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# EU Guidelines on Human Rights Defenders

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European  
Implementation  
Assessment

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Editor: Isabelle Ioannides  
Ex-Post Evaluation Unit  
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# EU Guidelines on Human Rights Defenders

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## European Implementation Assessment

On 5 October 2021, the Conference of Committee Chairs approved a request made by the Subcommittee on Human Rights (DROI) to draw up an implementation report on the EU Guidelines on Human Rights Defenders (rapporteur: Hannah Neumann, Greens/EFA, Germany). This European implementation assessment seeks to support the scrutiny work of the DROI subcommittee on this issue and to accompany the preparation of the aforementioned implementation report.

This study examines the implementation of the European Union (EU) Guidelines on Human Rights Defenders, which constitute the policy framework and provide the operational means for protecting human rights activists in third countries.

The first part of the study, written internally, provides an institutional perspective of the implementation of the Guidelines. It assesses the development of the EU framework to support human rights defenders, including EU Member States' emergency measures, and evaluates the coordination of such efforts. It also examines the European Parliament's support for human rights defenders and considers its impact on the EU's overall work on defender protection.

The second part of the study, which was outsourced, evaluates the implementation of the Guidelines from a bottom-up perspective. It provides an evidence-based analysis of how EU missions apply the Guidelines in countries where rights and freedoms are particularly challenged for human rights defenders, and assesses when and why the measures have not been applied.

The study also addresses ways in which implementation gaps can be bridged and recommends possible measures and action that could be taken to ensure the protection of human rights defenders.

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### **1. Part I: EU institutional approach to protecting human rights defenders: Impact of the EU executive and parliamentary dimension \***

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This paper has been drawn up by the Ex-post Evaluation Unit of the Directorate for Impact Assessment and European Added Value, within the Directorate-General for Parliamentary Research Services (EPRS) of the Secretariat of the European Parliament.

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### **2. Part II: The implementation of the EU Guidelines on Human Rights Defenders with a focus on climate, gender, digital transformation and emergency measures**

This research paper was written by Dr Richard Youngs, Senior Fellow in the Democracy, Conflict and Governance Programme of Carnegie Europe, in Brussels, at the request of the Ex-post Evaluation Unit of the Directorate for Impact Assessment and European Added Value, within EPRS of the Secretariat of the European Parliament.

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## Executive summary

The EU Guidelines on Human Rights Defenders (hereafter, the Guidelines), adopted in 2004 and revised in 2008, constitute a guiding policy framework with a set of operational measures to enable EU delegations, EU Member State embassies/consulates and EU leaders to promote and ensure the respect of the rights of human rights defenders (HRDs), and to protect HRDs from attacks and threats from state and non-state actors. Embedded in the broader United Nations (UN) framework on protecting HRDs, the Guidelines aim more generally at safeguarding defenders so that they can operate freely in their country and community.

This study aims to evaluate the implementation of the Guidelines since 2010, that is, since the last European Parliament resolution adopted on EU policies in favour of human rights defenders (P7\_TA(2010)0226). Part I of the study takes an institutional perspective to evaluate the implementation of the Guidelines, focusing on how the EU policy framework and instruments available for the protection of HRDs have evolved, been applied, and where their strengths and weaknesses lie. It then goes on to assess how EU Member States have supported HRDs at risk in the world, zooming in on support to relocate HRDs at risk. One section assesses intra- and inter- EU coordination, as well as coordination with other partners, on supporting HRDs. Part I of the study also examines the European Parliament's work in this field, to assess the impact it has had on broader EU and international efforts to assist HRDs. Part I ends with ways to bridge implementation gaps in the Guidelines. The main findings are based on an analysis of data collected in relevant publicly available literature, interviews with EU officials and experts, and responses to a survey.

Over the past 10 years, the Guidelines have helped strengthen and focus EU action to protect human rights activists at risk around the world, enabling the EU to make much progress in this area. The EU's work has been key in a world that has become volatile and polarised, where great power contestation is peaking, and where the Covid-19 pandemic has compounded existing negative trends. Nevertheless, while the number of human rights defenders is rising and the environment in which they operate is becoming more repressive, the EU response has not adapted fully to this worsening trend.

The EU has developed a **relevant and coherent policy framework** with the adoption of the 2012 Strategic Framework for Human Rights and Democracy and the three successive Action Plans (2012-2014, 2015-2019 and 2020-2024), which provide a vision, principles and actionable measures for the implementation of the Guidelines. The adoption of the EU human rights approach has facilitated the coherence of the EU's implementation of the Guidelines, although it is regrettable that unlike in the 2016 EU Global Strategy, HRDs do not feature in the EU Strategic Compass (**mixed responsiveness**). Much progress has been made on fulfilling the objectives and actions targeting HRDs set out in the Action Plans, but some actions (even from the first Action Plan) have not yet been fully implemented. The latest Action Plan does not provide a clear timeline for meeting the commitments made. This makes it more difficult to monitor and evaluate the implementation of the Guidelines.

The EU has developed an impressive panoply of instruments to support human rights defenders across the world in their plight, to ensure that they can operate safely and freely in their community. **The effectiveness of the instruments' implementation has been mixed.** EU focal points on human rights and EU human rights defenders liaison officers are more or less in place in the EU delegations to provide consistent support for human rights defenders, in line with the Guidelines (e.g. visits, observation of trials, regular contact, and advocacy campaigns). Coordination with the EU Member State embassies/consulates has worked well. While regular support is offered to HRDs, EU delegations' targeted aid to specific categories of HRDs needs to be further strengthened (depending on the country and circumstances). This issue is developed further in Part II of the study.

The European Instrument for Democracy and Human Rights (EIDHR), the main EU financial instrument supporting human rights defenders, has expanded over the past 10 years to include both emergency grants for human rights defenders at risk and the 'ProtectDefenders.eu' mechanism. The latter has involved relevant civil society organisations (CSOs), offering emergency support and establishing a 24/7 hotline for human rights defenders. The programmes have adapted well to international circumstances taking into account new categories of human rights. The EIDHR has demonstrated its effectiveness and is considered **efficient (good value for money)**. It is too soon to say whether the thematic programme under the new Global Europe instrument will have similar results.

Definitive results on EU diplomatic activities are harder to ascertain, with the caveat that such efforts are not always easy to verify. The post of EU Special Representative (EUSR) for human rights was created to coordinate diplomatic efforts on the protection of human rights defenders. Numerous visits and meetings with HRDs and with authorities in the countries concerned have taken place, as have human rights dialogues. The EUSR and other EU political leaders have issued statements and taken diplomatic measures on numerous occasions. While such efforts have raised the profile of HRDs and their plight, it is unclear what the concrete impact of the work has been. CSOs are still asking for more consultation and participation in human rights dialogues that is more meaningful.

EU Member States have met regularly with CSOs (in Brussels through the Council Working Group on Human Rights, and in the countries concerned through their embassies or consulates) and have engaged in joint or coordinated actions with EU delegations. EU Council conclusions on human rights have in recent years (particularly since 2017) taken into consideration in a better way the challenges of HRDs. However, words have not necessarily been followed up by action. Doubts have been expressed as to EU Member States' commitment to develop effective protection tools for situations where the life or physical and mental integrity of HRDs may be at immediate risk. The issuance of emergency visas for HRDs in grave danger, building on the experience and good practice of some EU Member States, remains in limbo.

The EU has developed practical tools for intra- and inter-EU coordination, including through a guidance note that further operationalises the Guidelines and through regular training for human rights focal points. Coordination happens at the level of the EU headquarters, between Brussels and the EU delegations, and in the country of accreditation, between EU missions and other partners (like-minded countries and civil society organisations, CSOs). The survey results and our meetings demonstrated that coordination has worked well at all levels. However, there should be more coordination inside the European Commission with DG TRADE, which seems to be less involved in efforts to support HRDs. The EU has achieved concrete positive results when all EU institutions have worked together towards a specific goal and have organised in parallel mutually reinforcing activities to support the protection of human rights defenders. At times, this approach has put sufficient pressure on governments to release HRDs from imprisonment.

Parliament has been a robust supporter of the plight of HRDs. It has consistently urged the European Commission, the European External Action Service (EEAS) and EU Member States to step up their efforts to assist HRDs and has systematically addressed the situation of HRDs in the world through the various tools at its disposal. Its resolutions have been influential when mobilised by the EEAS and the European Commission in their own work. Parliament's urgency resolutions have been particularly effective in raising specific challenges faced by HRDs or the case of a specific HRD at risk. Members' questions have also been able to put the spotlight on an issue when posed by a group of Members and/or cross-party groups of Members. However, Parliament's annual resolution on the human rights report has not received a written response from the European Commission in recent years. The Sakharov Prize for Freedom of Thought is Parliament's best-known instrument and it has received international recognition. In interviews conducted, our interlocutors suggested that the Sakharov Prize has positively impacted other EU work on supporting HRDs. Results from the survey,

however, were more measured with only half of respondents saying that they mobilised Sakharov Prize laureates in their work.

The **EU added value of work on supporting HRDs is strong**. Nevertheless, Part 1 outlines a number of possible ways to enhance the functioning of the Guidelines and ensure the protection of human rights defenders at risk.

- In order to express a clear political commitment to the protection of all groups and categories of HRDs that are particularly at risk now, an update of the Guidelines could be considered in order to widen their scope and clarify who is a human rights defender.
- In order to assist HRDs at risk effectively, it is important that EU Member States facilitate the issuing of visas: (a) procedurally, to ensure that EU Member State embassies/consulates' processes are comprehensible, accessible and achievable; and (b) structurally, by considering the creation of a specific category in the EU visa regime for HRDs at risk.
- More transparency in the Guidelines' implementation is needed to ensure parliamentary oversight: this implies clearer and easier access to EU focal points in the delegations; access to relevant EU documents linked to the Guidelines; and information on the programming and finances spent on projects and programmes for HRDs.
- In order to minimise the digital risks that human rights defenders face in their work and in environments in which they operate, the EU institutions and Member States could consider supporting UN human rights experts. These experts urge all states to impose a global moratorium on the sale and transfer of surveillance technology until more robust regulations that guarantee its use in compliance with international human rights standards are in place.
- In conflict and post-conflict environments in particular, the European Commission and the EEAS could further develop preventative approaches to integrate the protection of HRDs more effectively into long(er)-term EU-supported reforms in a given third country. This would entail strengthening the link between the Guidelines and individual protection measures, on the one hand, and the security of communities (i.e. the security sector and good governance reforms in a given third country) on the other.
- In an increasingly belligerent global scene, it is likely that the number of human rights defenders under threat will continue to grow. Accordingly, more funding and more flexible programming, as well as more human resources in the EU institutions (at headquarters and in the EU delegations/missions) will be needed to respond to potentially increasing numbers of requests for assistance from human rights defenders.
- Such financial aid should not come in lieu of political support for the protection of human rights defenders. Building more awareness of the plight of human rights defenders in the work of EU delegations and EU Member States embassies/consulates will be key. Still more importantly, more decisive support at the highest EU political level is crucial to secure respect for the rights, protection and livelihood of human rights defenders at risk, their families and their communities.

Part II of the study assesses the implementation of the Guidelines from a bottom-up perspective. It draws evidence from the same questionnaire and interviews with EU human rights focal points in EU delegations, civil society representatives and EU Member State representations, to critically assess the Guidelines' effectiveness, relevance, coherence with other EU actions, efficiency and procedural smoothness, and added value in relation to the actions of other actors. It also provides recommendations for how the Guidelines can be improved.

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## List of acronyms

AFET	European Parliament's Committee on Foreign Affairs
CEELI	Central and Eastern European Law Initiative, Prague
CFSP	common foreign and security policy
CSDP	common security and defence policy
COHOM	Working Party on Human Rights, Council of the European Union
COREPER	Committee of the Permanent Representatives of the Governments of the Member States to the European Union, in the Council of the European Union
CSO	civil society organisation
DEVE	European Parliament's Committee on Development
DG EXPO	Directorate General for External Relations, European Parliament
DG INTPA	Directorate-General for International Partnerships, European Commission
DG NEAR	Directorate-General for European Neighbourhood Policy and Enlargement Negotiations, European Commission
DROI	European Parliament's Subcommittee on Human Rights
EBA	'Everything but Arms' arrangement in the EU's Generalised Scheme of Preferences
EEAS	European External Action Service
EIDHR	European Instrument for Democracy and Human Rights, European Commission
EP	European Parliament
EPRS	European Parliamentary Research Service, European Parliament
EU	European Union
EUSR	European Union Special Representative
GSP	generalised scheme of preferences
HRDs	human rights defenders
HR/VP	EU High Representative for Foreign Affairs and Security Policy/Vice-President of the European Commission
ICT	information and communications technology
INGE	European Parliament's Special Committee on Foreign Interference in all Democratic Processes in the European Union, including Disinformation
INI	European Parliament's own initiative report
IPA	Pre-Accession Instrument, European Commission
LGBTI	lesbian, gay, bisexual, transgender and intersex persons
LGBTQI	lesbian, gay, bisexual, transgender, queer and intersex persons

NDCI	Neighbourhood, Development and International Cooperation Instrument, European Commission
NGO	non-governmental organisation
OSCE	Organisation for Security and Cooperation in Europe
OHCHR	United Nations Human Rights Office of the High Commissioner
PEGA	European Parliament's Committee of Inquiry to investigate the use of Pegasus and equivalent surveillance spyware
PSC	Political and Security Committee, in the Council of the European Union
SDGs	sustainable development goals
UN	United Nations
UNESCO	United Nations Educational, Scientific and Cultural Organization
UNHCR	United Nations Refugee Agency



# 1. Introduction

Support for human rights defenders (HRDs) is a long-established component of the European Union's human rights policy in external relations. It is enshrined in Articles 2, 3 and, in particular, 21 of the Treaty on European Union and has been put into practice through a number of dedicated instruments. The EU Guidelines on Human Rights Defenders (hereafter, the Guidelines), whose implementation is examined in this study, were adopted in June 2004, under the Irish Presidency of the Council of the EU, and updated in 2008. They recognise the critical need to protect those working on the frontline to ensure that human rights obligations are enforced in their countries. The Guidelines constitute both a policy framework for the protection of HRDs in non-EU countries and a practical tool providing EU missions<sup>1</sup> with operational recommendations and a set of concrete measures on how to support and protect HRDs at risk.<sup>2</sup> Although not legally binding, the Guidelines represent a strong political commitment by EU Member States at ministerial level to advance the work of HRDs in the EU's external relations, thus enabling HRDs to expose and stand up peacefully against human rights violations and seek redress for victims.

In an increasingly belligerent, volatile and polarised world, where the Covid-19 pandemic has compounded existing negative trends, including the tendency in many non-consolidated democracies or authoritarian regimes to resort to coercion, HRDs and their families have found themselves at growing risk. According to the 2021 Democracy Index, only 6.4% of the world population live in full democracies (21 countries), while almost 40% live in flawed democracies (53 countries), 17% in hybrid regimes (34 countries) and more than a third of the world population (37%) live in authoritarian regimes (59 countries). All indicators have declined significantly since the 2020 edition of the democracy index.<sup>3</sup> In such a context, where democracy is declining, human rights are also regressing. As such, decades of societal achievements and internationally established principles are now threatened. Inadequate protection systems, failing rule of law institutions, corruption, organised crime, and illegal economic activities create a 'perfect storm' for those working to protect their rights and their environment or community. Moreover, the speed with which surveillance and artificial intelligence technology have proliferated among the world's worst human rights violators and are used to persecute human rights defenders is staggering.<sup>4</sup> Since the beginning of the pandemic, laws have become even tighter and emergency laws have been used excessively in certain countries.

According to Front Line Defenders, human rights defenders face arbitrary arrests and detention, spurious legal actions, physical attacks, threats, attacks on property, disappearances, torture and other ill-treatment, smear campaigns, verbal abuse, travel bans and sexual violence.<sup>5</sup> This dire situation facing HRDs and their relatives was also raised in Parliament's 2010 resolution on the EU policies in favour of HRDs.<sup>6</sup> Attacks against human rights defenders have become more serious and widespread in the last 10 years. Colombia has for years been the most dangerous country in the

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<sup>1</sup> EU missions refers to embassies and consulates of EU Member States and EU delegations, including EU Special Representatives and envoys, as stipulated in the [EU Guidelines on Human Rights Defenders](#), pp. 1, 6.

<sup>2</sup> [EU Annual Report on Human Rights 2008](#), 14146/2/08, Council of the EU, 27 November 2008, p. 6.

<sup>3</sup> [Democracy Index 2021: The China challenge](#), The Economist Intelligence Unit Limited, 2022, p. 4.

<sup>4</sup> M. Lamensch, [For Rights Defenders, Cyber Is the New Battleground](#), Centre for International Governance Innovation, 22 November 2021.

<sup>5</sup> [Front Line Defenders Global Analysis 2019](#), Front Line Defenders, 2020.

<sup>6</sup> Resolution of 17 June 2010 on EU policies in favour of human rights defenders (2009/2199(INI)), [P7\\_TA\(2010\)0226](#), European Parliament, pp. 1-3.

world for HRDs. Experts have estimated (using conservative data) that between 2017 and 2019, i.e. after the signature of a partial peace agreement, an HRD was murdered every three and a half days.<sup>7</sup> Colombia has also repeatedly topped the Front Line Defenders annual report, including in 2021. In this latest report, Colombia is ahead of Mexico and Brazil, respectively at second and third places, by a significant margin. The report also identifies the groups of HRDs that are most targeted worldwide: 59 % of the HRDs killed were working on land, environmental and indigenous peoples' rights.<sup>8</sup>

The annual reports of the UN Special Rapporteur on human rights defenders corroborates these assessments.<sup>9</sup> The 2021 UN Human Rights Council annual report mentions that 'among the many [HRDs] under threat, but whose cases are underreported, are those who face gender-specific or sexual orientation-specific barriers and those protecting or claiming land and resource-related rights'. It also notes the risks that have emerged through expanded digital surveillance and coordinated online attacks by state and non-state actors, increasing the potential vulnerability of individuals and organisations to intimidation and reprisals. These populations and communities also tend to be under-protected, in particular those affected by the digital divide and other barriers,<sup>10</sup> thus exacerbating inequalities. The global pandemic, which has accelerated the transition to the digital age, has also intensified the spread of disinformation and hate speech online. UN High Commissioner for Human Rights Michelle Bachelet has expressed serious concerns regarding spying on HRDs and has called on companies to exert human rights due diligence. She has also urged states to protect the right to the privacy of persons, called for better regulation on the sale, transfer and use of surveillance technologies, and to ensure strict oversight and authorisation for spyware and surveillance.<sup>11</sup>

The EU's work follows in the steps of the United Nations. It has been vocal both on the key role that HRDs undertake sometimes at the most severe costs, and on the increasingly precarious situation they face.<sup>12</sup> Like the UN, the EU also recognises the growing violence against HRDs (citing in particular those defending the rights of environmental, land or indigenous peoples); the authoritarian trends; 'the impact of the Covid-19 pandemic, in particular on persons in vulnerable situations such as women, children, human rights defenders and persons belonging to minorities'; and the need to reinforce economic, social and labour rights, and corporate accountability.<sup>13</sup> The latter has gained prominence through the EU's work on corporate due diligence, although both Parliament and civil society feel the European Commission's proposal should go further in ensuring the protection of human rights and HRDs. More specifically, they ask for meaningful participation/consultation of civil society and specific clauses on HRDs.<sup>14</sup> The EU has also been explicit about the

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<sup>7</sup> P. Wesche, 'Post-war Violence against Human Rights Defenders and State Protection in Colombia', *Journal of Human Rights Practice*, 2021, pp. 317–338.

<sup>8</sup> Front Line Defenders, [Front Line Defenders Global Analysis 2021](#), Dublin, 2022.

<sup>9</sup> [Annual thematic reports](#), Special Rapporteur on human rights defenders, United Nations.

<sup>10</sup> [Cooperation with the United Nations, its representatives and mechanisms in the field of human rights](#), Annual report of the United Nations High Commissioner for Human Rights and reports of the Office of the High Commissioner and the Secretary-General, 1 December 2021, p. 19-20.

<sup>11</sup> [Use of spyware to surveil journalists and human rights defenders](#), Statement by UN High Commissioner for Human Rights Michelle Bachelet, United Nations Office of the High Commissioner for Human Rights, 19 July 2021.

<sup>12</sup> Resolution of 17 February 2022 on human rights and democracy in the world and the European Union's policy on the matter – annual report 2021, [P9\\_TA\(2022\)0041](#), European Parliament.

<sup>13</sup> [2021 Annual Report on Human Rights and Democracy in the World](#), Report of the EU High Representative for Foreign and Security Policy, Council of the EU, April 2022, p. 7.

<sup>14</sup> Resolution of 10 March 2021 with recommendations to the Commission on corporate due diligence and corporate accountability (2020/2129(INL)), [P9\\_TA\(2021\)0073](#), European Parliament; C. M. O'Brien and O. Martin Ortega, [Commission proposal on corporate sustainability due diligence: analysis from a human rights perspective](#), Policy



defining role of social media and its possible detrimental role on the security of HRDs and called for support and protection for LGBTI HRDs as early as 2010.<sup>15</sup>

In that light, the Guidelines have become more relevant and gradually gained prominence in EU external action. These new realities have made it vital to evaluate the effectiveness of the Guidelines and ensure that the EU action to protect human rights defenders works. In the foreword to the latest EU Action Plan for Human Rights and Democracy, EU High Representative for Foreign Affairs and Security Policy/Vice-President of the European Commission (HR/VP) Josep Borrell himself argued that 'new challenges oblige us to update our thinking and policies'.<sup>16</sup> Against this background, the European Parliament's Subcommittee on Human Rights (DROI) notified the Conference of Committee Chairs, on 5 October 2021, of its interest in drawing up an implementation report on the EU Guidelines on HRDs.<sup>17</sup> To accompany the DROI subcommittee in its scrutiny work and the rapporteur in the preparation of the implementation report, the Ex-Post Evaluation Unit of the European Parliamentary Research Service (EPRS) has prepared this detailed European implementation assessment on the topic.

## 1.1. Human rights defenders: Concepts and categories

The UN Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognised Human Rights and Fundamental Freedoms, adopted in December 1998, defined human rights defenders as persons who 'individually or with others, act to protect against fundamental rights violations and defend and promote universal human rights in a peaceful manner' (Article 1).<sup>18</sup> It is broadly recognised that human rights defenders across the world are crucial actors when it comes to the protection and promotion of basic human rights, often at the risk of their own lives, and thus key players for the consolidation of democratic principles in their countries. It is also generally accepted that HRDs maintain impartiality and transparency in their work, thereby constituting the human link between democracy and respect for human rights. The UN Declaration clearly indicates that HRDs have responsibilities as well as rights and identifies standards that they must meet. These include accepting the universality of human rights as defined in the Universal Declaration of Human Rights, defending concerns that fall within the scope of human rights (regardless of the validity of the arguments being presented), and taking action in a peaceful manner.<sup>19</sup>

The UN Declaration has raised the profile of HRDs' plight, but the broad definition of who is an HRD can be seen both as good and as bad news. The good news is that it has allowed a broad spectrum of activists working on human rights to claim the protection they deserve. Over the years, as challenges and threats faced by distinct communities have diversified, so have the types of rights that HRDs defend. They cover biodiversity and land rights, labour rights, and the rights to life, to food and water, to the highest attainable standard of health, to adequate housing, to a name and a nationality, to education, to freedom of movement and to non-discrimination, including gender and

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Department, Directorate General for External Relations (DG EXPO), European Parliament, May 2022; [Model EU law on corporate accountability in global value chains](#), European Coalition for Corporate Justice, January 2022.

<sup>15</sup> [EU Annual Report on Human Rights and Democracy in the World in 2010](#), Council of the EU, September 2011, p. 8.

<sup>16</sup> [EU Action Plan on Human Rights and Democracy 2020 – 2024](#), European Commission, 19 November 2020, p. 4.

<sup>17</sup> [Ensuring Protection – European Union Guidelines on Human Rights Defenders](#), Council of the EU, 2008.

<sup>18</sup> [Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms](#), General Assembly resolution 53/144, United Nations, 9 December 1998.

<sup>19</sup> [About human rights defenders](#), Special Rapporteur on human rights defenders, United Nations.

LGBTQI rights, children's rights and indigenous persons' rights.<sup>20</sup> HRDs can therefore be lawyers, doctors, journalists, or other civil society activists committed to peaceful human rights defence.

However, the bad news – and some would argue that this outweighs the benefits of a wide-ranging understanding of what a human right defender is<sup>21</sup> – is that the broad definition of who is a HRD could have contributed to a boomerang effect. That is, a lack of clarity has potentially led to various actors defending human rights being left without protection. This situation has become especially prevalent in authoritarian societies where restrictions and (growing) constraints have been placed on HRDs through limits introduced to existing legal mechanisms and norms to protect their work. This dangerous 'shrinking space' for voicing concerns and for action has manifested itself through growing criticism by state officials of HRDs' work and by an inappropriate focus of the debate on the legitimacy of HRDs themselves, which has created a hostile environment for their work. Experts on the topic have explained that such a broad definition has created resistance in recognising HRDs for who they are in the EU Member States too, notably by Ministries of the Interior and Justice and among border guards.

Varying definitions of what a human rights defender is have mushroomed in other international and regional organisations, and in national documents, a situation that to some degree is said to have caused confusion.

## 1.2. EU Guidelines on Human Rights Defenders: What, who, how?

The Guidelines establish the EU's approach to supporting and protecting human rights defenders in non-EU countries, with a view to enabling them to operate freely and 'to influence third countries to carry out their obligations to respect the rights of human rights defenders and to protect them from attacks and threats from non-state actors'. The Guidelines are embedded in the broader context of multilateral efforts to protect HRDs. The document explicitly states that 'an important element of the Guidelines is support for the Special Procedures of the UN Commission on Human Rights, including the UN Special Representative on Human Rights Defenders and appropriate regional mechanisms to protect human rights defenders'.<sup>22</sup>

**The definition of human rights defenders in the Guidelines** is grounded on the principles contained in the UN Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognised Human Rights and Fundamental Freedoms, which are annexed to the Guidelines. It therefore remains rather vague, the dangers of which have been hinted at above. The Guidelines define HRDs as:

*'those individuals, groups and organs of society that promote and protect universally recognised human rights and fundamental freedoms. Human rights defenders seek to promote and protect civil and political rights as well as to promote, protect and bring about economic, social and cultural rights. Human rights defenders also promote and protect the rights of members of groups such as indigenous communities. The definition does not include those individuals or groups who commit or propagate violence'.<sup>23</sup>*

HRDs are in many ways part of the oversight mechanism of governments: they create debate around a government's policies and actions and can even play a key role in helping to draft appropriate

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<sup>20</sup> [About human rights defenders](#), Special Rapporteur on human rights defenders, United Nations.

<sup>21</sup> S. Kleemann, Human Rights Defenders under Pressure: 'Shrinking Space' in *Civil Society*, Tectum Verlag, November 2020.

<sup>22</sup> [Ensuring protection – European Union Guidelines on Human Rights Defenders](#), Council of the EU, 2008.

<sup>23</sup> *ibid.*

legislation or to contribute to the generation of ideas for drawing up national plans and strategies on human rights. EU delegations have developed local implementation strategies, as indicated in the 2009 annual report on human rights and democracy,<sup>24</sup> and on rare occasions, these are publicly available on the EU delegation webpage. As the Uganda local implementation strategy below shows, HRDs' activities are adapted to the difficulties and permissiveness of the local context.

Figure 1: The activities of human rights defenders

From the wide-ranging EU Guidelines for HRDs to a specific local implementation strategy



Source: Compiled by the author, EEAS, [Uganda Local Implementation Strategy for the European Union Guidelines on Human Rights Defenders](#), updated June 2019; Council of the EU, [Ensuring protection – European Union Guidelines on Human Rights Defenders](#), 2008.

**The Guidelines include an operational part** that is meant to identify ways and means to effectively work towards the promotion and protection of human rights defenders in third countries, in the context of the common foreign and security policy. The operational part of the Guidelines essentially *encourages* diplomats at EU level and from EU Member States to take a proactive approach, by establishing contact with HRDs and intervening on their behalf when they are at risk. As with the rest of the Guidelines then, the measures are implemented on a voluntary basis – they are not binding. The Guidelines clearly define the actors that are called on to protect HRDs and provide a set of measures or actions that they are encouraged to take. These include:

- EU missions to visit detained HRDs and monitor, attend and observe, where appropriate, trials of HRDs, and advocate for their protection;

<sup>24</sup> [Uganda Local Implementation Strategy for the European Union Guidelines on Human Rights Defenders](#), EEAS, updated June 2019.

- EU missions to maintain suitable contacts with human rights defenders, including by receiving them and visiting their areas of work, and appointing specific liaison officers, where necessary on a burden sharing basis, for this purpose;
- EU missions to coordinate closely and share information on HRDs, including those at risk. In that vein, support the establishment of and work with national bodies for the promotion and protection of human rights, including by facilitating meetings of human rights defenders, and assisting with efforts of HRDs in non-EU countries to gain access to resources, including financial, from abroad;
- European Commission and EU Member States programmes to assist in the development of democratic processes and institutions, and the promotion and protection of human rights in developing countries are among a wide range of practical supports for supporting HRDs;
- EU heads of mission to provide periodic reports on the human rights situation in the countries where EU missions are located. Such reports and other relevant information, such as reports and recommendations from multilateral fora and non-governmental organisations (NGOs) will enable the Working Party on Human Rights of the Council of the European Union (COHOM) and other relevant working parties to identify situations where EU action is needed and help decide what such action should be;
- the EU to take a stand at high political level in favour of HRDs when they are at immediate risk. Accordingly, heads of mission and EU high-ranking officials will remind authorities of non-EU countries of their responsibility to protect human rights defenders in danger;
- the heads of mission, the EU HR/VP, the EU Special Representative for Human Rights or the EEAS spokesperson to issue démarches and public statements on high risk cases of HRDs. Equally, such cases should be raised during political or human rights dialogues with the countries concerned or during high-level visits. Political dialogue with non-EU countries and regional organisations are also to include the situation of human rights defenders. When visiting a country, the EU presidency, or the High Representative for the CFSP or EU Special Representatives and envoys, or European Commission are to include meetings with HRDs in their programme;
- the EU to promote the strengthening of existing, and creation of new, regional mechanisms for the protection of human rights defenders. It is to work with the human rights mechanisms of other regional organisations, such as the African Union, the Organisation of American States and the Organisation for Security and Cooperation in Europe (OSCE).

### 1.3. Past record of the EU Guidelines on Human Rights Defenders

The European Parliament regularly monitors European Commission and EEAS implementation of the Guidelines, a subject that is analysed in more detail in Chapter 3 of this study. The last time Parliament scrutinised the Guidelines formally in a dedicated own initiative report (INI) was in 2010, in an implementation report titled 'EU policies in favour of human rights defenders' (rapporteur: Heidi Hautala).<sup>25</sup> The Guidelines were also evaluated in a 2013 EP commissioned study entitled

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<sup>25</sup> Resolution of 17 June 2010 on EU policies in favour of human rights defenders (2009/2199(INI)), [P7\\_TA\(2010\)0226](#), European Parliament

'Assessing the Implementation of the European Union Guidelines on Human Rights Defenders: The cases of Kyrgyzstan, Thailand and Tunisia'.<sup>26</sup> Since 2015, short EPRS briefings have analysed the evolution of the EU's engagement with HRDs. Other studies commissioned by Parliament have also touched on the EU's work on the Guidelines and the protection of HRDs. Moreover, human rights NGOs working directly with HRDs have regularly monitored the use and implementation of the Guidelines as have the think tank and academic communities. This section first assesses the extent to which recommendations made by Parliament in its 2010 implementation report have been met and then analyses other evaluations.

### 1.3.1. Parliament's 2010 implementation report on the Guidelines

This study uses as its starting point Parliament's resolution on EU policies in favour of human rights defenders, the only other implementation report adopted by Parliament specifically on HRDs in the last decade or so.<sup>27</sup> In its response in writing to Parliament, the European Commission expressed its commitment to contribute to 'an effective follow up to this resolution'. It agreed with the main findings of the resolution: in particular, it acknowledged 'the need to improve the overall coherence of EU policy in support of human rights defenders and therefore to better implement the EU Guidelines'.<sup>28</sup> As the table below illustrates, the majority of Parliament's requests have met with a full or partial response, except when it comes to sharing local implementation strategies. The limitations on transparency are analysed throughout the study, including in the annexed research paper (Part II).

Table 1 – Assessment of the extent to which the European Commission and the EEAS have responded to Parliament's requests

Parliament's requests on the protection of human rights defenders	European Commission and/or EEAS response	Request followed up entirely, partly or not at all
'Recommended that the EU High Representative develop measures and a more effective and result-oriented methodology, including evaluations of existing human rights policies and dialogues'	The new Global Europe instrument includes among its key performance indicators the 'number of victims of human right violations directly benefiting from assistance funded by the Union'. Moreover, the EU has updated its Guidelines on human rights dialogues, albeit without including indicators regarding the protection of HRDs.	entirely
'Urged the EU and its Member States to express their political will to support the action of human rights defenders'	This is clearly demonstrated in all key EU documents and Member States strategies (see Chapter 2).	partly
'Urged the EU and its Member States to make better use of all existing tools and develop new complementary mechanisms to support and promote their work through a genuinely	The EU created a new emergency funding scheme (Emergency Response Fund) in 2010 and the human rights defenders mechanism in 2015, both of which have been financed under	partly

<sup>26</sup> K. Bennett, [Assessing the Implementation of the European Union Guidelines on Human Rights Defenders: The cases of Kyrgyzstan, Thailand and Tunisia](#), Policy Department, DG EXPO, European Parliament, 18 June 2013.

<sup>27</sup> Resolution of 17 June 2010 on EU policies in favour of human rights defenders (2009/2199(INI)), [P7\\_TA\(2010\)0226](#) European Parliament.

<sup>28</sup> [Follow up to the European Parliament resolution on EU policies in favour of human rights defenders](#), European Commission, 21 September 2010.

