and the consideration of post-visit reprisals, but many HRDs taking part in the study welcomed such visits. Monitoring trials of HRDs in areas outside of capital cities was a particular request from both HRDs and INGOs, as this rarely happens and could impact HRDs receiving fair trials.

Best practice examples from other countries can be useful for diplomats considering their own HRD engagement and outreach. One strategy introduced by a participant in this study was the 'parcelling out' of geographic areas between diplomats to visit HRDs outside of the capital. It was noted that Mexico and the Democratic Republic of Congo have engaged successfully in this strategy. Through knowledge-sharing of each diplomat's experience, this should also increase the level of understanding of human rights situations across the country. This is a practical example of how the limited resources of diplomatic missions can be managed effectively. However, there have been commentators that are concerned with the cohesion and sharing of knowledge amongst missions in forming any 'EU' strategy. There is a danger of geographic information remaining in 'silos' of each specific mission or with individual diplomats, if not documented and shared with colleagues across thematic sections, the larger diplomatic community and with other relevant interlocutors. Such an engagement strategy could be led by the Human Rights Focal Point/HRD liaison officer in the mission country. These best practices indicate some diplomats find value in understanding HRD situations first hand.

Many EU diplomats in this study found direct contact with HRDs important, in addition to relying on INGOs and the UN knowledge of HRD situations in remote areas. However, all participants recognised there remain many HRDs, particularly in remote areas, who work outside of INGO networks or other circles of support and protection. Most of these HRDs do not know of, or understand how the recommendations set forth in the guidelines are intended to impact their lives and their work. Some HRDs interviewed were working and living outside of capital cities, and were not aware they can contact an EU liaison officer to HRDs, and many did not know they can call on EU embassies for support or protection (other than for project funding support). For others, sustaining engagement with the EU proved to be unsuccessful in remote areas.⁵⁵ HRDs working with colleagues in remote areas suggested the EU consider a more systemised means to keeping communication lines open to those working on difficult human rights cases, or in contentious environments, far from the capital.

Improving security for WHRDs

The operational directive in the revised EU guidelines states that '[EU] missions should pay attention to particular risks faced by women human rights defenders'.⁵⁶ Diplomats, INGOs and HRDs based in country capitals acknowledged their concern for women working in remote areas, noting there could be increased risks for women in particular who work unregistered, or work outside established networks. HRDs noted the evidence base for assessing protection needs of women working in remote areas is lacking. They were concerned violations are unreported and WHRDs themselves are often not documenting abuses they experience. These women may not have access to networks for security when needed. There was no evidence from the study of EU strategies to

protect WHRDs in HRCS planning, and most diplomats interviewed were not aware of specific risks to WHRDs.

HRDs in all three countries voiced concerns of the threat of sexual violence against women and intimidation related to cultural stigma and, for some, clashes with Muslim extremist attitudes (reported in the south of Thailand; in both Bishkek and South Kyrgyzstan; and of growing concern throughout Tunisia) with particular concern for WHRDs working in villages, many in relative isolation. WHRDs working in rural communities were considered more vulnerable when challenging power held predominantly by men. LGBTI defenders were also noted as potentially vulnerable and at risk of human rights violations by both state and non-state actors. In Kyrgyzstan, LGBTI and women's rights groups organised a conference on Women's Human Right Defender Day in November 2012, which included a discussion on improving security strategies in their work.⁵⁷ At the conference, concern was shared amongst HRD groups that LGBTI rights were increasingly threatened in Kyrgyzstan. Amongst diplomats, only one diplomat in Thailand specifically prioritised LGBTI HRDs as a group that faces risk.

There are a number of publications calling for gender-specific implementation of the guidelines, including a recommendation produced by the World Organisation against Torture in 2013, which is endorsed by 11 INGO groups.⁵⁸ Peace Brigades International recently published a report from an international conference in London on WHRDs (October 2012), which engaged EU, UN and HRD representatives to consider more effective implementation of the guidelines in respect to WHRDs.⁵⁹

In November 2013, after a global campaign led by Norway to strengthen international commitments to the protection of WHRDs, the UN adopted a resolution on protecting WHRDs.⁶⁰ Consensus amongst states was gained on the last day of deliberations of the resolution, but only through the deletion of a crucial paragraph containing language calling on states to condemn all forms of violence against women and WHRDs and to refrain from invoking any customs, tradition or religious consideration to avoid obligations with respect to the elimination of violence against women.⁶¹ The adoption of this resolution should have resonance and impact on promoting attention to WHRDs within EU missions. HRDs globally are advocating for repositioning of agendas and strategies, urging for increased attention to WHRD protection needs in localised environments. Prominent independent world leaders, women Nobel laureates, and over 70 African CSOs lobbied their country representatives to take WHRD issues seriously.⁶²

Utilising the EU protection scheme

Financial assistance for HRDs at high risk is made available through the EIDHR mechanism.⁶³ Some EU countries provide emergency visas and protection schemes, which have ostensibly saved the lives of HRDs when threatened or at serious risk of harm. There is a current EU initiative creating a more coordinated effort to provide emergency temporary relocation assistance to HRDs in need.⁶⁴

The process for accessing emergency protection for HRDs was not well known or understood by a majority of diplomats and HRD participants in the countries studied. Many diplomats in the study were not aware of an EU funding mechanism for HRDs at risk. A suggested remedy from the study was that EUDs coordinate and convene a briefing session annually with all EU missions in-country, to discuss the tools and processes available to protect HRDs, and how these mechanisms can be accessed by HRDs. Additionally, details of the EU's temporary relocation initiative for HRDs could be disseminated to all diplomats in third country missions.⁶⁵ The utility of this scheme and involvement of

particular host countries as relocation destinations should be known amongst mission diplomats.

Some HRDs are aware of access and assistance in emergency situations through their partnerships with the UN or INGOs on the ground. But there remain many more HRDs, particularly in remote areas, who are not linked to support mechanisms or real protection networks to assist them when they are in trouble. There are assumptions that HRDs 'know what to do or who to call', but in many instances HRDs do not know how to take appropriate security precautions.

The creation of protection networks, in various bespoke forms, should be a priority in countries where HRDs are at high risk and are working in isolated areas. Regional (multiple country) security networks have been successfully implemented in a number of regions with EIDHR funding, including the Horn of Africa and the South Caucasus. HRDs in the study stated a number of benefits from national, local and particular thematic group networks (e.g. ethnic minority, lawyers, women, LGBTI) contributing to strengthen safe working practices. They also noted that support for bespoke network building is needed, to form better responses to problems through the sharing of experiences, discussing how they manage and mitigate their own risk, and considering means for access to protection mechanisms when needed.

