



# Call for inputs circulated by the OHCHR on the implementation of the resolution A/RES/72/247 of 25 January 2018

[Twentieth anniversary and promotion of the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms](#)

A/RES/72/247 of 25 January 2018

## Protection International's contribution

### 1. About Protection International

Protection International (PI) is an international non-profit organisation that supports human rights defenders (HRDs) through comprehensive protection programmes. Through these programmes, we aim at (i) empowering defenders build their capacities in order to manage their protection effectively; (ii) influencing duty-bearing authorities to fulfil their obligation to protect them; and (iii) convincing other individuals and institutions with a stake in the protection of human rights defenders to maximise their positive contribution.

We work in partnerships with communities, grassroots civil society organisations and human rights activists worldwide to bring protection strategies for human rights defenders at risk, from remote villages to policy-makers' offices, to intergovernmental organisations - so that defenders can do their work and build more prosperous and free societies.

### 2. Our contribution to the call for inputs

The UNGA Resolution of 25 January 2018 (A/RES/72/247) emphasises the primary role of State authorities as duty-bearers in the protection of HRDs. Throughout the resolution, it is clear that the main responsibility lies on the State's action and policies to effectively protect the right to defend human rights. Building on this premise, **PI contributes to this call for inputs by proposing good practices and recommendations on effective public policies for the protection of HRDs.** We suggest that these good practices and recommendations are taken into account and promoted by the different UN Agencies when providing technical assistance and advice to States for the implementation of international standards derived from the UN Declaration on HRDs.

These good practices and recommendations are mostly contained in two recent PI publications:

- [FOCUS Report 2017: Public policies for the protection of Human rights defenders](#). This report monitors worldwide developments in the field of national protection mechanisms and public policies for the protection of HRDs.
- [Es Tiempo Ya, políticas públicas eficaces para el derecho a defender los derechos humanos](#). In this joint publication, Protection International and CEJIL join their experience on monitoring the implementation of public policies for HRD protection in Latin America and bring a new approach, which offers new possibilities to improve protection policies.

### 3. Remarks on public policies for the protection of HRDs

Protection International advocates for the creation of effective public policies that go beyond reductionist approaches based only on security and risk of certain HRDs. We argue that protection mechanisms should evolve towards public protection policies that should employ a broad and inclusive conception of the right to defend human rights, as contained in the growing body of available international standards.

The creation of mechanisms and laws on HRD protection is one of the key obligations addressed to States in the UN Declaration on Human Rights Defenders, and further emphasised by subsequent international standards. From 2012 to early 2018, significant developments occurred at national level, and a number of countries adopted new laws (Mexico, Côte d'Ivoire, Honduras, Burkina Faso, Mali, amongst others); the Colombian protection mechanism has been thoroughly modified; the government and civil society in Guatemala are working together on the elaboration of a national public policy for HRD protection; and there is growing interest in the topic in other countries in Latin America and West Africa.

Based on **PI's extensive research on public policies for the protection of HRDs**, we observe with concern that where these mechanisms and laws exist (predominantly in the Latin American region), they fall short of what is required by international standards. A more integrated approach should be developed as well as more broadly implemented, dealing more adequately with the **insecurity** of the situations in which HRDs work. This would imply, in the first place, an approach that is not exclusively focused on direct violence against HRDs, but that also reflects critically on the concept of the HRD and on structural violence (including the importance of better tackling direct physical violence against HRDs). In sum, this is a matter of understanding and treating HRDs as **subjects** of rights, as the Declaration underlines, and not as **objects** of protection.

### 4. Inputs (with a focus on public policies)

#### 4.1. Good practices and examples of positive impact or change related to the provision of support to States in the implementation of relevant human rights obligations and commitments

##### ✓ *Informing and accompanying processes where new laws or mechanisms are being designed*

The provision of technical assistance and expert advice should be considered as good practice when accompanying processes of creation of laws and protection mechanisms at the national level. **Protection International** has contributed to national policy-making processes by **providing expert analysis and monitoring the design of laws** in countries such as Mexico, Honduras, and more recently, Guatemala.

Currently, Protection International, through its national office in **Guatemala**, has been actively participating in the elaboration and drafting of a new public policy on HRD protection in the country. Despite the challenges, discussions around this new public policy represent an opportunity to integrate meaningful policies and measures that effectively protect the right to defend human rights, beyond reductionist approaches to hard security measures (e.g. bullet-proof vests, armoured vehicles, etc.) that are predominant in other existing national mechanisms.

✓ ***Monitoring and evaluating the implementation of existing mechanisms, with a view to improve them***

Once laws and mechanisms for the protection of HRDs are adopted, monitoring and evaluation procedures must be put in place to assess their effectiveness in protecting the right to defend human rights. It is a good practice that civil society and other stakeholders, including UN agencies and bodies, also contribute to regularly monitor and evaluate the functioning of national mechanisms.

PI contributes to the monitoring of national public policies on HRDs protection through its local field teams and external collaborators, and through extensive field and desk research on the topic, which is reflected in publications such as the [FOCUS Report 2017 \(see sections on Brazil, Colombia, Côte d'Ivoire, Honduras, Mexico\)](#).