Parliament's requests on the protection of human rights defenders	European Commission and/or EEAS response	Request followed up <b>entirely</b> , <b>partly</b> or <b>not at all</b>
participative strategy, which should contribute to an enabling environment for defenders in which they can perform their duties and enjoy protection'	the European Instrument for Democracy and Human rights.  See Section 2.2.2. EU financial assistance for human rights defenders.	Green
'Underlined the need for a policy aimed at prevention from attacks and threats against human rights defenders, through both urgent and long-term measures'	The culture of prevention is still not well articulated in the work of the European Commission and the EEAS and therefore not implemented in the EU delegations, as Part II of this study shows. Nevertheless, this issue is considered key by civil society organisations, which continue to push for it; these include the 12 NGOs involved in the ProtectDefenders.eu mechanism.  So far, the European Commission and the EEAS have focused mostly on urgent measures for the protection on HRDs at risk and longer-term reforms through EU development policy.	Yellow
'Called for the creation of a central focal point with a specific responsibility for human rights defenders within the EEAS'	With a post created in July 2012, the EU Special Representative (EUSR) for human rights is tasked with ensuring that the EU's human rights policy is coherent, effective and visible.	Green
'Underlined that implementation by the EU missions of the Guidelines on Human Rights Defenders had so far been unsatisfactory and called on the Commission to undertake an in-depth analysis to ensure that this issue will be addressed'	The implementation of Guidelines continues to be monitored and assessed on an annual basis in the reports on human rights and democracy in the world, where HRD issues are analysed in a dedicated section. The Action Plan went through a mid-term review process in 2017, in the context of the mid-term review of all the EU external financing instruments. However, there has not been an in-depth analysis specifically of the Guidelines.	Yellow
'Reiterated therefore its call to systematically appoint to each country a highly qualified political official with a specific responsibility on human rights and democracy'	The EEAS and the European Commission have appointed such dedicated staff in the EU delegations.	Green
'Called to integrate guidelines and develop best practices on human rights and their implementation in EU mission staff training programmes, job descriptions and appraisal processes'	The EEAS and the European Commission conduct a joint training course twice a year for staff in the EU delegations working as human rights focal points and/or human rights liaison officers, based on the guidance note linked to the Guidelines.	Green
'Proposes a 'human rights assessment' of third countries that engage in trade relations with the EU'	The EU adopted the 'Guidelines on the analysis of human rights impacts in impact assessments	Green

Parliament's requests on the protection of human rights defenders	European Commission and/or EEAS response	Request followed up entirely, partly or not at all
	for trade-related policy initiatives', <sup>29</sup> in line with the 2012 Strategic Framework on human rights and democracy and the accompanying Action Plan. These are also used when the European Commission monitors the impact on human rights in its ex post impact assessments of trade agreements. <sup>30</sup>	entirely
'Expects that the creation of the EEAS could considerably enhance the coherence and effectiveness of the EU in this field'	As the analysis of the 'annual reports on human rights and democracy in the world' and Section 2.2.3. – on EU diplomatic efforts – show, EU organisational changes, including the creation of the EEAS have contributed to better implementation of the Guidelines.	entirely
'Calls for the elaboration of local strategies in close cooperation with local independent civil society, including their regular evaluation, to be institutionalised by the HR/VP, so as to ensure real implementation of the protecting measures enshrined in the EU Guidelines on Human Rights Defenders'	The local strategies are rarely publicly available, but the EEAS' annual reports on human rights and democracy in the world state that they have all been developed and that CSOs have been consulted.	Not able to verify
'Considers it necessary to improve, and systematically follow up on, contacts with independent civil society, as well as access for human rights defenders to EU delegations and missions on the ground'	EU delegations meet systematically with HRDs, as needed and depending on the specific circumstances in the country in which the EU is posted. There is great variability in the number of meetings with HRDs, as the results from the survey show. CSOs continue to ask for more follow up and more meaningful follow up to meetings and consultations.	Not able to verify
'Ensure that all of them have developed local implementation strategies before the end of 2010, or, where strategies already exist, that they be revised by the same time'	According to the EU annual reports on human rights and democracy in the world, the EU delegations have prepared the local implementation strategies. However, only few of them are publicly available on the EU delegation websites.	Not able to verify.
'Requests that the list of these local strategies be made available to the European Parliament and published in the EU annual report on human rights'	The local implementation strategies are not made available to Parliament and they have not been published or annexed to the annual reports.	not at all

Source: Author's analysis and evaluation of the recommendations in European Parliament resolution of 17 June 2010 on EU policies in favour of human rights defenders (2009/2199(INI)), [P7\\_TA\(2010\)0226](#).

<sup>29</sup> [Guidelines on the analysis of human rights impacts in impact assessments for trade-related policy initiatives](#), Directorate-General for Trade, European Commission, 2015.

<sup>30</sup> European Commission ex-post evaluations of EU trade agreements can be found [here](#).

### 1.3.2. Expert evaluations of the implementation of the Guidelines

Past evaluations have illustrated that the implementation of the Guidelines by the EU institutions and EU Member States as being 'patchy and inconsistent',<sup>31</sup> ad hoc and not incorporated in a systemic way into the EU human rights strategy.<sup>32</sup> The section entitled 'A worsening trend' in Part II of this study offers a short literature review of the assessments of the implementation of the Guidelines over the past 10 years. That analysis points to the strategies that authoritarian regimes have adopted to satisfy external observers and international donors that they are carrying out necessary human rights reforms, when in parallel assaults against select HRDs are actually intensifying. Those targeted are HRDs who work in particular on development, gender rights and the environment. The specific characteristics of the threats that confront each of these groups of HRDs are highlighted; human rights violators go well beyond the usual suspects (government services or officials) to include criminal groups and even the local communities in which HRDs live and operate.

The European Parliament's externally commissioned assessment of the Guidelines, which was carried out in 2013, delved into the creation and development of the EEAS, as well as the basic capacities for human rights issues needed in that new institution. Focusing on three specific case studies (Kyrgyzstan, Thailand and Tunisia), it evaluated the relationship between the Guidelines and the human rights country strategies at the time when they were being launched and tested. The study pointed out that, on the basic measures outlined in the Guidelines, the EU delegations in the three case studies had delivered. Good practices identified included: accompanying HRDs to airports to ensure security; monitoring of hearings and trials; support in emergencies for HRDs; developing HRD engagement with national human rights institutions and state authorities; challenging laws that criminalise HRDs; developing EU missions' outreach to HRDs; and support for developing HRD protection networks.<sup>33</sup> A 2019 Amnesty International study also found that in some countries the EU was increasing the visits of HRDs, invitations and trial monitoring and finding innovative ways of giving publicity to HRDs.<sup>34</sup>

When it came to the efforts of EU Member States, experts offered conclusions that were more mixed. The 2013 European Parliament study found that while EU diplomats endeavoured to speak up in HRDs' defence and invite activists into embassies and delegations, there was less evidence of them making an effort to address the underlying problem of new laws restricting and targeting HRDs' actions and work. Equally, the 2019 Amnesty International report maintained that emergency relocations were increasing and improving, but many HRDs still failed to get visas or simply did not know how to proceed.

At the same time, the 2013 Parliament study raised a number of concerns, some of which still ring true, as this study will demonstrate. For example, research showed that EU missions were not clear as to how the Guidelines related to the large panoply of other EU human rights strategies and instruments. In that light, the 2013 Parliament study recommended:

- joining up the measures set out in the Guidelines with the new human rights country strategies;

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<sup>31</sup> K. Bennett, 'European Union Guidelines on Human Rights Defenders: a review of policy and practice towards effective implementation', *The International Journal of Human Rights*, 2015, Vol. 19(7), pp. 908-934.

<sup>32</sup> [Defending Defenders? An assessment of EU action on human rights defenders](#), Amnesty International, 2019.

<sup>33</sup> K. Bennett, [Assessing the Implementation of the European Union Guidelines on Human Rights Defenders – The cases of Kyrgyzstan, Thailand and Tunisia](#), Policy Department, DG EXPO, European Parliament, June 2013.

<sup>34</sup> [Defending Defenders? An assessment of EU action on human rights defenders](#), Amnesty International, 25 September 2019.



- raising awareness and knowledge of the Guidelines throughout the EU missions, including through training in the EU institutions;
- tailoring the EU approach to ensure that sufficient attention was drawn to the most vulnerable HRDs; and
- creating better indicators to monitor the implementation of the Guidelines.

In terms of the areas of focus of this evaluation, the 2013 European Parliament study pointed to the worsening situation for women HRDs and environmental activists. On emergency procedures, it noted that they were working fairly effectively but should be accelerated.

Other studies have shown that implementation of the Guidelines varies significantly from one EU mission to another and between Member States, depending on the political will of the respective head of mission or ambassador (and that despite increasingly violent environments).<sup>35</sup> This means that there is a lack of overall strategy and consistency in EU efforts to support HRDs, insufficient visibility of EU actions and channels of support and an absence of a targeted and impact-oriented approach to public action. Overall, EU delegations would usually meet with HRDs or issue statements in their defence, but then fail to follow through with concrete tangible actions, and indeed insisted on keeping HRD issues out of their main diplomatic summit and dialogues with third country governments. In the same logic, some EU missions tended to give more importance to the advancement of the EU's or EU Member State's economic and trade interests over human rights obligations. To the consternation of some CSOs and experts, a number of EU missions have proposed to invite business to be part of a dialogue between a state and affected communities, and have suggested that business be part of mechanisms aiming to protect HRDs from violations committed by business, proposals that have been rejected by HRDs.<sup>36</sup>

The EPRS briefing on the Guidelines (first published in 2015 and updated in 2017, 2018 and 2022) offers a generally positive account of EU delegations' actions to fulfil the measures set out in the Guidelines – meeting with HRDs, calling for their release, raising their cases in dialogues, attending trials, monitoring information on the general situation pertaining to HRDs, providing emergency funds for HRDs and a €10 million in calls for proposals on LGBTI rights defenders.<sup>37</sup>

A 2017 study on the shrinking civil society space, also commissioned by the European Parliament, found that the 'most effective part of EU responses [to the shrinking space of civil society] has been the protection offered to human rights defenders'. The study argues that the EU has in general made an impact by being slightly more flexible in some of its aid modalities, enabling funds to get to endangered activists. Conversely, the EU had not been as effective when dealing with the 'deeper, structural aspects' of the problem, including the 'shrinking space for civil society' per se.<sup>38</sup>

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<sup>35</sup> See, for example, Front Line Defenders, [Front Line Defenders Global Analysis 2021](#), Dublin, 2022; Amnesty International, [Defending Defenders? An Assessment of EU Action on Human Rights Defenders](#), 25 September 2019.

<sup>36</sup> S. M. Borrás, jr. et al., [Land Grabbing and Human Rights: the Involvement of European Corporate and Financial Entities in Land Grabbing outside the European Union](#), Policy Department, DG EXPO, European Parliament, 2016; Act Alliance et al., [El derecho a una alimentación adecuada y a la nutrición y la situación de las defensoras y los defensores de derechos humanos en Guatemala. Informe de la tercera Misión Internacional](#), September 2015.

<sup>37</sup> The latest update: I. Zamfir, [EU support for human rights defenders around the world](#), EPRS, European Parliament, June 2022.

<sup>38</sup> R. Youngs and A. Echagüe, [Shrinking space for civil society: the EU response](#), Policy Department, DG EXPO, European Parliament, April 2017.

## 1.4. Scope and objectives of the research

Against this backdrop, this study, which accompanies the preparation of the DROI implementation report on the Guidelines, focuses its evaluation on developments since the adoption of Parliament's last implementation report on HRDs, adopted in 2010. The first part of the study, written internally, assesses the development of the EU institutional framework to support HRDs, including EU Member States' support for emergency measures, and EU interinstitutional relations and broader coordination. It also examines the European Parliament's support for HRDs and considers the impact it has had on the overall work of the EU on the protection of HRDs. In general, it provides a Brussels perspective on the implementation of the Guidelines, while the commissioned research paper, in Part II, tackles their implementation from a bottom-up perspective (from the EU missions in third countries). In that respect, Part II provides an evidence-based analysis of how EU delegations implement the Guidelines in countries where rights and freedoms are particularly challenged, and assesses when and why measures for HRDs have not been used by EU delegations. The study also addresses, where possible, ways in which implementation gaps can be bridged and recommends possible measures and actions that could be taken to ensure the protection of HRDs.

### 1.4.1. Areas of focus

Overall, the study aims to create knowledge in the following four areas that are particularly topical and of critical importance:

- 1 identifying weaknesses and strengths in the implementation of the Guidelines by EU leaders, EU delegations and EU Member States;
- 2 identifying lessons to be drawn from the partial or lack of implementation and problems found;
- 3 identifying and assessing potential EU action, revisions of the Guidelines and policy options to ensure better protection of HRDs.

When analysing the successes and shortcomings in the implementation of the Guidelines, the study centres on four crucial inter-related themes that were identified in cooperation with the DROI secretariat and rapporteur. These themes were also identified as being critical in Parliament's latest annual report on human rights and democracy in the world.<sup>39</sup> They are:

- 1 inclusiveness, in particular related to gender and the rural/urban divide;
- 2 the impact of transnational threats/cybersecurity, including smear campaigns and online surveillance;
- 3 the climate and biodiversity crises, and their impact on the protection of environmental defenders and indigenous peoples, a problem that is particularly acute in Latin America;
- 4 the use of emergency measures, including relocation and humanitarian visas.

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<sup>39</sup> Resolution of 17 February 2022 on human rights and democracy in the world and the European Union's policy on the matter – annual report 2021, [P9\\_TA\(2022\)0041](#), European Parliament.

## 1.4.2. Research questions

In this context, the study seeks to address the following four specific areas of questions.

- 1 **On definitions and the conceptualisation of the Guidelines:** what are the Guidelines' limitations in terms of commitments/measures outlined? The study explores the degree to which there is awareness of the Guidelines in third countries where the EU is represented and the extent to which public diplomacy on the Guidelines produced concrete results.
- 2 **On inter-institutional relations:** how do the different EU institutions/actors (EEAS, Commission, EU delegations, EU Member States, EU Special Representatives and Envoys) implement the Guidelines and how are their activities coordinated?
- 3 **On the implementation of the Guidelines:** what are the limitations when translating EU commitments on HRD protection into action or measures taken? The study discusses how EU missions work with HRDs and other relevant stakeholders to ensure the protection of HRD and assesses the impact of the EU missions' work. It also explores how EU missions cooperate with EU Member States representations on HRDs in the context of the Guidelines and aims to draw best practices. In that context, it touches on emergency measures (e.g. relocation, the use of humanitarian visas) to identify the degree to which these measures have been useful.
- 4 **On policy options:** how can the existing Guidelines be supplemented to better protect HRDs and what concrete benchmarks could be developed in order to measure action under the Guidelines? The study draws conclusions on how to improve the implementation of the Guidelines and, if appropriate, the measures included in them.

## 1.5. Methodology

This study is based on solid evidence-based research combining qualitative and quantitative methods. The aim is for the analysis to adopt a consistent and systematic approach that provides inter alia a detailed and balanced account of the implementation of the Guidelines in non EU-countries. The methods used sought to elicit new data on the four identified areas and to answer the four group of questions mentioned in the previous section.

The assessment of the Guidelines was carried out according to the following evaluation criteria:

- relevance and delivery capacity in EU action when implementing the Guidelines;
- effectiveness and performance in terms of providing adequate protection for HRDs;
- responsiveness to a changing environment both internally in a given country or at global level in terms of threat management;
- consistency and coherence in EU action on HRD protection – be it through inter-institutional coordination or cooperation with other international organisations;
- efficiency, best value for money and time spent for results achieved in protecting HRDs;
- EU added value for acting in the field of HRD protection.

The analysis is grounded on data gathered from a broad range of research methods. First, the study specifically took into account publicly available publications, especially – but not exclusively – written by the EU institutions, relevant civil society organisations (including human rights

organisations), other governmental and inter-governmental organisations working on HRDs, think tanks, academia, and – where relevant – business stakeholders. When possible, statistical data was utilised to illustrate and explain arguments better.

Secondly, the two authors jointly prepared a survey that was distributed to the 144 EU delegations/representations around the globe. The questionnaire (see Annex I), which aimed at collecting primarily quantitative data, was sent to the human rights focal points in the EU delegations by the EEAS, which considered it best to protect the identity of its staff. The results of the questionnaires were sent directly to EPRS. There was a 25 % response rate (36 questionnaires returned, two of which were from the same EU delegation). The answers received span all continents, covering the Middle East, Central and South Asia, the Indo-Pacific, parts of Africa, and Central and Latin America. They also represent countries of different size, varied levels of risk for HRDs, and uneven EU engagement in terms of both diplomatic efforts and financial means.

The surveys were followed up by interviews carried out by the contracted researcher with the human rights focal points in the following EU delegations: Afghanistan, Azerbaijan, Belarus, Egypt, Myanmar, Mexico, Philippines and Uruguay. The external researcher also interviewed HRD organisations in third countries and their HQs in European capitals, and reached out repeatedly to the COHOM delegates individually and managed to speak to the delegates from Finland, Germany, the Netherlands, Sweden and Poland. The two authors also had the opportunity to speak with relevant officials in the European Commission and the EEAS, in Brussels.

We have aimed to protect the identity of those surveyed and interviewed, while at the same time contextualising the data sufficiently so that it is meaningful and can lead to relevant and useful policy recommendations. For this reason, at times it is not always possible to state explicitly where certain events took place or in which EU delegation specific challenges have been identified. The sensitive nature of the topic at hand has made it a challenge to collect information for the preparation of this study in at least four ways:

- 1 Access to documents: Key documents, such as the 2020 and 2017 guidance notes linked to the Guidelines (see Section 2.4.1. Tools for better coordination), are classified. We were not able to consult them. Difficult access to classified information regarding CFSP issues is a recurring challenge and has been highlighted in another recent European Parliament study.<sup>40</sup>
- 2 Access to the human rights focal points: The EEAS's rather narrow interpretation of the need to protect its staff in the EU delegations located in increasingly hostile environments has meant that access to EU delegation staff has been difficult. In that light, we were not always able to identify staff or find alternatives to potential interviewees who did not respond to requests for an interview. We are nevertheless grateful to the EEAS for sending out the EPRS questionnaire to the EU delegations and for sharing the direct contacts of the human rights focal points in 13 EU delegations.
- 3 A culture of secrecy around the issue of HRD protection: Linked to the above point, the utmost is naturally done to protect the identity of those individuals and their families who are at direct risk because of the rights and communities they defend. Therefore, much of the work conducted by the EEAS and in the EU missions takes place through silent diplomacy. This means that only some of the information – be it EU leaders' statements on HRDs, exchanges between EU missions and HRDs, or

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<sup>40</sup> .. [The extent of the European Parliament's competence in Common Security and Defence Policy](#), Policy Department, DG EXPO, European Parliament, June 2022.

even discreet EU actions for HRDs – can be disclosed by the EU institutions for public consumption. It has been difficult to measure with clear certainty the impact of EU's diplomatic efforts to support HRDs, in the context of the Guidelines.

- 4 Non-responsiveness of the Council of the EU: It has been difficult to access the Council of the EU, which is not officially obliged to respond to parliamentary requests for scrutiny. To compensate for that, we spoke to officials in other EU institutions and with CSOs that have had contacts with the Member States when trying to protect HRDs, in order to gain an understanding of the work carried out by Member States.

## 2. EU framework and tools for human rights defenders

The promotion and protection of human rights inside and outside of the EU is cited as being at the core of European values, together with democracy and the rule of law in Article 21(1) of the Lisbon Treaty. When it comes to the EU's external action, post-Lisbon has created a space in which a series of tools exist, aimed at addressing human rights protection and promotion more effectively, as this chapter will illustrate. Since 2012, the EU has increasingly streamlined its work on protecting human rights defenders across its external action, making the coordinated use of all EU instruments and policies one of the guiding principles of its external action.

The EU has also progressively intensified its commitment to protecting HRDs in the last decade. The growing role of the European Parliament in this area, which will be examined in the next chapter, and the creation of the Special Representative for Human Rights working under the HR/VP, have had a clear impact on the visibility that HRDs in danger. In December 2008, the EU reviewed the Guidelines, calling on EU missions to draw up local strategies involving human rights defenders. In February 2010, when there was a new questioning of the very concept of 'human rights defenders', the EU – led by the HR/VP – was forthright in defending these groups and mandated EU missions around the world to draw up local strategies on HRDs in close cooperation with local human rights activists. These however remain difficult to access, although already the 2010 annual report on human rights and democracy stated that 70 such local strategies had been adopted.<sup>41</sup> The local strategies are seen as having served as vehicles for HRDs to be 'increasingly recognised as key interlocutors of EU diplomats in their work on human rights issues'. The same annual report states that, 'once a year, a meeting of human rights defenders and diplomats should be organised, coordination and information sharing should be enhanced, and a liaison officer for defenders should be appointed where necessary'. By the end of 2010, 84 EU liaison officers had been appointed. They too are very difficult to identify, as our research has shown.<sup>42</sup>

The 2012 Strategic Framework, the three successive Action Plans on human rights and democracy since 2012 and yearly Council conclusions constitute the main policy documents framing the EU's work on HRDs. We examine them here in more detail. This chapter then examines the instruments the EU has at hand to support HRDs and how effectively they have been applied, how EU Member States have used the Guidelines, particularly in terms of triggering emergency measures and issuing visas, and, finally, how well relevant parties have coordinated their work.

The EU has developed other avenues through which it is able to push for the protection of human rights defenders. They are worth mentioning but are beyond the scope of this study. They include: the EU Guidelines on Human Rights Dialogues; the EU global human rights sanction regime; the human rights clauses in the EU's trade agreements; the EU's continuous monitoring of the Generalised Scheme of Preferences (GSP+) and 'Everything but Arms' (EBA) beneficiary countries' effective implementation of the 27 international conventions on human rights, labour rights,

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<sup>41</sup> Our search through the webpages of the 144 EU delegations/representations in third countries/international organisations revealed that a very limited number of delegations have made public their local implementation strategies. The [EU delegation to Uganda](#) is one of the rare exceptions. Its local implementation strategy can be found [here](#).

<sup>42</sup> [EU Annual Report on Human Rights and Democracy in the World in 2010](#), Council of the EU, September 2011, pp. 7, 29-30.

environmental and climate protection, and good governance;<sup>43</sup> and the EU corporate due diligence directive that is currently under negotiation.

## 2.1. Evaluating the EU framework for human rights defenders

In 2012, the EU adopted the Strategic Framework on human rights and democracy, outlining the principles, objectives and priorities of which the stated aim was to improve the effectiveness and consistency of EU policy in these areas. To implement the EU Strategic Framework of 2012, the EU adopted three successive EU Action Plans (2012-2014, 2015-2019 and 2020-2024). These documents can also be seen as setting out benchmarks to keep the EU accountable for its performance in the area of human rights and democracy and hence assess its impact. Responsibility for carrying out the actions listed resides with the HR/VP assisted by the EEAS, and with the European Commission, the Council of the EU and Member States. As of July 2012, the EU Special Representative (EUSR) for human rights also contributes to implementation of the Action Plan, in accordance with his or her mandate.

On this basis, the following sections examine the extent to which the Guidelines have been implemented. It does so by analysing progress made in meeting the actions outlined in the three EU Action Plans on human rights and democracy. To do so, it uses the traffic light system, whereby red indicates that no or limited progress has been made, amber that some progress has been made, and green that the measure has been implemented. The table indicates only the level of commitment. The assessment of the successes and challenges that the EU institutions and Member States have faced in implementing the parts of the Action Plans that are relevant to the Guidelines can be found in the next sections: 2.2. Assessing the EU tools to support human rights defenders; 2.3. Working with the EU Member States; and 2.4. Assessing EU coordination of support for human rights defenders.

### 2.1.1. The 2012 Strategic Framework and the 2012-2014 Action Plan

The adoption in June 2012 for a ten-year period of the Strategic Framework and Action Plan on human rights and democracy was a landmark event. It set the key parameters underpinning the aims and ways through which the EU in a collective effort, involving EU Member States and the EU institutions, organises its work on supporting and promoting democracy and human rights in non-EU countries. The Strategic Framework put forward the following key messages:

- human rights should underpin all aspects of EU internal and external policies;
- the EU should promote the universality of human rights;
- the EU should pursue coherent objectives and promote human rights in all areas of its external action without exception;
- implementing EU priorities on human rights will be key;
- the EU should work with bilateral partners and through multilateral institutions;

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<sup>43</sup> The EU's General Scheme of Preferences includes three schemes, one of which is GSP+. It offers a special incentive arrangement for sustainable development and good governance for vulnerable low and lower-middle income countries; whereby it removes all custom tariffs for 66 % of tariff lines if these countries implement 27 international conventions related to labour and human rights, environmental and climate protection, and good governance. Another is the 'Everything but Arms' (EBA) arrangement for least developed countries whereby all tariffs are removed but those on arms and ammunition.

- the EU institutions and Member States should work together, i.e. 'respecting their distinct institutional roles, it is important that the European Parliament, the Council, the Member States, the European Commission and the EEAS commit themselves to working together ever more closely to realise their common goal of improving respect for human rights'.<sup>44</sup>

The 2012 Strategic Framework was the instigator for the development of an EU rights-based approach that would lead to the development of a specific toolbox, endorsed by the EU Council of Ministers on 19 May 2014.<sup>45</sup> Concretely, this translated into a service contract being awarded under the European instrument for democracy and human rights (EIDHR)<sup>46</sup> – discussed later in this chapter – to increase compliance with the rights-based approach commitment in EU development assistance. The contract amounted to €1.43 million for a period of 24 months, from December 2015 to December 2017, and included, among other, training on human rights defenders for EU delegations.<sup>47</sup>

In implementing the 2012-2014 Action Plan, which included a list of 97 actions under 36 headings, the Council of the EU committed to upgrade the EU's working methods, the main measures were as follows:

- the first EUSR for human rights was appointed in July 2012;
- guidelines to support EU policies in key human rights areas were adopted;
- the 'annual report on human rights and democracy in the world', through which the EU reports on progress made in implementing its provisions, was restructured around the priorities of the Strategic Framework and the Action Plan. It also includes data on support for HRDs, with specific country chapters, available on the [EEAS website](#) (as of 2012);
- the EU developed a new generation of 'human rights and democracy country strategy papers' providing some benchmarks for both planning and assessing the progress of EU delegations and EU Member States human rights-related activities in third countries;
- about 150 such strategies were developed, through which EU engagement in and consultations with human rights in third countries is monitored;
- the goal was set to ensure that the human rights country strategies are taken into account in human rights and political dialogues at all levels, in policy-making and when programming and implementing financial assistance with third countries, including in country strategy papers.<sup>48</sup>

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<sup>44</sup> [EU Strategic Framework and Action Plan on Human Rights and Democracy](#), 11855/12, Council of the EU, 25 June 2012, p. 4.

<sup>45</sup> [Council Conclusions on a rights-based approach to development cooperation, encompassing all human rights](#), Foreign Affairs (Development) Council meeting, Council of the EU, 19 May 2014.

<sup>46</sup> [Regulation \(EU\) No 235/2014 of the European Parliament and of the Council of 11 March 2014 establishing a financing instrument for democracy and human rights worldwide](#), OJ L 77, 15 March 2014, pp. 85-94.

<sup>47</sup> G. Moran et al., [Evaluation of the European Instrument for Democracy and Human Rights \(2014-mid 2017\), Final Report, Volume 1 - Main Report](#), Evaluation carried out by ADE and PEM Consult for the European Commission (Contract N°2015/375168), June 2017, p. 20.

<sup>48</sup> K. Bennett, [Assessing the Implementation of the European Union Guidelines on Human Rights Defenders: The cases of Kyrgyzstan, Thailand and Tunisia](#), Policy Department, DG EXPO, European Parliament, 18 June 2013; Greg Moran et al., [Evaluation of the European Instrument for Democracy and Human Rights \(2014-mid 2017\), Final Report, Volume](#)



An analysis of the content of the Action Plan, showed that the Council committed to seven specific actions for effective support for HRDs, as outlined in the table below.

Table 2 – Progress on implementing the HRD priorities in the 2012-2014 Action Plan

Action	Progress made
'5. A culture of human rights and democracy in EU external action (a) Provide training on human rights and democracy for all staff: EEAS, Commission, EU delegations, CSDP missions and operations'	
'5. A culture of human rights and democracy in EU external action (b) By the end of 2013, the EEAS and the Commission would (i) complete a network of focal points on human rights and democracy in the EU delegations and CSDP missions and operations so as to (ii) nurture a culture of human rights and democracy in the EU external action'	(i) (ii)
'5. A culture of human rights and democracy in EU external action (c) The EEAS and the Member States to expand the practice of working on human rights issues through human rights working groups formed locally among EU delegations and embassies of Member States'	
'18. Effective support to human rights defenders (a) The EEAS, the Commission and EU Member States to develop and implement a voluntary initiative to facilitate the provision of temporary shelter to human rights defenders at risk by mid-2013'	EU Member States are lagging behind
'18. Effective support to human rights defenders (b) The EEAS, the Commission and EU Member States to promote improved access by human rights defenders to the UN and regional human rights protection mechanisms, and address the issue of reprisals against defenders engaging with those mechanisms (no date specified, but rather labelled as an ongoing process)'	
'18. Effective support to human rights defenders (c) The EEAS, the Commission and EU Member States to publish contact details of the human rights focal points of all EU missions, as well as EU liaison officers on human rights defenders on the websites of the EEAS and EU delegations by the end of 2012'	
'26. Administration of justice (b) The heads of EU missions and the EU delegations would continue to ensure monitoring of important human rights-related trials, in particular trials against human rights defenders'	

Source: Prepared by the author on the basis of the [EU Strategic Framework and Action Plan on Human Rights and Democracy](#), Council of the EU, 11855/12, 25 June 2012.

### Access to human rights focal points

Regarding the point in the Action Plan on publishing the contact details of the human rights focal points of all EU missions, this has not been the case. Moreover, the EEAS is hesitant to share such contacts with the European Parliament, making the case that it is seeking to protect its staff, in

[1 - Main Report](#), Evaluation carried out by ADE and PEM Consult for the European Commission (Contract N°2015/375168), June 2017, pp. 7, 15.

particular its local staff, in the EU delegations. We were told that local staff in the EU delegations have a generic email address for their protection.

Our research has shown that all EU 144 EU diplomatic representations (136 EU delegations and 8 representations to international organisations)<sup>49</sup> provide a general email address where the delegation can be contacted. On some occasions, a phone number is also provided. However, only 28 out of 144 EU delegations give a contact point for human rights-related issues; 13 specify contacts for HRD-related problems through a functional box, while 15 give individual contact details (either with a name, phone number and individual email, or a name with a functional email address).

Beyond the fact that this information is not uniformly provided, when it is provided it cannot be found at the same place on all EU delegation websites – and that despite the fact that all EU delegation webpages are structured in the same manner. Four EU delegations – Colombia, Israel, Mongolia and Uruguay – provide the contact details of the human rights focal point on the entry page of their webpage for ease of information. Several EU delegations provide a rather comprehensive list of officials working there, but do not indicate the name of a human rights focal point/liason officer or indeed whether one exists. Some delegations do indicate staff working on human rights-related issues (governance, rule of law, democracy, justice, etc.) without specifying if those are the human rights focal points.

This raises questions about whether all EU delegations have EU human rights focal points in the first place. The 2021 annual report on human rights and democracy specifies that '[a]ll 140 EU delegations and offices and the 15 CSDP missions and operations now have human rights and democracy focal points in place. Liaison officers for human rights defenders have also been nominated in 101 countries'.<sup>50</sup> When going through Google search engine, our research found out-of-date information suggesting that in the past the contact details of human rights focal points or contact point specifically for HRDs were available on EU delegations. An EPRS briefing from 2015 even provided a link to a list of contact details published online,<sup>51</sup> which no longer works. This also coincides with the creation of the [ProtectDefenders.eu](https://protectdefenders.eu), the EU human rights defenders mechanism (analysed in Section 2.2.2. on EU financial assistance for human rights defenders).

The assumption is made that HRDs will know how to contact the EU delegation through 'word of mouth', will contact other regional or international organisations in the country, or UN missions. We were told that the EEAS monitors the media to know who is a potential HRD at risk and is also in regular contact with the CSOs in the country of accreditation. It may also be that the assumption is made that human rights defenders will opt to contact the general EU delegation email to ask for help. However, the sensitivity of the situations in which human rights defenders find themselves and the level of risk at which they operate, both of which are addressed in the introduction of this study, make that an unlikely option. Another hypothesis made is that HRDs at risk may reach out first to the NGOs that are part of the [ProtectDefenders.eu](https://protectdefenders.eu) mechanism.

### 2.1.2. The 2015-2019 Action Plan

In the foreword to the second EU Action Plan for human rights, covering the 2015-2019 period, then HR/VP Federica Mogherini emphasised that complex political and humanitarian crises worldwide

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<sup>49</sup> The full list of the EU's diplomatic representations and ongoing missions and operations is available on the [EEAS webpage](#).

<sup>50</sup> [EU Annual Report on Human Rights and Democracy in the World in 2012 \(Thematic Reports\)](#), 9431/13, Council of the EU, 13 May 2013, p. 12.

<sup>51</sup> I. Zamfir, [Standing up for human rights defenders around the world: What is the EU doing?](#) EPRS, European Parliament, December 2015, p. 4.

demanded stronger engagement with regional powers and with actors on the ground, empowering local actors and civil society organisations. She stated: 'Whenever possible, the EU's human rights policy will be based on a strong partnership with local institutions, including parliaments, and local human rights mechanisms; it will pursue a close dialogue with and provide consistent support to civil society actors, including human rights defenders'.<sup>52</sup> This approach was reiterated at Council level in the Foreign Affairs Council Conclusions of July 2015, which underlined that the 'Action Plan [would] be implemented with the close involvement of the European Parliament and regular consultation with relevant stakeholders, in particular civil society organisations'.<sup>53</sup>

In line with the April 2015 communication 'Keeping human rights at the heart of the EU agenda', the Action Plan aimed to ensure more focused action, coordinated use of instruments, and enhanced impact of policies and tools.<sup>54</sup> Recognising that women are key vectors of change and important actors in reconciliation, gender equality and women's empowerment featured highly in the 2015-2019 Action Plan. It also drew attention to the shrinking of civil society and therefore the need to reinvigorate CSOs. Overall, the Action Plan concentrated efforts on systemic changes in third countries, including targeted support for the judiciary, the strengthening of good governance and the rule of law, the need to establish specialised bodies in the field of anti-corruption, and support for the capacity of parliamentary institutions and national human rights institutions. Furthermore, the Action Plan zoomed in on the mainstreaming of the human rights approach across EU external financing instruments and the EU's multilateral efforts, including relations with regional and international partners on issues relating to human rights protection and democracy promotion.

This Action Plan included 34 objectives that were broken down into 113 actions and divided into five strategic areas:

- 1 boosting ownership of local actors;
- 2 addressing human rights challenges;
- 3 ensuring a comprehensive human rights approach to conflicts and crises;
- 4 fostering better coherence and consistency; and
- 5 shaping a more effective EU human rights and democracy support policy.

Out of the 113 actions, eight are targeted specifically at supporting HRDs. The table below, as in the previous section, uses the traffic light system to assess the level of implementation of the actions in the Action Plan that refer specifically to HRDs. For an analysis of how these actions have been implemented, please refer to the three following sections in this chapter.

Table 3 – Progress on implementing the HRD priorities in the 2015-2019 Action Plan

Action	Progress made
'7. Promoting stronger partnership with third countries' CSOs, including social partners and between authorities, parliaments and CSOs  (c) Improve the quality of consultations organised by the EU at local level, in particular with a view to taking into consideration the views of civil society when designing and implementing policies;	CSOs are calling for more consultations

<sup>52</sup> [EU Action Plan on Human Rights and Democracy](#), Council of the EU, December 2015, p. 5.

<sup>53</sup> [Council Conclusions on the Action Plan on Human Rights and Democracy 2015-2019](#), Foreign Affairs Council, Council of the EU, 20 July 2015.

<sup>54</sup> [Action Plan on Human Rights and Democracy \(2015-2019\) 'Keeping human rights at the heart of the EU agenda'](#), JOIN(2015) 16 final, European Commission and HR/VP, Brussels, 28 April 2015.