Knowledge sharing

Training available to diplomats on incorporating attention to human rights do not consistently include approaches towards effective implementation of the guidelines, according to evidence from the study. Even where EU member states provide mandatory human rights training, it appears some diplomats have been left out, or personally are not committed, based on the responses given in the study. The EEAS has committed to mainstreaming human rights through mandatory trainings,⁶⁶ described by the EU as an important component of EEAS human rights aims to strengthen cross fertilisation of human rights internally.⁶⁷

Commitment to training is one means of instilling the intersections of human rights with coherence of EU priority areas, addressing practically how diplomats can engage human rights matters in the short, medium and long term. Useful training methodologies should provide a structured design to help diplomat awareness of EU and member state commitments to HRDs, and how their actions in missions can be effectively implemented. Trainings should also provide tools for documenting and measuring the impact of actions.⁶⁸ A (longer-term) human rights strategic plan of the EU should include appropriately designed training to ensure methods of measuring progress in the implementation of the guidelines. Through improved documentation of actions, the EU can provide further evidence of 'human rights running as a silver thread through a truly integrated range of external policies'.⁶⁹

INGOs have commented that when appropriately designed (and with the commitment of diplomats taking part) mission country trainings developed to engage HRDs and diplomats on implementation of the guidelines can be of value, particularly if the outcome can be measured, such as developing a human rights action plan, or part of the annual HRCS process to develop EU strategy.

The EEAS can utilise the vast experiences of EU human rights focal points and HRD liaison officers to share best practice examples in trainings. Considering new EU commitments to a rights-based approach encompassing all human rights, it is a timely opportunity to systemise a methodology for more regular and mandatory trainings by the EEAS and its partners. There are good examples to draw from. A number of EU member states provide

human rights training to diplomats that includes specific methods for support and protection of HRDs. The NGO Frontline facilitates trainings of the guidelines with EU diplomats and HRDs in select mission countries. And universities, INGOs and other forums run in-country training or trainer projects that teach methodologies supporting the protection of HRDs.⁷⁰

Another approach to knowledge sharing is improving the dissemination of the guidelines to HRDs, in a language understandable to targeted groups.⁷¹ The EU has made impressive efforts to translate the guidelines in multiple languages for use across many countries. However, evidence suggests dissemination of the guidelines to HRDs in remote areas of the three countries studied remains poor. HRDs in Thailand mentioned some problems with translation of the guidelines, and the importance of consultation (especially with bi-lingual HRDs working in specific regions) to check the language text and make suitable dissemination plans for reaching remote HRD groups.

Human rights policy coherence

Need for policy coherence

In human rights literature from over a decade ago, Philip Alston and J.H.H. Weiler addressed considerations towards coherence of EU human rights policies in ‘An “Ever Closer Union” in Need of a Human Rights Policy: The European Union and Human Rights’. Fifteen years later, many of the same obstacles addressed in their article to achieving human rights coherence in the EU remain a challenge.⁷² Gordon Crawford recognised the EU’s evaluation methodology lacked analysis of its own promotion of human rights in external relations, and suggested a participatory approach including civil society actors as monitors to improve evaluating EU external relations actions.⁷³ Schmitter and Brouwer recognised how tracing micro–meso–macro linkages enables evaluators to make more plausible connections between external support and overall political change.⁷⁴

Other commentators suggest cohesion of human rights, development goals and HRD-targeted approaches – all need to be complementary and coordinated, including diplomats’ role to support and protect HRDs as partners in democracy building. Academics from the Association of Human Rights Institutes (AHRI) called for the EU to step up its efforts in rights-based approaches in development, including recommendations for the EU to take further actions in their outreach to civil society, particularly in the EU role and actions in UN human rights reforms.⁷⁵ The recommendations from the AHRI group note the EU needs inward-looking change to impact their external human rights work.⁷⁶

The need for coherence of EU human rights policy across all human rights (civil, political, social, economic and cultural), and all EU mission thematic sectors (embassy sections or departments) in third countries, was raised at the 2013 EU-NGO Forum on Human Rights, specifically in presentations ‘The Fight Against Impunity’ and ‘Accountability of Economic, Social and Cultural Rights’. The UN Special Rapporteur on the Right to Food stressed the need for the EU to ‘practice what it preaches in order to enhance its credibility’.⁷⁷

On International Human Rights Day, 10 December 2013, civil society representatives demanded greater coherence in EU foreign policy, with a specific concern of respecting human rights as a guiding principle in trade relations. Highlighting trade policies and linking EU diplomatic work in this area, groups raised the urgent need of EU support for protection policies of HRDs working on social, economic and cultural rights. Conclusions specified that ‘the Guidelines on Human Rights Defenders could become an effective policy tool in the hands of EU Missions to help protect defenders based in remote areas who promote and defend economic, social and cultural rights’.⁷⁸

Consistency in application of human rights principles will solicit the need for rethinking policy objectives at all levels, a tall order for the EU machinery. In rethinking policy shifts and implementation that impacts HRDs, for example, the EU would need to reconsider its general schemes of preferences (GSP) to countries where trade agreements consistently link to non-negotiable human rights clauses. This would entail gauging potential risks to HRDs, while promoting businesses to have meaningful consultations with HRDs to rule out any negative impact on social, economic, cultural and environmental rights.⁷⁹ This was to be addressed by the EU Commission and put in force by January 2014.⁸⁰ In January 2014, a published report with replies of the commission responded to these challenges in planning for the implementation of the newly revised GSP scheme.⁸¹

Positions across EU countries on external trade policies may include agreements that are remiss of consistent human rights considerations. It is also imperative to consider the impact of such agreements on human rights defenders and the victims they represent.⁸² The dynamics and tensions amongst differing functions of the EU internally will invariably impact such coherence in EU external relations. Arguably the need for improving understanding and actions of rights-based approaches and coherence with human rights policies is then an even greater imperative – it must be vertical (throughout thematic EEAS sections), horizontal (across EU member states), internal (EU Brussels) and external (across all EU external missions).

In June 2014 the Council of the EU adopted Conclusions, stating the EU would intensify its political and material support to human rights defenders:

... and step up its efforts against all form of reprisals, and will actively support the strengthening of UN monitoring in this regard. The EU is particularly committed to improve its support to vulnerable and marginalised human rights defenders. The EU will intensify outreach to those operating in remote and rural areas. Particular attention is paid to women human rights defenders.⁸³

Five INGOs responded to these Conclusions in a collective press release, welcoming this initiative of the EU, but also urging full implementation of the guidelines. They proposed a number of recommendations for concrete actions to be taken, and a more coherent approach of the Council, to include the recommendations in the new EU Action Plan on Human Rights and Democracy for 2015.⁸⁴

The EU is building on its human rights commitments, and may come forth with further steps to mend this coherence gap. It is also noteworthy to consider the multiple layers by which this coherence will need to build over time, and the necessity of measuring the success of implementing these identified policy directives and their coherence in all levels of the EU foreign policy machinery. Implementation includes actions of the EEAS staff working in each sector at HQ level, all of the EU member states contributions, and EU delegations and diplomats' implementation worldwide. In a report examining the feasibility of practical application and policy coherence in development, Michael King et al. write of the increased attention in policy statements and legal documents of the EU (and Organisation of Economic Co-operation and Development) contributing to further conceptualising policy coherence in development. The authors argue that policy coherence can be promoted at five different levels: (1) internal coherence; (2) intra-governmental coherence; (3) inter-governmental coherence; (4) multilateral coherence, and (5) developing country coherence.⁸⁵ Not a small feat, but one the EU has now committed to invest in.