**4.2. Challenges to the implementation of international standards on public policies for HRDs protection**

We identify a number of implementation gaps regarding the implementation of international standards in national public policies for HRDs protection. UN Agencies and bodies, as well as independent national human rights institutions (NHRIs), could provide guidance and capacity-building to State authorities on the following implementation problems, amongst others:

- ✓ Translating the international normative framework into the domestic sphere in a comprehensive and not reductionist manner;
- ✓ Designing comprehensive public policies that guarantee the right to defend human rights, beyond the limited “security and risk” approaches used in most existing mechanisms;
- ✓ Improving the protection of HRDs in rural areas, including collective protection measures, to avoid that protection measures only reach capital cities and main urban areas;
- ✓ Improving the coordination between different institutions and levels of the state for an effective functioning of protection mechanisms;
- ✓ Training of officials for an the effective implementation of mechanisms;
- ✓ Providing adequate representation of civil society in mechanisms;
- ✓ Including measures against structural violence against HRDs, beyond individual attacks;
- ✓ Including measures to hold perpetrators accountable, as the fight against impunity is an essential part of protection policies, as well as the need to investigate threats.

**4.3. Recommendations for States on how to implement the UN Declaration through the creation of effective public policies and protection mechanisms**

**4.3.1. On the functioning of protection mechanisms**

- **Standard criteria for access to protection programmes**
  - ✓ Adopt the criteria contained in the UN Declaration when defining who should be considered as an HRD.
  - ✓ Include the HRDs’ social environment in the protection programme (family members, other members of the communities or organisations who face risks because of their link with the individual HRD at risk).

- **Inclusion of public servants in an HRD protection programme**
  - ✓ The distinction between HRD protection programmes and other programmes intended to protect other public servants must be maintained.
  - ✓ The protection provided to public servants should avoid syphoning off resources required to ensure protection to HRDs from civil society organisations and communities.
  
- **When a request for protection under a programme is rejected**
  - ✓ Procedures such as appeal processes must be put in place for applicants.
  - ✓ Protection programmes need to be more transparent as to the percentage of rejected applications and to the reasons of rejection.
  - ✓ Decisions must be monitored.
  
- **Whether HRDs should be required to denounce the threats or attacks before applying**
  - ✓ It should not be necessary for HRDs to lodge a complaint prior to obtaining access to a protection programme.
  - ✓ Communication channels should be kept open in order to provide information to HRDs and advise them on the progress of each case.
  - ✓ The authorisation of the affected HRD should always be obtained if a formal denunciation is to be lodged.
  
- **Initial contact between HRDs and the programme**
  - ✓ Programmes should be flexible about the ways in which HRDs can contact them.
  - ✓ Public policies should explicitly recognise the role that by intermediaries such as human rights organisations or religious institutions can play, in order to ensure that HRDs do benefit from the protection provided by the programme.
  - ✓ When necessary, protection programmes should also initiate contact with HRDs.
  
- **Obstacles to accessing the programmes (lack of publicity, perceptions of bias, exclusion of certain groups, etc.)**
  - ✓ All policies should have quality-improvement procedures in place to detect and minimise entry barriers and facilitate effective access for the target population.
  - ✓ Analysis is required in order to improve understanding of why the vast majority of at-risk HRDs do not access existing protection programmes and the measures required to improve access.

#### **4.3.2. On the evaluation of risk**

- Include family members and persons who are associated with the work carried out by HRDs at risk.
- Ensure the analysis is conducted by experts in the protection of HRDs. Although these experts may - or may not – be members of the security forces, experience shows that results are better when the experts are independent and, preferably, with a background or experience in human rights or in socially-oriented activities.
- Incorporate gender and intersectionality perspectives in risk evaluations.

- Include a mechanism that enables HRDs to contest the results of the evaluation and to request an independent second opinion carried out by civil society experts.

#### 4.3.3. On protection measures

- Maintain (open-ended) catalogues of measures and differentiate between the way they are applied in normal and in urgent circumstances.
- Enlarge the catalogue to include collective-protection measures.
- Always bear in mind that the objective of an HRD protection policy is to enable HRDs to continue carrying out their activities.
- Ensure that the measures are appropriate to the level and type of risk, and include them in effective protection plans. These plans should be capable of adapting to changing circumstances.
- Ensure that the protection plans are implemented according to adequate timeframes regarding the current level of risk.
- Carry out research and evaluate the efficiency and effectiveness of protection measures and plans, in order to select those that are most appropriate and guarantee maximum effectiveness in their implementation.
- Investigate and evaluate the effectiveness of the concept of “urgent or extreme risk”, and the way it should be responded to.
- Incorporate a gender and intersectional focus for the measures included in the protection plans.
- Establish processes for the progressive withdrawal of measures and for resolving obstacles as they emerge, while always maintaining the security of HRDs as a priority.
- Investigate and evaluate procedures that involve the use of armed bodyguards (in Colombia for instance, HRDs have warned about the use of bodyguards of the national protection mechanism to carry out surveillance and information gathering against HRDs).

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Protection International