Action	Progress made
encourage multi-stakeholder dialogues (authorities, CSOs, EU and other actors) as part of the EU delegations' country roadmaps for engaging with civil society (ongoing)'	and better quality consultation.
'8. Empowering CSOs defending the rights of women and girl  The EEAS, the European Commission and the Member States to support women's organisations and human rights defenders in their work for, and defence of, the rights of women and girls, and encourage them to play a stronger role in holding decision-makers to account on gender equality and women's rights issues; encourage decision-makers to engage in dialogue with women's organisations and HRDs (ongoing)'	In progress
'9. Invigorating support to HRDs, including in international and regional fora  (a) The EEAS, the European Commission, the Council and the Member States to step up consistent support to HRDs (ongoing) by:  (i) raising cases of at-risk HRDs including during high-level visits, dialogues and missions;  (ii) addressing impunity in cases of violations against HRDs;  (iii) increasing burden sharing and coordination between EU delegations and Member State embassies on HRD protection activities;  (iv) sharing best practices on relevant mechanisms including temporary shelter schemes and emergency visas;  (v) continuing to support and cooperate with UN and regional mechanisms for the protection of HRDs;  (vi) enhancing support for multilateral initiatives on HRDs and civil society space, including at the UN and regional organisations'	(i) Not able to verify (ii) (iii) Mostly in place (iv) (v) (vi)
'9. Invigorating support to HRDs, including in international and regional fora  (b) The EEAS, the European Commission and the Member States to ensure (ongoing):  (i) more frequent outreach activities in rural areas; and  (ii) more systematic support to HRDs working on women's rights, LGBTI rights, and those advocating for the rights and inclusion of persons belonging to marginalised group'	(i) (ii)
'10. Addressing threats to civil society space  (a) The EEAS, the European Commission and the Member States to promote and support legislation, policies and mechanisms designed protect HRDs; in particular, strengthen the implementation of the relevant EU Guidelines and the EU HRD mechanism launched under the EIDHR (by 2017)'	
'10. Addressing threats to civil society space  (b) The EEAS, European Commission and the Member States to monitor and assess the legal (e.g. laws and regulations) and enabling (e.g. arbitrary procedural, financial harassment or restrictions, in particular regarding foreign funding) environment for civil society including social partners and proactively identify and report on threats to civil society space, including reprisals, and take steps to counter such threats (ongoing)'	
'10. Addressing threats to civil society space  (c) The EEAS, the European Commission and the Member States to oppose through public or non-public messaging unjustified restrictions to freedom of peaceful assembly and association, confinement of civil society's space and attempts to hinder the work of civil society, including HRDs,	Unable to verify the extent of quiet diplomacy used

Action	Progress made
such as the criminalisation of HRDs, ensuring these issues are regularly raised in bilateral meetings, human rights dialogues, and UN and regional fora (ongoing) <sup>1</sup>	
'17. Fostering a comprehensive agenda to promote Economic, Social and Cultural Rights  (c) The EEAS, the European Commission and the Member States to step up efforts to protect human rights defenders including social partners, who are working to uphold economic, social and cultural rights, with a particular focus on human rights defenders working on labour rights, land-related human rights issues, and indigenous peoples, in the context of inter alia 'land grabbing' and climate change (ongoing) <sup>1</sup>	

Source: Prepared by the author on the basis of the [EU Action Plan on Human Rights and Democracy](#), Council of the EU, December 2015.

### 2.1.3. Evaluation of the Action Plan on human rights and democracy

In June 2014, the Council invited the COHOM to continue to review the implementation of the guidelines regularly. Following the Council conclusions on the 10th Anniversary of the Guidelines,<sup>55</sup> international NGOs monitoring the situation of HRDs globally welcomed the EU's renewed focus on HRDs, but also made specific recommendations to strengthen the coherence of EU policy on HRDs. These included: bringing attention to support for all HRDs, including vulnerable and marginalised HRDs, women HRDs and those operating in remote areas; creating safe and enabling environments; and raising awareness about the Guidelines.

Moreover, a mid-term review of the Action Plan took place in 2017, coinciding with the mid-term review of the external financing instruments, with the aim of securing greater coherence. The Council conclusions provided a positive assessment of the implementation of the 2012 Strategic Framework, touching on the six key messages outlined above in Section 2.1.1. The Council underlined that, in line with the 2016 EU Global Strategy,<sup>56</sup> EU human rights and democracy policy in external action had progressively been oriented towards empowering third country actors and regional bodies, and sought to boost local ownership and resilience.

In terms of the work undertaken on HRDs, the mid-term review underlined the benefits of the cross-regional 'good human rights stories' initiative as having put the EU at the forefront of efforts to reclaim the human rights narrative by promoting success stories. It also emphasised the EU's leading role in pushing for the protection of HRDs in UN human rights forums, especially in advancing country-specific resolutions and thematic initiatives by building topical, cross-regional coalitions, e.g. with the Organisation of Islamic Cooperation.<sup>57</sup>

Nevertheless, the mid-term review also pointed to some weaknesses. It maintained that more work was needed to fulfil some of the guiding principles on human rights and democracy, especially strengthening internal-external coherence; improving communication; and enhancing the EU's

<sup>55</sup> [Council conclusions on the 10th anniversary of the EU Guidelines on Human Rights Defenders](#), Council of the EU, Foreign Affairs Council meeting, Luxembourg, 23 June 2014.

<sup>56</sup> 'Societal resilience will be strengthened by deepening relations with civil society, notably in its efforts to hold governments accountable. We will reach out more to cultural organisations, religious communities, social partners and human rights defenders, and speak out against the shrinking space for civil society including through violations of the freedoms of speech and association', [Shared Vision, Common Action: A Stronger Europe, A Global Strategy for the European Union's Foreign and Security Policy](#), Council of the EU, June 2016, p. 27.

<sup>57</sup> [EU Action Plan on Human Rights and Democracy 2020-2024, Joint Communication to the European Parliament and the Council](#), JOIN(2020) 5 final, European Commission and HR/VP, Brussels, 25 March 2020.

capacity to measure and evaluate the human rights impacts of its actions. In this regard, the mid-term review committed to 'an improved and more systematic monitoring of actions... to be performed periodically'. It also recognised the need for 'additional political momentum and enhanced commitment'.<sup>58</sup>

The Council conclusions reminded that the EU had become 'a significant donor in the field of human rights; it operates the largest human rights defenders' support programme worldwide and since 2015 has further expanded its concrete efforts to address the shrinking space of civil society. It also plays a major role in developing and helping to finance national human rights institutions'. The Council also committed to improve the evaluation of the human rights impact of its actions and to enhance its communication.<sup>59</sup>

#### 2.1.4. The 2020-2024 Action Plan

On 18 November 2020, with the Covid-19 pandemic and its devastating socio-economic consequences in the background, the Council of the EU adopted the third and latest EU Action Plan for human rights and democracy for a five-year period. The 2020-2024 Action Plan provides a revamped political roadmap setting the EU priorities on how to defend its values and interests. With it, the EU is said to recognise the need to address the global pushback against the universality and indivisibility of human rights and of the backsliding on democracy. The Action Plan also recognises the risks that new technologies present and the fact that human rights are increasingly intertwined with global environmental challenges, such as climate change.<sup>60</sup> The joint communication on this Action Plan mentions that the 'EU will seek to be a faster and more effective actor for human rights at country level, where it matters most'.<sup>61</sup> These ideas, however, did not make it explicitly into the March 2021 EU strategic compass. Although the EU strategic compass acknowledged that 'our world is becoming less free with human rights, human security and democratic values under attack – both at home and abroad' and committed to mainstreaming human rights in all civilian and military CSDP missions, it did not mention HRDs once.<sup>62</sup>

The EU delegations and Member States embassies continue to be at the forefront of implementation, adapting the priorities and objectives to local circumstances and reporting on results. Together they have defined concrete priorities in their countries of operation, as follows:

- 1 protecting and empowering individuals;
- 2 building resilient, inclusive and democratic societies;
- 3 promoting a global system for human rights and democracy;
- 4 new technologies: harnessing opportunities and addressing challenges; and
- 5 delivering by working together.

This Action Plan applies gender mainstreaming to all measures announced. Unlike the two previous action plans, the 2020-2024 Action Plan is not structured in the form of a table with clear objectives,

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<sup>58</sup> [EU Action Plan on Human Rights and Democracy \(2015-2019\): Mid-Term Review June 2017](#), Joint Staff Working Document, SWD(2017) 254 final, European Commission and HR/VP, 27 June 2017, p. 22.

<sup>59</sup> [Council Conclusions on the Mid-Term Review of the Action Plan on Human Rights and Democracy](#), 12815/17, Council of the EU, Luxembourg, 16 October 2017, p.4.

<sup>60</sup> [EU Action Plan on Human Rights and Democracy 2020-2024](#), 12848/20, Council of the EU, 18 November 2020.

<sup>61</sup> [EU Action Plan on Human Rights and Democracy 2020-2024, Joint Communication to the European Parliament and the Council](#), JOIN(2020) 5 final, European Commission and HR/VP, Brussels, 25 March 2020, p. 6.

<sup>62</sup> [A Strategic Compass for Security and Defence: For a European Union that protects its citizens, values and interests and contributes to international peace and security](#), Council of the EU, March 2021, pp. 14, 31.

actions, actors, deadlines or a timeline. Instead it encompasses at times very general objectives in the form of text (as the following table illustrates) and does not include deadlines or timelines. This new format makes it more difficult to evaluate the implementation of the commitments made. The table below analyses the level of implementation of actions relating specifically to HRDs.

Table 4 – Progress on implementing the HRD priorities in the 2020-2024 Action Plan

Action	Progress made
'1. Promoting and empowering individuals	
1.1. Protecting people, eliminating inequalities, discrimination and exclusion	
(c) (i) Support and protect human rights defenders and their legal representatives, and address the impact of their work on their families.	(i)
(ii) Ensure assistance via the EU human rights defenders protection mechanisms.	(ii)
(iii) Take into account the particular risk that certain human rights defenders face, including women HRDs and environmental HRDs.	(iii)
(iv) Work to ensure positive recognition of the important role played by HRDs at all levels, including by publicly expressing support for their work.	(iv)
(v) Ensure visibility, support activities and raise individual cases related to inter alia legitimate land tenure rights, labour rights, natural resources, environmental issues, freedom of peaceful assembly and association, indigenous peoples' rights as set out in the UN Declaration on the Rights of Indigenous Peoples, climate change, and those resulting from corporate abuses'	(v)
'1. Promoting and empowering individuals	
1.3. Promoting fundamental freedoms and strengthening civic and political space	
(e) Contribute to the safety and protection of journalists and media workers, including by working on an enabling environment for freedom of expression and by condemning attacks and other forms of harassment and intimidation both online and offline, and address specific threats faced by women journalists. Ensure that those harassed, intimidated or threatened receive assistance via the EU HRD mechanisms. Support media initiatives and appeal to state authorities to prevent and condemn such violence, and take effective measures to end impunity'	
'2. Building resilient, inclusive and democratic societies	
2.4. Reinforcing a human rights and participative approach to conflict prevention and crisis resolution	
(b) Build the capacities of grassroots civil society organisations, human rights defenders and civic movements to conduct regular monitoring and documentation of human rights violations and abuses, including in conflict situations'	
'3. Promoting a global system for human rights and democracy	
3.4. Civil society and national human rights institutions	
(a) Deepen engagement with and enhance support for independent and pluralistic civil society, including grassroots civil society organisations, human rights defenders, social partners including trade unions, independent media associations and journalists, academics, legal professionals, faith-based actors, and humanitarian aid organisations, in order to defend their right to exercise their roles free from any form of intimidation, discrimination or violence'	
'3. Promoting a global system for human rights and democracy	
3.4. Civil society and national human rights institutions	

Action	Progress made
(d) Support and strengthen long-term partnerships and cooperation with civil society actors, human rights defenders and social movements, also by making full use of the opportunities to fund grassroots organisations, including through the European Endowment for Democracy <sup>63</sup>	
'3. Promoting a global system for human rights and democracy  3.5. Business sector  (d) Support advocacy work and enabling spaces for business engagement with civil society and human rights defenders in decent job creation, sustainable development, and women's entrepreneurship and economic empowerment along the supply chain'	
'4. New technologies: Harnessing opportunities and addressing challenges  4.2. Promoting human rights and democracy in the use of digital technologies, including artificial intelligence  (e) Promote an open, free and secure internet, including by monitoring internet shutdowns, online censorship and digital practices such as those leading to mass arbitrary surveillance while supporting efforts to protect freedom of expression, media freedom and pluralism in the online environment. Intensify efforts to reap the benefits of new technologies for civil society as well as with a particular focus on mitigating risks for human rights defenders and journalists'	

Source: Prepared by the author on the basis of the [EU Action Plan on Human Rights and Democracy 2020-2024](#), Council of the EU, 12848/20, 18 November 2020.

## 2.2. Assessing the EU tools to support human rights defenders

The EU has developed a broad range of instruments to implement the Guidelines and protect HRDs, in the context of the EU human rights and democracy policy. Having identified in the previous section where the Guidelines have been fully, partially or not at all implemented, this section turns to examining and evaluating the EU tools used. These include: recruiting and training human rights focal points in EU delegations and creating monitoring and reporting tools for the Guidelines; mobilising important funds and establishing dedicated financial instruments to support HRDs, in particular, through the EIDHR; and assessing EU diplomatic efforts, through the work of the EUSR for human rights, démarches and declarations, bilateral political dialogues, human rights dialogues and consultations, and the EU's action in multilateral forums. These instruments are analysed in more depth below to establish the extent to which the Guidelines have been implemented or not and how this has been done. This section also points to implementation gaps on the protection of HRDs.

### 2.2.1. EU monitoring and action in favour of human rights defenders

The EU delegations and Member State embassies/consulates in third countries have regularly engaged and met with HRDs, monitored trials, visited detainees and raised cases with local authorities. EU delegations have been at the forefront of human rights promotion and protection through the human rights focal point, which all must have, and a human rights defenders' liaison officer and/or a gender focal point, which most EU delegations have. The 2018 annual report

<sup>63</sup> This study does not evaluate the implementation of European Endowment for Democracy funds in the area of HRDs, as this is not an EU instrument per se. It is an independent, grant-making organisation, established in 2013 by the EU institutions and Member States as an autonomous international trust fund to foster democracy in the European neighbourhood (Eastern Partnership, Middle East and North Africa), the Western Balkans, Turkey and beyond. Its projects supporting HRDs are described on its [website](#).



explains that HRD liaison officers ensure 'a clearly identified entry point in charge of engaging with civil society on the ground and helping to protect groups and individuals in vulnerable situations'.<sup>64</sup> As discussed in Section 2.1.1. which evaluates the implementation of the 2012-2014 Action Plan, all human rights focal points are now deployed in the EU delegations.

Human rights focal points carry out human rights diplomacy, notably through their outreach and contacts on the ground. They are also responsible for visiting victims of human rights violations who are held in detention. They work closely with civil society organisations and national authorities to find out about those HRDs' health and detention conditions. They also receive HRDs in EU missions and visit their areas of work to ensure their safety. Consultations with HRDs can take place via (bilateral) meetings with the EU delegations but also through events, such as the annual flagship EU-NGO human rights forum, which brings together hundreds of HRDs, UN experts, EU staff and Members of the European Parliament to discuss the most pressing human rights issues at a given time, including the protection of HRDs at risk. The most recent, organised on 8 December 2021, focused on HRDs and was entitled 'Locked up in lockdown: persons deprived of liberty, jailed human rights defenders and other vulnerable people'.<sup>65</sup> Indigenous peoples, women, environmental activist have ranked high on the EU delegations' list of HRDs they deal with. The 2018 annual human rights and democracy report mentions the need to use human rights mechanisms on issues related to land-grabbing in Peru, Nepal and the Philippines. The EU has also collaborated increasingly with national human rights institutions, which act as an accountability mechanism that promotes an enabling environment for sustainable development.<sup>66</sup>

All respondents to our survey have engaged in these activities to varying degrees. Already in 2013, the European Parliament study assessing the Guidelines found that although the appointment of EU liaison officers on HRDs was a welcome and important commitment to supporting HRDs, the time allotted to liaise with HRDs was undefined and it was not clear how decisions were taken about time dedicated to work as HRD liaison in each country. 'Slotting responsibilities as liaison officers on HRDs with other delegate responsibilities may leave 'HRD work' minimised'.<sup>67</sup> This problem does not seem to have been dealt with in full. A common observation from our survey was that those responsible for HRD issues most often cover other issues in parallel. This is especially a problem in the management of emergency grants for HRDs as these have multiplied in number, as argued in Part II of the study. The survey also shows that there does not seem to be an obligation to publicise the Guidelines in the EU delegations. There are inconsistencies among respondents as to how the Guidelines are made available to the broader CSO community in the country of accreditation and whether they are translated everywhere. In addition, Parliament 'expects the EEAS to pay particular attention to the individual cases raised by Parliament, notably in its urgency resolutions, as well as to the Sakharov Prize laureates and finalists at risk, and to report back on action taken'.<sup>68</sup>

Moreover, EU delegations play an important role in political analysis and policy-shaping, through their leadership in drafting the human rights and democracy country strategies and their contribution to the annual EU annual report on human rights and democracy. The latter report monitors the implementation of the current EU Action Plan by presenting the progress achieved to

<sup>64</sup> [EU Annual Report on Human Rights and Democracy in the World in 2018](#), Council of the EU, May 2019, p. 24.

<sup>65</sup> [2021 Annual Report on Human Rights and Democracy in the World](#), Report of the EU High Representative for Foreign and Security Policy, Council of the EU, April 2022, p. 23.

<sup>66</sup> [EU Annual Report on Human Rights and Democracy in the World in 2018](#), Council of the EU, May 2019.

<sup>67</sup> Karen Bennett, [Assessing the Implementation of the European Union Guidelines on Human Rights Defenders - The cases of Kyrgyzstan, Thailand and Tunisia](#), Policy Department, DG EXPO, European Parliament, June 2013, p. 67.

<sup>68</sup> Resolution of 17 February 2022 on human rights and democracy in the world and the European Union's policy on the matter – annual report 2021, [P9\\_TA\(2022\)0041](#), European Parliament.

date. It can be considered as the main evaluation tool of the EU's work on the protection of HRDs and the implementation of the Guidelines.<sup>69</sup> The annual report provides an overview of the EU's action in protecting and promoting the respect for human rights, including information on the work of the EU Special Representative for human rights, funds that have been made available for HRDs at risk, diplomatic efforts that have been undertaken to support HRDs, all analysed later in this chapter. We have reviewed the annual reports from 2010, the cut-off date for this study. The safety and livelihood of HRDs has increasingly taken centre stage in the EEAS reports, including through a dedicated section on HRDs.

In 2012, the structure of the annual report on human rights and democracy in the world was revised to follow the Action Plan's structure.<sup>70</sup> EU delegations and missions also provide periodic reports on the human rights situation in the countries where EU missions are located as part of their annual reporting mechanisms. These are the core contribution to the annual report. More generally, EU delegation officials' analysis and reporting can influence policy-making as they are connected with local actors and gather in-the-field information. EU missions' annual reporting mechanisms (e.g. the annual reports on the EU human rights and democracy country strategy for Uganda) will include a section on the situation of HRDs and trends based on the regular reporting. For those EU delegations that have developed a local implementation strategy, as is the case of Uganda, it is reviewed on an annual basis by the HRD focal group to ensure its continued effectiveness.<sup>71</sup>

EU delegations are also key players in designing, implementing and monitoring EU-funded programmes and projects, an issue that will be analysed later in this chapter. Looking at the numbers of HRDs that have received EU support, the number of individual cases positively treated under the European Instrument for Democracy and Human Rights (EIDHR) emergency fund for HRDs at risk has increased over the years. Compared with 2012, it increased by 17 % in 2013 and by 68 % in 2014.<sup>72</sup> Between 2014 and 2019, 6 005 HRDs at risk were supported mainly by this instrument. In 2019 alone, more than 1 500 HRDs received assistance.<sup>73</sup>

### 2.2.2. EU financial assistance for human rights defenders

The EU has moved increasingly towards providing funding in a more flexible manner, targeting individual activists at risk. The creation of the European Endowment for Democracy in 2013, which is beyond the scope of this study, was also a significant step in this direction. Financing for human rights defenders sits within the €6 billion EU budget allocated to thematic programmes (human rights and democracy; civil society organisations; peace, stability and conflict prevention; and global challenges).<sup>74</sup> Trying to find out however how much funding is spent specifically to support for HRDs in each country remains a mean feat. As the responses to the questionnaire survey show, even the

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<sup>69</sup> C. Churrua Muguruza et al., [Mapping legal and policy instruments of the EU for human rights and democracy support](#), Work Package No. 12 – Deliverable No. D12.1, FP7 Collaborative Project GA No. 320000, 31 July 2014.

<sup>70</sup> Each section of Part A of this Report on the Strategic Framework and Action Plan comprises a summary of implementation of the corresponding part of the Action Plan to date.

<sup>71</sup> [Uganda Local Implementation Strategy for the European Union Guidelines on Human Rights Defenders](#), updated June 2019, EEAS, pp. 2-3.

<sup>72</sup> [Follow up to the European Parliament resolution on the Annual report on Human Rights in the World in 2014 and the European Union's policy on the matter](#), European Commission, March 2016.

<sup>73</sup> [Programme Statements: Heading 4: Global Europe, European Instrument for Democracy and Human Rights \(EIDHR\)](#), DB2021, European Commission, p. 3.

<sup>74</sup> [Annual Management and Performance Report for the EU Budget, Volume II, Annexes](#), European Commission, 2022, p. 27.

EU human rights focal points in the EU delegations are sometimes unclear as to how much money is earmarked for HRDs.

### The European Instrument for Democracy and Human Rights (EIDHR)

When it comes to EU financial commitments to support human rights defenders, the EIDHR has been the main external financing instrument providing financial assistance for organisations supporting human rights activists and HRDs.<sup>75</sup> Support for HRDs at risk was already included in the 2007-2013 EIDHR programme, but the focus on HRDs increased considerably in the 2014-2017 EIDHR programme, which included HRDs as a separate and specific objective. Decentralised to the EU delegations, the EIDHR has aimed to 'make funding operations more flexible and more accessible'.<sup>76</sup> It is worth pointing out that the EIDHR can grant aid where no established development cooperation exists, and can intervene without the agreement of the governments.

Supporting human rights and their defenders where they are most at risk was the first objective of the EIDHR for the 2014-2020 period, with 20-25 % of its total budget, the equivalent of a maximum amount of €250 million. The 20-25 % of the EIDHR earmarked for HRDs comprised of an indicative amount of €150 million over the 2014-2017 period, i.e. €37.5 million per year over this period. It represented an increase of more than 50 % compared with the previous period, 2007 to 2013.<sup>77</sup> We were told that funds are now also being increased through more country strategies and more in-country support to ensure that funding is less reactive and ad hoc.

This has been manifest in **calls for proposals at country level**, which include actions in support of local CSOs and HRDs at risk and global calls for proposals, where HRDs in a shrinking democratic, civic and civil society space are the focus. In this context, grants have been made available specifically for outreach and grassroots organisations (2015); women HRDs and HRDs working for women's and girls' rights (2016); HRDs working on land issues, protecting indigenous peoples and the rights of local communities, and environmental HRDs (2017); LGBTI rights defenders (2018); and an ad hoc allocation on support to the UN for its work on HRDs (2016). In general, these projects provide for rapid reaction mechanisms to grant assistance to human rights defenders in need of urgent protection, while others provide support for the reinforcement of human rights defenders' capacities. They cover such activities as training on legal and security issues, urgent interventions and field missions to break the isolation of defenders harassed and support their capacities to act; a hotline to support HRDs at immediate risk; direct support to HRDs in need (provision of bullet-proof jackets and helmets, relocation in other countries, legal advice, medical support, etc.).

An analysis of the EEAS annual reports on human rights and democracy, quickly shows that funding for projects to support HRDs has increased substantially over the years and has been increasingly fine-tuned to meet growing challenges on the ground. For example, already in 2010, some projects provided for rapid reaction mechanisms to grant assistance to HRDs in need of urgent protection, while others provided medium-term support.<sup>78</sup> In 2015, a targeted capacity-building programme to support national human rights institutions was launched under the EIDHR to strengthen the

<sup>75</sup> I. Ioannides (ed.), [EU external financing instruments and the post-2020 architecture: European Implementation Assessment](#), ERPS, European Parliament, 2018.

<sup>76</sup> [EU Action Plan on Human Rights and Democracy](#), Council of the EU, December 2015, p. 12.

<sup>77</sup> [Follow up to the European Parliament resolution on the Annual report on Human Rights in the World in 2014 and the European Union's policy on the matter](#), European Commission, March 2016.

<sup>78</sup> [EU Annual Report on Human Rights and Democracy in the World in 2010](#), September 2011, Council of the EU, pp. 20, 31.

capacity of these institutions when dealing with HRDs and other violations of human rights.<sup>79</sup> In 2016, the EIDHR funded several of the CSOs working with HRDs and human rights activists to support their efforts to help the Syrian population and to account for the crimes committed by state and non-state stakeholders inside the country.<sup>80</sup> Between 2014 and 2019, EU delegations concluded more than 1 565 contracts.<sup>81</sup>

The **EU's Emergency Response Fund** is a smaller funding scheme, created in 2010 in the context of the EIDHR, which can award up to €10 000 per grant to human rights defenders in need of urgent protection or assistance.<sup>82</sup> These grants are awarded either by the EU delegations or by EU headquarters. These small grants are used to assist individual HRDs and their families, as well as human rights organisations in acquiring protection, security and IT material for their work, to cover lawyers' fees and the medical and rehabilitation expenses of activists subjected to torture and ill-treatment, and to urgently relocate HRDs in danger to safe places. Between 2010 and January 2017, more than 500 HRDs and organisations in over 50 countries had received this type of direct support to pay for legal fees, medical care, installation of security equipment, emergency relocation and other protective measures.<sup>83</sup> Funding increased substantially in the last decade: €4.3 million for the 2015 to 2019 period and another €3.3 million in December 2019.<sup>84</sup> Overall, around 1 400 HRDs have been funded under this EU emergency grant scheme.

The number of HRD requests for assistance expanded so rapidly that the **human rights defenders mechanism-[Protectdefenders.eu](https://protectdefenders.eu)** was created in 2015. Also funded under EIDHR, it is the first stable, comprehensive and gender-sensitive EU mechanism for HRDs and their families. This major funding scheme was meant to complement existing support for HRDs provided by the EIDHR through global and local calls for proposals as well as the emergency fund for HRDs at risk. Managed by DG INTPA but operated directly through Front Line Defenders by a consortium of 12 NGOs, it aims to enhance the effectiveness of EU action on behalf of HRDs as the key tool to assist human rights defenders at high risk, including in remote areas. More specifically, the EU can provide HRDs at risk with short-term, medium-term and long-term support. This support can include physical protection, legal and medical support, trial and prison monitoring, urgent advocacy and relocation, monitoring of their situation, early warning of risks, training on risk prevention and security (including digital security), support to national networks, advocacy, lobbying and development of strategies to counter restrictions and sanctions imposed on human rights defenders by states.<sup>85</sup> Among its successes was the creation of an alert mechanism in the form of a hotline that is available 24 hours a day, 7 days a week to HRDs at risk. HRDs can either call or send an encrypted message.<sup>86</sup>

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<sup>79</sup> European Commission, [Follow up to the European Parliament resolution on the Annual report on Human Rights in the World in 2014 and the European Union's policy on the matter, adopted by the Commission on 23 March 2016](#).

<sup>80</sup> Council of the EU, [Annual Report on Human Rights and Democracy in the World 2016](#), October 2017, p. 75.

<sup>81</sup> European Commission, [Programme Statements: Heading 4: Global Europe, European Instrument for Democracy and Human Rights \(EIDHR\)](#), ref. no.: DB2021, p. 3.

<sup>82</sup> Art. 9.1 EIDHR Regulation: 'The Commission may allocate small grants on an ad hoc basis to [individual] human rights defenders responding to urgent protection'.

<sup>83</sup> Ionel Zamfir, [EU support for human rights defenders around the world](#), EPRS, European Parliament, November 2018, p. 7.

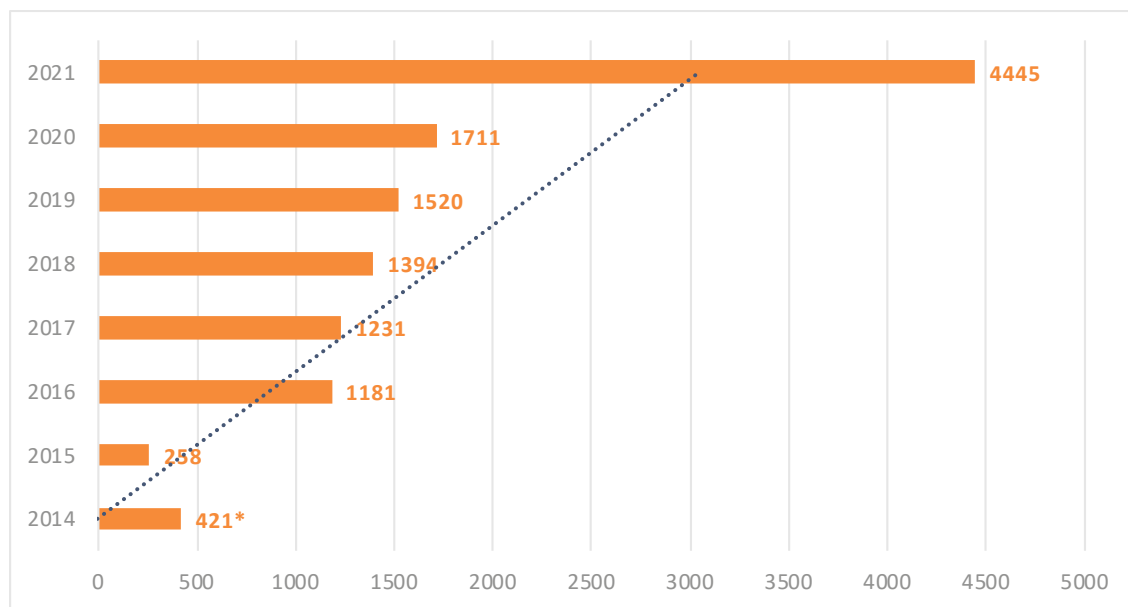
<sup>84</sup> European Commission, [Programme Statements: Heading 4: Global Europe, European Instrument for Democracy and Human Rights \(EIDHR\)](#), ref. no.: DB2021, p. 2-3.

<sup>85</sup> Saturnino M. Borras, Jr. et al, [Land Grabbing and Human Rights: the Involvement of European Corporate and Financial Entities in Land Grabbing outside the European Union](#), Policy Department, DG EXPO, European Parliament, 2016.

<sup>86</sup> Human rights defenders mechanism website, [Urgent helpdesk](#).

Since the launch of the HRD mechanism in 2015, €35 million was earmarked for the 2015-2022 period, funding around 53 000 HRDs at risk and their families.<sup>87</sup> The number of HRDs at risk having received assistance has increased exponentially, as illustrated by Figure 4 below, which provides a breakdown of the figures by year. Funding levels have also risen steadily since the beginning of the 2015, but even more dramatically very recently: there was an increase in the number of grants awarded under Protectdefenders.eu of around 20% in 2021. While the EIDHR Regulation came to an end in 2020, some actions were extended into the 2021-2022 period, including this flagship project (ProtectDefenders.eu), which was renewed for 3 years until October 2022 (budget: €15 million). Between 2019 and 2021, there was a 21% increase in beneficiaries. Regarding the categories of HRDs that have received assistance, 57% were women and LGBTI people and 24% were environmental defenders (especially in Latin American and Asia). Moreover, the implementation decision of the EIDHR Emergency Fund has been revised so that a new grant (€3.3 million) under direct management can continue to provide rapid support through targeted low-value grants to individual HRDs in emergency situations.<sup>88</sup>

Figure 2 – Number of human rights defenders at risk who have received EIDHR assistance (under the EU Emergency Fund for Human Rights Defenders at Risk and the ProtectDefenders.eu), as of 2014<sup>89</sup>



Source: [Heading 6: Neighbourhood and the World: Neighbourhood, Development and International Cooperation Instrument - Global Europe \( NDICI - Global Europe \)](#), Programme Statement, European Commission, DB2023, 7 June 2022, p. 49.

\* The number includes HRDs at risk assisted by the EU emergency fund only, since the ProtectDefenders.eu mechanism was launched in 2015.

<sup>87</sup> [2021 Annual Report on Human Rights and Democracy in the World](#), Report of the EU High Representative for Foreign and Security Policy, Council of the EU, April 2022, p. 7.

<sup>88</sup> [Programme Statements: Heading 4: Global Europe, European Instrument for Democracy and Human Rights \(EIDHR\)](#), DB2021, European Commission, p. 2.

<sup>89</sup> These numbers do not count human rights defenders supported by projects financed via global or local calls for proposals for which no data collection exists yet, including for confidential reasons. See, [Programme Statements: Heading 4: Global Europe, European Instrument for Democracy and Human Rights \(EIDHR\)](#), DB2021, European Commission, p. 8.

An evaluation of support given to HRDs through the EIDHR Regulation, carried out in 2010 and covering 11 projects of €8 million, found that EIDHR-funded projects had shown their relevance, effectiveness and impact in several countries, only critiquing the management of the instrument.<sup>90</sup> More importantly, the 2017 European Commission's externally commissioned mid-term evaluation of the entire EIDHR regulation found that '[t]he effectiveness and value for money of support to HRDs, especially those at risk, cannot be overemphasised'.<sup>91</sup> One of the distinguishing features of the EIDHR was, according to the same evaluation, 'the significant level of support provided to CSOs and HRDs in situations where human rights and democracy are most at risk and where the space for civil society is increasingly shrinking'. The evaluation underlined especially the great value for money of this instrument pointing that for the small 'investment' of no more than €10 000, numerous lives are potentially saved with each grant while those HRDs supported this way are able to continue to fight for democracy and human rights in their home countries, whether at home or while abroad.<sup>92</sup> Equally, the 2017 EPRS evaluation on the EU external financing instruments found that the EIDHR was 'reactive, adaptable to changing circumstances, acting in a confidential manner, and providing tailor-made solutions'. For instance, it has been able to provide direct urgent support to human rights defenders at risk, provide ad hoc grants in difficult and volatile situations, sub-grant to smaller organisations, and provide eligibility for non-registered CSOs and natural persons in difficult contexts where EU-recipient government relations and/or civil society government relations in recipient countries have been compromised.<sup>93</sup>

#### The Global Europe instrument (NDICI)

Taking these programmes forward, we heard that more flexibility is needed in the programming of funds available for HRDs to include financing specifically for certain categories of HRDs. For 2021-2027, the EIDHR has been replaced by a thematic programme on human rights and democracy, which is part of the **Global Europe instrument (NDICI)**, with a total budget of €1.5 billion.<sup>94</sup> It is the main EU instrument financing the protection of HRDs. It is worth noting that the Western Balkan countries are also included in this thematic programme of NDICI, and therefore funding for HRDs falls under this instrument rather than the EU Pre-Accession Instrument (IPA), which survived the exercise of simplification of external financing instruments with the latest multiannual financial framework. Under this new thematic programme, €326 593 000 million or 25 % of the has been set aside for HRDs.

Parliament has called for 'the level and flexibility of funding for civil society and human rights defenders under the NDICI ... including for ProtectDefenders.eu ... to reflect the seriousness of today's illiberal backlash and the shrinking of civil society space worldwide'.<sup>95</sup> Mirroring the positive precedent set by the EIDHR, this thematic programme has been set up to be flexible in terms of procedures. Like its predecessor, the EIDHR, it can support civil society actions independently of the consent of third country governments and other public authorities and a substantial part of the

<sup>90</sup> [EU Annual Report on Human Rights and Democracy in the World in 2010](#), Council of the EU, September 2011, p. 24.

<sup>91</sup> G. Moran et al., [Evaluation of the European Instrument for Democracy and Human Rights \(2014-mid 2017\), Final Report, Volume 1 - Main Report](#), Evaluation carried out by ADE and PEM Consult for the European Commission (Contract N°2015/375168), June 2017, p. 24.

<sup>92</sup> Greg Moran et al., [Evaluation of the European Instrument for Democracy and Human Rights \(2014-mid 2017\), Final Report, Volume 1 - Main Report](#), Evaluation carried out by ADE and PEM Consult for the European Commission (Contract N°2015/375168), June 2017, p. 12.

<sup>93</sup> I. Ioannides (ed.), [EU external financing instruments and the post-2020 architecture: European Implementation Assessment](#), EPRS, European Parliament, February 2018, p. 23.

<sup>94</sup> [Strengthening human rights and democracy in the world: EU launches a €1.5 billion plan to promote universal values](#), European Commission, 9 December 2021.