Human rights country strategy process

Since the guidelines were revised in 2008 there have been changes in how HRDs practice⁸⁶ and how the EU implements its human rights agenda. Notably the EU Human Rights Country Strategy process initiated in 2012 provided a new vehicle for ensuring human rights planning is systematically taken up as a foreign policy priority by EU missions. The EU Strategic Framework and Action Plan on Human Rights and Democracy, including a directive for the HRCS process, sets benchmarks for a three-year period (2012–2014),⁸⁷ to be renewed in 2015.

HRCSs are requested from EUDs and member state missions worldwide. The HRCS planning is expected to include consultations with HRDs in providing clear strategies that are monitored and evaluated by the EU. HRCSs are currently internal EU documents. It is difficult to report on attention to HRDs in the planning, and difficult for HRDs and other stakeholders to know of their intended effect. The European Parliament and INGOs have called for a more open process.⁸⁸

In practice, the HRCS process could serve as an opportunity for embedding direction for implementation of the guidelines, considered systematically in the HRCS annual reviews, to improve knowledge of the guidelines and build attention to HRDs consistently in all country strategies. By leaving implementation of the guidelines' recommendations without specific planning benchmarks, and HRD engagement undefined in the HRCS process, use of the guidelines as a policy tool may eventually become obsolete. This could adversely impact EU support and protection to HRDs in areas where it is much needed, but overlooked.

As there is limited time and resources for diplomats to devote to reviewing effective implementation of all policy directives, the EU and its member states might well consider revising or updating the guidelines' operational recommendations on HRDs to include direction and coherence within the HRCS exercise. It was not clear to the author from gathered research data why the EU did not seize the opportunity to systematically improve knowledge and dissemination of the guidelines through the HRCS process when the Action Plan was initiated for 2012–2014. Evaluating outcomes from the first three years of the Action Plan, the EU now has an opportunity to be vigilant in considering integrating and referencing the guidelines' recommendations to support and protect HRDs with new policy directions, and in preparation for the Human Rights Action Plan for 2015–2017.⁸⁹

The *EU Human Rights and Democracy Strategic Framework* can provide opportunities to strengthen the use of the guidelines as a progressive policy tool. The guidelines provide excellent recommendations, however they must be consistent with current policy developments and the changing HRD landscape, and consistent with the aim of implementing rights-based approaches by the EU institution-wide. But in achieving coherence and mainstreaming the guidelines in HRCS planning processes, the mechanisms and approach must include plans for the guidelines' application to be understood as a policy priority by Foreign Service staff. This would entail a commitment from the EU and partners to devote resources to trainings for Brussels staff and the diplomatic corps. A practical means of training, and a less costly investment, could be building coherence of these policy initiatives through already established processes: the review and updating as necessary of guidelines' recommendations; investment in improving already existing human rights education and training for staff across the EU; and through significant reflection to enhance and strengthen support for EU human rights guidelines in a more robust HRCS process.

Importantly, efforts should be made to reach field staff, to implement cohesion in methods used in missions when best practice methods are identified. This assistance to

mission staff should be inclusive of providing tools to help them establish indicators for planning objectives and for documenting actions, and investing in a process for the evaluation of measuring effective implementation and impact of outcomes that show improvement in support and protection of HRDs in mission countries.

Taking a rights-based approach

The EU presented new mechanisms for the protection of HRDs at the European Commission's Conference on Human Rights and Democracy on the 10th Anniversary of the EU Guidelines on Human Rights Defenders in May 2014. The theme was *Protecting Those Who Protect*. The organisers stressed the conference was taking place 'at a key moment when several ongoing EU related initiatives will converge', including the adoption of a 'Tool-box for working towards a rights-based approach (RBA), encompassing all human rights, for the EU Development Cooperation.'⁹⁰

The RBA toolkit references the importance of civil society in development. We also see implicit reference to HRDs, in explaining the third principle of RBA of 'non-discrimination and equal access'. The toolbox, for example, gives reference to a project 'strengthening the trade union movement in Myanmar'⁹¹ and the importance of assessing discrimination beyond gender bias, considering unintended or indirect discrimination, all important to the programming and design stages. The guidance offers no further explanation as to how EU staff might apply the RBA in their work to impact the trade union outcomes of non-discrimination and equal access in the project, or how staff might go about analysis of ensuring the principle of non-discrimination is sustained to impact trade unionists' safe practice for the entire project cycle (and beyond the life of the project). This is where harmonising RBA with the guidelines' recommendations could be important.

If we are to take the Council's recommendations to make use of the HRCS process in the application of RBA, we could, in this same example, consider how the trade unionist movement in Myanmar might benefit from EU engagement with key trade union activists over the years following the project's close. Using RBA principles, and coherence with the EU guidelines' recommendations, EU actions could be benchmarked for planned action, such as meeting engagements with trade unionists, to ensure key objectives of the project are maintained. What the toolbox does not address is how applying RBA principles will support or protect civil society actors. The directive also misses an opportunity to direct EU member states to develop strong linkages with INGO partners, who play key roles as interlocutors with HRDs and often help facilitate their relations to EU missions.

As described in the RBA toolbox working document, RBA changes the analytical and practical lens used to design and undertake actions in all areas to improve (human right) outcomes. If this is to work systematically for the EU in mission countries, explicit guidance for engagement with civil society and human rights defenders, and steps for their protection, is needed.

As mainstreaming rights-based approaches into all EU policies is the aim, again practical steps must be considered. In consideration of the guidelines' implementation, if we make the assumption that RBA is to be mainstreamed in all sectors of EU work (participation with civil society is a tenet of the RBA tool box), and coherence of human rights policy means, in respect of the guidelines and HRCS process, these processes are to be formally linked, we would expect to see HRDs considered (and engaging?) in more diverse diplomatic agendas concerned with human rights, which is in line with EU (and UN) development aims.

One of the more difficult issues for the EU implementation of the guidelines is engaging with HRDs in remote areas and understanding their particular protection needs. This coincides with a priority area of concern for many EU countries in their development and external relations policies – strengthening women’s rights in development and addressing violations of sexual violence. WHRDs in remote areas have identified particular protection issues, but identifying best practice approaches to eradicate violations against WHRDs has not been well addressed.⁹²

How can application of RBA and coherence with EU strategic planning improve the security problems for WHRDs? In the European Parliament study, Tunisian WHRDs identified increased fear of bodily harm or assault since the Arab Spring revolution of 2011.⁹³ With gained civic freedoms has also come less certainty of knowing who their adversaries are. Both state and non-state actors may respond aggressively to women advocating for their rights, and WHRDs representing women victims of human rights abuses are on the frontlines and may be exposed to confrontations. There is very limited data available, or reporting on, how the uncertainty (in transitioning political environments) might be impacting WHRDs. Furthering research, with a rights-based approach sensitive to understanding gendered relationships, gender status and how gender is valued, can support better EU strategic planning concerned with the needs of WHRDs.

The European Commission pledges to undertake its first assessment of implementing the rights-based approach in 2016. What is needed from the onset of RBA is giving foreign diplomats genuine benchmarks that require their involvement. This is where coherence and RBA can converge. By embedding the guidelines’ recommendations into the EU HRCS process, in consideration of approach in actions to address or engage with W/HRDs (including improving attention to those working in rural areas), implementation of the guidelines might be taken up more consistently by EU partners. With coherence of these human rights policy tools – for planning and benchmarking (via HRCS), for approach (via RBA in all areas of diplomacy work), and in consideration of EU recommendations towards HRDs (via the guidelines), the EU might find means for a systematic, effective implementation of the guidelines around this EU foreign policy priority – the support and protection of human rights defenders.

Conclusions

Changing EU institutional behaviour and establishing frames of reference to define how RBAs can be situated both institutionally at the EU, and how RBAs can be achieved through member state consensus and knowledge of this approach, is a longer process, yet a crucial one in strengthening implementation of all the human rights guidelines.⁹⁴ The Council invited the COHOM to continue to regularly review the implementation of the guidelines in June 2014. In its *Council Conclusions on the 10th Anniversary of the EU Guidelines on Human Rights Defenders*,⁹⁵ INGOs monitoring the situation of HRDs globally have welcomed the EU’s renewed attention to HRDs, but have also made specific recommendations to strengthen coherency of EU policy on HRDs. These include bringing attention to support for all HRDs, including vulnerable and marginalised HRDs, women HRDs and those operating in remote areas; to create safe and enabling environments; and to raise awareness about the guidelines.⁹⁶

In addition to directions for policy coherence with the HRCS process, and introduction of RBA, a revision of the guidelines’ recommendations could include new HRD protection concerns,⁹⁷ and consideration of diplomats’ best practices based on evaluations since the last revision in 2008. In doing so, the EU could strengthen application, relevance and

use of the guidelines. This, in turn, could set out to improve diplomats' cohesion in approach to: strengthen communications and task sharing between the EU, missions and the UN on HRD issues; coordinate amongst EU member state missions more efficient monitoring of HRD cases and shared engagement with HRDs; encourage use of indicators and benchmarks to improve accountability of actions taken; contribute to the overall assessment of budgeting for project support to HRDs through improved understanding of HRD needs, particularly in sharing information on and with particular HRD groups; create opportunities for improving RBA actions across missions and thematic departments, to integrate approaches to HRDs in all departments and sectors; and to include more participation across EU mission countries. Advocates and INGOs working for the protection of HRDs have stated their readiness to work with the EU in support of the new EU mechanisms introduced to take action to protect HRDs.

The research study in Kyrgyzstan, Thailand and Tunisia has shown important and successful best practices by the EU, but also wide gaps of engagement between diplomats and HRDs existing in areas where attention to HRDs is needed in an ever-changing, shifting landscape. What the EU must consider from the evidence presented is where missions on the ground are failing in their commitments to support and protect HRDs, and why. The former UN Special Rapporteur on HRDs Margaret Sekkagya's report to the UN General Assembly, *Elements of a Safe and Enabling Environment for HRDs*,⁹⁸ provides a framework for considering the protection needs of HRDs by presenting developments that are challenging the security of HRDs and their practice. In the article *A Research Agenda for the Protection of Human Rights Defenders*,⁹⁹ the authors call for further research needed, collaboratively undertaken with HRDs and practitioners, to better understand how to address HRD's security problems. Specific areas needing further research in respect to implementation of the EU guidelines are identified in the research report prepared for the European Parliament.¹⁰⁰

The EU is at a crossroad with the introduction of these new human rights policy commitments, and at a time when new EEAS leadership is beginning, with the appointment of Ms Federica Mogherini as the new EU Foreign Policy Chief taking office in November 2014. Although challenging, the EU has set its goals for achieving EU policy coherence and agreement of human rights policy as a 'silver lining' in all its diplomatic relations, united amongst EU member states, and across all sectors and political agendas. This process might find help and useful partnerships through supporting a strong and enabled civil society committed to upholding human rights principles and fighting for justice in challenging environments. The practical steps needed – achieving coherence with attention to harmonisation of tools, using practical work methodologies, and EU countries working together to achieve a unified political front where human rights obligations are a priority. In the case of EU commitments to strengthen the legitimacy of defenders, increasing EU engagement with HRDs in country missions, for better informed, well planned and effective human rights strategies that ensure HRD participation, respect for their practice, and measures to ensure their security, are indeed ambitious goals, but worth committed investment.

Acknowledgements

Assessing the Implementation of the European Union Guidelines on Human Rights Defenders: the Cases of Kyrgyzstan, Thailand and Tunisia was a research project carried out by Karen Bennett for the European Parliament Subcommittee on Human Rights. The research report was published on 18 June 2013 (Luxembourg: Publications Office of the European Union).

Disclosure statement

No potential conflict of interest was reported by the author.

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Notes

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2. European Union External Action Service, *The EU's Work with Human Rights Defenders*, http://eeas.europa.eu/human_rights/defenders/index_en.htm.
3. European Union, *Ensuring Protection – European Union Guidelines on Human Rights Defenders* (revised 2008), <http://www.consilium.europa.eu/uedocs/cmsUpload/16332-re01.en08.pdf>.
4. The field research was carried out by Karen Bennett between October 2012 and January 2013. See K. Bennett, *Assessing the Implementation of the European Union Guidelines on Human Rights Defenders: The Cases of Kyrgyzstan, Thailand and Tunisia* (European Union, DG External Policies, Policy Department, June 2013), [http://www.europarl.europa.eu/RegData/etudes/etudes/join/2013/410221/EXPODROI_ET\(2013\)410221_EN.pdf](http://www.europarl.europa.eu/RegData/etudes/etudes/join/2013/410221/EXPODROI_ET(2013)410221_EN.pdf).
5. Bennett, *Guidelines*, 2013.
6. *Ibid.*, see Chapter 3 on Kyrgyzstan, Chapter 4 on Thailand, and Chapter 5 on Tunisia.
7. Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms, adopted by UN General Assembly resolution 53/144 (9 December 1998). This declaration is commonly referred to as the Declaration on Human Rights Defenders.
8. Charter of the United Nations (26 June 1945); N. Jagers, 'Mainstreaming Human Rights in International Economic Organisations: Improving Judicial Access for NGOs to the World Trade Organization', *Netherlands Quarterly of Human Rights* 24 (2006): 229–70.
9. COHOM's mandate monitors developments with regard to respect for human rights throughout the world, and missions are expected to carry out monitoring and reporting to COHOM on the position of HRDs, and to make recommendations for appropriate action, such as public declarations or the issuing of *démarches* when HRDs are at risk. COHOM has been responsible for drafting and revising the guidelines as a practical tool to assist EU representations in the field to develop EU policy, and COHOM continues this work within the structure of the EU External Action Service (EEAS). See EEAS graphic representation, October 2013, http://eeas.europa.eu/background/docs/organisation_en.pdf.
10. The instrument supports civil society projects independently, and was reinforced in 2007–2013 with a budget of €1.104 billion, with further budget commitments for 2014–2020 of €1.332 billion. Europe Aid, European Instrument for Democracy and Human Rights (EDIHR), *How We Finance Aid*, http://ec.europa.eu/europeaid/how/finance/eidhr_en.htm; and Regulation (EU) No. 235/2014 of the European Parliament and of the Council, 11 March 2014,