<sup>95</sup> Resolution of 17 February 2022 on human rights and democracy in the world and the European Union's policy on the matter – annual report 2021, [P9\\_TA\(2022\)0041](#), European Parliament.

programme will be implemented at country level. The 2021-2027 multiannual indicative programme clearly takes on board the increasing challenges faced by HRDs. It speaks of the shrinking space for civil society; the need for a holistic approach that also encompasses long-term assistance to HRDs; the high vulnerability and exposure of women HRDs; highlights environmental HRDs and defenders of indigenous peoples; and underlines HRDs being subjected to surveillance and censorship.<sup>96</sup>

When it comes to funding available for the protection of HRDs, the Global Europe instrument makes available 'low-value grants to human rights defenders to finance urgent protection actions and needs, including through mechanisms for the protection of human rights defenders at risk ... where appropriate without the need for co-financing'. It also makes available bigger grants, 'where appropriate without the need for co-financing, to finance actions in the most difficult conditions where the publication of a call for proposals would be inappropriate, including situations where ... human security is most at risk or where human rights organisations and defenders ... operate under the most difficult conditions'. The grants cannot exceed €1 000 000 or a duration of 18 months, with the possibility of extending them by a further 12 months in the event of unforeseen obstacles affecting their implementation.<sup>97</sup> As with the EIDHR, the new thematic programme aims to cover short-, medium- and long-term holistic support to HRDs, ranging from physical protection and medical care to rehabilitation and psycho-social assistance, to legal counselling, prison visits and trial monitoring, emergency sheltering, relocation and return plans, family assistance, lifeline training modules, including on digital security and privacy protection tools, etc.<sup>98</sup>

### Figure 3 – Human rights defenders' protection in the Global Europe instrument

The Global Europe instrument (also known as the Neighbourhood, Development and International Cooperation Instrument – NDICI) stipulates in its objectives the protection, promotion and advancement of democracy, the rule of law, including accountability mechanisms, and human rights, including gender equality and the protection of human rights defenders, including in the most difficult circumstances and urgent situations (Article 3).

It also underlines the EU's commitment to 'engag[e] more effectively with the population, including human rights defenders, in third countries, including by making full use of economic, cultural and public diplomacy (Annex II).

It states that 'emergency, medium-term and long-term assistance as well as sustainable measures shall be given to human rights defenders and civil society, in particular local human rights defenders and civil society, including through a dedicated mechanism for the protection of human rights defenders, to carry out their work unhindered'. Women HRDs are also specifically cited (Annex III).

It mentions human rights defenders in Annex IV as one of the actors to be warranted protection in situations of urgency, emerging, crisis, crisis and post-crisis, including those who may result from migratory flows and forced displacement.

Source: [Regulation \(EU\) 2021/947 of 9 June 2021 establishing the Neighbourhood, Development and International Cooperation Instrument – Global Europe](#), OJ L 209/1, 14.6.2021.

<sup>96</sup> [Thematic Programme on Human Rights and Democracy: Multi-Annual Indicative Programming 2021-2027](#), European Commission, January 2021.

<sup>97</sup> [Regulation \(EU\) 2021/947 of the European Parliament and of the Council of 9 June 2021 establishing the Neighbourhood, Development and International Cooperation Instrument – Global Europe, amending and repealing Decision No 466/2014/EU and repealing Regulation \(EU\) 2017/1601 and Council Regulation \(EC, Euratom\) No 480/2009](#), OJ L 209/1, 14.6.2021.

<sup>98</sup> [Thematic Programme on Human Rights and Democracy Multi-Annual Indicative Programming 2021-2027](#), European Commission, January 2021.

On oversight – including parliamentary oversight – the Global Europe instrument has set specific key performance indicators in its Annex VI against which EU action can be measured. One of them is the 'number of victims of human right violations directly benefiting from assistance funded by the Union'.<sup>99</sup> While this is an important instrument of oversight for Parliament, especially considering how difficult it is to collect information on HRD protection, qualitative indicators would have also been useful to contextualise the numbers collected. In that context, Parliament has called for 'greater transparency regarding human rights provisions in financing agreements under the NDCI and a clarification of the mechanism and criteria for the suspension of such agreements in the event of a breach of human rights, democratic principles and the rule of law or of serious cases of corruption'. It has also called on the European Commission to refrain strictly from disbursing budget support to the governments of third countries witnessing widespread violations of human rights and the repression of human rights defenders.<sup>100</sup>

### 2.2.3. EU diplomatic efforts

The study on the implementation of the Guidelines commissioned by Parliament in 2013 found a discrepancy in the time diplomats allocated to HRD activities. According to Part II of this study, this variability – some diplomats dedicating significant time to HRD activities whereas others minimal – has grown worse since then. Unlike what happens at the level of the EU administration, where activities on the protection of HRDs are more or less transparent (except when it comes to emergency cases and the issuance of visas), most high-level diplomatic work is carried out behind closed doors. It has therefore been difficult to produce concrete results on this theme.

The analysis below aims to give a sense of how diplomatic efforts on HRD protection have figured on the EU's agenda. EU leaders are quick to say that the protection of HRDs is a priority. This study has so far shown that in the complex and increasingly turbulent global situation, HRDs have increasingly taken centre stage on the EU's agenda. A detailed examination of the EEAS annual reports on human rights and democracy from 2010 onwards and the country files that are associated as of 2012 confirm that the EU has consistently raised violations against HRDs with authorities in third countries. It is not always clear, however, who in the EU has done so, nor at which political level these concerns have been addressed. Moreover, where individual cases of HRDs, in particular, trade union members, are linked to violations of international labour standards addressed in ILO standard supervisory bodies, EU statements include a reference to these individual cases.

We were told that when EU declarations or even démarches, formal diplomatic approaches, were taken by the EU to raise human rights concerns with the authorities of non-EU countries, the protection of HRDs was one of the subjects that was frequently raised. For example, in 2011, the contraction of democratic space and the Arab Spring (and its consequences) saw increasing victims of repression among civil society in general and HRDs in particular, issues raised in bilateral contacts with partner countries, be it in the framework of human rights dialogues or through diplomatic démarches.<sup>101</sup> More recently, Belarus and Russia have been clear targets of such interpellations.

Nevertheless, one of the most concerning findings from the questionnaire survey was that about half of the respondents ticked 'no' to the question on whether they felt there was political or diplomatic fall-back when they raised concerns with HRDs' safety. This can be attributable as much to insufficient backing from the EU political level and/or from national authorities. A poignant example from Part II of this study that concentrates on the implementation of the Guidelines in EU

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<sup>99</sup> NDCI Regulation, op. cit.

<sup>100</sup> Resolution of 17 February 2022 on human rights and democracy in the world and the European Union's policy on the matter – annual report 2021, [P9\\_TA\(2022\)0041](#), European Parliament.

<sup>101</sup> [Human rights and democracy in the world. Report on EU Action in 2011](#), Council of the EU, June 2012, p. 42.



missions is the fact that, while the EU has increased training in digital security for HRDs, it then has often not responded tangibly when regimes shutdown the internet or introduce other online control measures. When it comes to being vocal about the HRDs' plight, the EEAS/EU delegations seem to be very cautious, especially at high EU level. Much of the criticism takes place behind closed doors, either in the context of human rights dialogues or through diplomatic démarches, which are mostly confidential statements or interpellations issued by the EU towards the host country. In addition, we were told that these measures are used especially for serious and urgent cases, which means that less urgent and/or dangerous cases fall through the cracks. Similar to what the 2013 study commissioned by the European Parliament found,<sup>102</sup> our research found that EU public declarations tend to be reactive and weak.

An analysis of the work of the EUSR for human rights and the human rights dialogues suggests that these tools have been useful in giving visibility to the plight of HRDs, creating dialogue and engaging with CSOs and government. Nevertheless, the overall picture from Brussels is in line with the one sketched in Part II of the study: where diplomats wish to downplay human rights, the Guidelines have not been influential enough to correct such hesitance. However, where diplomats are strongly committed, they tend to develop their own tactics and actions and not to need the Guidelines as the primary prompt behind their decisions. Below follows an assessment of the work conducted by the EUSR for human rights, the engagement of other high-ranking EU leaders and an insight into the functioning of human rights dialogues.

#### The EU Special Representative for human rights

The EUSR for human rights (the first post-Lisbon Treaty EUSR with a thematic mandate) was created in July 2012 following the adoption on the Strategic Framework on human rights and democracy. In line with the models of the US State Department Envoy on Democracy and Human Rights and of the UN High Commissioner for Human Rights, the EUSR was tasked with ensuring the coherence, effectiveness, and visibility of the EU's human rights policy. To do so, the EUSR aims to enhance dialogue on human rights with non-EU governments, international and regional organisations and civil society. Thus, he or she would contribute to the implementation of the Strategic Framework and the Action Plan on human rights and democracy, as well as relevant instruments (including the EU Guidelines on HRDs).

The EUSR has a broad, flexible mandate, which provides the possibility of adapting to evolving geopolitical circumstances. Both those in office to date have represented the EU at a number of key international meetings on human rights and promoted closer cooperation on EU human rights objectives in multilateral and regional organisations – notably, the UN, Council of Europe, OSCE, League of Arab States, Organisation of Islamic Cooperation and the African Union. In addition, Stavros Lambrinidis, who was the first EUSR (2012-2019), and Eamon Gilmore, who succeeded him (2019-present), have engaged extensively with local and international NGOs and HRDs in Brussels and around the world. They have systematically aimed to shed light on the work of the HRDs and draw attention to the situation of prisoners, particularly in several partner countries in Africa, the Americas, Asia (including Central Asia), Eastern Europe and the Middle East. In that vein, both Stavros Lambrinidis and Eamon Gilmore have called for the humanitarian release of prisoners and detainees, including HRDs, journalists and political and/or vulnerable prisoners.<sup>103</sup>

Former EUSR Lambrinidis established the first formal sectoral dialogue on human rights and governance between the EU and Ethiopia with a special focus on rule of law and economic and social rights, among other, a clear concern to HRDs. EUSR Gilmore has been involved in multiple

<sup>102</sup> K. Bennett, '[Assessing the Implementation of the European Union Guidelines on Human Rights Defenders: The cases of Kyrgyzstan, Thailand and Tunisia](#)', Policy Department, DG EXPO, European Parliament, 18 June 2013, p. 69-70.

<sup>103</sup> [EU Annual Report on Human Rights and Democracy in the World 2020](#), Council of the EU, June 2021, p. 12.

human rights dialogues with such countries as Myanmar, Bangladesh, Ethiopia, and Eritrea. He has also sought to establish a dialogue on social media and labour rights with countries of the Persian Gulf and Middle East. Furthermore, EUSR Gilmore has voiced the EU's strong concern over the human rights situation in Syria, Libya, China, Crimea and the city of Sevastopol, the occupied Palestinian territory, and Yemen.<sup>104</sup> Gradually the EU has increased to over 60 the number of human rights dialogues and consultations it holds with countries and regional groupings. In interviews with EU officials, we heard that EU raises the cases of individual HRDs as a matter of course during these dialogues.

In the new EU Action Plan on human rights and democracy, the Council praised the important contribution former EUSR Lambrinidis made to the effectiveness, coherence and visibility of the EU human rights policy and reiterated full political support for his work.<sup>105</sup> Sometimes, however, when analysing data provided in the EU annual report on human rights and democracy, it is not clear who in the EU has taken action. Blanket statements such as, the 'EU and its Member States support the important work done by UN Assistant-Secretary-General Gilmour to strengthen the response to reprisals taken against those who cooperate with the UN, its representatives and mechanisms' are prevalent. Similarly, the same report asserts that the 'EU also supported the African Human Rights System and consistently raised cases of concern in the OSCE Permanent Council whenever it was considered effective and safe for the respective HRDs'.<sup>106</sup> EU support to and participation in multilateral efforts to promote the protection of HRDs is important, but it is equally important to clearly state what the follow up has been and what the results of such efforts have been.

The main criticism of the work of the EUSR for human rights has been its nature, that is, that it essentially boils down to 'quiet diplomacy', whose impact is impossible to assess. This limited transparency of EU action remains a concern. For this reason, Parliament holds that the EUSR's position could be made more effective by enhancing communication activities and developing a more public profile. This could be done, inter alia, through the publication of public statements in support of HRDs at risk, including Sakharov Prize laureates and finalists, and of HRDs imprisoned for long periods, therefore helping protect their physical integrity and the essential work they do. Parliament also stresses the importance for the EUSR to cooperate closely with other EU special representatives on countries and regions in order to streamline human rights into EU regional policies.<sup>107</sup> In addition, the limits of outside pressure on third countries to engage with CSOs and tackle more seriously human rights shortcomings is clear. Indicatively, 'speaking about the limitations of the international human rights system, Stavros Lambrinidis underlined the tendency to regionalise, relativise and politicise human rights and the inability of governments to avail the expertise and support from civil society'.<sup>108</sup>

The High Representative for the Foreign and Security Policy of the Union/Vice-President of the European Commission and other EU political leaders

Successive HR/VPs have endeavoured to meet with HRDs in the context of engaging with civil society representatives during visits to non-EU countries. An analysis of the annual reports on human rights and democracy (since 2010 onwards) provides numerous examples of meetings

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<sup>104</sup> N. T. Sultanova, 'The Role of EU Special Representatives in European Foreign Policy: Review of EUSR for Human Rights', *European Science Review*, 2020 (11-12), pp. 24-30.

<sup>105</sup> [Council Adopts New EU Action Plan on Human Rights and Democracy, 'Keeping Human Rights at The Heart of The EU Agenda'](#), Council of the EU, 20 July 2015.

<sup>106</sup> [EU Annual Report on Human Rights and Democracy in the World in 2018](#), Council of the EU, May 2019, pp. 30-31.

<sup>107</sup> Resolution of 17 February 2022 on human rights and democracy in the world and the European Union's policy on the matter – annual report 2021, [P9\\_TA\(2022\)0041](#), European Parliament.

<sup>108</sup> N. T. Sultanova, 'The Role of EU Special Representatives in European Foreign Policy: Review of EUSR for Human Rights', *European Science Review*, 2020 (11-12), pp. 28.

between the HR/VP with civil society actors, including the HRDs, to discuss the challenges they face and potential solutions. The annual reports on human rights and democracy in the world of the last three years show however that HR/VP Josep Borrell has delegated most of the visits with HRDs in third countries to the EUSR for human rights, who has been the key interlocutor for relevant CSOs and local and national authorities of a given country. Having said that, much of the travelling was at a standstill during the height of the Covid-19 pandemic. The previous HR/VP, Federica Mogherini, was more active on this front. For instance, in September 2019, she launched the Global Exchange on Religion in Society with participants from civil society practitioners inside and outside Europe, including HRDs – an initiative that proved useful and sought to create opportunities for these actors to learn from each other, explore partnerships, acquire new skills, and share experiences of coexistence.<sup>109</sup>

Furthermore, key dates commemorating human rights-related events have provided a good opportunity to highlight the plight of HRDs. For instance, the anniversary of the UN Declaration of Human Rights Defenders, the International Day against Homophobia and Transphobia, International Women's Day, and the International Day in support of Victims of Torture are cases in point. They provide an opportunity to remind of the EU's continued engagement 'at bilateral, regional and multilateral level, in particular with the United Nations, the Council of Europe and the International Criminal Court, and through our support to civil society organisations and human rights defenders'.<sup>110</sup> The annual EU-NGO Human Rights Forum is another key occasion, where, for example, HR/VP Borrell has paid tribute to essential work carried out by frontline HRDs and drawn attention to their plight.<sup>111</sup> Equally, the European Development Days have allowed civil society and multi-stakeholder exchanges on human rights and development matters with EU high-level political leaders (EU Commissioners and Members of Parliament).

In addition, the HR/VP issues statements and démarches in favour of the protection of HRDs, usually asking for effective investigations of cases of aggression against HRDs, for those responsible to be brought to justice, and for the safety of HRDs to be guaranteed. Such was the case, for example, when then HR/VP Catherine Ashton issued a statement in the name of the EU condemning the brutal attack on the activist for the preservation of the Khimki forest, Konstantin Fetissov, in Russia, or the statement on behalf of the EU urging authorities to release all political prisoners held in Syria.<sup>112</sup> Joint statements have also been issued. For example, HR/VP Ashton and Commissioner Štefan Füle's 2011 statements in reaction to the prosecution and sentencing of an HRD in Belarus and the condemnation of the murder of Professor Ahmed Kerroumi, in Algeria, renowned human rights defender Ales Byalyatiski, in Belarus, and political démarches issued to the government of Mauritania.<sup>113</sup> HR/VP Borrell has also been vocal in public statements, at high-level meetings and on social media to highlight the importance of EU engagement on freedom of expression, the defence of HRDs, journalists' safety and the fight against disinformation.<sup>114</sup> In general, statements will raise

<sup>109</sup> [EU Annual Report on the Human Rights and Democracy in the World in 2019](#), Council of the EU, June 2020, p. 52.

<sup>110</sup> See, for example, [International Day in Support of Victims of Torture: Statement by the High Representative/Vice-President Josep Borrell](#), EEAS, 25 June 2022; EEAS, [International Day in Support of Victims of Torture: Statement by the High Representative/Vice-President Josep Borrell](#), 25 June 2021; [EU Annual Report on Human Rights and Democracy in the World in 2018](#), Council of the EU, May 2019.

<sup>111</sup> HR/VP Josep Borrell, [EU-NGO Human Rights Forum](#), Twitter, 7 December 2021 and [EU-NGO Human Rights Forum](#), Twitter, 3 December 2019.

<sup>112</sup> [EU Annual Report on Human Rights and Democracy in the World in 2010](#), Council of the EU, September 2011, pp. 34, 103, 120.

<sup>113</sup> [Human rights and democracy in the world. Report on EU Action in 2011](#), Council of the EU, June 2012, pp. 153, 165, 173.

<sup>114</sup> [Declaration by the High Representative Josep Borrell, on behalf of the European Union, on the occasion of the World Press Freedom Day](#), press release, Council of the EU, 3 May 2020.

awareness and raise the media profile of an HRD concern. However, it has been impossible to verify how such declaratory statements of support for HRDs have translated into concrete diplomatic support for specific cases, as the sensitivity of the topic means that specific cases are negotiated behind closed doors and not mentioned in any meeting conclusions (and that regardless of whether the negotiation process is a success or a failure).

### Human rights dialogues

As envisaged in the Guidelines, the EU holds human rights dialogues with partner countries and regional groups to address the grievances of HRDs. These dialogues take place because they are a requirement in a bilateral/strategic partnership, a cooperation agreement, an association agreement, or are agreed upon on an ad hoc basis. In that vein, the 79 African, Caribbean and Pacific countries that are party to the Cotonou Agreement conduct a political dialogue with the EU, including on issues relating to the protection of HRDs. Such issues have also been discussed systematically in political dialogue meetings with Latin American countries, which have long been on the radar of human rights organisations. Such has been the case, for example, with Chile, Mexico and Central America, with which the EU has signed trade deals. In practice this means that the EU can hand over 'an individual cases list' of human rights violations committed against HRDs or other individuals in the course of these dialogues, which it sometimes does, but not in a consistent manner. While outreach work by EU officials at local level has intensified over the years, as the annexed study demonstrates, this is not always getting high-level political backing. This argument was made as much at EU level as by CSOs working in countries in question. What happens behind closed doors at political level is not effectively translating into more protection for HRDs. Striking the right balance between public and private diplomacy on EU support to HRDs to ensure their protection is still needed.

Over the years, human rights dialogues have provided the potential to promote the protection of HRDs and have even created structured dialogue on a long-term basis. For example, in May 2014, former EUSR Lambrinidis launched the EU-Myanmar human rights dialogue and co-chaired on the EU side the first bilateral meeting in Nay Pyi Taw. Since then, the human rights dialogue has taken place annually, now co-chaired on the EU side by EUSR Gilmore.<sup>115</sup> The EU has used these dialogues to raise specific issues concerning the lack of fundamental freedoms, more specifically concerning attacks against HRDs, and allegations about the implementation of the legal and procedural rules regarding trials, conditions of detention and treatment of prisoners. Such has been the case with the EU-Tunisia human rights dialogue.<sup>116</sup> When the EU-Vietnam human rights dialogue was held in December 2017, the EU called for the release of environmental activists detained for denouncing an environmental disaster.<sup>117</sup> During such dialogues, the EU has encouraged partner countries to engage fully with the UN Special Rapporteur on HRDs and to provide responses to issues raised in his annual report.<sup>118</sup> Nevertheless, what has been missing to render human rights dialogues effective has been a results-oriented approach based on clear benchmarks and specific indicators allowing outcomes to be measured and evaluated. In its latest annual resolution on the human rights report, Parliament regrets that such indicators were not annexed to the updated EU Guidelines on Human Rights with third countries and partners.<sup>119</sup>

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<sup>115</sup> Webpage of the EU delegation to Myanmar/Burma, under the section [human rights](#).

<sup>116</sup> [EU Annual Report on Human Rights and Democracy in the World in 2010](#), Council of the EU, September 2011, p. 104.

<sup>117</sup> I. Zamfir, [EU support for human rights defenders around the world](#), EPRS, European Parliament, November 2018, p. 5.

<sup>118</sup> See, for example, [EU Annual Report on Human Rights and Democracy in the World in 2018](#), Council of the EU, May 2019.

<sup>119</sup> Resolution of 17 February 2022 on human rights and democracy in the world and the European Union's policy on the matter – annual report 2021, [P9\\_TA\(2022\)0041](#), European Parliament; [Revised EU Guidelines on Human Rights Dialogues with Partner/Third Countries](#), 6279/21, Council of the EU, 22 February 2021.

EU human rights dialogues and sub-committees with partner countries generally include sessions on gender equality, girls and women's empowerment and the women, peace and security agenda as a recurrent item. Gender equality and girls and women's empowerment are also regularly discussed, in the context of confidence-building, in informal working groups and discussions on human rights, in the hope that this will lead to establishing more formal and in-depth dialogues. The constructive dynamic created by these dialogues can facilitate the identification and implementation of ad hoc actions, e.g. political démarches, public statements, regular consultations with key stakeholders, awareness-raising campaigns and advocacy events to promote and protect human rights in third countries. These actions have been consistent with the human rights and democracy country strategies for the period from 2016 to 2020, which included gender equality either as one of the main priorities or as an underlying priority.<sup>120</sup>

The EU Guidelines on human rights dialogues with third countries provide that consultations with civil society, including HRDs and NGOs, take place ahead of the official dialogues, to brief the EU on the domestic human rights situation and possible individual cases. CSO seminars (financed under the EIDHR) are also organised in the framework of official human rights dialogues held with third countries or regional organisations. For example, in 2014, the first structural bilateral human rights dialogue between the EU and Myanmar took place in Nay Pyi Taw, Myanmar, was preceded by a civil society forum, where the state of affairs in the country in the area of human rights were discussed with civil society and HRDs.<sup>121</sup> Such civil society forums are organised regularly in the context of the implementation of EU trade deals.<sup>122</sup> The EEAS says that it has endeavoured to consult civil society and HRDs systematically before human rights dialogues and to carry out debriefings afterwards. CSOs, for their part, claim that such consultations are not systematic enough and ask for participation that is more meaningful. Our interlocutors mentioned that civil society representatives also regularly engage with COHOM and are briefed on its work. To protect HRDs, the EU also engages with national human rights institutions. Parliament has stressed that 'all civil society actors, including ... human rights defenders, have a vital role to play in the dialogues in providing input both to the dialogues themselves and to the evaluation of their outcome'. For this reason, it underlined that the EEAS and EU Member States should ensure their genuine, accessible and inclusive consultation and participation in official and informal dialogues, where possible and appropriate.<sup>123</sup>

An EPRS study on the implementation of the human rights clauses in trade deals and the conduct of human rights dialogues in that context found that the conclusions of such dialogues avoid finger-pointing sensitive human rights abuses. In interviews conducted for that study, EU diplomats explained that the EU preferred adopting a constructive approach to relations with third parties, but also pointed to the difficulty of raising human rights abuses in third countries when these countries can equally raise rule of law deficiencies within the EU. Yet, generally speaking, human rights clauses in EU trade agreements allow the EU to take appropriate measures, such as partially or fully suspend trade with a country in case of serious violations of human rights or democratic principles. The challenge of having more leverage on such sensitive issues is also due to the fact that cooperation provisions that usually deal with such issues as the environment, employment, social rights,

<sup>120</sup> [EU Annual Report on Human Rights and Democracy in the World in 2018](#), Council of the EU, May 2019, p. 55.

<sup>121</sup> [Joint Press Release: The European Union and Myanmar hold first bilateral Human Rights Dialogue](#), EEAS, 21 May 2014.

<sup>122</sup> See, for example, I. Ioannides, [The effects of human rights related clauses in the EU-Mexico Global Agreement and the EU-Chile Association Agreement: Ex-Post Impact Assessment](#), EPRS, European Parliament, February 2017; and I. Ioannides, [The Trade Pillar in the EU-Central America Association Agreement: European Implementation Assessment](#), EPRS, European Parliament, October 2018.

<sup>123</sup> Resolution of 17 February 2022 on human rights and democracy in the world and the European Union's policy on the matter – annual report 2021, [P9\\_TA\(2022\)0041](#), European Parliament.

vulnerable groups and ethnic minorities, and gender equality, are not binding.<sup>124</sup> Since the publication of the 2017 EPRS study, geopolitical considerations have become more pressing. As the annexed study explains, third party governments are even less likely today to be vocal on the protection of HRDs. Without the necessary pressure from abroad, national governments where HRDs are at risk are not likely to do their homework. As International Alliance has reported, since 2015, out of the 162 countries that have submitted voluntary national reviews to the High-Level Political Forum on Sustainable Development, a reporting requirement for the UN sustainable development on peace, justice and strong institutions (SDG16),<sup>125</sup> 94% have not reported at all on attacks against HRDs.<sup>126</sup>

## 2.3. Working with the EU Member States

The Working Party on Human Rights (COHOM), the specialised body focusing on human rights in international affairs in the Council of the EU, was set up in line with the 2015-2019 Action Plan. COHOM establishes the EU's priorities at UN human rights forums; adopts thematic guidelines to support EU external action (e.g. the ones on the HRDs and the two guidance notes analysed in the previous section); opens dialogues with non-EU countries on human rights, as discussed; and adopts the annual report on human rights and democracy in the world, which has been examined above. In this context, the Guidelines carve out a specific work plan for COHOM on the protection of HRDs. COHOM delegates are to 'keep under review the implementation and follow-up to the Guidelines in close coordination and cooperation with other relevant Council Working Parties'. In doing so, COHOM strive to:

- promote the integration of the issue of HRDs into relevant EU policies and actions;
- undertake reviews of the implementation of the Guidelines at appropriate intervals;
- continue to examine, as appropriate, further ways of cooperating with UN and other international and regional mechanisms for/on HRDs; and
- report to Council, via the PSC and COREPER, as appropriate on an annual basis on the state of play regarding the implementation of the Guidelines.<sup>127</sup>

In this light, this section analyses the political commitments that EU Member States have made vis-a-vis the adoption and implementation of the Guidelines, concentrating on the use of emergency measures and in particular, the issuance of visas and the arrangement of relocation of HRDs at risk (and their family, if appropriate). It is beyond the scope of this section to analyse Member State initiatives that fall in the category of advocacy (with the EU delegations), some of which are developed in Part II of this study.

### 2.3.1. Political commitments

An analysis of the 'Council conclusions on EU priorities in UN human rights fora' since 2012 when the EU Strategic Framework and EU Action Plan for human rights and democracy were adopted shows that the challenges faced by HRDs across the world have featured prominently, especially

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<sup>124</sup> I. Ioannides, [The effects of human rights related clauses in the EU-Mexico Global Agreement and the EU-Chile Association Agreement: Ex-Post Impact Assessment](#), EPRS, European Parliament, February 2017.

<sup>125</sup> [SDG 16](#) focuses on 'addressing the threats to fundamental freedoms of people around the world by developing strong institutions that are free from corruption and promote transparency and participatory decision-making. Every nation irrespective of its geographical location has to deal with the issue of human rights protection'.

<sup>126</sup> [A crucial gap: the limits to official data on defenders and why its concerning](#), International Alliance, 2022.

<sup>127</sup> [Ensuring protection – European Union Guidelines on Human Rights Defenders](#), Council of the EU, 2008, p. 9.

since 2017. The analysis of the Council conclusions also demonstrates, in terms of discourse and rhetoric, an understanding at both Member State and EU levels of the increasing level of threat and the diversity within the group of HRDs. This acknowledgement could be interpreted as a heightened interest in the plight of HRDs and the establishment of more targeted aid and support for HRDs and their families.

In its latest Council conclusions on EU priorities in UN human rights fora of 2022, the EU called for the protection of HRDs in particular in Afghanistan, Russia and Belarus. It pledged that the EU would continue to support HRDs and civil society organisations, putting an emphasis on women-led and youth-led organisations. It strongly condemned threats, attacks, criminalisation, illegal surveillance, smear campaigns, arbitrary detention, enforced disappearances and killings of HRDs. The report maintained that 'the EU will pay attention to the specific risks faced by certain categories of HRDs, notably women human rights defenders, environmental, land and indigenous human rights defenders, defenders of the rights of LGBTI persons, and those who defend labour rights'. The EU also committed to strengthening its support 'to create an enabling environment for a vibrant and pluralistic civil society that is afforded the space to operate independently, and will oppose disproportionate legal and administrative restrictions on civil society organisations that limit their ability to operate, including punitive registration regimes and restrictions on the receipt of funding or administrative restriction on registrations of organisations'. When taking action to defend HRDs and help release them, the EU aims to do so in cooperation with UN High Commissioner for Human Rights, her office and other organs of the UN.<sup>128</sup>

The HRDs are mentioned consistently in these annual Council conclusions and the language used is very similar. Emphasis is put on specific groups of HRDs. For example, in the 2021 Council conclusions, the focus was put on 'sharpening both preventive and reactive means to protect HRDs, notably women human rights defenders, those working on land rights, environment, rights of indigenous peoples, rights of persons belonging to minorities, rights of LGBTI persons, labour rights, as well as all other HRDs in vulnerable situations'.<sup>129</sup> Although the need for protection of HRDs in Russia was again underlined, the 2021 Council conclusions noticeably mentioned HRDs far fewer times.

The 2020 Council conclusions also included a special mention of 'women human rights defenders in the promotion, protection and fulfilment of the human rights of all women and girls'. It committed the EU to pay more attention to the link between human rights and environment, recognising that climate change and environmental degradation were a threat to human rights. Accordingly, the EU would continue to call on states to protect environmental human rights defenders. Although the report mentions the consequences of new and emerging digital technologies on the promotion and protection of human rights, democracy, good governance and the rule of law, it does not link this to the fate of the HRDs.<sup>130</sup> This illustrates the reactivity of the EU to the new threats against HRDs.

For their part, the 2019 Council conclusions listed a number of countries where the EU followed 'with serious concern' the developments regarding the safety of HRDs. These included Azerbaijan, Bahrain, Belarus, Burundi, Cambodia, China, the illegally annexed Autonomous Republic of Crimea and the city of Sevastopol by the Russian Federation and areas of eastern Ukraine already then not

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<sup>128</sup> [Council conclusions on EU priorities in UN human rights fora in 2022](#), 5277/22, Brussels, Council of the EU, 24 January 2022.

<sup>129</sup> [Council conclusions on EU priorities in UN human rights fora in 2021](#), 6326/21, Brussels, Council of the EU, 22 February 2021.

<sup>130</sup> [Council conclusions on EU priorities in UN human rights fora in 2020](#), 5802/20, Council of the EU, 17 February 2020.

under the control of the government, Egypt, Iran, Myanmar, Nicaragua, Saudi Arabia, the Russian Federation, Tanzania, Turkey, Venezuela, Vietnam, and Zimbabwe.<sup>131</sup>

The risks faced by women HRDs had already been identified in the 2017 Council conclusions,<sup>132</sup> while the 2018 Council conclusions added indigenous human rights defenders, LGBTI human rights defenders, and those defending against business-related abuses and cases concerning land rights.<sup>133</sup> As a response to increased attention worldwide to violations of human rights derived from corporate behaviour, the 2015-2019 Action Plan focused more closely than in the past on business and human rights (Action 18). At policy level, the Council conclusions adopted in June 2016 called on all EU institutions and Member States to enhance their action on that front.<sup>134</sup>

### 2.3.2. Visas for human rights defenders at risk

There is no explicit provisions in the Guidelines for issuing visas for HRDs at immediate risk and who need to leave their country. Yet, as early as June 2006, Council mentioned in the section on practical support for HRDs, that Member States should consider 'developing protection tools for situations where the life or physical and mental integrity of HRDs may be at immediate risk' and 'issuing of emergency visas for HRDs in grave danger, building on the experience and good practice of some Member States'. Under the 2007 German Presidency of the EU, Member States were asked to gather their practices as regards the issuing of emergency visas for human rights defenders.<sup>135</sup> Since 2010, the EEAS has undertaken efforts to facilitate the issuance of emergency visas to endangered HRDs in need of temporary relocation. However, 'the translation of this provision of the Guidelines still need[ed] further discussions between Member States and increased awareness of the needs of human rights defenders among EU consular staff'.<sup>136</sup>

Already in its 2010 resolution on EU policies in favour of HRDs, Parliament reiterated its request for Member States to develop as a matter of priority a coordinated policy on issuing emergency visas for human rights defenders and members of their families, for which special schemes in Spain and Ireland can serve as example. In this context, it suggested giving the EU delegations the power to make recommendations to Member States on issuing emergency visas for HRDs. It called for a clear reference to this possibility in the draft handbook, both for the processing of visa applications and the modification of issued visas. Parliament also urged the 27 Member States to follow that same line. Parliament also emphasised the need to accompany these emergency visas with measures of temporary protection and shelter in Europe for HRDs, possibly offering financial resources and housing to shelter HRDs, as well as accompanying programmes (human rights activities, lecturing in European universities, language courses, etc.).<sup>137</sup> In its response to the 2010 European Parliament resolution on EU policies in favour of HRDs, the European Commission mentioned that it had made efforts to include a reference to HRDs who face significant immediate risk in the EU Visa Code Handbook, but such a reference was ultimately not endorsed.<sup>138</sup>

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<sup>131</sup> [Council conclusions on EU priorities in UN human rights for in 2019](#), 6339/19, Council of the EU, 18 February 2019.

<sup>132</sup> [Council conclusions on EU priorities at UN human rights fora in 2017](#), Council of the EU, 5689/17, 27 February 2017.

<sup>133</sup> [Council conclusions on EU priorities in UN human rights fora in 2018](#), Council of the EU, 6346/18, 26 February 2018.

<sup>134</sup> [Council conclusions on business and human Rights](#), Council of the EU, 10254/16, 20 June 2016.

<sup>135</sup> [Visa for temporary relocation of Human Rights Defenders: An EU tool to protect human rights defenders at immediate risk or in need of respite](#), Front Line Defenders, January 2008, p. 2.

<sup>136</sup> [EU Annual Report on Human Rights and Democracy in the World in 2010](#), Council of the EU, September 2011, p. 30.

<sup>137</sup> See, for example, Resolution of 17 June 2010 on EU policies in favour of human rights defenders (2009/2199(INI)), [P7\\_TA\(2010\)0226](#), European Parliament.

<sup>138</sup> [Follow up to the European Parliament resolution on EU policies in favour of human rights defenders, adopted by the Commission on 21 September 2010](#), European Commission.