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 16. In D. Joloy, 'Mexico's National Protection Mechanism for Human Rights Defenders: Challenges and Good Practices', *Journal of Human Rights Practice* 5, no. 3 (2013): 489–99, Joloy provides a detailed account of the practical work involved in developing a national protection mechanism for Mexico from the perspective of a HRD involved in the process, and the challenges remaining for effective implementation of the mechanism. The UN Special Rapporteur on HRDs' (title formerly Special Representative) mandate was first appointed to Ms Hina Jilani (2000–2008) and then Margaret Sekkagya (2008–2014), both very active in actions to support the implementation of the declaration. Michel Forst was appointed to the mandate in June 2014. He has recently stated: 'I am interested to examine the effectiveness of human rights defenders laws and mechanisms recently enacted and established in places such as Mexico and Cote d'Ivoire ... The incorporation of the Declaration into national laws and policies is crucial to ensuring a safe and enabling environment for the work of human rights defenders', comments published on the International Service for Human Rights (ISHR) website, 16 July 2014, <http://www.ishr.ch/news/new-special-rapporteur-human-rights-defenders-sets-out-his-vision>.
 17. EU Treaty of Lisbon (2009), http://europa.eu/lisbon_treaty/full_text/.
 18. For commentary on EU human rights external relations policy to support HRDs during the period of the formation of EEAS see K. Kinzelbach and J. Kozma, 'Portraying Normative Legitimacy: The EU in Need of Institutional Safeguards for Human Rights', *Perspectives on European Politics & Society* 10, no. 4 (2009); B. Donnelly, 'Europe in the World: All Change or No Change in Foreign Policy After Lisbon?', *The International Spectator* 45, no. 2 (2010): 17–22; and Front Line, *A Brief Evaluation of the Implementation of the EU Guidelines on Human Rights Defenders* (2010), http://www.europarl.europa.eu/meetdocs/2009_2014/documents/droi/dv/201101/20110110_059hrdeval_en.pdf; A. Wetzel, 'The Promotion of Participatory Governance in the EU's External Policies: Compromised by Sectoral Economic Interests?', *Democratization* (July 2011): 978–1000; and Heidi Hautala, *Report on EU Policies in Favour of Human Rights Defenders*, A7-0157 (14 May 2010), <http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//NONSGML+COMPARG+PE-439.063+02+DOC+PDF+V0//EN&language=EN>.
 19. K. Bennett, N. Piche, S. Bascon, and L. Mahoney, *Final Report of 2009 Conference report on Security and Protection of Human Rights Defenders* (Peace Brigades International, December 2009), also available at Human Rights and Social Justice Research Institute, London Metropolitan University, <https://metranet.londonmet.ac.uk/fms/MRSite/Research/HRSJ/2009-conf/conference-report-2009.pdf>.
 20. K. Koehler, 'European Foreign Policy after Lisbon: Strengthening the EU as an International Actor', *Caucasian Review of International Affairs* 4, no. 1 (2010): 57–72.
 21. D. Mahckne, 'Post-Modern Diplomacy: Can EU Foreign Policy Make a Difference in World Politics?', *EU Diplomacy Papers*, 4/2011 (Bruges: College of Europe, 2011), 22.
 22. *European Parliament Resolution on EU Policies in Favour of Human Rights Defenders*, 17 June 2010, <http://www.europarl.europa.eu/sides/getDoc.do?type=TA&language=EN&referece=P7-TA-2010-0226>.
 23. *Ibid.* The resolution called for creating specific tools for assessing implementation of the guidelines: '... in order to develop more result-oriented action, that the High Representative of the European Union for Foreign Affairs and Security Policy regularly evaluate the

- implementation of the EU Guidelines on Human Rights Defenders by each EU delegation in third countries and should prioritise and closely follow up this work, and make recommendations to those missions for enhanced action where the implementation has been noticeably weak; EU institutions to establish an inter-institutional cooperation mechanism on human rights defenders; understands that the creation of such a mechanism could be eased by the setting up of focal points for human rights defenders in all the EU institutions and organs, with such focal points working in close cooperation with those responsible for human rights and democracy in EU missions and delegations; Invites the Council and Commission to explore the possibilities of creating an alert system mechanism to be shared between EU institutions and all other protection mechanisms; Calls on the Commission to follow and monitor regularly the short- and long term implementation of the EU Guidelines on Human Rights Defenders and report back to the Human Rights Subcommittee of the European Parliament.’
24. High Representative of the EU for Foreign Affairs and Security Policy, Joint Communication to the European Parliament and the Council, *Human Rights and Democracy at the Heart of EU External Action – Towards a More Effective Approach* (12 December 2011), http://eeas.europa.eu/top_stories/2012/060112_hr_silverthread_en.htm.
 25. EU Strategic Framework and Action Plan on Human Rights and Democracy: *VI. Working with Bilateral Partners, 31 Impact on the Ground through Tailor-Made Approaches*, 11855/12, Luxembourg (25 June 2012), http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/EN/foraff/131181.pdf.
 26. EU Strategic Framework 5, Preambular paragraphs.
 27. The Action Plan calls for EU missions to consult with civil society as part of the HRCS process, and the EEAS encourages EU delegations to address their engagement with HRDs when designing human rights country strategies. The *specifics* of EU engagement with HRDs (for example, which HRDs to engage with – of what profession or geographic regions; the frequency, design and agenda of meetings; the type of support – financial, protection related, facilitating HRD dialogue with state and national institutions, etc. is left to the discretion of individual EU delegations to organise with EU member state mission participation.
 28. Amnesty International et al., Letter Re: “Minimum Standards” for the Implementation of the EU Guidelines on Human Rights Defenders under the Human Rights Country Strategies’ to Veronique Arnault, Director, Human Rights and Democracy, EEAS, 25 November 2011, <http://www.ircr.org/media-and-resources/ircr-news/show-news.aspx?PID=13767&NewsID=3395>.
 29. European Parliament resolution of 13 December 2012 on *The Review of the EU’s Human Rights Strategy* (2012/2062(INI), [http://www.europarl.europa.eu/meetdocs/2009_2014/documents/droi/dv/p7_ta-prov\(2012\)0504_/p7_ta-prov\(2012\)0504_en.pdf](http://www.europarl.europa.eu/meetdocs/2009_2014/documents/droi/dv/p7_ta-prov(2012)0504_/p7_ta-prov(2012)0504_en.pdf).
 30. *EU Who is Who: European Parliamentary Human Rights Action Unit*, <http://europa.eu/whoiswho/public/index.cfm?fuseaction=idea.hierarchy&nodeID=369146&lang=en>.
 31. Inter-parliamentary Committee Meeting with National Parliaments, 25 September 2013, *Session Two: Internal/External Coherence on Human Rights*, http://www.europarl.europa.eu/meetdocs/2009_2014/documents/droi/dv/2a_backgroundnote_/2a_backgroundnote_en.pdf.
 32. *European Parliament Report on the Annual Report on Human Rights in the World 2012 and the European Union’s Policy on the Matter* (2013/2152(INI), Committee on Foreign Affairs (29 November 2013), which includes calls for EU action regarding particular human rights defenders in need of immediate support and protection, and furthering actions on proper implementation plans of EU Human Rights Guidelines, <http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//NONSGML+REPORT+A7-2013-0418+0+DOC+PDF+V0//EN>.
 33. Remarks by EU High Representative Catherine Ashton on the EU Annual Report on Human Rights, Strasbourg (12 June 2013), http://www.consilium.europa.eu/uedocs/cms_Data/docs/pressdata/EN/foraff/137457.pdf.
 34. *EU Guidelines on the Promotion and Protection of Freedom of Religion or Belief*: EU Foreign Affairs Council meeting, Luxembourg (24 June 2013).
 35. *EU Guidelines to Promote and Protect the Enjoyment of all Human Rights by Lesbian, Gay, Bisexual, Transgender and Intersex (LGBTI) Persons*: EU Foreign Affairs Council meeting, Luxembourg (24 June 2013).
 36. *EU Human Rights Guidelines on Freedom of Expression Online and Offline*: EU Foreign Affairs Council meeting, Luxembourg (12 May 2014).

37. The 11 EU Human Rights Guidelines (as of April 2015) are providing EU policy directives on: human rights defenders (2008); death penalty (2013); torture and other cruel, inhuman or degrading treatment or punishment (2012); promotion and protection of freedom of religion or belief (2013); promoting and protecting the enjoyment of all human rights by lesbian, gay, bisexual, transgender and intersex (LGBTI) persons (2013); human rights dialogues with third countries (2009); children and armed conflict (2008); promotion and protection of the rights of the child (2008); violence against women and girls and combating all forms of discrimination against them (2008); freedom of expression online and offline (2014); and international humanitarian law. See: http://eeas.europa.eu/human_rights/guidelines/index_en.htm.
38. EDIHR Forum Conference, 'Protecting Those Who Protect', Brussels, 12–14 May 2014. EU introduction of Forum 2014: 'Each year the European Commission organises a spring forum dedicated to the reality of Human Rights on the ground and in particular the implementation of the European Instrument for Democracy and Human Rights (EIDHR). Gathering, each year, 400 NGOs from all over the world, this year's edition focused on Human Rights Defenders (HRDs). It timely followed the adoption of the European Instrument for Democracy and Human Rights (EIDHR) for 2014–2020, which gives a strengthened role to HRDs, endowed with additional funding facilities and further protection mechanisms. The objective of this forum was threefold. First, it aimed at defining priorities and avenues for concrete EU operational support to HRDs for the upcoming 7 years and at launching several related initiatives. Second, it aimed, 10 year after the adoption of the EU Guidelines on Human Rights Defenders, at reviewing field operations, operational good practices, concrete lessons learnt and practical adaptation in our support to HRDs. Third, it offered a useful opportunity for HRDs to gather, exchange concrete information, views and contacts, and to network between themselves or with the EU institutions. Therefore, this Forum took place at a key moment when several ongoing related initiatives converged, namely: the launch of a comprehensive EU Human Rights Defenders Mechanism, and the relevant related public procurements; the inclusion of a temporary relocation system for HRDs at risk as a component of this mechanism ("City Shelter"); the selection of new projects on Human Rights and their Defenders in the most difficult situation; the launch of the EIDHR Annual Action Plan (AAP) 2014, and the preparation of the upcoming AAP 2015; the potential adoption of the new EU Guidelines on Freedom of Expression, currently in negotiation; and the adoption of a Tool-box for working towards a Rights-based Approach, encompassing all Human Rights, for the EU Development Cooperation.' The EDIHR Forum presentations are available at: <http://www.eidhr.eu/side-panels/what-s-on/events/eidhr-forum-2014/background-documents-and-presentations>.
39. Council of the EU, *Council Conclusions on a Rights Based Approach to Development Cooperation, Encompassing all Human Rights*, Foreign Affairs Council Meeting, Brussels, 19 May 2014, http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/EN/foraff/142682.pdf.
40. European Union, EIDHR Civil Society Forum, May 12, 2014, Brussels, Belgium: Panel Session on *Improving Support and Evaluation of EU Guidelines on HRDs*, comments from discussion with audience.
41. Bennett, *Guidelines*, 19–21.
42. *Ibid.*, Annex 3-Questionnaire and Study Information Sheet, 93–5.
43. Responses are from interviews conducted with those working in Kyrgyzstan, Thailand and Tunisia. The study was small, thus data provide a limited scope when assessing implementation of the guidelines' recommendations, but the findings do demonstrate that knowledge of the guidelines' recommendations are uneven amongst diplomats and HRDs in these countries. *Knowledge* refers to having read the guidelines – *familiarity* refers to vague understanding of content.
44. The HRD liaison officer details were not found on websites of EU delegations in Thailand or Tunisia at the time of study (accessed 16 December 2012). In Thailand, an INGO reported the EU delegation has appointed a Thai-speaking HRD liaison, but this information was not confirmed by the EU or posted on the EUD website. Kyrgyzstan did provide contact details for the HRD liaison officer on the EUD website (accessed 16 December 2012).
45. Bennett et al., *Conference Report*, 29.
46. These concerns were raised in interviews with HRDs in Kyrgyzstan, Thailand and Tunisia, and with HRDs from Kenya and Sri Lanka.

47. Bennett, *Guidelines*, 66–83. For a full account of best practices and gaps in implementation from the study, please see the full research report, inclusive of country sections and recommendations to the European Parliament.
48. The practice of intervening only with consent from HRDs (or their families) was acknowledged by a number of diplomats interviewed. Also, see EU Guidelines on HRDs, section 10:5, which states: ‘... EU Missions should therefore seek to adopt a proactive policy towards human rights defenders. They should at the same time be aware that in certain cases EU action could lead to threats or attacks against human rights defenders. They should therefore where appropriate consult with human rights defenders in relation to actions which might be contemplated.’ Of the INGOs interviewed, they also emphasised this practice was consistent in their interventions for the protection of HRDs.
49. Bennett, *Guidelines*, 69. The study noted areas for improving trial monitoring of HRD cases included: diplomatic missions registering official notification to the court to attend a hearing or trial; senior diplomats monitoring trials, as this will show level of concern about a case; increasing number of diplomats attending most important trials to show level of concern; consistent monitoring of hearings/trials throughout the court process; increasing diplomats monitoring of trials in outlying areas, outside of capital cities; consistent action when violations are evident against HRDs, and their families.
50. The FRAME Policy Brief on the *Post-2014 EU Action Plan* also provides suggested adaptations for the EU Action Plan 2015 going forward in the use of indicators. Though not specifically addressing the guidelines’ implementation, one suggestion is ‘the objective of the future Action Plan should be to bolster the credibility of the EU’s action in the promotion of its values through the definition of actions which are verifiable in terms of results’ (p. 8). The document outlines some direction for the use of indicators, which could be applied to better documentation of the EU guidelines’ implementation. See:http://www.fp7-frame.eu/wp-content/materiale/policy_brief/02-FRAME%20Policy%20Brief%20No%20%202%20-Post%202014%20SFAP%20Policy%20Brief.pdf.
51. Jagers, *Mainstreaming Human Rights*, 229. See also, the UN Office of the High Commissioner for Human Rights published guidance on *Frequently Asked Questions on Human Rights Based Approach to Development Programming*, <http://www.ohchr.org/Documents/Publications/FAQen.pdf>.
52. EU Guidelines (2008), section 5.
53. HRDs may receive small project support from specific EU member state missions. Larger funding streams are available through schematic calls for proposals and at the Foreign Ministry level. EU funds for HRDs may come from multiple schemes, and as referred to earlier in this article, the EDIHR has recently initiated the *Instrument for Democracy and Human Rights Worldwide Multiannual Indicative Programme (2014–2017)*, which provides a HRD mechanism to further support HRDs at risk, including provision of ad hoc grants in most difficult situations, re-granting, eligibility for non-registered civil society organisations (CSOs) and natural persons (Operating Principles 5: 8), http://eeas.europa.eu/human_rights/docs/eidhr-mip-2014-2017_en.pdf.
54. Nah et al., ‘A Research Agenda’, 405–6.
55. HRDs working on difficult cases in the south of Thailand were particularly concerned of the lack of attention from the EU, in spite of their request for meetings and support from the EU delegation. HRDs in Thailand also raised concerns regarding only ‘drop in’ attention given to WHRDs, when the EU specifically promoted their attention to WHRDs in Thailand (when ushering in the revisions to the EU guidelines in 2008). For further information on Thailand, see Bennett, *Guidelines*, 48–56.
56. See: EU Guidelines (2008), section 9.
57. The author was invited by HRDs working for women and LGBTI rights to attend an NGO conference celebrating ‘Women Human Rights Defenders Day’ in Bishkek Kyrgyzstan on 29 December 2012. NGOs showed video footage of police raids on their work premises. WHRDs discussed how appropriate strategies and international networks can help legitimise their practice, and provide necessary support for ensuring their security.
58. See *Recommendations for Gender-Specific Implementation of the EU Guidelines on Human Rights Defenders*, web-based publication from a civil society consortium: http://www.omct.org/files/2006/11/3790/gender_specific_recomm_for_eu_hrd_241106_eng.pdf.