Some 15 years later, HRDs continue to face critical problems with receiving visas to enter the EU. For HRDs to be able to either flee a hazardous situation or to take advantage of the various opportunities and support within the EU, they must have reliable access to valid EU visas, in most situations Schengen zone visas. What HRDs often encounter when trying to enter the EU is administrative challenges, or sometimes dangerous delays in attaining the necessary visas for travel, because they are treated as routine travellers. These are as much the result of an increasing number of visa requests in the different EU Member States, as the non-alignment between EU human rights policies with EU visa policies. Whereas the EU Treaties call for consistency between the EU's activities and policies ensuring that no policy in one area undermines another, the complex EU visa policy and its web of instruments that address a variety of issues, in reality are often not aligned. It leads to relatively high rates of rejection: almost a quarter of those interviewed by the CEELI Institute did not receive their visa. The reason most used for such rejections was insufficient proof of return (76.4 % of respondents).<sup>139</sup> Parliament has also had to face similar situations where HRDs invited to official meetings in Parliament were not able to receive their visas.

What some EU Member States fail to understand is the distinction between HRDs applying for temporary relocation and asylum seekers applying to be recognised as refugees. This is because of the similarities in the background of those categories of persons. HRDs often fulfil the criteria to be asylum seekers according to international and European conventions.<sup>140</sup> A human rights defender could receive in certain cases refugee status if they can get to a country where they can apply for asylum, but that would mean that the HRD would not be able to return to his/her country of origin. In fact, HRDs do want to go back to their countries – even if they face risks – to continue their work and be with their families. Visas for temporary relocation are therefore a complementary protection policy and practice, alongside refugee status and subsidiary protection.

The CEELI Institute's study also points to the three biggest challenges in the Schengen visa application process:

- the time spent on the application (sometimes involving travelling to another country without any guarantee that the process will actually lead to the issuance of a visa) and also precious time that puts the HRD at more risk;
- the cost of travelling to the visa centre and for paying for the visa (can be prohibitive);
- the humiliation faced at the visa centre (including contesting their identity as HRD or the critical nature of their request).<sup>141</sup>

Given these circumstances, Parliament has insisted, also in its latest annual resolution on human rights and democracy in the world, on the creation of an EU-wide scheme for issuing short-term visas for the temporary relocation of human rights defenders. More specifically, it strongly advocated the inclusion of instructions in the EU Visa Handbook and amendments to the legal instruments on visas, in particular the Visa Code. Parliament has deplored the lack of progress on

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<sup>139</sup> A. Meloni et al., [Human Rights Defenders in EU Visa Policy: Recommendations for Reform](#), Central and Eastern European Law Initiative (CEELI) Institute, 2021, pp. 8, 74.

<sup>140</sup> These include the Refugee Convention, the European Convention on Human Rights and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

<sup>141</sup> A. Meloni et al., [Human Rights Defenders in EU Visa Policy: Recommendations for Reform](#), Central and Eastern European Law Initiative (CEELI) Institute, 2021, p. 73.

this issue, calling on Member States to urgently revisit the coordination of EU policy on issuing emergency visas for HRDs.<sup>142</sup>

### 2.3.3. EU Member State initiatives for human rights defenders' protection

The most sensitive situations HRDs face are when they need to leave their countries for a temporary relocation because of an immediate danger. In such very urgent cases, obtaining a visa for HRDs can be problematic, and a refusal or a delay in the issuing of a visa can have disastrous consequences for their security. It is clear that a number of Member States do have visa schemes to help protect and relocate HRDs, but they are not willing to speak openly about them. This is partly due to the increasing caution with which immigration is dealt with across the EU since the 9/11 attacks, with anti-migration feelings becoming heightened during and after the 2015 so-called migration crisis in Europe.<sup>143</sup> This section is based on scattered publicly available information on a selected number of Member States that seem to be particularly sensitive to the plight of HRDs.

Similarly to some EU Member States and indeed the EEAS and the European Commission, civil society organisations in the HRD mechanism view temporary relocation visas as a protection measure to be used in extreme circumstances, after other measures of protection, e.g. general protection measures, advocacy and lobbying, have been explored and failed. The overall aim of EU actors (be it the institutions or the Member States) is not to encourage HRDs to leave their countries, but rather to support their protection in their own country and/or environment so that they can continue to work, promote and protect human rights within their societies.

In order to facilitate the issuing of visas for HRDs, when temporary relocation is required, the Irish government developed a specific procedure on a pilot basis with the NGO Front Line Defenders, as early as 2004. The 'facilitated visa procedure for HRDs' programme established with the Irish government, provided for Front Line Defenders to obtain at short notice temporary visas for HRDs facing imminent danger or in need of respite because of constant persecution. This procedure provided a fast-track mechanism to facilitate HRDs travelling to Ireland and allowing them to obtain quickly a short-stay visa of three months under exceptional circumstances and with a limit on the number of visas granted to HRDs. The experience with the Dublin Platform has helped, to a certain degree, to allay fears that a temporary visa scheme can result in an increase or any abuse of the asylum system.<sup>144</sup>

In 2007, the COHOM gathered information on EU Member States' policies and practices regarding the delivery of emergency visas for HRDs in grave danger. It showed that Spain too – in addition to Ireland – had established a programme to protect HRDs at risk, which included provisions aimed at facilitating the delivery of visas for HRDs.<sup>145</sup> According to the Front Line Defenders' discussion paper, at the time no other EU Member State had a specific procedure for temporary visas for the relocation of HRDs, but most Member States declared that 'they are aware of the situation of HRDs and in a

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<sup>142</sup> See, for example, Resolution of 17 February 2022 on human rights and democracy in the world and the European Union's policy on the matter – annual report 2021, [P9\\_TA\(2022\)0041](#), European Parliament; Resolution of 27 February 2014 on the future of EU visa policy (2014/2586(RSP)), [P7\\_TA\(2014\)0177](#), European Parliament.

<sup>143</sup> [ECRI Annual report: Growing anti-immigrant sentiment and Islamophobia were among key trends in 2015, News on migration and refugees](#), European Commission against Racism and Intolerance, Council of Europe, 26 May 2016; O. Nwabuzo et al., [Racism and Discrimination in the Context of Migration in Europe, ENAR Shadow Report 2015-2016](#), European Network Against Racism, 2016; A. M. Messina, 'Securitizing Immigration in the Age of Terror', *World Politics*, Vol. 66(3), July 2014, pp. 530-559.

<sup>144</sup> [Visa for temporary relocation of Human Rights Defenders: An EU tool to protect human rights defenders at immediate risk or in need of respite](#), Front Line Defenders, January 2008, pp. 4, 6, 7.

<sup>145</sup> 2007 EU Annual Report on Human Rights, p. 66.

position to deliver visas on a case-by-case basis, with a territorial validity for those at immediate risk'.<sup>146</sup>

EU Member States refer to the 'common consular instructions'<sup>147</sup> as well as to national laws, such as 'Aliens Acts', as existing instruments that can enable HRDs at risk to receive temporary protection in an EU Member State. Visas for visits exceeding 3 months remain subject to national procedures and only authorise the holder to stay in the one national territory. In addition, according to Section V.3. of the common consular instructions, it is possible for the diplomatic missions and consular posts of the Member States to grant visas – without consulting the central authority of contracting party to the Schengen Convention – with a limited territorial validity. These visas are issued in exceptional cases because of urgency, on humanitarian grounds. A visa valid for one year may be issued to persons providing the necessary guarantees and to persons in whom the contracting parties have shown a particular interest. In exceptional cases, a visa valid for more than one year, but for no more than five years, may be issued to certain categories of person for several entries. Good relations with international, regional and local NGOs, as well as with human rights defenders in the country concerned can facilitate this.

Amendments to EU visa policy are seen as unnecessary because it is argued that EU Member States have sufficient discretion within the existing EU visa policy to address the needs of HRDs. The evidence, however, suggests that this is not the case. Firstly, the legal language used in the existing discretion is vague, resting on undefined opportunities to modify visa processes for 'humanitarian reasons', in 'justified cases of urgency', or in a country's 'foreign policy interest'. Secondly, EU Member States have curtailed their ability to exercise discretion in relation to certain visa procedures and requirements by outsourcing the collection of visa applications to external service providers. Thirdly, there is scarce evidence that EU Member States exercise their discretion in favour of HRDs. Only a few Member States have specific visa schemes for HRDs, and there is no coordinated approach among the Member States, except for some limited ad hoc cases in relation to HRDs from Russia. HRDs are not mentioned at all in the EU Visa Handbook, which is the main document consular authorities refer to for practical guidance on the visa-issuing process.<sup>148</sup>

EU Member States are much more open to other initiatives they have developed to support the work of HRDs and protect them. Germany, for example, states that it consults HRDs, gives them protection through diplomatic channels and provides financial support where appropriate. To this end, it constantly monitors HRDs' situations closely, sometimes with the aid of specialised NGOs. It also maintains that it is committed to continually improving this monitoring system. Germany repeatedly supports projects run by and for HRDs. This includes projects supporting international networks, providing further training for lawyers in the Sudan or accompanying human rights activists in Colombia. In addition, the German federal government regularly makes démarches in support of human rights defenders; the Federal Chancellor, the Federal Foreign Minister and numerous other senior public figures in Germany meet prominent activists as well as little-known but deserving authors, lawyers or doctors, because fame and media attention is one of many ways to make sure they are better protected. As an element of the Federal Government's human rights action plan, this subject remains right at the top of Germany's foreign policy agenda.<sup>149</sup>

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<sup>146</sup> [Visa for temporary relocation of Human Rights Defenders: An EU tool to protect human rights defenders at immediate risk or in need of respite](#), Front Line Defenders, January 2008, p. 7.

<sup>147</sup> [Common consular instructions on visas for the diplomatic missions and consular posts](#), OJ C 326, 22.12.2005.

<sup>148</sup> A. Meloni et al., [Human Rights Defenders in EU Visa Policy: Recommendations for Reform](#), Central and Eastern European Law Initiative (CEELI) Institute, 2021.

<sup>149</sup> [Protection for human rights defenders](#), German Embassy Accra, 2022.

In response to these deteriorating conditions for HRDs in third countries, necessitating them to flee serious danger, EU Member States have also developed programmes to provide HRDs with temporary shelter, some of these are outlined in the latest EPRS briefing on the EU's efforts to protect HRDs.<sup>150</sup> Among them, Germany's Elisabeth-Selbert-Initiative, launched in June 2020 by the German Foreign Ministry and the Institute for International Relations to provide temporary relocation grants and shelter to HRDs at risk support to HRDs, stands out.<sup>151</sup> France's Marianne initiative, launched in December 2021, brings together government, NGOs and local communities with the aim of supporting HRDs in their countries but, if that is not possible, offering them shelter in France.<sup>152</sup>

Other temporary shelter schemes are managed by cities rather than national authorities. In the Netherlands, the programme Shelter City, managed by the NGO Justice & Peace, provides HRDs at risk with temporary relocation in the Netherlands or another safe place for 3 months only.<sup>153</sup> This programme is seen as offering HRDs at risk the opportunity to take a pause for respite and build their network by meeting human rights CSOs and relevant political figures. The EPRS briefing mentions another two such initiatives that offer shelter to artists, who are considered HRDs because they face threats as a result of the ideas they express through their art (i.e. using their right of freedom of expression puts them in danger). One such initiative is the Swedish Cities of Refuge, led by Swedish cities, providing, since 2016, refuge for artists fleeing their countries; another is the city of Helsinki that has, since 2014, run Safe Haven Helsinki Residency through long-term funding.<sup>154</sup> It also hosts artists at risk. Before that, until 2012, Helsinki supported the Finnish PEN's Safe City for Writers residency activities by housing the participating HRDs, and the Arts Promotion Centre (Taika), subordinated to the Ministry of Education and Culture, which provided a grant to cover their other costs.<sup>155</sup> These cities are also part of the International Cities of Refuge Network, an organisation that counts 70 cities and regions (most of them European) that offer long-term, temporary refuge to persecuted writers, artists and journalists.<sup>156</sup> Moreover, Spain's regional communities, including the Basque country, Catalonia, Madrid and Valencia, have also set up mechanisms to provide temporary shelter for HRDs.

The EU too has designed policies intended to facilitate the mobility of HRDs to, and within, the EU. In February 2012, the 'Mapping of Temporary Shelter Initiatives for Human Rights Defenders in Danger in and Outside the EU' report was published and, since 2012, the initiative for the temporary relocation of human rights defenders in a third country has been included among the projects financed by the EIDHR.<sup>157</sup> The European Commission has financed and launched a platform for relocation of HRDs at risk, including numerous organisations (cities, universities, NGOs, professional organisations/associations ready to help HRDs to relocate).<sup>158</sup> All stakeholders involved in relocation activities, including cities and universities, are eligible for funding. This relocation initiative is managed by the HRD mechanism in close coordination with the European Commission. In parallel, a number of EU-based organisations have also developed fellowship, respite, and emergency

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<sup>150</sup> I. Zamfir, [EU support for human rights defenders around the world](#), EPRS, European Parliament, June 2022.

<sup>151</sup> Institut für Auslandsbeziehungen, [Elisabeth-Selbert-Initiative](#), 2020.

<sup>152</sup> [Lancement de l'initiative Marianne pour les défenseurs des droits de l'Homme dans le monde](#), Elysée – French Republic, 10 December 2021.

<sup>153</sup> Justice & Peace, [Shelter City](#), The Hague, 2022.

<sup>154</sup> UNESCO, [Swedish Cities of Refuge](#), not dated; Artists at Risk, [AR - Safe Haven Helsinki Residency](#), 2016.

<sup>155</sup> S. Villa, [Human Rights Defenders are Facing Increasing Intimidation: How should Finland's support for human rights defenders be developed?](#), Ministry of Foreign Affairs of Finland, 2017, p. 102.

<sup>156</sup> International Cities of Refuge Network's [website](#).

<sup>157</sup> C. Churrua Muguruza et al., [Mapping legal and policy instruments of the EU for human rights and democracy support](#), Work Package No. 12 – Deliverable No. D12.1, FP7 Collaborative Project GA No. 320000, 31 July 2014, p. 130.

<sup>158</sup> European Union Temporary Relocation Platform's [website](#).

assistance programmes as a way to allow HRDs to meet and engage with each other and with their EU counterparts in safe environments and/or to seek safety or recover from the many stresses that are inherent in their work.

## 2.4. Assessing EU coordination of support for human rights defenders

Through successive policy arrangements in its foreign and security policy – from the comprehensive approach to the integrated approach coined in the 2016 Global Strategy –, the EU has aimed to improve the way it coordinates its action both internally (inside each EU institution, between EU institutions and with the EU Member States) and externally (with like-minded partners and within multinational frameworks). In that vein the two-prong EU goal of 'support[ing] its values, liberty and democracy in neighbouring countries and the world at large' and 'the need for a coordinated European approach to urgent geopolitical challenges' are brought to the fore.<sup>159</sup> This section aims to examine and assess the tools that the EU has at its disposal to facilitate coordination of its action on defending HRDs and how these work in practice.

### 2.4.1. Tools for better coordination

To ensure better coordination among the various EU institutions and EU delegations with the Member States and their embassies/consulates, key instruments have been developed that go beyond interpersonal relations and bilateral contacts and therefore provide a more structured way of working with each other.

The EU guidance notes on HRDs

In March 2017, a first staff guidance note was agreed on at Council level on how to implement the Guidelines. It constitutes a living document of best practices drawn from EU Member States to share with relevant services in the European Commission, the EEAS and the EU delegations. It was updated in 2020 in view of the successive crises on the global scene, changing geopolitical dynamics and the consequent increasingly dangerous context for HRDs. This document was adopted at Council level by COHOM and remains confidential. The COHOM together with other relevant Council working groups are responsible for reviewing the implementation of the Guidelines and promoting the integration of the issue of HRDs into relevant EU policies<sup>160</sup> and therefore of deciding when this guidance notes needs to be updated.

The guidance note aims to raise the profile of the Guidelines in the EU delegations/missions and to reiterate the different modes of action expected of EU officials and diplomats. It is a living document, issued periodically and on a needs-basis, when for example, the global environment changes substantially and updates on the categories of HRDs that are most at risk are needed. The initial document of 2017 was drafted following consultations with civil society working with HRDs. The guidance note recalls the basic functions of the HRD liaison officers and human rights focal points, as outlined in the Guidelines. It underlines the need for such contacts to be backed up by diplomacy and stronger engagement with businesses on human rights. It unpacks the need to provide HRDs with a fuller range of digital security. It also lays out tactical options on how to deal with difficult national authorities. To do so – and this is the most sensitive part of the document – it constitutes a platform for exchanging specific key lessons learned from experience by Member States so as to

<sup>159</sup> [Annual Management and Performance Report for the EU Budget, Volume II, Annexes](#), European Commission, 2022, p. 27.

<sup>160</sup> [Visa for temporary relocation of Human Rights Defenders: An EU tool to protect human rights defenders at immediate risk or in need of respite](#), Front Line Defenders, January 2008, p. 2.

tackle, resolve or bypass problems compromising the protection of HRDs. We were told that these very practical lessons drawn from experience are the main reason for keeping this document confidential.

#### Training for EU human rights focal points

The European Commission's Directorate-General for International Partnerships (DG INTPA) and the EEAS co-organise a biannual training (in June and in November) on human rights that also includes sessions on HRDs. In addition, DG INTPA and the EEAS co-organise annual meetings bringing together the focal points working in the EU delegations (but not high-ranking EU officials or the political level of the EU institutions) to discuss issues related to HRDs. These meetings, where the 2020 guidance note is used as 'training material', aims to draw and share lessons identified from across EU missions. We were told that these training sessions are 'a two-way street for feeding ideas' from the EU missions to the headquarters and vice versa. The protection of HRDs is also a recurrent issue in the annual EU-NGO forum on human rights where civil society actors can share concerns and exchange views with EU officials, including EU human rights focal points.

In meetings in Brussels, we heard from CSOs that they would like to see more training of officials in the EU Member State Ministries of Justice and border officials on how to handle HRDs and on what the sensitivities of dealing with such groups are. In Part II, it is underlined that 'civil society groups want to see more long-term training and capacity building for HRDs not just immediate protection for a few well-known individuals in moments of acute difficulty'. CSOs are key actors in helping HRDs, in terms both of providing intelligence on what the human rights situation in a given country looks like and who are the HRDs at risk, but also of acting as a go-between HRDs and international officials.

#### 2.4.2. Coordination of assistance to human rights defenders in Brussels and in EU missions

In order to assess individual cases and take emergency measures, relevant EU stakeholders and other international partners come together to coordinate their position, share information and come to coherent decisions. Within the EU family, at the European Commission headquarters, there seems to be close (even instinctive) cooperation between the DG INTPA and the Directorate-General for European Neighbourhood Policy and Enlargement Negotiations (DG NEAR), whereby thematic desks in DG INTPA coordinate their work with desk officers in DG NEAR. However, cooperation and coordination with the Directorate-General for Trade does not appear to be as structured nor as frequent. Yet, human rights have become an increasingly prominent topic in trade policy and have found their way into the work done on the EU's trade deals through the new human rights guidelines already discussed.<sup>161</sup> We heard from our interlocutors that there should be better coordination between the EUSR for human rights and the rest of the EEAS working on the protection of HRDs, especially when it comes to assessing individual cases of HRDs or deciding on emergency actions. Moreover, annual meetings between EU diplomats and HRDs have become an established practice in third countries, increasing the visibility of HRDs where appropriate and allowing for in-depth analysis of the challenges they face. Coordination meetings with COHOM take place a number of times per year depending on the needs of current affairs (e.g., more such meetings took place when the Taliban took over in Afghanistan in 2021).

The evaluation of individual cases of HRDs necessitates coordinated action by all stakeholders involved, something that for emergency actions has become normal practice. Issues discussed include whether to relocate a given HRD at risk and their family and/or provide first necessity aid – e.g. refuge, legal support, medical costs, living subsistence, necessary devices (e.g. telephone).

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<sup>161</sup> [Guidelines on the analysis of human rights impacts in impact assessments for trade-related policy initiatives](#), Directorate-General for Trade, European Commission, 2015.

Coordination takes place between DG INTPA and the EEAS, with support from the EU delegations (the human rights focal point and/or human rights defenders liaison officer), COHOM (in Brussels), the EU Member State embassies/consulates, UN bodies, and relevant CSOs. In general, EU delegations reported good (even excellent) relations with the EU headquarters in Brussels. We heard that the EU headquarters had been responsive and supportive in cases where the EU delegation needed to access the Emergency Response Fund. Yet, the 2017 European Commission mid-term evaluation reported that, when it comes to providing support to sensitive issues, such as HRDs at risk and CSOs most directly affected by the shrinking space for civil society, it was difficult for the headquarters to ensure that EU delegations maximised the options available to them. This was because the EU headquarters had little control over what support EU delegations chose to provide under the country-based support scheme other than set the priorities and at the end of the process through the ex-post overview.<sup>162</sup>

Almost without exception, responses to our survey stressed that coordination between EU delegations and Member States had come to function well in the area of the protection of HRDs. The frequency of coordination meetings has gradually increased over the last decade. More joint initiatives and visits take place, with more visiting national ministers now agreeing to see HRDs than was the case ten years ago. Part II of this study found that more joined up action is becoming the norm and can be highly effective, especially when tailored to tackling particular challenges in a specific non-EU country.

At the level of the EU delegations, for better multilateral cooperation, human rights working groups are often established that bring together EU delegation and Member States' embassy staff working on human rights in a given country. A focal group of representatives from EU missions, referred to as HRD focal group, will monitor and assess the situation of HRDs and will report to the EU heads of mission. In addition, when discussing and deciding on measures to take to protect HRDs, including the relocation of HRDs, the EU often cooperates with like-minded countries such as Switzerland and Norway.<sup>163</sup> The group's work is usually guided by a local implementation strategy for the Guidelines, meets several times a year (the number depends on how active a delegation is in the country where it is based) to exchange information on individual cases, receive presentations from external HRD experts and plan for upcoming events. In Mexico, for instance, field visits to the states of Coahuila, Chihuahua and Oaxaca have taken place at key moments during which EU representatives met members of local civil society and discussed individual human rights cases with senior local officials, human rights organisations, and senior officials in the federal authorities, and the president of the National Human Rights Commission.<sup>164</sup> In Uganda, for example, the EU HRD focal points group organises an annual award to recognise an outstanding contribution by a HRD. The award has been given for 10 years in a row and has been used to recognise a wide diversity of men and women HRDs from across the country. The event is hosted each year by a different EU mission and is used to provide additional visibility (and hopefully protection) for the award winner and HRDs in general.

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<sup>162</sup> G. Moran et al., [Evaluation of the European Instrument for Democracy and Human Rights \(2014-mid 2017\), Final Report, Volume 1 - Main Report](#), Evaluation carried out by ADE and PEM Consult for the European Commission (Contract N°2015/375168), June 2017, p. 36.

<sup>163</sup> Norway first developed its own guidelines on supporting HRDs in February 2005, which were distributed to their embassies. In December 2010, the Norwegian Ministry of Foreign Affairs prepared new and strengthened guidance for the work of human rights defenders. 'The protection of human rights defenders is a main priority in Norway's human rights policy', as the [Norwegian foreign ministry webpage](#) states. The United States has also made support to HRDs a priority in its foreign policy and updated its guidelines on HRDs, as indicated on [US State Department's website](#).

<sup>164</sup> [EU Annual Report on Human Rights and Democracy in the World in 2013](#), 11107/14, Council of the EU, 23 June 2014, p. 345.

Such structured coordination also exists between EU delegations and other international players in a country of accreditation. In Guatemala, for example, permanent monitoring of the context in which HRDs operate takes place through the filter group (led by the EU delegation and composed of EU Member States, Switzerland, Canada, the United States, the OHCHR and UNHCR country offices), which has existed at least since 2010. The EU maintains regular contact with the office of UN Special Representative Michel Forst and provides information on upcoming human rights dialogues. As mentioned above, the EU also provides financial support for the UN Special Rapporteurs on the situation of human rights defenders, on the rights to freedom of peaceful assembly and of association, and on the promotion and protection of the right to freedom of opinion and expression. In doing so, it supports the creation of an enabling environment for and supporting the work of HRDs worldwide.<sup>165</sup>

Regular meetings/consultations also take place between the European Commission and the EEAS with European Parliament representatives, including Members, as discussed in the following chapter.

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<sup>165</sup> [EU Annual Report on Human Rights and Democracy in the World in 2018](#), Council of the EU, May 2019.



### 3. Human rights defenders and the European Parliament

The European Parliament has positioned itself as a crucial actor for support to HRDs, both as a shaper of EU policy in this field and as a vocal champion at a global level for HRDs. In particular, its Subcommittee on Human Rights (DROI) has been a strong advocate of a comprehensive EU policy on HRDs and has actively contributed to its shaping. DROI regularly organises hearings and debates with HRDs in view of the adoption of reports and resolutions, draws attention to the worsening situation of HRDs through its urgency resolutions on human rights breaches around the world, issues statements about cases of HRDs at risk, and/or raises the predicaments HRDs face during visits of Parliament's delegations to countries concerned. Moreover, Members pose questions to the European Commission and the Council to raise their concerns on HRDs. Since 1988, Parliament's Sakharov Prize for Freedom of Thought, one of the EU's most visible actions in favour of HRDs, has been awarded to individuals or organisations whose contribution to the fight for human rights or democracy has been noteworthy.

In a study commissioned by DROI in 2021, Members interviewed stressed the importance for Parliament to develop a more proactive role in the 2020-2024 Action Plan on human rights and democracy. Indeed, the Action Plan emphasises the importance of support to parliamentary institutions. This gives Parliament a reference point and platform from which to exert stronger influence over the EU's external toolbox and to ensure that this gives adequate protection *inter alia* to human rights defenders.<sup>166</sup> In this context, this chapter examines and maps Parliament's action over the past 10 years and assesses its impact on the implementation of the Guidelines.

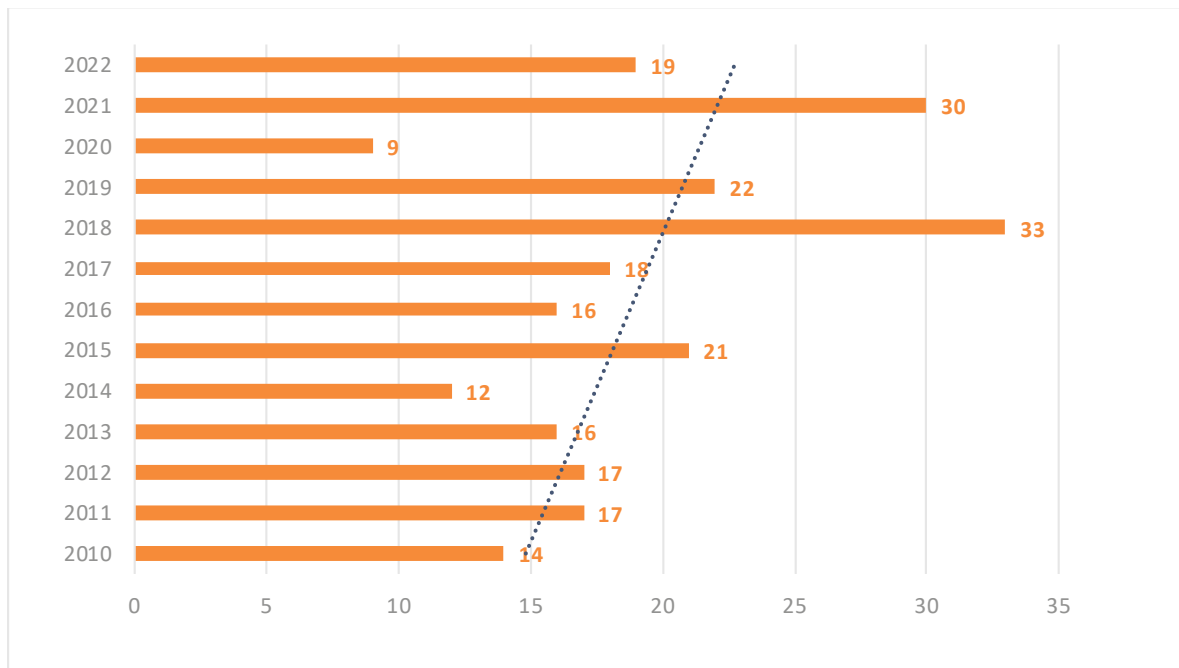
#### 3.1. Parliament's resolutions, statements and questions

Own-initiative reports are among the most effective tools Parliament has at its disposal to develop its core position and command attention from other institutional actors on HRDs at risk. Over the past 10 years, Parliament has addressed a number of the problem areas that this study has already identified. During the seventh parliamentary term (2009-2014), Parliament adopted 73 resolutions that mention HRDs; during the eighth term (2014-2019), it adopted 105 resolutions mentioning the protection on HRDs; and 74 resolutions have been adopted so far on this topic during the current term (2019-2024). At the time of writing, since the beginning of the ninth legislature (2019-2024), Parliament has worked on 18 AFET reports, 2 DEVE reports and 3 INTA reports that mention human rights defenders, out of which 2 are currently being prepared or pending committee decision.

Figure 3, below, shows that there has been an ascending trend in the number of parliamentary resolutions dealing with the protection of HRDs, assuming that 2020 was an outlier given that the world (including the EU) was struggling to respond to the Covid-19 pandemic.

<sup>166</sup> C. Colomina et al., [The impact of disinformation on democratic processes and human rights in the world](#), Policy Department, DG EXPO, European Parliament, April 2021, p. 38.

Figure 4 – Number of European Parliament resolutions that mention human rights defenders, as of 2010



Source: Prepared by the author using data from the [European Parliament's Legislative Observatory](#).

The situation regarding HRDs' safety has been highlighted in numerous resolutions addressing the human rights situations in various countries and other parliamentary reports. Since 2010, over 280 resolutions have mentioned the issue of HRDs in some form or other. In these resolutions, Parliament has repeatedly insisted on the need for full implementation of the Guidelines on the ground, including through regular meetings and consultations with local HRDs, visiting detained activists and HRDs, monitoring their trials and advocating for their protection at the highest level. In 2010, the Parliament's resolution on EU policies in favour of HRDs took stock of the implementation of the Guidelines and tabled several proposals for a more effective policy towards HRDs – those were analysed in the introduction of this study (1.3.1. Parliament's 2010 implementation report on the Guidelines).<sup>167</sup>

Some key European Parliament resolutions include the one adopted on 7 July 2011 on EU external policies in favour of democratisation, in which Parliament welcomed the decision by the European Commission and the HR/VP to support the establishment of a European Endowment for Democracy, as a flexible tool to support democratic change in non-democratic countries and countries in transition.<sup>168</sup> In its 8 September 2015 resolution on 'Human rights and technology: the impact of intrusion and surveillance systems on human rights in third countries', Parliament called on the European Commission and the Council to engage actively with third country governments, and to further support, train and empower human rights defenders, civil society activists and independent journalists using ICTs in their activities in a safe manner.<sup>169</sup> Parliament's position on migration, to

<sup>167</sup> Resolution of 17 June 2010 on EU policies in favour of human rights defenders (2009/2199(INI)), [P7\\_TA\(2010\)0226](#), European Parliament.

<sup>168</sup> Resolution of 7 July 2011 on EU external policies in favour of democratisation (2011/2032(INI)), [P7\\_TA\(2011\)0334](#), European Parliament.

<sup>169</sup> Resolution of 8 September 2015 on 'Human rights and technology: the impact of intrusion and surveillance systems on human rights in third countries' (2014/2232(INI)), [P8\\_TA\(2015\)0288](#), European Parliament.

which the AFET committee had contributed substantially, aims to ensure that there is coherence between internal and external policies, that they are based on solidarity, and that there is a commitment to full respect for human rights, in compliance with international law and the values on which the EU is established.<sup>170</sup> In its October 2017 resolution on the shrinking of the civil society space in developing countries, Parliament called on the EU to put in place monitoring tools for the implementation of the Guidelines and to support the creation of a safe and enabling environment for women's rights defenders. It urged the European Commission, the EEAS and the Member States to promote the effective joint implementation of the Guidelines in all third countries where civil society is at risk, by adopting local strategies.<sup>171</sup> In a resolution of October 2020 focusing on deforestation, Parliament has called for mandatory due diligence of EU companies and explicitly mentioned human rights due diligence and the protection of indigenous communities.<sup>172</sup> In its latest resolution on corporate due diligence, Parliament specifically notes that procedures to raise concerns should ensure that the anonymity or confidentiality of those concerned, in accordance with national law, as well as the safety and physical and legal integrity of all complainants, including human rights and environmental defenders.<sup>173</sup> On 9 March 2022, Parliament adopted the resolution of the Special Committee on Foreign Interference in all Democratic Processes in the European Union, including Disinformation (INGE), condemning the use of Pegasus and similar spyware to target journalists, human rights defenders and politicians and calling on the European Commission to take measures in various fields, from trade to revision of relevant EU laws.<sup>174</sup> Through its resolutions, Parliament counts some successes. For example, in response to Parliament's request for support for interaction between indigenous peoples' representatives and the European institutions, a European component was added for the first time in 2016 to the Indigenous Peoples' Center for Documentation, Research and Information. It is a foundation acting as the technical secretariat of the indigenous peoples' representatives for the UN organs, bodies and sessions in relation with human rights.<sup>175</sup>

Moreover, every year Parliament adopts an 'annual report on human rights in the world and the EU's policy on the matter', which provides an opinion to the EEAS equivalent annual report. This report includes a specific section on human rights defenders, mirroring the EEAS annual report on human rights and democracy that also includes a dedicated section on the issue. Accordingly, it constitutes the most directly linked regular report Parliament produces to scrutinise the implementation of the Guidelines. In this context, as early as April 2007, Parliament considered that 'the idea of issuing visas for human rights defenders in grave danger, as recommended by the Council, should be an important priority'.<sup>176</sup> Its 2010 report called for the creation of a Special Representative on Human Rights and for the initiation of country strategies on human rights, in order to reinforce the

<sup>170</sup> Resolution of 19 May 2021 on human rights protection and the EU external migration policy (2020/2116(INI)), [P9\\_TA\(2021\)0242](#), European Parliament.

<sup>171</sup> Resolution of 3 October 2017 on addressing shrinking civil society space in developing countries (2016/2324(INI)), [P8\\_TA\(2017\)0365](#), European Parliament.

<sup>172</sup> Resolution of 22 October 2020 with recommendations to the Commission on an EU legal framework to halt and reverse EU-driven global deforestation (2020/2006(INL)), [P9\\_TA\(2020\)0285](#), European Parliament.

<sup>173</sup> Resolution of 10 March 2021 with recommendations to the Commission on corporate due diligence and corporate accountability (2020/2129(INL)), [P9\\_TA\(2021\)0073](#), European Parliament.

<sup>174</sup> Resolution of 9 March 2022 on foreign interference in all democratic processes in the European Union, including disinformation (2020/2268(INI)), [P9\\_TA\(2022\)0064](#), European Parliament.

<sup>175</sup> Funded by the EIDHR, this project aims at facilitating the full and effective representation of indigenous peoples to the UN Human Rights system, and stronger synergies with and amongst indigenous peoples' organisations. See, [Annual Report on Human Rights and Democracy in the World 2016](#), Council of the EU, October 2017, pp. 32-33.

<sup>176</sup> Resolution of 26 April 2007 on the Annual Report on Human Rights in the World 2006 and the EU's policy on the matter (2007/2020(INI)), [P9\\_TA\(2021\)0249](#), European Parliament.

coherence, effectiveness and visibility of the EU's action. On dialogues and consultations with non-EU countries, Parliament called for proper parliamentary participation in the ongoing evaluation and full access to the outcome documents.<sup>177</sup>

More recently, in its 2021 report, Parliament stressed the EU institutions' duty to demand justice and accountability for all attacks against HRDs and to support and protect HRDs in all their diversity. It recalled that effective engagement and meaningful dialogue with civil society is a cornerstone of a human rights policy that brings positive results. It also called on all EU delegations and their respective focal points on human rights to abide consistently by their obligation to meet with HRDs, including women HRDs and members of civil society, visit detained activists, pro-democracy dissidents and HRDs, monitor their trials and advocate for their protection on the ground. More concretely, Parliament asked for guaranteed access of women HRDs facing gender-specific violence to protection mechanisms and resources, to support them politically, to increase financial allocations for independent civil society organisations that promote the rights of women and girls, and to adopt as an annex to the Guidelines, a toolkit that would provide practical steps for the EU to better meet the needs of women HRDs worldwide. It urged the European Commission to strictly refrain from using budget support to third countries' governments as an operational modality in countries witnessing widespread violations of human rights and repression of HRDs. It also called on EU Member States to improve access to EU visas for the short-term relocation of HRDs, in particular through the inclusion of instructions in the EU Visa Handbook on granting facilitations to HRDs and their family members, and to work towards amending the legal instruments on visas, particularly the Visa Code. It urged EU Member States to adopt strong Foreign Affairs Council conclusions on HRDs, taking stock of their action on HRDs and setting out strategic commitments for HRDs at the highest level.<sup>178</sup>

Parliament's latest annual report on human rights and democracy in the world, published on 17 February 2022, reiterated numerous recommendations from the previous year's report that have remained unanswered. It raised again its deep concerns regarding the increasing number of illiberal democracies and autocratic regimes and the devastating consequences on HRDs, reminding that ambitious rhetoric must be followed up with concrete action and leading by example. It also again called on the European Commission to strictly refrain from disbursing aid in countries witnessing widespread violations of human rights and the repression of HRDs. Furthermore, Parliament again called urgently for a revision of EU policy on issuing visas to HRDs and called for the creation of an EU-wide scheme for issuing short-term visas for their temporary relocation. In terms of new key elements, on the Global Europe thematic programme (NDICI) and in the spirit of safeguarding the autonomy of civil society, Parliament advocated 'the diversification and maximisation of the funding arrangements and mechanisms for civil society actors... taking account of the specificities of those actors and ensuring that neither their scope for action nor the number of potential interlocutors is restricted'. It also called for greater transparency regarding human rights provisions in financing agreements under the NDICI and a clarification of the mechanism and criteria for the suspension of such agreements in the event of a breach of human rights, democratic principles and the rule of law or of serious cases of corruption. It also urged the European Commission to increase re-granting mechanisms in the EU's democracy support programmes to bolster bottom-up approaches to democracy support and ensure that smaller initiatives at a regional or local level can also benefit from EU support. Furthermore, Parliament stressed the need to ensure that EU delegations have all

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<sup>177</sup> Resolution of 16 December 2010 on the Annual Report on Human Rights in the World 2009 and the European Union's policy on the matter (2010/2202(INI)), [P7\\_TA\(2010\)0489](#), European Parliament.

<sup>178</sup> Resolution of 20 January 2021 on human rights and democracy in the world and the European Union's policy on the matter – annual report 2019 (2020/2208(INI)), [P9\\_TA\(2021\)0014](#), European Parliament.

the necessary resources to act on human rights issues and demanded a greater oversight role for Parliament over EU delegations. Moreover, Parliament rang the alarm on Pegasus and on the misuse of surveillance technology and its impact on human rights defenders, calling for stronger regulation.<sup>179</sup>

As of 2018, Parliament has issued urgency resolutions on individual HRDs in situations of grave risk, in the context of breaches of human rights, democracy and the rule of law, also raising the case of the dangers facing women HRDs.<sup>180</sup> These urgency resolutions, which is a tool Parliament has used regularly, are raised and adopted during Parliament's plenary sessions. The DROI subcommittee monitors the follow-up given by the EEAS to urgency resolutions, and organises updates on the human rights situation in various countries, including addressing cases of HRDs. Although not binding for other EU institutions, urgency resolutions can put the spotlight on a particular issue, exert pressure on other EU institutions and ultimately yield results. We were told that these resolutions, in particular, have been influential in raising the profile of key problems concerning HRDs or the human rights situation in a country/region at key moments. In its resolution of 17 February 2022 on the latest annual human rights report, Parliament itself committed 'to strive towards more effective communication on the protection of human rights, including by translating its urgency resolutions on human rights abuses into the local languages of the countries concerned and publishing and distributing them accordingly'.<sup>181</sup>

Some of these resolutions have dealt primarily with individual cases of HRDs or with the situation in certain countries. In resolutions adopted during the current term, Parliament has highlighted the particularly difficult situation of HRDs especially in Afghanistan, Algeria, Cambodia, the Philippines and Turkey. However, Parliament has used urgency resolutions as an instrumental advocacy tool, for example, raising the plight of land rights, online surveillance of HRDs and LGBTI rights (among others), by explicitly underlining the fact that a land conflict or LGBTI situation is a human rights issue. It has also used them to condemn the repression of different categories of HRDs (e.g. women's rights defenders in Saudi Arabia) and to voice its concern about the persecution of its Sakharov Prize laureates and the communities they belong to (e.g. Sudanese Sakharov Laureate Salih Mahmoud Osman).<sup>182</sup>

Beyond condemning violations of human rights, Parliament has called for concrete action through these resolutions. For instance, it has called from national authorities of countries concerned to ensure that HRDs are able to carry out their work, to guarantee HRDs' right to freedom of expression, association and peaceful assembly, and their right to a fair trial. Parliament has also used these resolutions to demand stricter action from the EEAS and Member States. In its 16 September 2016 resolution on Zimbabwe, for instance, Parliament called on the EU to 'carefully analyse the appropriateness of re-imposing certain restrictive measures'.<sup>183</sup> Others have demanded the

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<sup>179</sup> Resolution of 17 February 2022 on human rights and democracy in the world and the European Union's policy on the matter – annual report 2021, [P9\\_TA\(2022\)0041](#), European Parliament.

<sup>180</sup> The European Parliament's urgency resolutions can be found [here](#).

<sup>181</sup> Resolution of 17 February 2022 on human rights and democracy in the world and the European Union's policy on the matter – annual report 2021, [P9\\_TA\(2022\)0041](#), European Parliament.

<sup>182</sup> Resolution of 31 May 2018 on the situation of women's rights defenders in Saudi Arabia (2018/2712(RSP)), [P8\\_TA\(2018\)0232](#), European Parliament; Resolution of 15 March 2018 on the arrest of human rights defenders in Sudan, notably the case of Sakharov Prize laureate Salih Mahmoud Osman (2018/2631(RSP)), [P8\\_TA\(2018\)0080](#), European Parliament.

<sup>183</sup> Resolution of 15 September 2016 on Zimbabwe (2016/2882(RSP)), [P8\\_TA\(2016\)0351](#), European Parliament.

immediate and unconditional release of HRDs, such as the Ukrainian political prisoner Oleg Sentsov, detained in Russia.<sup>184</sup>

Urgency resolutions have also often been issued within the framework of collective EU efforts to put pressure on a government to act in favour of HRDs' protection. For example, in May 2016, Parliament adopted a resolution on the human rights situation in Djibouti, while in parallel two human rights-related informal démarches were also carried out with the Minister for Justice.<sup>185</sup> We heard that topical resolutions have an important impact, particularly when the EEAS, Member States, the EU delegations and the EUSR are also pushing in parallel for the protection of a particular HRD or for the rights of HRDs to be respected in a specific country. As a result, some governments have reconsidered their actions, including the imposition of the death penalty. Certain national parliaments have changed or abandoned the laws criticised in Parliament's resolutions.

In addition, every year, the AFET committee prepares Parliament's recommendation to the Council on the priorities that the EU should put forward ahead of the United Nations General Assembly. This annual report creates an effective mechanism for establishing coordinated messages, helping to make the EU's voice stronger and more coherent on EU-UN topics of common interest, including on the implementation of the Guidelines and the protection of HRDs, in the context of multilateralism and peace and security cooperation. In that vein, in its March 2017 resolution on EU priorities for the UN Human Rights Council session in 2017, Parliament expressed its concern about the ever-increasing attempts to shrink the space of civil society and human rights defenders and underscored the importance of the role of human rights NGOs and defenders in the promotion and protection of human rights.<sup>186</sup>

Although non-legislative resolutions are not binding, according to point 16 of the Framework Agreement on relations between the European Parliament and the European Commission and paragraph 10 of the Interinstitutional Agreement on Better Law Making (Article 225 TFEU), the European Commission has agreed to inform the Parliament in writing within 3 months of the adoption of a Parliamentary resolution, on the actions it has taken in response to specific requests addressed to it in Parliamentary resolutions.<sup>187</sup> EPRS has monitored the response level of the European Commission to Parliament's own initiative reports (INIs) since the eighth parliamentary term (2014-2019). It is troubling to observe that, for the period from July 2014 to December 2015 covered in the EPRS study on the European Commission follow-up to European Parliament requests, while the largest number of resolutions was prepared by AFET (18 out of 97 INIs studied), written follow up from the European Commission was received for only 7 of these resolutions. These seven European Commission follow-ups included responses to Parliament's resolution of 12 March 2015 on the annual report on human rights and democracy in the world 2013 and the equivalent Parliament resolution of 17 December 2015 on the annual report of 2014.<sup>188</sup> The European Commission also provided a follow up to Parliament's resolution of 14 December 2016 on the annual

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<sup>184</sup> Resolution of 14 June 2018 on Russia, notably the case of Ukrainian political prisoner Oleg Sentsov (2018/2754(RSP)), [P8\\_TA\(2018\)0259](#), European Parliament.

<sup>185</sup> [Annual Report on Human Rights and Democracy in the World 2016](#), Council of the EU, October 2017, p. 118.

<sup>186</sup> Resolution of 16 March 2017 on EU priorities for the UN Human Rights Council sessions in 2017 (2017/2598(RSP)), [P8\\_TA\(2017\)0089](#), European Parliament.

<sup>187</sup> Consistent with these provisions, the European Commission should reply to the cases where it has not been able to act according to the positions adopted by Parliament. The timing of the reply can be adapted according to the urgency of the reply: if the request is urgent, provisions allow for shortening this period; if there is no urgency, this period can be extended by a month. If the Commission decides not to submit a proposal, it needs to provide detailed reasons for its decision and, where appropriate, also an analysis of possible alternatives.

<sup>188</sup> Roxana Osiać et al., [European Commission follow-up to European Parliament requests: A Rolling Check-List](#), EPRS, European Parliament, January 2017.

report of 2015. During the current legislative term (for the period 2019-2021), only 9% of 38 AFET resolutions (including DROI resolutions) received a written answer from the European Commission.<sup>189</sup> In fact, the European Commission did not follow up in writing to the European Parliament resolutions of 12 December 2018 on human rights and democracy in the world and the EU's policy on the matter - annual report 2017, the one of 15 January 2020 on the annual report of 2018, or the Parliament resolution of 20 January 2021 on the equivalent annual report of 2019. Instead, the European Commission has increasingly preferred to address Parliament's concerns in debates, which in terms of Parliamentary oversight, however, does not allow the level of implementation of Parliament's requests for action to be monitored.

Through parliamentary questions to the Council, European Commission or EEAS, individual Members can raise awareness about the situation of a specific HRD, raise a concern or even recommend specific actions. During the current legislative term, about 80 written and oral questions have been posed so far to the European Commission on human rights defenders, out of which 14 were expressly on this topic. Members have raised concerns regarding Egyptian HRDs detained, the visa policy for HRDs, the situation of HRDs in Colombia (including women HRDs), China, Kazakhstan, Guatemala and the United Arab Emirates, the need to protect HRDs in Iranian jails from Covid-19, the forced deportation of HRDs from Cuba, the conviction of the Palestinian HRD Issa Amro, and reprisals by non-EU countries against HRDs relocated in Europe. In comparison to the number of questions posed in previous legislative terms, there were 207 questions between 2014-2019 and 189 questions during the 2009-2014 term. The number of questions posed during this term for the same period is above average. Our interlocutors highlighted in particular that the questions that were sent to the European Commission for written answer by a group of Members (rather than a single Member) were the ones that tended to trigger a reaction from the European Commission and the EEAS.

### 3.2. Parliament's exchanges, hearings and delegations

The plight of HRDs has been a regular topic of debates and hearings in the meetings of the committees working on EU external action (especially the Committee on Foreign Affairs and Subcommittee on Human Rights) and in Parliament's plenary. Beyond numerous hearings on a country or regional basis, DROI organises regular thematic hearings that address the protection of HRDs, which included in camera meetings with foreign diplomats, exchanges with relevant CSOs, and debriefing meetings with the EUSR for human rights.<sup>190</sup> DROI has also held regular exchanges of views every year since 2010 with the COHOM chair, who presented the work programme of the COHOM and reported to DROI Members. Representatives from the European Commission, the Council and the EEAS have also kept Parliament informed through in camera meetings with Members ahead of and after every round of human rights dialogues, consultations with non-EU countries and meetings of relevant structures dedicated to dialogue on human rights, such as relevant regional delegations.

Looking at more recent Parliamentary work, a debate was organised on the continuous crackdown on civil society and human rights defenders in Russia: the case of human rights organisation Memorial was raised during the Strasbourg plenary, on 16 December 2021.<sup>191</sup> In this context, the

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<sup>189</sup> Ex-Post Evaluation Unit (EPRS) and Interinstitutional Relations Unit (DG PRES), [European Commission follow-up to European Parliament requests 2017-2019](#), June 2020.

<sup>190</sup> See, [Activity Report \(2014-2019\) of the Parliament's Foreign Affairs Committee \(AFET\)](#), European Parliament, 2019.

<sup>191</sup> [Continuous crackdown on civil society and human rights defenders in Russia: the case of human rights organisation Memorial](#), Debate, European Parliament, 16 December 2021.

HR/VP and other Commissioners have been invited for an exchange of views. For instance, during the plenary in June 2022, when speaking of the systematic repression of the Uyghurs in Xinjiang, in China, HR/VP Josep Borrell acknowledged the important work carried out by Parliament through its resolutions and mentioned the European Commission's support of it.<sup>192</sup> Equally, during Parliament's December 2020 plenary debate on the case of 2012 Sakharov Prize laureate Nasrin Sotoudeh, who has been imprisoned by the Iranian regime and was facing health difficulties, Commissioner Helena Dalli stepped in for HR/VP Josep Borrell. In her speech, Dalli highlighted that Sotoudeh's release and reunification of her family had been requested. In that context, the repression of human rights lawyers and defenders, peaceful protesters, ethnic and religious minorities was specifically raised.<sup>193</sup>

On occasion, the EEAS has reacted to violations of HRDs' rights in response to pressure exerted by Parliament through its debates, high-level meetings and in informal contacts. Such is the case of Gabon in 2016, where the EEAS had voiced its serious concerns – through statements issued by the HRVP and EU missions – to encourage the government to ensure full respect for human rights and where the EU delegation had liaised with local civil society over the collection of evidence on human rights violations.<sup>194</sup> Parliament has also participated in concerted EU efforts to promote the plight of HRDs and to protect them. When the 2020-2024 Action Plan on human rights and democracy was being promoted in numerous separate regional virtual discussions fora in 2021 – notably in the Americas, the Eastern Neighbourhood and Central Asia, Asia and Africa – Members of the European Parliament were also invited to participate to help build awareness, strengthen collaboration and enhance regional ownership in the regions the EU works with.<sup>195</sup> Equally, when the EU raised its concerns more vocally regarding human rights abuses in Russia, Parliament held an emergency debate on the case of Ildar Dadin and torture in Russia in 2016, and other EU institutions organised parallel activities to address the same concern. The EU delegation in Moscow, in coordination with EU Member States, attended several human rights-related trials and visited NGOs across the country. The EU delegation also organised several events with human rights defenders and civil society organisations and met with them on a regular basis. This was also the case when in November, Members of Parliament's delegation visited Uzbekistan and were able to meet with representatives of the authorities and HRDs and civil society members. In 2016, the EU delegation in Tashkent was allowed to visit detention centres.<sup>196</sup>

Parliament has established itself as the EU institution that is most vocal on the respect and protection of EU values – as much internally as externally. For example, in 2011, European Parliament President Jerzy Buzek made more than 150 human rights-related statements and speeches.<sup>197</sup> In celebration of International Democracy Day on 15 September 2020, a series of online debates on the state of democracy during the Covid-19 pandemic took place between 14 and 17 September. These were co-organised by the European Parliament and the leading associations for

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<sup>192</sup> [Xinjiang: Speech by High Representative/Vice-President Josep Borrell at the EP debate on the human rights situation](#), Speech delivered by Executive Vice-President for An Economy that Works for People, Valdis Dombrovskis, EEAS, 8 June 2022.

<sup>193</sup> [Iran: Speech on behalf of HR/VP Josep Borrell in the European Parliament plenary debate on the case of 2012 Sakharov Prize laureate Nasrin Sotoudeh](#), EEAS, These remarks were delivered by Helena Dalli, European Commissioner for Equality, 17 December 2020.

<sup>194</sup> [Annual Report on Human Rights and Democracy in the World 2016](#), Council of the EU, October 2017, p. 124.

<sup>195</sup> These events also featured the EUSR for human rights, the Deputy High Commissioner for Human Rights, the African Commission on Human and People's Rights Vice-chairperson, human rights experts, civil society representatives and human rights defenders. [2021 EU Annual Report on Human Rights and Democracy in the World](#), Report of the EU High Representative for Foreign Affairs and Security Policy, Council of the EU, April 2022, p. 211.

<sup>196</sup> [Annual Report on Human Rights and Democracy in the World 2016](#), Council of the EU, October 2017, p. 85.

<sup>197</sup> [Human rights and democracy in the world. Report on EU Action in 2011](#), Council of the EU, June 2012, p. 282.



promoting democracy in Europe and beyond. An international conference on 'Parliaments and democratic innovations: adapting the capacities of parliaments to changing democracies' was organised in December 2020, jointly with the European Commission and 'INTER PARES, Parliaments in Partnership'. The conference gathered Members of Parliament, scholars and parliamentary officials to discuss changes in representative democracy and their effect on parliaments.<sup>198</sup>

Parliamentary delegations to third countries have been a useful tool to raise concerns regarding HRDs' safety and wellbeing with the authorities of a given country. The DROI delegations raise cases of HRDs during their visits to third countries, and so should all European Parliament standing delegations whenever relevant. According to the guidelines for EP inter-parliamentary delegations on promoting human rights and democracy in their visits to non-EU countries, European Parliament delegations should raise cases of HRDs in meetings with the authorities of third countries and ask for authorisation to visit HRDs that are imprisoned.<sup>199</sup> For instance, Members consulted civil society and met with NGOs during two visits to Mexico in February 2015 and May 2013. Human rights also occupied a prominent place in parliamentary exchanges, notably during former European Parliament President Martin Schulz's visit to Mexico in February 2013, during which he met with civil society organisations.<sup>200</sup> In the context of the Rohingya refugee crises, which worsened in 2017 and 2018, AFET Members joined the DROI mission to refugee camps in Cox' Bazar in Bangladesh and to Myanmar in February 2018 where discussions were held with HRDs.<sup>201</sup>

In 2010, in the context of scrutinising the implementation of the EIDHR, Parliament set up a specific working group within the AFET committee. It met regularly with the European Commission services to discuss the multiannual strategy papers and the annual action plans, and for a general follow-up on progress made on the EU external financing instruments' implementation. Several exchanges of views on the implementation and review of the EIDHR were also held during the DROI meetings. Within these exchanges, Parliament was able to express its wish to participate more meaningfully in the setting of priorities for EIDHR.

The annual delegation of the AFET committee and DROI subcommittee to the UN Headquarters in New York is an invaluable tool to assess the state of UN-EU cooperation and to show support for the actions of the UN Secretary General, raise concerns on the protection of HRDs, particularly at a moment of weakened multilateralism. The AFET work relating to the UN is also supported by a dedicated EU-UN Relations Working Group, where regular exchanges of views take place. Complementing meetings with UN special representatives, Parliament has raised concerns regarding the livelihood of HRDs in multiple international forums and through inter-parliamentary meetings (e.g. the Euro-Latin American Parliamentary Assembly, ACP-EU Joint Parliamentary Assembly, and the Parliamentary Assembly of the Union for the Mediterranean). For example, sessions with human rights defenders and members of civil society have been held regularly with the EU-Mexico Joint Parliamentary Committee. This platform 'has played an important political role in exerting pressure on the Mexican authorities, when required, to carry out the necessary reforms to ensure human rights protection'.<sup>202</sup>

<sup>198</sup> [EU Annual Report on Human Rights and Democracy in the World 2020](#), Council of the EU, June 2021, p. 125.

<sup>199</sup> [Guidelines for EP Interparliamentary Delegations on promoting human rights and democracy in their visits to non-EU countries](#), Approved by the Conference of Delegation Chairs on 5 April 2011, European Parliament.

<sup>200</sup> I. Ioannides, [The effects of human rights related clauses in the EU-Mexico Global Agreement and the EU-Chile Association Agreement: Ex-Post Impact Assessment](#), EPRS, European Parliament, February 2017, p. 98.

<sup>201</sup> [Activity Report \(2014-2019\) of the Parliament's Foreign Affairs Committee \(AFET\)](#), European Parliament, 2019, p. 19.

<sup>202</sup> I. Ioannides, [The effects of human rights related clauses in the EU-Mexico Global Agreement and the EU-Chile Association Agreement: Ex-Post Impact Assessment](#), EPRS, European Parliament, February 2017, pp. 95-98.

### 3.3. Sakharov Prize for Freedom of Thought

Every year since 1988, the European Parliament awards the Sakharov Prize for Freedom of Thought (with an endowment of €50 000) to honour exceptional individuals who fight for human rights and freedom of thought, combat intolerance, fanaticism and oppression. It stands out as the 'best-known and most widely appreciated instrument of the European Parliament in the field of human rights. In some countries, it is as well known as the Nobel Prize'.<sup>203</sup> In that sense, its impact has been important, gaining much visibility in the international press and being associated with the EU's principled approach to human rights.

Sakharov laureates come from various backgrounds and countries but there is always a common thread: they put their lives in danger to defend the rights of others, be it the freedom of expression, the rights of minorities, respect for international law, the development of democracy or the implementation of the rule of law. In that respect, they can be considered HRDs. The prize has been awarded to dissidents, political leaders, journalists, lawyers, civil-society activists, writers, minority leaders, an anti-terrorist group, peace activists, an anti-torture activist, and long-serving prisoners of conscience, among others. It can recognise and celebrate individual and collective action. By awarding the Sakharov Prize in 2010 to Guillermo Fariñas, for example, the European Parliament acknowledged the struggles for freedom of speech and expression of all Cuban HRDs. The 2011 Sakharov Prize was awarded to a widespread reform movement led by citizens, i.e. the 'Arab Spring', personified by five activists for their contribution to the historic changes in the Arab world. The 2020 Sakharov Prize went to the democratic opposition in Belarus led by civil society and political figures, the most prominent one being Sviatlana Tsikhanouskaya.

On occasion, Parliament has been a pioneer, being first to recognise the plight of HRDs and awarding them the Sakharov Prize, before their work has been acknowledged more globally by winning the Nobel Peace Prize. For example, Denis Mukwege, the 'man who repairs women' from the Democratic Republic of Congo, received the Sakharov Prize in 2014 and the Nobel Peace Prize in 2018. Nadia Murad, a Yazidi survivor of sexual enslavement by the Islamic State in Iraq, received the Sakharov Prize in 2016 and the Nobel Peace Prize in 2018. Equally, Malala Yousafzai, Pakistani activist for girls' education, received the Sakharov Prize in 2013 and the Nobel Peace Prize in 2014. On other occasions, awarding the Sakharov Prize to imprisoned HRDs has given their cases more visibility, putting them in the spotlight internationally, which has perhaps also ensured their safety. Raif Badawi, a blogger from Saudi Arabia and laureate in 2015, Oleg Sentsov, a filmmaker from Ukraine and laureate in 2018, and Russian opposition leader, Alexei Navalny, laureate in 2021, are cases in point. International pressure, including by the European Parliament, contributed to the release of Badawi and Sentsov from prison.

The 2013 study commissioned by Parliament argues that the Sakharov prize has had a considerable impact on individual laureates and their organisations. It specifies, however, that the nature of the impact has varied depending on the general circumstances of the laureate and his/her country. Where the prize has had the greatest impact has been to provide moral and psychological support to its laureates and ensure their physical security. It has also helped them attain increased visibility and recognition both domestically and internationally, although the degree has varied between different cases. Linking them to other organisations and universities abroad has increased the impact of the laureates' work. Moreover, the financial award that comes with the Sakharov prize has empowered many laureates to continue and expand their activities on defending human rights.

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<sup>203</sup> K. Pishchikova, [The European Parliament's Sakharov Prize for Freedom of Thought, 1988-2013 - A Quarter Century's Engagement in Human Rights](#), Policy Department, DG EXPO, European Parliament, December 2013.

However, with the exception of Cuba, which remains an outlier because of the number of Sakharov Prize laureates, the study did not find examples of the prize setting off snowballing effects into broader civil society – and that despite the strong international reputation of the prize. This has been attributed to the shrinking of civil society space and the growing authoritarian backlash on human rights.<sup>204</sup> We heard from our interlocutors that the Sakharov Prize has had a positive impact on EU work in support of HRDs carried out by the EEAS. The results of the survey questionnaire, however, were less enthusiastic with only half of the respondents saying that they mobilised Sakharov Prize laureates in their work.

In 2008, Parliament launched the Sakharov Prize Network, an initiative to promote and support prize laureates, but also as a platform where the laureates could share their experiences as human rights defenders and exchange best practices. In its 2010 resolution on HRDs, Parliament underlined the need to actively support and develop proposals on how the Sakharov Prize Network could be used as part of a sustained programme of support for human rights defenders.<sup>205</sup> The above mentioned study on the Sakharov Prize agreed with that assessment, pointing to the necessity to better understand how this prize could serve as a platform for broader international linkages in the defence of human rights. Many laureates had expressed their wish to be more engaged in relations between their country and the European Parliament or the EU, and felt generally dissatisfied about not being able to contribute more. Our survey has shown that the Sakharov Prize continues to be under-utilised as a tool for improving global human rights. Less than a third of respondents said that Sakharov Prize laureates were mobilised in the EU delegation's work on human rights, while 3 (out of 36) did not answer and one delegation provided contradictory information. Drawing on the laureates' own ideas, the 2013 European Parliament study also recommended that the prize be 'dovetailed with other policy instruments, not only by Parliament but also the European Commission and the EEAS'.<sup>206</sup> Such links have not yet been made but would be even more useful today given the increasing challenges to human rights work.

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<sup>204</sup> K. Pishchikova, [The European Parliament's Sakharov Prize for Freedom of Thought, 1988-2013 - A Quarter Century's Engagement in Human Rights](#), Policy Department, DG EXPO, European Parliament, December 2013.

<sup>205</sup> Resolution of 17 June 2010 on EU policies in favour of human rights defenders (2009/2199(INI)), [P7\\_TA\(2010\)0226](#), European Parliament.

<sup>206</sup> K. Pishchikova, [The European Parliament's Sakharov Prize for Freedom of Thought, 1988-2013 - A Quarter Century's Engagement in Human Rights](#), Policy Department, DG EXPO, European Parliament, December 2013.

## 4. Conclusions and options for action

Overall, the study demonstrates that the impact of the implementation of the EU Guidelines on HRDs cannot be considered in an isolated manner. EU policy on and support for HRDs is multifaceted, especially since the development of the human rights-based approach in 2015 that led to the mainstreaming of respect of human rights throughout EU development cooperation, and the adoption of the 2016 Global Strategy, which further pushed for an integrated approach to the EU's external action. It is therefore within this broader context that any changes to the Guidelines themselves and/or their use should be considered.

The moment is opportune since, in June 2023, the EEAS is planning to carry out a mid-term review of the implementation of the current Action Plan on human rights and democracy, which expires in 2024. The stated aim of the review is for its results to feed into the future action plan on human rights and democracy. It is hoped that this study can also offer some food for thought and provide lessons identified for that process.

The effective, coherent and efficient implementation of the Guidelines is today even more necessary in a world where attacks against human rights activists have increased in number, tactical range and severity, a world that is faced with war on the EU's eastern flank and its (financial) consequences that are already felt, and where the impacts of climate change are already being seen and felt. Under these circumstances, the overall deterioration of human rights across the world is likely to continue and even increase in the coming years, and so will requests from HRDs for support. In that light, it is important to ensure that human rights defenders' work continues to be a priority for the EU institutions and its Member States. Below are outlined a number of options to enhance the functioning of the Guidelines and ensure the protection of human rights defenders at risk.

### 4.1. Update the Guidelines to better reflect the groups of human rights defenders

The Strategic Framework and the successive Action Plans have demonstrated the awareness and understanding of EU Member States, the European Commission and EEAS of the changing global environment. They describe an increasingly hostile, polarised, multipolar and contested global scene where HRDs are more at risk and therefore need more protection. The threats described encompass digital transformation and disinformation, the rights of women and the LGBTQI community, and land rights defenders and environmental degradation. Although we were told that these categories of HRDs are included in the EU guidance note linked to the Guidelines, this note is confidential.

Moreover, while CSOs working with HRDs recognise the strong efforts made to shield well-known activists, most consider the Guidelines' scope as relatively narrow. As argued in Part II of this study, civil society leaders see EU diplomats as overly cautious about their own security when considering meeting local, grassroots groups outside capitals and those that are not part of the well-known HRD circuit. Several policymakers also feel that the focus on human rights defenders is rather narrow and focuses attention on a select group of politically prominent figures, therefore disconnecting EU delegation work from more general civil society efforts to defend democratic values. In that respect, implementing the Guidelines so as to cover explicitly the different categories of HRDs is all the more crucial, given that it is highly unlikely that the less known HRDs will be taken up in diplomatic discussions.

An update of the guidelines could be considered in order to express a clear political commitment to the protection of all groups of HRDs that are particularly at risk now. As already recommended by

experts in 2016, EU delegations and embassies of EU Member States could include in the local implementation strategies for the Guidelines in each country, a reference to defenders of land, water and environmental rights, and women, outlining the specific risks that these groups face. They could also take into consideration the dangers that the digital transformation has brought with it.<sup>207</sup> The aim of defining HRDs would not be to put limits to the definition, but rather to ensure clarity among all relevant stakeholders as to who is a human rights defender. This would be especially useful in order to streamline understanding on HRDs among EU Member States' Ministries of Justice and of the Interior, as well as border guards – the actors who are most directly involved in emergency measures and those questioning this work the most.

## 4.2. Reform the EU visa policy to include human rights defenders

As experts and NGOs have called for in the past, it is important that facilitating the issuance of visas for HRDs at risk be discussed in the framework of the common foreign and security policy. As things stand today, the EU visa policy can be seen as being in conflict with EU human rights policies. To better align EU visa policy to the EU's human rights approach, experts have argued that EU Member States should support amending the EU Visa Handbook and the EU Visa Code so that the corresponding provisions on the mobility of HRDs contained in the EU Guidelines on HRDs can be effectively implemented.<sup>208</sup> The European Parliament and the European Commission might be a forceful coalition to contend with if they worked together to push forward on these reforms, based on a clear definition of who is an HRD (see Section 4.1. above)

In terms of practical assistance to HRDs, it is important that EU Member States streamline their visa policy procedures and ensure that they are comprehensible to HRDs at risk, accessible to them in the EU embassies/consulates and achievable within a reasonable timeframe. This would imply allowing for flexibility in relation to processing times, documentary requirements, fees, the issuance of multi-entry Schengen visas and Schengen short stay visas, admissibility and examination of applications. This would also imply relevant training for EU Member State national officials to ensure that they can identify different categories of HRDs and support them.

Another recommendation that is often raised by human rights NGOs and policy-makers would be the explicit inclusion of HRDs as a distinct category entitled to certain visa facilitations (or at least for whom facilitations may be possible at the discretion of the Member States) in the legal instruments on visas. The existing legal instruments pertaining to the EU visa policy – the Visa List Regulation, the Visa Code and visa facilitation agreements between the EU and third countries – already identify categories of individuals who are entitled to facilitations (e.g. holders of diplomatic passports, children, researchers, certain NGO representatives and frequent travellers).<sup>209</sup>

## 4.3. More transparency on the implementation of the Guidelines

In its latest resolution on human rights and democracy in the world, Parliament urged 'the EEAS and the European Commission to improve communication and transparency with regard to civil society, [and] to reinforce and increase the visibility of human rights focal points at the geographical

<sup>207</sup> S. M. Borras, jr. et al, [Land Grabbing and Human Rights: the Involvement of European Corporate and Financial Entities in Land Grabbing outside the European Union](#), Policy Department, DG EXPO, European Parliament, 2016, p. 64.

<sup>208</sup> A. Meloni et al., [Human Rights Defenders in EU Visa Policy: Recommendations for Reform](#), Central and Eastern European Law Initiative (CEELI) Institute, Prague, 2021, p. 6-8.

<sup>209</sup> Ibid., p. 46.

divisions of their headquarters'.<sup>210</sup> This study has demonstrated how difficult it is to identify and access the focal points in EU delegations even for EU officials from other institutions. Over the years, the EEAS and the European Commission have indeed ensured that human rights focal points and human rights defenders liaison officers are in place in the EU delegations, especially where the local circumstances demand it. Outsourcing part of the outreach and contact with HRDs at risk to the human rights defenders mechanism – Protectdefenders.eu – and the hotline can only be part of the solution. As explained repeatedly by our interlocutors, the context in which HRDs operate is particularly difficult, to the point where visible support can be counterproductive and may require immediate and discreet diplomatic handling. For these reasons, clear and easy access to human rights contact points should be reinforced, in line with the 2012-2015 Action Plan on human rights and democracy.

Furthermore, it is important that the EEAS, the European Commission and the EU Member States provide better access to information relating to the Guidelines in order for parliamentary oversight to be carried out correctly. It would be useful for the EU guidance notes (2017 and 2020) and other relevant limited and confidential documents to be made accessible to an identified Member of DROI (ideally, the rapporteur on the implementation of the Guidelines and/or the DROI chair) and one or two staff in the European Parliament administration carrying out the evaluation of the Guidelines. To that end, EU delegations and EU Member State embassies/consulates should consider making the local strategies available to the public, as already requested by Parliament in the 2010 resolution on HRDs. The EEAS and Parliament should ensure that the effectiveness and outcomes of the implementation strategies are assessed regularly, including through consultations with HRDs and CSOs.

More transparency in the way funding is provided for programmes and projects to support HRDs would also be welcome. As things stand, budget lines on earmarked funds are clearly reported on. However, it is far more challenging – often impossible – to know how funding has been used specifically. CSOs and Parliament have also called for more flexibility in project programming. Parliament has repeatedly urged the European Commission to refrain from disbursing budget support directly to governments of third countries where there are widespread violations of human rights and repression of HRDs. More transparency on these modalities would also be crucial.

#### 4.4. Better control of online surveillance

Protecting HRDs also depends on the extent to which digital risks are minimised and digital opportunities maximised. Among the risks are the fragmentation of the internet into national spaces with varying degrees of direct and indirect censorship and abuses inherent in self-expression on the internet, such as hate speech and smear campaigns. The internet also poses a growing threat to privacy through the use of surveillance, data mining and profiling for law enforcement (particularly when implemented by non-democratic regimes). Already in 2015, Parliament called on the European Commission to support initiatives relating to the development and dissemination of digital security technologies to empower human rights defenders by providing secure collection, encryption and storage mechanisms to avoid monitoring by repressive governments.<sup>211</sup>

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<sup>210</sup> Resolution of 17 February 2022 on human rights and democracy in the world and the European Union's policy on the matter – annual report 2021, [P9\\_TA\(2022\)0041](#), European Parliament.