59. Peace Brigades International UK, *2012 Conference Report – Women Human Rights Defenders: Empowering and Protecting the Change-Makers* (27 August 2013), http://www.peacebrigades.org.uk/country-groups/pbi-uk/pbi-uk-news/news/?tx_ttnews%5Btt_news%5D=3930&cHash=93ec379331f58186d61905505ffac5b7.
60. *UN Resolution on Protecting Women Human Rights Defenders*, adopted by the UN General Assembly, A/C.3/68/L.64 (4 November 2013), http://www.un.org/ga/search/view_doc.asp?symbol=A/C.3/68/L.64.
61. It was argued that this language was already agreed to by the General Assembly in Resolution 67/144 on the Intensification of Efforts to Eliminate All Forms of Violence against Women. The Association for Women's Rights in Development (AWID) monitoring the UN process reported that states who opposed the initial draft resolution asked for the deletion of this paragraph in exchange for the withdrawal of their further amendments. The concession resulted in some member states of the EU withdrawing their co-sponsorship of the resolution. See draft UN Resolution on Protecting Women Human Rights Defenders (with contested language): http://www.un.org/ga/search/view_doc.asp?symbol=A/C.3/68/L.64.
62. A very strong lobby formed in support of the UN resolution protecting WHRDs, including an open letter from the *Elders* group (<http://www.theelders.org/news-media/human-rights>), http://www.ishr.ch/sites/default/files/article/files/2013_11_open_letter_by_gro_harlem_brundtland_and_hina_jilani_-_unga_reso.pdf; and Nobel women Laureates, <http://nobelwomensinitiative.org/2013/11/nobel-laureates-to-un-support-resolution-on-women-human-rights-defenders/>; and 71 African CSOs calling on African countries to support the UN resolution, <http://www.awid.org/News-Analysis/Announcements2/Letter-calling-on-African-States-to-support-the-UN-General-Assembly-resolution-on-WHRDs>.
63. Europe Aid, EDIHR, *How We Finance Aid*.
64. EDIHR, *A Strengthened Comprehensive EU Human Rights Defenders Mechanism*, slides, <http://www.eidhr.eu/files/dmfile/HRDsmechanismFORUM2013.pdf>.
65. The EU commissioned a report by GHK Consulting on *Mapping of Temporary Shelter Initiatives for Human Rights Defenders in Danger in and Outside the EU* (Luxembourg: Publications Office of European Union, February 2012).
66. Interviews with EEAS participants: see Bennett, *Guidelines*, 28–9.
67. Ibid. See also, F. Benoit-Rohmer et al., 'Report on Human Rights Mainstreaming in the EU's External Relations' (Brussels: European Parliament Publication, September 2009).
68. A. Mihr, *Human Rights Benchmarks for EU's External Policy* (Brussels: European Parliament, December 2011), 16–18.
69. Catherine Ashton's communication *Human Rights: The 'Silver Thread' in Europe's Foreign Policy* (6 January 2012), http://eeas.europa.eu/top_stories/2012/060112_hr_silverthread_en.htm.
70. As an example, the Human Rights and Social Justice (HRSJ) Research Institute at London Metropolitan University runs a number of projects with human rights defenders at risk, designing bespoke training components working with recommendations of the EU Guidelines on Human Rights Defenders. Recent trainings include working with Central Asian HRDs from Kyrgyzstan, Kazakhstan and Uzbekistan, and trainings with lawyers from Darfur, Sudan, including training HRDs on the EU guidelines' recommendations as a protection mechanism.
71. Some diplomats in the study questioned the need for HRDs to be aware of the guidelines, as this was an internal EU policy directed to EU diplomats. Most commentators, and the majority of participants in the study, supported the need for HRDs to be aware of the policy tool directed to support and protect them, particularly as the guidelines call for 'organising at least once a year a meeting of human rights defenders and diplomats to discuss topics such as the local human rights situation, EU policy in this field, and application of the local strategy for implementing the EU Guidelines on human rights defenders'. The HRCS process further supports EU-HRD consultations around implementation of the guidelines (thus inferring the policy document must be disseminated and known amongst HRDs). The EU is in the process of implementing a rights-based approach (RBA) and has provided EU members with an RBA toolbox, intended to provide pragmatic support and guidance to EU staff and partners involved in the implementation of day-to-day EU development cooperation. The EU RBA approach, to be implemented as a coherent approach across all EU foreign policy, promotes 'being closer to citizens and interacting with civil society'.

72. P. Alston and J.H.H. Weiler, 'An "Ever Closer Union" in Need of a Human Rights Policy: The European Union and Human Rights', *European Journal of International Law* 9 (1998): 658–723.
73. G. Crawford, 'Evaluating European Union Promotion of Human Rights, Democracy and Good Governance: Towards a Participatory Approach', *Journal of International Development* 14 (2002): 911–26.
74. *Ibid.*, 920–26, referencing: P.C. Schmitter and I. Brouwer, *Conceptualizing, Researching and Evaluating Democracy Promotion and Protection*, EUI Working Paper SPS No. 9 (Florence: European University Institute, 1999).
75. M. Nowak, T. Hofstätter, and J. Hofbauer, eds, *The Role of the EU in UN Human Rights Reform*, Ludwig Boltzmann Institut für Menschenrechte, Volume 29, EU COST Publication (2013).
76. *Ibid.*
77. Olivier De Schutter, Speaker at the 15th EU-NGO Forum, 'On Human Rights: *The Fight Against Impunity and Accountability of Economic, Social and Cultural Rights*', Brussels, 5–6 December 2013, <http://www.eidhr.eu/events/15th-eu-ngo-forum-on-human-rights>.
78. Protection International, *Roundtable on National Public Policies for the Protection Of Defenders at the 15th EU-NGO Forum on Human Rights* (6 December 2013), <http://protectioninternational.org/2013/12/06/pi-hosts-roundtable-on-national-public-policies-and-protection-mechanisms-for-hrds-at-the-15th-eu-ngo-forum-on-human-rights/>.
79. J. Ruggie, UN Special Representative on Human Rights and Transnational Corporations, 'Guiding Principles on Business and Human Rights: Implementing the *United Nations Protect, Respect and Remedy Framework*', Section 17–21 *Human Rights Due Diligence* (2011): 17–24, http://www.ohchr.org/Documents/Publications/GuidingPrinciplesBusinessHR_EN.pdf.
80. Committee, Annual Report on Human Rights in the World 2012 (29 November 2013), 27–30: 11, puts forth a number of calls for change, see: *Human Rights in the EU's Trade Policy*.
81. European Commission, *Replies of the Commission to the Special Report of the European Court of Auditors 'Are Preferential Trade Arrangements Appropriately Managed?'* (EU, 8 March 2014). See section 38: 'The GSP scheme consists of a general arrangement and two special arrangements. The general arrangement is granted to all those developing countries which share a developing need and are in a similar stage of economic development without the need to ratify or implement any international conventions. The EU's GSP+ sub-scheme has been designed to include additional incentives for vulnerable countries willing to take extra steps towards sustainable development and good governance, leaving the choice to those countries whether to seek the additional benefits or not. This approach, endorsed by Council and Parliament, represents a policy choice. The need to ratify and effectively implement international conventions on human and labour rights, the environment and good governance has, therefore, been considered for these 10 countries and not in respect of other beneficiary countries of the general arrangement', <http://ec.europa.eu/transparency/regdoc/rep/1/2014/EN/1-2014-194-EN-F1-1-1.Pdf>.
82. Peace Brigades International, *A Dangerous Business: The Human Cost of Advocating against Environmental Degradation and Land Rights Violations*, Conference Report, October 2011, http://www.peacebrigades.org.uk/fileadmin/user_files/groups/uk/files/Publications/A_Dangerous_Business_-_edit_.pdf.
83. EU Council Conclusions on 10th Anniversary of EU Guidelines on Human Rights Defenders, CL14-118EN, 23 June 2014, http://eu-un.europa.eu/articles/en/article_15216_en.htm.
84. EU actions towards enabling environments and protection of HRDs as part of the EU Human Rights Action Plan for 2015 were discussed at the EDIHR Forum, see: <http://www.eidhr.eu/events/eidhr-forum-2014>.
85. M. King et al., *Measuring Policy Coherence for Development* (Commission report by the Netherlands Ministry of Foreign Affairs and the German Federal Ministry for Economic Cooperation and Development, for the European Centre for Development Policy Management, 2012), 16, http://www.oecd.org/pcd/ECDPM%20Paper_Measuring%20PCD.pdf.
86. One area where human rights defender practice has transformed in recent years is through the use of digital technology, with examples coming from Arab Spring countries' use of social media for mobilising the oppressed to challenge authoritarian political structures. While technology can advance efforts towards improving human rights and democracy, it can also give

rise to new tactics used by aggressing states – control of digital technologies is used to oppress and criminalise HRDs. The guidelines should now be revised to reflect EU policy towards legal frameworks and actions that violate HRD freedoms by, and inhibit civil society free space for, the use of technology. Representatives from EU countries have taken interest on a number of fronts to dedicate efforts around the positive and negative uses of technology, which include threats posed to HRDs through surveillance, censorship and acts of criminalisation through unjust laws used against HRDs.

87. *EU Strategic Framework and Action Plan on Human Rights and Democracy* – 11855/12, Luxembourg, 25 June 2012, https://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/EN/foraff/131181.pdf.
88. European Parliament Annual Report on *Human Rights in the World 2012 and the European Union's Policy on the Matter* (2013/2152(INI), 29 November 2013, section 25: paras 10–11, on human rights country strategies and human rights focal points: 'regrets, however, the lack of transparency regarding the contents of the country strategies; reiterates its call for public disclosure of, at least, the key priorities of each country strategy, and for Parliament to have access to the strategies so as to allow a proper degree of scrutiny'.
89. *Ibid.* Human rights country strategies and human rights focal points: 'encourages the EU to produce a public assessment of the lessons learnt during the first cycle of EU human rights country strategies and to identify best practices for the next cycle'.
90. Council of the EU, *Commission Staff Working Document Tool-Box A Rights-Based Approach, Encompassing All Human Rights For EU Development Cooperation*, Brussels, 30.4.2014 SWD(2014) 152 final, <http://europeanmemoranda.cabinetoffice.gov.uk/files/2014/05/9489-14.pdf>.
91. EU Commission, Staff Working Document Tool-Box, 'A Rights Based Approach Encompassing all Human Rights for EU Development Cooperation (Brussels, 30 April 2014, 9484/19), 18.
92. Bennett, *Guidelines*, 74–5.
93. *Ibid.*, 61–2.
94. H. Miller, 'From "Rights-Based" to "Rights-Framed" Approaches: A Social Constructionist View of Human Rights Practice', *The International Journal of Human Rights* 14, no. 6 (2010): 915–31.
95. Council of the EU, Council Conclusions on the 10th Anniversary of the EU Guidelines on Human Rights Defenders, Foreign Affairs, Council meeting, CL14-118EN, Luxembourg, 23 June 2014. Summary Press Statement, http://eu-un.europa.eu/articles/en/article_15216_en.htm.
96. INGO statement (Amnesty International, FIDH, Frontline, Peace Brigades International, Protection International) responding to the EU Council Conclusions on the 10th Anniversary of the EU Guidelines on Human Rights Defenders, http://www.peacebrigades.org.uk/fileadmin/user_files/projects/honduras/files/JOINT_STATEMENT_ON_THE_EU_CONCLUSIONS_ON_THE_10TH_ANNIVERSARY_OF_THE_GUIDELINES_ON_HUMAN_RIGHTS_DEFENDERS.pdf.
97. For example, since the 2008 guidelines were drafted, there have been important changes in how HRDs work and organise. This includes new communication tools and technologies available and used by most HRDs. HRDs' privacy and use of social media may be under surveillance, and access to technology limited and/or controlled by governments (for information on use of technologies for civil society activism see toolkits produced by the tactical technology collective, <https://www.tacticaltech.org/>). It is the authors' opinion that the newly adopted EU guidelines 'Expression Offline and Online', should be referenced in a revised version of the guidelines on HRDs, as should other human rights guidelines applicable to HRD protection, and updated operational guidance referencing tools for EU engagement with HRDs in the new HRCS process.
98. UN General Assembly, Report of the Special Rapporteur on the Situation of Human Rights Defenders, Mrs Margaret Sekaggya, A/HRC/25/55, 23 December 2013. The report focussed on lessons learnt for 'Creating a Safe and Enabling Environment for the Protection of Human Rights Defenders'.
99. Nah et al., 'A Research Agenda', 401–20.
100. Bennett, *Guidelines*, 81–2.