<sup>211</sup> See, for example, Resolution of 12 March 2015 on the Annual Report on Human Rights and Democracy in the World 2013 and the European Union's policy on the matter (2014/2216 (INI)), [P8\\_TA\(2015\)0076](#), European Parliament; Resolution of 8 September 2015 on 'Human rights and technology: the impact of intrusion and surveillance systems on human rights in third countries' (2014/2232(INI)), [P8\\_TA\(2015\)0288](#), European Parliament.

As the EU institutions, including Parliament through its new inquiry committee PEGA, consider new measures to deploy in response to the spread of Pegasus and other spyware, consideration should also be given to how these responses can be tailored to protect HRDs made more vulnerable by this more advanced and intrusive surveillance. The EU debate has focused mainly on the use of Pegasus within EU Member States.<sup>212</sup> However, as Parliament and civil society have argued, more attention will need to be given to its use against civil society actors in third countries. Parliament's latest resolution on human rights and democracy in the world, of 17 February 2022, stresses that 'recent revelations such as the NSO Pegasus scandal confirm that spying against HRDs and journalists, among others, is an extremely alarming matter and appear to confirm the dangers of the misuse of surveillance technology to undermine human rights'. Accordingly, it 'calls for the promotion of a safe and open space and greater capacity for civil society organisations, human rights defenders, journalists and other individuals concerned in order to protect them from cyber surveillance and interference [and] underlines the need for more robust national and international regulation in this area.'<sup>213</sup> In response to such concerns, on 12 August 2021, UN human rights experts urged all states to impose a global moratorium on the sale and transfer of surveillance technology until they have put in place robust regulations that guarantee its use in compliance with international human rights standards.<sup>214</sup>

## 4.5. Include the protection of human rights defenders in broader EU human rights support

Experts on conflict transitions explain that violence against HRDs may evolve into a systemic problem in post-conflict settings. In such circumstances, it is argued, protection must go beyond providing individual security measures for HRDs at risk. Instead, an integrated and comprehensive approach should be favoured, one that puts the focus on the security of communities and organisations, strengthening their capacities and relations with the state, and demobilising armed groups responsible for attacking HRDs.

Prevention of human rights violations in transition countries – with the support of the European Commission and the EEAS – would be accompanied by long-term reforms, such as capacity-building on defending rights. Equally, to strengthen accountability, transition/post-conflict countries' governments – again with the support of the European Commission – will need to adopt a criminal policy that prioritises crimes against defenders and focuses on dismantling the groups responsible. Such efforts would also be effective if embedded more clearly in broader EU supported reforms to dismantle economies of war, ensure governance in rural areas, offer economic opportunities to isolated communities and young people, and tackle the systemic causes of conflict and poverty.<sup>215</sup>

In that respect, the EU's integrated approach to crisis management has become even more relevant given the increasing violence against HRDs. The European Commission's grant schemes, programmes and policy for the protection of HRDs are well embedded in the broader EU human rights policy. Protection offered to HRDs is focused on helping them remain in their country and on creating the circumstances for them to continue their work in their country, where they are needed

<sup>212</sup> C. Colomina et al., [The impact of disinformation of democratic processes and human rights in the world](#), Policy Department, DG EXPO, European Parliament, April 2021.

<sup>213</sup> Resolution of 17 February 2022 on human rights and democracy in the world and the European Union's policy on the matter – annual report 2021, [P9\\_TA\(2022\)0041](#), European Parliament.

<sup>214</sup> [Spyware scandal: UN experts call for moratorium on sale of 'life threatening' surveillance tech](#), United Nations Office of the High Commissioner for Human Rights, 12 August 2021.

<sup>215</sup> P. Wesche, 'Post-war Violence against Human Rights Defenders and State Protection in Colombia', *Journal of Human Rights Practice*, 2021, p. 335.

most. In parallel, when and where needed, the European Commission intensifies its support in the face of systemic human rights challenges, be they institutional, capacity-related or politico-diplomatic. This approach could be further developed to link EU support to HRDs to other aspects of EU development cooperation, for example the environment, climate change and support for the private sector.

Governments in some recipient countries (for example, in Colombia) have come to recognise that effectively preventing post-war violence involves strengthening the capacities of communities to defend their rights, including organisation-building, communication, rights awareness, enforcement and interacting with state authorities. The participation of civil society and local authorities in the design and implementation of such measures is recognised as being key to ensuring their effectiveness. Thus, the value of a functioning protection regime that is decentralised is understood, whereby coordination mechanisms are set up between local governors, mayors, the military, police, prosecutors, protection agencies and civil society.<sup>216</sup> In that framework, the EU could also strengthen its cooperation programmes on strengthening the judiciary to increase the training of national human rights institutions and institutions for legal defence, and designate sufficient resources to monitor the proper and equal application of justice, respect for the presumption of innocence and the right to a fair trial.

#### 4.6. Invest more in long-term protection and welfare of human rights defenders

The European Commission and the EEAS should accompany the above-mentioned efforts through both financial and political support. The European Commission's 2017 mid-term evaluation of the EIDHR recommended increasing the funding dedicated to HRDs and CSOs working in countries where the civil society space is shrinking. While this has happened, as Part I of this study has shown, CSOs insist that more funding and more flexible programmes are needed to make a difference and that inviting HRDs to meetings should not be taken as a substitute for adequate funding, as shown in Part II of this study. In that regard, CSOs call for more 'preventative' approaches to anticipate serious problems and assaults rather than simply react to them once they have already happened. Equally, as cases of HRDs at risk rise across the world, more human resources are needed within the EU institutions in Brussels to deal with the numerous cases at hand. Part II of the study calls for higher levels of institutional capacity also in the EU delegations so that the EU can follow and engage fully in HRD challenges.

Similarly, in its 2020 report, the ProtectDefenders.eu mechanism underlined the continuous major challenges faced, including the fact that the demand for support from HRDs continues to exceed the resources available. The increasing volume of requests emphasises the discrepancy between the reality of legitimate needs in the contexts where human rights defenders operate, and the financial capacity available at international level – a gap that is more and more disproportionate. In too many cases, defenders continue to struggle to find sustainable solutions due to the persistence of threats. Furthermore, the devastating impact of Covid-19 in vulnerable communities has meant that sustainability prospects for some HRDs are uncertain, as they are prevented from continuing their work and struggle to secure a stable source of income.<sup>217</sup> Other HRDs are looking for more opportunities to network and carry on their work in a safe space. This harsh reality attests to the

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<sup>216</sup> P. Wesche, 'Post-war Violence against Human Rights Defenders and State Protection in Colombia', *Journal of Human Rights Practice*, 2021, p. 334.

<sup>217</sup> [2020 Annual Report: Building the Resilience of Human Rights Defenders at Risk Worldwide](#), ProtectDefenders.eu, 2021, p. 15.



crucial need to consider increasing and creating long-term means of support available to HRDs, their families and their communities.

## 4.7. Strengthen consistent political support for human rights defenders

A recurrent issue on human rights support is ensuring that financial aid does not come in lieu of political support for the protection on HRDs. This issue has been underlined repeatedly in EPRS evaluations.<sup>218</sup> Already in 2010, in its resolution in favour of HRDs, Parliament noted that the lack of consistency in a principled EU human rights approach in its foreign policy could be a catalyst for worsening the security of HRDs.<sup>219</sup> This inconsistency has further deteriorated in the last 10 years with the EU being in continuous crisis mode. This became more evident with the adoption of 'principled pragmatism' in the 2016 Global Strategy, which allowed for human rights policies to be relegated to the background on certain occasions, in the interest of protecting EU interests (economic, political, strategic or other).

To bridge this gap and within the context of the Guidelines, EU delegations and other EU Member State embassies/consulates could take more active steps for the protection of HRDs by making their support for HRDs more visible. This would translate into increasing visits to communities of HRDs in remote and rural areas; making their support for the work of HRDs more visible in events organised by EU missions; and following up on specific cases of violence against HRDs and the criminalisation of HRDs, as well as speaking out publicly on them. CSOs have also frequently called for direct involvement of Heads of State, Ministers and the HR/VP in the implementation of EU Guidelines on human rights, and systematically including a meeting with local human rights NGOs and defenders in their country visit agendas.<sup>220</sup> Parliament also has a role to play here. It could strengthen the use of its public diplomacy function, giving more of a voice to those who do not have one in their own countries. Through their activities, Members have raised important concerns, which have been heard to a large degree, especially at the EU administrative level, but more pressure could be exerted at the political level of the EU.

The EU Guidelines on HRDs should be seen as belonging to the broader panoply of human rights instruments that the EU has at its disposal for protecting human rights defenders. Beyond the Guidelines per se, Parliament could also continue to encourage the European Commission to use the human rights clause in its trade agreements in a more robust way in order to respond to serious breaches of human rights and democratic principles. The EU has preferred constructive engagement to more restrictive measures, and has not activated the clause to suspend trade preferences under any of its trade agreements.<sup>221</sup> As laid out in the 2020-2024 EU Action Plan on human rights and democracy, EU Member States also have the EU global human rights sanctions

<sup>218</sup> See, for example, I. Ioannides (ed.), [EU external financing instruments and the post-2020 architecture: European Implementation Assessment](#), EPRS, European Parliament, February 2018; I. Ioannides, [Peace and Security in 2018: An evaluation of EU peacebuilding in the Western Balkans](#), EPRS, European Parliament, May 2018.

<sup>219</sup> Resolution of 17 June 2010 on EU policies in favour of human rights defenders (2009/2199(INI)), [P7\\_TA\(2010\)0226](#), European Parliament.

<sup>220</sup> [Contribution to the Informal COHOM dedicated to the strategic review of the EU human rights policy](#), International Federation for Human Rights, October 2010.

<sup>221</sup> I. Ioannides, [The effects of human rights related clauses in the EU-Mexico Global Agreement and the EU-Chile Association Agreement: Ex-Post Impact Assessment](#), EPRS, European Parliament, February 2017.

regime (also known as the European Magnitsky Act) at their disposal.<sup>222</sup> The European Commission could also strengthen effective implementation, enforcement and monitoring of GSP+ and EBA beneficiaries' commitments (relevant treaties relating to human rights and ILO conventions). In addition, the EU Corporate Due Diligence Directive, which is currently being negotiated, will aim to strengthen the EU's ability to hold business accountable on human rights due diligence, since, in line with international requirements, business enterprises will have to identify, prevent, mitigate and account for their potential and actual human rights impacts. Moreover, Parliament could enhance its role in improving capacity building and exchanging best practices with other parliaments on how to protect HRDs better and ensure their livelihoods and welfare.

Part II of this study makes a number of other recommendations deduced from a bottom-up perspective, drawing from empirical evidence collected through interviews with EU delegations across the world, civil society representatives and EU Member States. They complement the above recommendations, which flow rather from an institutional perspective, having analysed the EU institutional framework, policies and instruments and their implementation, as seen from the Brussels-based EU institutions and an analysis of EU policy documents and other literature.

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<sup>222</sup> This sanctioning regime can be used to respond, for instance, to abuses of human rights by migrant smugglers; sexual violence and gender-based violence; violations or abuses of freedom of peaceful assembly and of association; violations or abuses of freedom of opinion and expression; violations or abuses of freedom of religion or belief; and enforced disappearance of persons, arbitrary arrests or detentions.

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## ANNEX I: EPRS survey questionnaire

5 April 2022

## European Parliament own-initiative report on the implementation of the EU Guidelines on Human Rights Defenders (HRDs)

*The main purpose of this DROI implementation report is to inform Parliament about how the EU institutions, particularly the EEAS, the European Commission and EU delegations are in effect applying the EU Guidelines on HRDs and to provide an assessment of the impact of the measures on HRDs.*

## Questionnaire

1) What share of your time (% or number of hours) do you spend on helping HRDs?

Roughly how many meetings with HRDs do you have per year?

2) Has this frequency of contacts increased in recent years?

Yes       No

• If so, by how much?

3) Do European Commissioners, the HR/VP and/or other EU envoys visit/meet HRDs when visiting the country in which your EU delegation is located?

Yes       No

4) How many HRD trials do you attend each year, roughly?

• Is this increasing or decreasing?

5) How many activists in danger contact you per week, on average?

6) What kinds of help do they most often seek?

7) How many activists seek help to leave the country (per year)?

8) What share (%) of activists are able to obtain emergency visas from the delegation?

9) What other emergency measures – besides emergency visas – has the EU delegation taken to protect HRDs?

10) What steps have you taken to publicize the Guidelines beyond the normal circle of well-connected NGOs?

11) Have gender rights activists become more prominent among the HRDs looking for support?

- Yes                       No

• What share (%) do they now account for, roughly?

12) Have environmental activists become more prominent among the HRDs looking for support?

- Yes                       No

• What share (%) do they now account for, roughly?

- What are environmental activists' specific concerns, relative to other HRDs?

13) How much (in %) of your support to HRDs now takes the form of digital protection?

- How much (in %) has this share increased over the years?

14) In what share of cases (number/%) do you believe the EU has successfully helped head-off attacks on HRDs?

15) How many Member States fully contribute to your efforts to protect HRDs?

16) Have you had to become more cautious in reaching out to HRDs due to political sensitivities in recent years?

- Yes       No

17) Do you feel there is effective back up at the diplomatic/political level when you raise concerns about HRDs' safety?

- Yes       No

18) Are the Sakharov Prize laureates mobilised in the EU delegation's work on human rights?

- Yes       No

19) Is there coordination between the EU delegation and EU member state embassies on human rights defenders' cases?

- Yes       No

20) How much EU funding is spent (annual basis and multi-annual framework) to support HRDs)?

- Has funding for HRDs increased in recent years?

- By how much?

\*\*\*\*



## Part II:

# Research paper on the implementation of the EU Guidelines on Human Rights Defenders with a focus on climate, gender, digital transformation and emergency measures

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## Executive summary

Since they were introduced in 2004, the EU's Guidelines for Human Rights Defenders (HRDs) have gradually assumed a more central role in the Union's efforts to help protect activists from attacks and repression. The Guidelines have gathered momentum and become more operationally relevant to human rights issues in many countries around the world.

Despite the progress made, there is scope for improvement at two levels. First, changes are needed to ensure that the Guidelines' original and core aims are implemented more fully. Second, the Guidelines could usefully be updated to keep pace with new ways in which HRDs around the world are threatened. The effective functioning of the Guidelines is today even more necessary as attacks against human rights activists have increased in number, tactical range and harshness since 2004.

This report draws evidence from a questionnaire survey sent to EU delegations and interviews with human rights focal points, civil society representatives and EU Member States representations. These add information to extant assessments and reports on the Guidelines that both EU institutions and civil society organisations have prepared in the years since 2004.

On the positive side, this evidence suggests that the Guidelines have helped in the development of a stronger EU focus on protecting HRDs at risk. If a decade ago the Guidelines were still not well known and generally marginal in their importance, the severe challenges facing HRDs mean this situation has gradually changed. The most positive change is that the Guidelines have become more widely appreciated among civil society and have established themselves firmly as part of the EU human rights and democracy toolbox.

However, the evidence gathered in research undertaken for this report also reveals weak spots in the implementation of the Guidelines. It suggests that the Guidelines need to evolve if they are to keep pace with the ways in which human rights challenges are becoming more serious and widespread. These changes have left the EU's original conceptualisation of human rights defenders from the early 2000s looking unduly narrow and struggling to keep up with the political tactics employed by a rising number of regimes

While they have been effective in some countries in raising the profile of HRD concerns, the Guidelines are still low-key and insufficiently followed through in all countries to deal fully with the heightened risks facing human rights activists. This report details a number of shortcomings in the Guidelines' implementation and argues for a number of improvements:

- The EU could be more transparent in its actions under the Guidelines and do more to alert HRDs to the availability of EU support and protection.
- While the EU is right to be concerned with the security of its own personnel, there is scope to combine this caution with a less risk-averse approach to upholding human rights actions in third countries.
- The EU needs to invest in a higher level of institutional capacities if it is to meet the demand for HRD protection
- The Guidelines could be made less voluntaristic and optional, in order to correct the striking variation that exists in their relative impact across countries
- The EU needs to work harder to reach out to and help fast-emerging sectors of the human rights community beyond well-known and well-connected leading HRDs
- The EU could develop a more proactive role in coordinating member state visa policies to ensure that a larger number of HRDs are safely resettled in emergency situations
- The Guidelines should be improved to help the EU look beyond immediate emergency support for HRDs at risk and develop a longer-term focus on building systemic human rights capacities and less restrictive institutional contexts

- The EU could increase its human rights funding and make sure its longer-term capacity building programmes dovetails more seamlessly with its diplomatic actions under the HRD Guidelines: the protection and empowerment of human rights activists need to be pursued more fully in tandem with each other
- The Guidelines need to build in specific provisions relating to environmental and climate activism and ensure that these fast-growing areas of civic mobilisation are addressed as a core and distinctive HRD issue
- The Guidelines need to speak more directly to the particular challenges facing women HRDs and develop strands of work tailored to their concerns
- There remains scope for the Guidelines to prompt a wider range of support for digital security and online human rights activism, and also for them to play a role in EU responses to intrusive spyware like Pegasus.
- The Guidelines could play a role in getting a larger number of member states more fully engaged in HRD protection.



---

## List of acronyms

COHOM	Council Working Party on Human Rights
CSOs	Civil Society Organisations
DROI	European Parliament's subcommittee for human rights
EEAS	European External Action Service
EIDHR	European Instrument for Democracy and Human Rights
EPRS	European Parliamentary Research Service
EU	European Union
EP	European Parliament
HoMs	Heads of Mission
HRDs	Human Rights Defenders
LGBTI	Lesbian, Gay, Bisexual, Transgender and Intersex
SDGs	Sustainable Development Goals
UN	United Nations
US	United States

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# 1. Introduction

In 2004, the EU agreed and introduced its Guidelines for Human Rights Defenders (HRDs) [referred to hereafter as 'the Guidelines']. These were developed as one part of the EU's toolbox of policy instruments related to human rights. The Guidelines took some time to gain traction but have gradually become an important part of EU external action related to human rights. They represent a dimension of EU human rights and democracy policy in which there has been clear progression over time.

The Guidelines' relevance has become even more germane as attacks against human rights activists have become more serious, widespread and violent in the years since 2004. The Guidelines have succeeded in prompting and channelling a stronger EU focus on defending activists at risk in their human rights work. The fact that they have done so marks a notable change in the way that the EU has approached issues of human rights and democracy internationally.

While they have gained operational significance and helped protect many activists in acute danger, the Guidelines have struggled to keep pace with the evolving nature of human rights challenges. Their relatively low-key, cautious and optional ethos sits uneasily with the need to tackle increasingly systemic and serious assaults on the global human rights community. Specific challenges related to certain types of activism also require more tailored EU strategies and commitments. And a larger number of member states need to be fully engaged in the defence of human rights activists if the EU as a whole is to be effective in this area.

This report offers an assessment of what the Guidelines for Human Rights Defenders have done well and less well, and how these strengths and weaknesses have changed over time. From this assessment, it suggests ways in which the Guidelines could and should be fine-tuned and improved. These improvements relate both to the Guidelines' own internal weak spots and the changing nature of external challenges to which the EU must perforce respond. There is scope for implementation of the current Guidelines to be improved; there is equally a need for the scope of the Guidelines to be widened.

## 1.1. Scope of the Research Paper

This research paper assesses implementation of the EU Guidelines for Human Rights Defenders (HRDs). It focuses mainly on the period of the 2010s and early 2020s, as the last European Parliament (EP) evaluation of the Guidelines was carried out in 2013. The paper assesses EU actions related to the Guidelines in terms of their:

- relevance to the stipulated aims of the Guidelines;
- -effectiveness in fulfilling the Guidelines;
- coherence with other EU actions;
- efficiency and procedural smoothness;
- added value in relation to the actions of other actors.

The paper addresses the general implementation of the Guidelines but looks in particular at how far they have addressed four themes. First, HRDs focusing on gender rights. Second, HRDs' cybersecurity and protection from state surveillance. Third, HRDs focused on climate activism. Fourth, HRDs' need for emergency relocation and humanitarian visas. These themes are highlighted as those that have gained particular relevance as the human rights context has evolved in the last several years.

The paper assesses the Guidelines in terms of what they specifically commit the EU to do, namely: gather and share better information on HRDs, increase contacts with and visits to HRDs; increase HRDs' visibility; and attend trials of HRD defenders. At the same time, it assesses whether a

broadened array of action might be made operational and useful in light of evolving challenges related to human rights protection. As such, it assesses the Guidelines on their own terms, but also questions whether those terms are today adequate to deal with the widening and evolving nature of human rights challenges.

The research paper draws on both quantitative and qualitative methods. It uses and builds on previous EP reports on and evaluations of the Guidelines; the EP's annual reports on human rights and democracy in the world; and international human rights organisations' reports on defence of HRDs and other existing literature. The report draws from several research methods: a desk survey of secondary literature on the topic, in particular previous reports examining use of the Guidelines; interviews with individual policymakers in the EEAS, EU delegations and member state representatives; interviews with CSO representatives, and a questionnaire survey to EU delegations.

The survey (annexed to this study) sought to attain quantitative measurements such as the frequency with which delegations and member states mobilise resources and personnel in the name of implementing the Guidelines; numbers of visits and contacts between EU delegations and member states and HRDs; the frequency with which local HRDs ask the EU to deploy resources and personnel under the rubric of the Guidelines; numbers of trials of HRDs attended by EU diplomats; and the number of cases where the Guidelines have made an identifiable and tangible difference in protecting HRDs. The information obtained helps shed more light on how well the Guidelines are being implemented, although the sensitivity of this area of policy and concerns about security (of both HRDs and EU diplomats) limits the transparency of some information.

Responses to the survey provided an updated picture of how the Guidelines are being implemented, even if those implementing them did not always have precise data and often cautioned that quantitative measurements were not necessarily suited to fast-moving political contexts and the requirements of working in non-public ways. As such, the report stresses that an assessment of the Guidelines requires awareness of qualitative judgements, such as local CSO views on the relevance and utility of the Guidelines; local and EU views on where and how the Guidelines most need to be expanded and updated; and explanations for why the Guidelines may not have been fully implemented or only partially heeded.

The paper uses this empirical base to suggest how the EU might better protect HRDs in the future, including through a possible formal revision of the Guidelines. Its recommendations focus on gaps to be filled in the current scope of the Guidelines and designing better indicators that might help the EP monitor of their impact.

## 2. Scope of the Guidelines

The EU Guidelines draw from United Nations texts for its core definition of what constitutes an HRD, as follows: 'Human rights defenders are those individuals, groups and organs of society that promote and protect universally recognised human rights and fundamental freedoms. Human rights defenders seek to promote and protect civil and political rights as well as to promote, protect and bring about economic, social and cultural rights. Human rights defenders also promote and protect the rights of members of groups such as indigenous communities. The definition does not include those individuals or groups who commit or propagate violence'.

The Guidelines are aligned to UN provisions and commitments. The UN Human Rights Annual Appeal 2022 prioritises HRD issues that overlap with emerging EU concerns, including: more focus on protecting environmental human rights defenders, with UN initiatives beginning in the Pacific, Kenya and Mexico on this issue and better early warning to help HRDs get ahead of the curve and pre-empt attacks, including through the secretary general's Agenda for Protection.<sup>1</sup>

UN Principles on Business and Human Rights mention HRDs and the need for their activities to be protected in business-related issues. These principles are significant as the framework for efforts to tighten companies' due diligence – to make sure private investors do not contribute to attacks on rights activists. The 2018 Marrakech declaration stress National Human Rights Institutions' obligations to protect defenders; states have clearly failed to meet their commitments under this declaration.

Rooted in these UN provisions, the EU Guidelines note that defending and protecting HRDs entails addressing different kinds of challenge that these activists face, with different levels of gravity. These include killings, arrests, unfair trials, general intimidation, smear campaigns, laws to hinder the normal functioning of human rights groups, sexual violence, discrimination, and most recently the use of Covid-19 measures. A development-policy angle is enshrined through Social Development Goal 16 and the key Agenda 2030 framework defining human rights infringements as inimical to broadly defined development goals.

The Guidelines are to be implemented through a specified operational framework that places much emphasis on the role of EU delegations in third countries. They are tasked with leading the response to attacks on HRDs through a network of commitments that includes reporting duties, building contacts with activists, protecting those targeted by repressive measures, where appropriate helping to raise the public profile of HRDs in danger and providing wider support for local communities' human rights work.

The EU Guidelines are designed to coalesce member state efforts too. Some member states have their own national guidelines or strategies specifically on HRDs, but most do not; the EU Guidelines aim to mobilise member state capacities in unison and offer a common vehicle through which to amplify their commitments to help HRDs.

The US has relatively similar provisions. The Biden administration's Guidelines for US Diplomatic Mission Support for Civil Society and Human Rights Defenders are similar to the EU Guidelines.<sup>2</sup> The US also has a designated officer in each US embassy charged with outreach to HRDs and reporting on their situation: It offers various sources of emergency assistance, commits to engaging with the business community, and expects diplomats to attend HRD trials. Compared to their EU equivalent,

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<sup>1</sup> Office of the High Commissioner, *UN Human Rights Annual Appeal 2022*.

<sup>2</sup> US Department of State, [Guidelines for US Diplomatic Mission Support for Civil Society and Human Rights Defenders](#), 2021.

the US Guidelines seem to place slightly more emphasis on public outreach and on the broader civic environment and political situation.

### 3. A worsening trend

The context within which HRDs work has changed significantly since the Guidelines were introduced, and these changes have accelerated during the last decade. Attacks on HRDs have been a serious concern for two decades but have been getting worse in the last several years. The nature of this challenge has also changed in qualitative ways, as regimes have adopted different kinds of tactics and restrictive measures against certain types of activism – in particular, those related to climate, gender and digital issues.

Several authoritative organisations and reports have charted the worsening context for HRDs. Some of the world's most authoritarian regimes began to develop more draconian and formal ways of limiting HRDs' work in the mid-2000s. From these relatively narrow beginnings, the problem developed into a more all-embracing trend during the 2010s. During this decade, restrictive actions against HRDs became more widespread. They increased dramatically not only in highly authoritarian states but also in partially democratic and hybrid regimes. Governments also developed a wider range of tactics and tools designed to complicate HRD work, some of which were directly prohibitive or even violent and some of which were more subtle or indirect in their intended impacts.<sup>3</sup> A growing challenge is that many regimes have become adept at offering improvements in some areas of human rights, and gain international support for doing so, and yet at the same time actually intensify their assaults against select HRDs.

In an especially notable trend that extended incrementally during the 2010s, restrictions and attacks moved beyond the most overtly political and confrontational democracy and rights activists and increasingly targeted those working on issues like development, gender and the environment. The tools of digital surveillance became especially ubiquitous in the latter half of the 2010s, coming to represent a mainstreamed set of tools working to tighten control over HRD activities. All these changes have left the EU's original conceptualisation of human rights defenders from the early 2000s looking unduly narrow and behind the curve of political tactics employed by a rising number of regimes. Reports have revealed that activists feel they began to lack and need certain kinds of support as the decade unwound: closer collaboration, security support, amnesty or safe passage, and media coverage.<sup>4</sup>

The most up to date snapshots are sobering. Published in 2021, Front Line Defenders Global Analysis 2020 maps trends through the end of 2020. It reports 331 documented killings of HRDs in 2020; 69 per cent of these were working on environmental and land rights, 28 per cent on women's rights. Colombia was the country with by far the highest number of killings, at 177, the Philippines was second with 25 deaths. Latin America was the worst region for HRD deaths. Arrests and legal actions were also on the rise, along with physical attacks and smear campaigns. There was a dramatic increase in the detention and harassment of women HRDs as part of culturally illiberal turns in countries like Turkey.

Front Line also recorded increases in requests for emergency online support to counter digital surveillance and harassment. The organisation's 2021 report finds that new online vulnerabilities

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<sup>3</sup> Thomas Carothers and Saskia Brechenmacher, *Closing Space: Democracy and Human Rights Support Under Fire*, Carnegie Endowment for International Peace, Washington, DC 2014; Douglas Rutzen, 'Civil Society Under Assault', *Journal of Democracy* 26, no. 4 (2015); Suparna Chaudhry and Andrew Heiss, *Closing Space and the Restructuring of Global Activism: Causes and Consequences of the Global Crackdown on NGOs*, in Christopher L. Pallas and Elizabeth Bloodgood (eds.), *Beyond the Boomerang: New Patterns in Transcalar Advocacy*, University of Alabama Press, Tuscaloosa, AL, 2021; Suparna Chaudhry, 'The Assault on Civil Society: Explaining State Crackdown on NGOs', *International Organization*, 2022.

<sup>4</sup> May Miller-Dawkins, [Understanding Activism: How International NGOs, Foundations and Others Can Provide Better Support to Social Movements](#), Atlantic Council, Washington DC, 2017.



have come with the move to more virtual communication and reduction in numbers of in-person meetings. HRDs also found themselves being targeted through new Covid-19 emergency measures from early 2020.

The HRD challenge today is not simply one of killings and detentions but a deeper underlying trend: more repressive laws are having a chilling effect, choking off activism at its very roots often before the issues of killings and arrests even appear on the agenda. Since the beginning of the pandemic, laws have become especially tighter in countries like Guatemala, India, Nicaragua, the Philippines, Russia and Turkey, and the chilling effect has been especially dramatic in Hong Kong. Most recently, attacks on human rights activists have intensified as part of sustained government crackdowns in Afghanistan and Belarus. Most attacks and detentions are carried out by governments, although non-state actors like militia groups are also increasingly active in targeting HRDs.<sup>5</sup>

Civicus' 2021 report notes that HRDs seeking to protect the rights of the politically, economically or socially excluded particularly in remote locations have suffered especially severe risks during the Covid-19 pandemic, adding to pre-existing problems.<sup>6</sup> An American Bar Association report on Covid-19 concluded that human rights defenders have been disproportionately targeted by government emergency measures, well beyond general health measures.<sup>7</sup> Indeed, the Covid-19 pandemic has fuelled a range of emerging regime tactics against activism and put the latter on a more defensive footing in many countries across the world.<sup>8</sup>

A 2021 Peace Brigades International report has also raised alarm bells about governments deploying a range of tactics effectively to 'criminalise' HRDs. Such tactics can take the form not only of formal criminal charges but more subtle and highly effective forms of stigmatisation. Countries where civil society actors have found their domestic legitimacy increasingly questioned or undercut include Egypt, Russia and Venezuela, although this is a problem whose reach is extending and becoming more and more of a generalised concern for global civil society.<sup>9</sup>

Global Witness provides equally sobering data related specifically to environmental activists. In 2020 there were 228 lethal attacks on climate activists around the world, the highest number ever. The largest number of these attacks took place in Colombia, Mexico and the Philippines – with Brazil, Honduras, the Democratic Republic of the Congo, Guatemala and Nicaragua following next on the list. Colombia accounted for a staggering 65 of the deaths. Most deaths were related to activists' opposition to mining, logging or dam-building projects. Very few of these deaths see convictions of those guilty. Indigenous peoples were disproportionately a target of attacks, accounting for over a third of the deaths. State, business and crime-related actors were all responsible for the worsening situation, often in collusion with each other.<sup>10</sup>

In early 2022, Freedom House compiled *Defending Latin American Human Rights and Democracy Activists*.<sup>11</sup> This survey notes that conditions are worsening especially for HRDs in Latin America, even in nominally democratic states. Regional shelters for HRDs are now at or beyond capacity in

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<sup>5</sup> Front Line Defenders, *Global Analysis 2020*.

<sup>6</sup> Civicus, [State of Civil Society Report 2021](#).

<sup>7</sup> American Bar Association, [Covid-19 related state of emergency measures: impact and measures](#), 2021.

<sup>8</sup> Elena Panchulidze and Richard Youngs, [Global Democracy and Covid-19: Upgrading International Support](#), International Institute for Democracy and Electoral Assistance, Stockholm, 2021.

<sup>9</sup> Peace Brigades International, [Criminalisation of Human Rights Defenders](#), 2021.

<sup>10</sup> Global Witness, [The Last Line of Defence](#), September 2021.

<sup>11</sup> Freedom House, [Defending Latin American Human Rights and Democracy Activists, 2022](#).

Latin America. Crucially, this study reports that HRDs, and in particular women and indigenous rights groups, are looking for protection for their communities' basic safety, health and welfare included in HRD-protection strategies – and in this sense notes a shift from the erstwhile priority attached to getting well-known individual HRDs to safe places. The organisation calls for a move beyond these very reactive, narrow and individual focused approaches to a more holistic approach to integral security of whole communities mobilised to defend rights.

UN Special Rapporteur, Mary Lawlor's 2021 report, 'Final warning: death threats and killings of human rights defenders' reports that environmental activists have become especially vulnerable and now account for over half reported HRD killings. The UN's 2021 report, 'State in denial: the long-term detention of human rights defenders'<sup>12</sup>, noted that prison sentences are getting longer and harsher, and expresses the concern that the international community tends to react to the arrest of very high profile opposition figures at the moment of their arrest but fails to address this problem of less-well known figures languishing in jail for many years even for what should be minor infringements. At the end of 2021, the UN raised particular concerns about increased attacks on HRDs in Asia citing the situation in Pakistan and Indonesia as being especially serious – and pointing out that deaths and detentions of a small number of high profile defenders is having an extensive 'chilling effect' among the human rights community.<sup>13</sup>

The situation of women HRDs has become a particular concern in recent years and represents one of the most dramatically repressed strands of global activism. Women HRDs work on the same issues that men HRDs work on – corruption, security sector abuses, violent extremism, political repression, environmental degradation etc. In addition, however, they are also more likely to take up issues that are of particular concern to women, such as cases of gender-based violence, early marriage, female genital mutilation, child abuse, reproductive justice, and land grabbing targeting widows. These issues expose them to a different set of perpetrators: not only politicians and officials, but often men in the local community who may be engaged in discriminatory practices and violence.

Although women HRDs face many of the same threats that male HRDs face, they increasingly face additional challenges because of their identity as women. As anti-feminist backlash campaigns spread, conservative gender norms often lead women HRDs to face pushback and resistance within their own communities. Women HRDs have in many contexts had to deal with stiffer state repression but also disapproval for their political prominence from within their own families and communities. The social context for women HRDs has in many places become more precarious and difficult to navigate.

In addition, the threats women HRDs face are often gendered in nature. For example, there is evidence suggesting that they are more likely to be subjected to threats of sexual violence than men. They are often more likely to face sexualized psychological violence, for instance through attacks on their morality and sexual propriety. Women HRDs often feel less able to relocate away from their country in search for protection, as they are responsible for caring for children and wider extended families; this means relocation is often not the right or feasible policy option for women HRDs in the same way it might be for male HRDs.

Women HRDs can find it harder to access financial means as they may not have access to productive assets and wealth that men have historically had access to, such as land ownership. Women in many

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<sup>12</sup> United Nations, [State in denial: the long-term detention of human rights defenders, 2021](#).

<sup>13</sup> United Nations, [Rights defenders under attack in Asia – UN experts](#), 15 December 2021.

countries are also overrepresented in informal jobs and poorly paid, precarious positions, and shoulder a larger share of unpaid domestic labour. These factors often leave them more financially precarious, which also impacts the capacity of women HRDs to engage in non-paid or poorly paid civic activism. Women HRDs who lack support from their spouses or are single mothers are likely to face even more pronounced financial hurdles.

The Pegasus affair has accentuated fears that a new generation of advanced spyware is being used against opposition figures and civil society activists in many countries around the world, making their actions even harder to sustain. Either Pegasus or similar latest-generation, no-click spyware has been used against activists in over 40 countries, many with authoritarian regimes. This is one concern among many being addressed in the EP's committee of inquiry on Pegasus and spyware abuses.<sup>14</sup>

In sum, the context within which HRDs work has evolved and generally worsened during the last decade. The trend has now been evident since the mid-2000s and appears to be historically rooted in larger political developments: it is one dimension of wider trends towards illiberal and autocratic politics and needs to be understood and dealt with as such.<sup>15</sup> This historical progression is important to the issues addressed by this report: while implementation of the EU Guidelines has improved over time, these shifts in the wider political context remain to be factored into their remit and operational detail.

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<sup>14</sup> Hendrik Mildebrath, [Europe's Pegasusgate: countering spyware abuse](#), European Parliamentary Research Service, July 2022; Ottavio Marzocchi and Martina Mazzini, [Pegasus and surveillance spyware](#), Pegasus Special Committee, European Parliament, May 2022.

<sup>15</sup> Economist Intelligence Unit, [Democracy Index 2022: The China Challenge](#), European University Institute, London, 2022.

## 4. Evolution of EU commitments

The Guidelines were introduced in 2004. Their core operational elements enjoin EU leaders, institutions and missions and member state embassies to:

- build more contacts and visits with and information on HRDs;
- attend trials of HRDs;
- help HRDs to harness UN instruments (like the special representative for HRDs) and regional mechanisms;
- increase funding for HRDs;
- integrate HRD challenges into EU human rights and democracy strategies.

Initial assessments found that, as a new tool, the Guidelines did not immediately find their way into concrete EU diplomacy to any notable extent. Awareness of the Guidelines was initially low or even negligible, even among the EU's own diplomatic staff. The Guidelines were reviewed in 2008 and gradually became better known and appreciated among diplomatic staff.

The EU has progressively ratcheted up its commitments to protect HRDs over the years. Such commitments are included in many documents, including three successive Action Plans on Democracy and Human Rights since 2012. In 2012, the EU appointed a Special Representative for Human Rights to contribute to the implementation of its human rights policy, including a more effective and high-visibility protection of HRDs. Gradually over many years, the EU has increased to over 60 the number of human rights dialogues and consultations it holds with countries and regional groupings. The EU reports that it raises the cases of individual HRDs as a matter of course in these dialogues.<sup>16</sup>

Efforts have been made to provide funding on a more flexible basis targeted at individual activists at risk; in 2013 the creation of the European Endowment for Democracy was also a significant step in this direction. A major change on the funding side came in 2015 with agreement to set up the mechanism to support a consortium of twelve NGOs through Front Line Defenders. In 2020, the EU introduced its Global Human Rights Sanctions regime. In 2022, a Team Europe Democracy initiative is set to be launched as an umbrella for tightening member state coordination on human rights and democracy support. As discussed below, some of these tools could still be used in ways more directly germane to HRDs at risk.

A 2010 EP resolution called for a range of improvements, in particular through more public statements and criticism and the issuing of more emergency visas.<sup>17</sup> The EP has issued urgency resolutions on individual HRDs in situations of grave risk and held a session especially on the dangers facing women HRDs.

The EP carried out an assessment of the revised Guidelines in 2013.<sup>18</sup> This assessment had a specific focus related to the moment when the EEAS had just been set up and basic capacities to cover human rights issues needed to be created within the new institution. It also homed in on the relationship between the Guidelines and the human rights country strategies that were then just beginning to be prepared. The driving concern was that HRD protection still needed to be fully incorporated into the new country strategies. This reflected an uncertainty about how the Guidelines related to the large number of other EU human rights strategies and instruments.

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<sup>16</sup> Council of the European Union, '[Revised EU Guidelines on Human Rights Dialogues with Partner/Third Countries](#)', Brussels, 22 February 2021.

<sup>17</sup> European Parliament resolution of 17 June 2010 on [EU policies in favour of human rights defenders](#), June 2010.

<sup>18</sup> Karen Bennett, [Assessing implementation of the European Union Guidelines on human rights defenders: the cases of Kyrgyzstan, Thailand and Tunisia](#), DG for External Policies of the Union, European Parliament, 2013.

At that stage, the assessment found that awareness of the Guidelines was relatively low among the human rights community but also among EU staff; most of its recommendations focused on raising awareness, including through training sessions and higher-level formal statements within the EU institutions. Its main suggestion was to create better indicators to monitor how much the Guidelines were being used, especially after their 2008 revision. It stressed that the situation regarding women's rights groups and environmental activism was worsening and required special attention. It found evidence of strong efforts from EU diplomats to speak up in HRDs' defence and invite activists into embassies and delegations, but fewer signs of policies to address the underlying problem of new laws restricting and targeting HRDs. The assessment noted that emergency procedures were working quite effectively, although could still be sped up.

An EP Parliamentary Research Service briefing in 2018 offered a generally positive account of EU delegations taking actions to fulfil each of the points laid out in the Guidelines – meeting with HRDs, asking for their release, raising their cases in dialogues, attending trials, monitoring information on the general situation pertaining to HRDs, providing emergency funds for HRDs and a €10 million EIDHR call for proposals on LGBTI rights defenders.<sup>19</sup>

The EEAS issued an updated guidance note for its staff in 2020. This aimed to raise the profile of the Guidelines in delegations and to reiterate the different modes of action expected of EU diplomats. The note recalls the basic functions of the HRD Liaison Officers in terms of meetings with HRDs, trial attendance and the like. It presses the need for such contacts to be backed up by diplomacy and stronger engagement with businesses on human rights. It unpacks the need to provide HRDs with a fuller range of digital security. It lays out tactical options like introducing HRD awards or using Twitter to raise awareness when HRDs are in moments of danger. The EEAS has trained over 200 staff based on this new guidance note.

An EP resolution of 2021 on the 2019 EU report on human rights and democracy in the world included injunctions related to HRDs, including for EU staff to increase the number of visits, invitations and trial attendances; for the EU to cut direct aid to regimes guilty of HRD attacks; for annual council conclusions on HRDs; for a toolkit on women HRDs; and more emergency visas.<sup>20</sup>

Several international CSOs have been actively engaged in monitoring this evolution in the Guidelines and have offered their assessments. A 2019 Amnesty International study offered a mixed assessment.<sup>21</sup> It stressed that in some countries the EU was stepping up visits, invitations and trial monitoring and finding innovative ways of giving publicity to HRDs. Its main criticism was that implementation of the Guidelines varied greatly across countries – in this study, more effort was being made to meet with HRDs in China and Russia than in Saudi Arabia or Burundi. This in part reflects different country conditions and strategic interests, but also can simply be the result of individual heads of missions and other diplomats having differing degree of conviction in the importance of protecting HRDs.

In addition, the study noted that the EU would commonly meet with HRDs or issue statements in their defence, but then fail to follow through with concrete tangible actions, and indeed insisted on keeping HRD issues out of its main diplomatic summit and dialogues with third country governments. This means that outreach work by officials at local level does not often benefit from high level political backing, indeed quite the contrary. Emergency relocation is increasing and improving but many HRDs still fail to get visas or simply do not know how to proceed. Overall, the EU has made improvements, but the Guidelines' implementation is ad hoc and not incorporated in a systemic way into EU human rights strategy. AI's general line is that the EU uses too much behind-

<sup>19</sup> Ionel Zamfir, [EU support for human rights defenders around the world](#), European Parliamentary Research Service, 2018.

<sup>20</sup> 2021 resolution, op. cit.

<sup>21</sup> Amnesty International, [Defending Defenders? An assessment of EU action on human rights defenders](#), London, 2019.

closed-door messaging and is overly averse to criticising regimes openly for killing or torturing HRDs.

Front Line Defenders' 2021 study, as cited, lamented what it saw as a weakening political will of democratic governments to take effective action on human rights issues. It noted doubts that have arisen about EU and some member state commitments to human rights, as geopolitical considerations become more pressing. It stressed the need for more relocation support but also for more of a focus on building capacities in-country. A 2022 International Alliance report found that very few countries are meeting their HRD-related reporting requirements under SDG16. Since 2015, 94% of states' voluntary national reviews to the High-Level Political Forum on Sustainable development have failed to provide any data on attacks against HRDs.<sup>22</sup>

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<sup>22</sup> International Alliance, [A crucial gap: the limits to official data on defenders and why its concerning](#), 2022.

## 5. Challenges and continuities in the Guidelines

The preceding sections make it clear that the Guidelines have been regularly assessed since their inception, by both EU institutions and civil society, with a view to assessing their efficacy and impact. Acknowledging the significant amount of work already covering these issues, for this current report we canvassed EU delegations for updated information on how implementation has been evolving in the last decade and especially in the last several years. We focused our research expressly in this way so as more easily to identify evolution over time in implementation of the Guidelines and the most recent changes – and, conversely, any lack of adjustment in EU actions in support of increasingly threatened HRDs.

All EU delegations were surveyed, and 31 responses were received. In addition, we interviewed eight diplomats from select delegations and institutions. We report here on the findings as fully as possible while being respectful of diplomats' operational concerns and safety. Input was provided on the basis of anonymity and with express requests not to mention specific information or cases that might endanger those involved. Our consultations uncovered significant findings related to the current functioning of the Guidelines and give an idea of how diplomats based in delegations see their utility as having progressed over time.

### 5.1. Progression and improvements in the implementation of the Guidelines

We found a widespread consensus from within delegations that implementation of the Guidelines has progressed notably over time. If a decade ago these were still not well known and generally marginal in their importance, the severe challenges facing HRDs over the 2010s mean this situation has now changed. The most positive progression, at least as perceived by policymakers, is that the Guidelines have become more widely known among civil society and have established themselves firmly as part of the EU human rights and democracy toolbox. For example, we heard how the Guidelines have been included more prominently in the latest versions of many countries' Civil Society Roadmaps. The general feeling is that they have helped raise the profile of how quick support is needed for human rights activists as these face ever-more daunting challenges.

There has been especially notable progression in Latin America. This reflects increased commitment to and utility of the Guidelines, but also this region's worsening conditions for HRDs. In Colombia the EU has recently launched a 'Defendamos la Vida' initiative and a similar programme in Mexico in May 2022, 'Protegamos sus Voces': both these initiatives got the delegation together with a handful of member state embassies member states to back up around thirty or so HRDs on a quasi-permanent basis, supporting these through a range of activities, events, meetings, publicity campaigns and joint trips. A dedicated programme of work has helped environmental activists in oil prospecting areas in Bolivia. Several Asian countries and Israel are other examples where increased traction has been notable with high levels of meetings and a wide range of other support activities. In Afghanistan, for example, the EU has rolled out a tailored resettlement initiative.

Still, we heard the common judgement that the Guidelines themselves have not, and probably cannot, overturn governments' or individual diplomats' unwillingness to prioritise HRD protection or their aversion to risk this cutting across other foreign-policy priorities. Interestingly, limitations also seem to exist the other way round: where individual diplomats are clearly and impressively committed to human rights, often going beyond their formal remits to take on difficult and dangerous work, they commonly suggest that it is not the Guidelines as such that constitute the driving force behind or main pillar of that commitment. Where diplomats wish to downplay human rights, the Guidelines have not been influential enough to correct such hesitancy; where diplomats

are strongly committed, they tend to develop their own tactics and actions and not to need the Guidelines as the primary prompt behind their decisions.

## 5.2. Meetings and trials

A clear majority of responses indicated that EU staff now hold more meetings with HRD defenders than a decade ago. Diplomats also attend a higher number of HRD trials. The success stories generally cited are cases where the EU has helped HRDs out of harm's way that would otherwise have faced acute or even mortal danger. We also heard of cases where negotiations behind the scenes had got HRDs released from prison. The numbers of meetings with HRDs have increased progressively over time, although they are generally not especially high: even in the countries with the most active human rights diplomacy, HRD meetings number around one a week and trials one a month on average. From all survey responses, the highest number of meetings per year was around one hundred (in Mexico), followed by several at between fifty and sixty (like Serbia, Sudan and Uganda); many recorded no meetings; the average was around twenty meetings with HRDs per year.

The challenges related to maintaining and increasing these numbers have become more severe in the last decade and especially in very recent times. In some of the most repressive environments – like Afghanistan, Azerbaijan, Belarus, Egypt, Myanmar, Syria and Russia - a large proportion of the human rights community has now relocated abroad. This means there are fewer activists to meet and support in situ; in some of these crisis situations the EU has been so engaged in helping activists leave their country that activity inside the country then naturally diminishes. These regimes have made it more difficult for EU officers to attend trials, limiting any increase in trial attendance figures.

Higher levels of transparency have not always accompanied this progression in the Guidelines' utility. While the EU has charged delegations with putting the contact details of HRD liaison officers on their website, only a small number have done so. It is not always easy to get access to the people responsible in delegations, and the EU is not always fully open in its actions related to the Guidelines.

Even though over the 2010s decade as a whole the Guidelines have become more prominent and mainstreamed, the most recent trends have presented particular sensitivities. Only a limited number of delegations say they have increased their time commitment to HRDs in the last year. And all delegations that reported back to us say they have become more cautious in being publicly critical of governments or openly meeting activists recently as political sensitivities around HRDs have become more acute. This was a common finding across different regime types, from relatively democratic states like India and Israel through to the most repressive contexts like Azerbaijan, Belarus and Egypt.

A common observation from our survey was that the EU needs higher levels of institutional capacity both in Brussels and in delegations if it is to follow and engage fully in HRD challenges. More staff are needed specifically to cover HRD work, in terms of grants provision and diplomatic support on the ground. Those responsible for HRD issues most often cover other issues in parallel. As human rights problems deepen and spread, it can be difficult to keep pace with this spiralling context. Our research confirms an increasing focus on providing HRDs with training in digital security, and also that this is an area requiring a higher level of expert capacity to provide highly specialised services.

This is especially a problem in the management of emergency grants to HRDs as these have multiplied in number. The level of EU capacities has increased but has not fully kept pace with the worsening trends witnessed over the last decade. Capacity shortfalls are in several countries beginning seriously to limit the Guidelines' effectiveness – the clearest examples are those that have suffered dramatic political crises and conflicts in very recent times. Capacity increases cannot be a substitute for stronger political will, but they would help offset the concerns raised in our research.



### 5.3. Variation and optional commitment

While the general feeling is that the overall weight played by the Guidelines in EU human rights policy has increased progressively over the last decade and especially in the last three to five years, there are still dramatic contrasts between different delegations and countries. This is a perennially raised issue, as detailed in the preceding sections. Our up-to-date research suggests that variability remains a striking feature of EU human rights efforts. Responses to our survey exhibited a full spectrum from strong levels of commitment through to cases where the Guidelines have virtually no operational relevance.

There is still wide variation in how strongly delegations strive to foreground the Guidelines in their regular diplomatic work. While there is little uniformity, there appear to be relatively few countries in which HRD Liaison Officers spend the majority of their time on this issue. Only a handful reported anything around a third or more of their time on HRD concerns, while in many the figure is below 10 per cent of total time. (The caveat here is that many diplomats felt it was somewhat arbitrary to apportion such figures to work that is in practice fluid, changeable and overlaps with other issues). In some countries, conversations reveal that many HRD focal points are dynamic and committed, while others are not active and not methodical in replying to emails or calls.

Some of the variation is correlated with countries' respective degrees of HRD problems. For example, HRD Liaison Officers appear highly active in some Latin American countries: these are countries where attacks on HRDs have become especially frequent and where a degree of political space still exists to operate on human rights issues. Israel and India also fall into this category, with notable levels of human rights action and rising demand for EU support. The Philippines have seen an especially notable increase in activity around the Guidelines as human rights problems there have worsened at a particularly alarming rate in the last several years.

In general, this particular type of national context has seen the most significant increase in action around the Guidelines: these cases are all hybrid regimes where some political space still exists to carry out human rights diplomacy but where attacks on HRDs have increased so that there is also more demand for EU support.

Conversely, in more restrictive regimes we heard that the Guidelines are less widely relevant. This is both because of local political particularities and strategic or historical sensitivities. For example, our research suggested that in Arab states and some of the more strongly authoritarian sub-Saharan African countries, delegations are less committed to the Guidelines and local activists are also less likely to appeal for help to the EU delegation than in some other regions. This is due to the extent of political repression as well as the generally sensitive nature of these countries' relations with European powers.

Even though differences can result from structural contrasts between countries' respective political contexts, however, they are often the result of little more than officials' differing degrees of personal commitment and as such this leaves a very ad hoc feel to the Guidelines' implementation overall. We heard from policymakers that much can depend still on an individual ambassador's level of interest in human rights issues. Some delegation heads have become strongly committed to human rights while others still feel their priorities lie with more traditional diplomacy and not with helping HRDs.

Different levels of strategic interests across different countries are certainly a factor, but this personal-level variation adds an unpredictable chance element to the Guidelines' implementation. This variation is allowed to persist because there are no formal requirements in terms how many meetings or contacts diplomats are expected to undertake or stipulations of what officials must do in their daily work, just a list of general exhortations.

## 5.4. Questions of scope

Even in the best cases, the EU tends to focus on a small number of high-profile activists. To some extent, this is a strength of the Guidelines as they are able to direct policy attention to the HRDs most directly at risk. However, the EU most commonly fails to reach out to the far larger number of groups experiencing attacks and restrictions. These are those activists who work on rights but may not form part of what has traditionally been defined as the human rights community – and whose efforts are ostensibly covered by the Guidelines and indeed very much require the latter as their cases are unlikely to be taken up in formal Human Rights Dialogues. Many policymakers feel the focus on human rights ‘defenders’ is somewhat narrow and channels attention towards a select group of politically prominent figures, delinking their work from the more general efforts of civil society to defend democratic values.

In some countries, European diplomats, both in EU delegations and a small number of member states, have increasingly sought to correct this imbalance and build contacts with a wider network of civic actors beyond those traditionally labelled ‘defenders.’ They have done so partly through the rubric of the Guidelines, partly through quite separate channels and not with these Guidelines serving as primary operational tool. A small number of delegations have made notable efforts to translate the Guidelines into local languages; as an example, in several Asian countries this has involved delegations overseeing up to ten different versions of the text. Diplomats see this as reflecting their effort to reach out to more rural locations and to a different category of rights-oriented movements from the standard HRD community.

National contexts influence the balance of strategies: we learnt from our research that in repressive environments in the Middle East and North Africa, for example, the focus was on helping HRD leaders in their aim to relocate, while in South and Central America EU delegations were more focused on reaching out more to activists in rural locations and are not having to meet high levels of demand for HRDs to leave their respective countries. In countries like Bolivia and Mexico, for instance, activists increasingly seek out the EU for dialogue, funding and monitoring of government abuses, rather than the core functions under the Guidelines related to relocations, trials and emergency protection. In Africa, a similar pattern is evident in Ivory Coast.

Debates have also intensified about where EU support should end. When the EU does provide emergency assistance, it does not always follow up to ensure that these HRDs can stay active and politically engaged. HRD trials are usually attended by relatively junior officials or lawyers and no public statements are made after. It is increasingly acknowledged that this hampers continuity in human rights activism and need redress.

## 5.5. Political backing

One of the most positive findings has to do with the Guidelines gradually becoming more widely supported within the EU institutional machinery. We heard from all interlocutors that this has been a very incremental progression over the last decade and a result of the Guidelines proving their relevance to some of the most aggressive and pernicious attacks on human rights. All focal points (who responded to our questionnaire or who we interviewed) report that the most senior EU officials and leaders have become increasingly aware of HRD issues and more willing to meet with activists.

Still, most all also felt that political backing for the Guidelines and for HRDs has not be sufficient and that more concrete follow through is needed from meetings with activists. In some cases, like Serbia, such political backing was felt to be even more important than more emergency grants or other funding. All delegations report that even in the best of cases, other foreign policy priorities easily eclipse human rights concerns, and indeed increasingly so. Where large numbers of HRDs are attacked and even pushed out of their country, the EU nearly always continues its diplomatic

relations relatively unaffected. We heard a commonly expressed view that the HRD Guidelines operate in a silo and are not coordinated with other policies or the general political engagement the EU has with a respective country. For example, the EU has increased training in digital security for HRDs, but then often not responded tangibly in its foreign policy instruments when regimes shutdown the internet or introduce other online control measures.

Of course, this is not the fault of the Guidelines themselves and these are unlikely to change the course of all other elements of EU external action. Yet it does point to an area needing some reflection in the future. We heard disappointment from diplomats and activists alike that much good work in backing HRDs can be undermined or even cancelled out entirely by parallel EU priorities that serve to empower the very regime attacking those defenders. Our research confirmed that the Guidelines have become better known and more widely used, but that diplomats feel they need to relate more tightly to the range of other EU foreign policies and how these play out in specific third countries.

## 5.6. Disparity in the engagement of Member states

The research uncovered a significant disjuncture. Almost without exception, responses to our survey stressed that coordination between EU delegations and member states has come to function well in the area of HRDs protection. The frequency of coordination meetings has gradually increased over the last decade. More joint initiatives and visits take place, with more visiting national ministers now agreeing to see HRDs than was the case ten years ago. More joined up action is becoming the norm and, diplomats suggest, can be highly effective, especially when tailored to particular pressure points in a specific third-country political context.

However, an equally universal finding was that not that many member states have become unequivocally committed to supporting HRDs. Only around half a dozen member states are consistently and strongly engaged on HRD issues. Some countries have introduced and strengthened their own national HRD guidelines; Ireland is a prominent example and Finland is set to issue its updated guidelines in 2022. But most do not have their own separate guidelines, either developing HRD actions under other strands of their human rights policies or relying on the EU Guidelines.

Significantly, the engagement of only a handful of member states pertains across all third countries, from the most to the least repressive regimes, and from the strategically most vital to smaller states that are less of a geopolitical priority. This is not always a bad thing: coordination can work more quickly often between five or six actors than when attempted at 27. Yet in cases where the full political weight of the EU 27 is needed, it is an abiding concern.

This selective engagement is a common feature across very different national contexts and regions, although different member states are engaged in different countries. There is a core group of Nordic states and the Netherlands that invest strongly in HRD protection as a matter of course. These will often go beyond actions and language agreed at the EU level in their national approaches. Denmark has sought to fuse HRD diplomacy and human rights funding to a greater extent, for example. These states tend to be especially active on women HRDs and on indigenous rights as an entry point to deal with attacks on environmental activism; they see themselves as having a wider understanding of human rights activism now than that to which other member states adhere.

Member states such as Belgium, France or Germany are active in some countries but more reticent and low-key in . Germany often seeks to play a key role in bridging the more assertive and more cautious member states. Spain plays a lead role on HRDs in Latin America, while being more towards the cautious end of the member state spectrum elsewhere. Countries like France and Germany have pioneered innovative approaches like running HRD prizes in a number of third countries; the

Netherlands gives a prize to the Dutch embassy deemed to have been most active on human rights protection.

Another group of smaller states often lack capacity in situ. Some eastern European states like Romania and Poland are supportive of ideas for strengthening the Guidelines but lack capacity in their own diplomatic policies. The Czech Republic has built HRD issues into its general human rights strategy, as opposed to being an area of separate capacities. Other states have become more ambivalent about human rights support. Hungary has on occasion blocked local delegation statements related to HRDs. The smaller member states do not have enough capacity in most countries to have someone dedicated specifically to HRD work and so it tends to slip off the agenda. These states stress that they would benefit from more regular briefings from EU HRD Liaison Officers and for these to be a more formalised element of overall European coordination efforts.

In some crisis situations, several member states have developed and adapted their own emergency visa programmes and 'shelter city' initiatives as part of crisis management responses; several have, of example, devised long-term shelter schemes for Belarussian HRDs in the last two years. Some have even given visas on a more preventive or 'in case' basis so as to have HRDs ready to flee if and when they are targeted at some point in the future; this proved to be helpful in Russia, for example, when the invasion of Ukraine was launched. However, often member state border services lack knowledge of HRD issues, and this hinders assistance at airports, ports, and land border crossings. Moreover, in some crisis contexts, like Syria, member states are forced to leave the country, making emergency visa schemes difficult to implement and leaving HRDs more vulnerable.

## 5.7. Climate activism and HRDs

A significant number of delegations report that concerns about attacks on climate activism are becoming a more central part of their work, but many equally stress that they have yet to focus in any more systematic way on these concerns. There is little clarity on what distinctive concerns these forms of activism present. In some regions, climate activism is still not a developed area of activity and is not present in delegations' work. A commonly expressed view is that climate activism has become more widespread but should not be singled out too much from other human rights activism – and that it would be damaging to treat these two parts of the civil society community as separate entities.

There are some emerging signs of HRD policy charting a different approach with regards environmental activism. The need for engagement with business communities is especially pressing. To the extent that EU businesses are complicit in environmental destruction, it is striking that the EU has not yet fully aligned its human rights strategies with due diligence rules or included HRD issues in the latter explicitly. Indeed, our research uncovered worrying examples of regression in this area. In India, business interests have intervened directly to make implementation of the Guidelines more difficult with respect to environmental activism. In South and Central America, ecological issues are deeply entwined with assaults on activism around land and indigenous rights in a way that neither the EU nor other international bodies have been able to prevent.

We heard of some incipient efforts to address these shortfalls. Bolivia, Mexico and the Philippines are examples of countries where local calls for funding have begun to explore ways of getting support to environmental activists more systematically through the HRD prism. Our interlocutors acknowledge there is a long way to go simply to prevent this area of rights concerns getting worse.

## 5.8. Women HRDs, specific challenges

Although the Guidelines call for a gender sensitive perspective to work on human rights defenders, they do not foresee the specific mounting vulnerabilities of women human rights defenders. Amid

the growing wave of feminist movements and mobilisations, EU delegations have sought somewhat reactively to catch up with these developments and put more emphasis on protecting women activists with who face context and society specific threats in addition to those faced by male activists. Delegations in countries with an Islamic orientation report a particularly notable increase in petitions for help from women HRDs.

EU diplomats are increasingly aware of the especially acute difficulties facing women HRDs. While all human rights activists are subject of repressive attacks, they acknowledge that women human rights actors suffer additional and targeted pressure, including hurtful anti-gender defamation campaigns, as they are seen as actors challenging the status quo in their communities and driving social change. This situation is often linked to deeper norms about gender roles, stereotypes or traditions in societies which tend to neglect the role of women outside families and where women are discouraged from being politically active. The Guidelines struggle to deal with a situation in which women HRDs face pressure not only from authorities, but also from their families and local communities.

Among international actors and donors, recognition has grown that more effort is needed to influence deep-rooted stereotypes about women's roles in societies, and with regards women working on the rights of minorities, LGBTI rights, and sexual and reproductive health and rights. Along with verbal attacks, hate speech both on-line and off-line, women human rights defenders face serious risks of public defamation, killings, physical harassment and rejection of legal or medical assistance following attacks. Despite the greater international priority attached to gender and women's participation in general, the EU's concrete actions under the rubric of the Guidelines suggest that there remains considerable scope for a wider and more formally codified approach to women HRDs.

## 5.9. Funding for HRDs

Backing up diplomatic actions, there has been notable progression over the last decade in some forms and types of funding in support of HRDs. The Protectdefenders.eu initiative has since 2015 allocated around €35 million of support and funded around 53 000 HRDs. The EU's smaller emergency grants scheme started in 2010 and experienced such fast-expanding demand that the Protectdefenders.eu was devised and funded as a channel for increased levels of funds. Funding levels have risen steadily since the beginning of the 2010s, but even more dramatically very recently: there was an increase in the number of grants awarded under Protectdefenders.eu of around 20% in 2021. Around 1400 HRDs have been funded under the separate EU emergency grant scheme that continues in parallel with this.

Under the new Global Europe funding instrument, €300 million or 25% of the new thematic programme on human rights and democracy has been set aside for HRDs. Funds are now being increased through more country strategies and more in-country support, to make funding less reactive and ad hoc: examples of emergency support being joined with such country-strategy plans include Afghanistan, Colombia, Russia, Syria and Turkey.

Countries where there have been many local delegation calls related to HRDs in recent years include Honduras, India, Mexico and the Philippines. Quite significant funding increases have been forthcoming in places like Bolivia and Sudan. Grants are now supporting more in-country relocation, this being a main growth area in current funding priorities. There has also been a significant rise in security training and help for HRDs' families. Support for digital security has become a notable, mainstream part of EU funding, more so than funding specific to women and environmental HRDs.

Funding is not just about aid amounts, but about the qualitative aspects of EU projects. As funding for individuals is only allowed where under these are imminent threat, the EU has been trying to join this up with core support for civil society organisations. It has been trying to develop a more long-

term focus in its funding. A key aim now is to make NGOs that get large amounts of funding from donors to act as channels to get more funds to HRDs. Many donors are now using funded projects to push alliances between HRDs and CSOs to increase their impact. Another focus has been to build links beyond borders: one innovative project in Costa Rica supports a shelter for HRDs from across the Central American region. We heard that when ambassadors visit funded projects this is extremely appreciated and shows political backing for often small-scale human rights initiatives. Increasingly, there is an overlap between HRD, climate and indigenous projects.

However, delegations stress that such funding programmes run on a somewhat separate policy track from the implementation of the Guidelines. Funding levels in fact vary dramatically: virtually no funds are forthcoming in some countries, while several million euros is spent each year through other delegations. This variation is not always linked to the number of HRDs or level of threats these activists face: Mauritania and Uganda are examples of limited funds in contexts of serious human rights problems. While general funding levels are increasing, this is not a universal trend. In Israel funding decreased this year from 1.5 to 1.3 million.

This is related to a wider funding to emerge from our research: those responsible for diplomatic tasks like meeting HRDs or attending trials rarely work in way that is fully connected to the planning of human rights funding. This disconnect is a general and perennial issue in EU external action and not something specific to the Guidelines. Nevertheless, it is an area where diplomats would like to see clear improvement.

There are high levels of EU funding on both climate and gender issues in particular, and yet these are not tightly linked to the use of the Guidelines in these areas. There is a feeling that the Guidelines and funding streams can sometimes be working at cross purposes: under the Guidelines, the EU priority is often to get people relocated quickly, while broader funding aims to build longer-term capacity in situ.

In this vein, we heard that regime restrictions on foreign funds are becoming so prohibitive that donors are constantly struggling to keep any avenues of support open or having to look for creative ways to do so. Even if funding challenges go far beyond the Guidelines themselves, the latter could do more to prompt efforts to find new ways of getting funds to activists and keeping support lines open. The HRD agenda and this agenda of new kinds of support to innovative activism are not yet joined up in EU policies.

## 5.10. CSO views

In addition to our survey and interviews with diplomats, we consulted several CSOs engaged in HRD protection and support for their updated views on the Guidelines' implementation. These expressed a partially positive assessment of the HRD Guidelines and stressed that these have gradually become a useful reference point for human rights campaigns and actions. They saw concrete examples to include the way the Guidelines have served to propel especially strong efforts in supporting prominent activists in Azerbaijan and Belarus, and LGBTQI activists in Georgia.

Still, CSOs note the huge variation between countries, with the Guidelines being proactively implemented in some but virtually invisible in other places. CSOs recognise the strong efforts made in shielding well-known activists, but mostly view the Guidelines' scope as relatively narrow. Civil society leaders see EU diplomats as overly cautious about their own security when considering meeting local, grassroots groups outside capitals and that are not part of the well-known HRD circuit.

European diplomats have become more assiduous in inviting HRDs in for private meetings but could be more committed to inviting them to public events organised by the delegations as well. CSOs also commonly referred to tactical debates about what happens after or outside meetings with

HRDs. The EU may meet with HRDs, but the next step would be to help protect their homes and offices when these are being seized and also to make sure HRDs have the means to keep working when the state seizes their finances, offices and technology.

Civil society groups want to see more long-term training and capacity building for HRDs not just immediate protection for a few well-known individuals in moments of acute difficulty. They see an emerging danger that the focus on immediate protection is taking the focus away from wider efforts to promote freedom of assembly, expression and association in diplomatic relations with third country governments. CSOs could not identify any useful contribution from the High Representative to backing up these local efforts.

CSOs insist that funding levels are still far too low to make any difference and that inviting HRDs to meetings should not be taken as a substitute for adequate funding. They call for more 'preventative' approaches to head off serious problems and assaults rather than simply reacting to these once they have already happened. They stress that more effort is needed to embed HRDs in wider sets of alliances locally as a means of offering them stronger societal protection on a permanent basis. Much frustration is apparent from local activists that external actors have switched too far towards a relocation focus and neglect to pursue a proper human rights strategy with the regimes themselves.

CSOs express concern that the Guidelines are known by the older generation of well-established activists, but not by the younger generation who organise in very different ways; a big effort is needed to reformulate Guidelines in their language. A new wave of young-generation gender activism has emerged in recent years that is different from and extends beyond the traditional feminist movement; its leaders tend to argue that gender and women HRDs should not be approached as a stand-alone cultural issue but as a core part of democratic political struggles.

CSOs' most critical views relate to emergency visas. They lament that the EU has not been good on pushing its member states to grant more emergency visas on easier terms. Visa procedures remain lengthy, confusing and uncertain, and too slow to respond quick enough to safe threatened individuals. CSOs have pushed without success for the EU to revise its Visa Code to reflect HRD challenges. CSO representatives generally advocate for more specific guidance or principles on gender-based challenges and violence, and some suggest this could be offered by some kind of supplement to the main Guidelines.

## 6. Summary and emerging themes

Two separate levels of challenge can be unravelled from this analysis and overview.

The first challenge is to correct shortcomings within the HRD Guidelines themselves. The Guidelines have had an impact and have been taken increasingly seriously by many EU delegations around the world. Human rights activists have come to see them as a useful and meaningful reference point for their work. Yet, their structure and design exhibit several weaknesses. These have mostly been apparent for quite some time and have been picked up by reports and assessments over the last ten years; yet they persist and in some cases are even becoming more debilitating.

The most-commonly mentioned concern from our interlocutors is that the Guidelines continue to have a somewhat optional or voluntarist feel. Where EU diplomats are committed and engaged in human rights issues they serve as a useful template for action, even if they are generally not the primary point of reference. Where the head of delegation or other diplomats prefer to avoid sensitive human rights issues, the Guidelines provide little in the way of firm requirements to pull them away from pure realpolitik. In some delegations, diplomats dedicate significant time to HRD activities, whereas in others such efforts are minimal. Although the EP's 2013 assessment identified this variability as its main concern, it has if anything got worse since then.

The Guidelines' resonance with local activists has been selective. In most countries, HRDs out of capital cities still do not know much about the Guidelines or how to use them to their benefit. In many countries, delegations have erred on the side of caution in not making available any details about HRD Liaison Officers, for fear of security risks. The US tends to be more open in its provision of information and activists generally see its HRD focus points as easier to reach and more readily available to help – although they have gradually connected more with EU focal points too.

A second set of challenges relates to the changing environment within which the HRD Guidelines operate. Although the EU has moved to update its operational guidance, most recently in 2020, these more substantive trends have not been fully dealt with and represent a strong rationale for the Guidelines to be improved. Improving the Guidelines cannot be a matter of merely minor procedural change but needs to be nested within a wider debate about how to deal in a broader sense with the global surge in repression, the changing nature of civic activism, mounting authoritarian influences across borders and regimes' increasingly subtle and wide-ranging tactics against HRDs.

Against this backdrop, EU human rights strategy cannot limit itself to protecting those who are already active HRDs but needs to address the more general intimidation of populations so that they are afraid or unable to even engage in human rights issues. The Guidelines need to keep up with regimes' increasingly insidious tactics, like targeting families of HRDs and offer wider networks of protection to offset this. Our interlocutors from civil society and diplomatic missions stress that these tactical changes have left the Guidelines somewhat outdated, or at least too generic to deal fully with this evolution in regime intimidation. There is widespread agreement that particular attention and tactical fine-tuning is overdue in relation to climate, gender and digital activism.

The increasing gravity of human rights abuses prompts consideration of more political strategies. The EU needs to take greater care that its contacts with HRDs do not leave the latter more exposed, as regimes now more frequently target activists for their links to external actors. A focus on individual HRDs has helped but needs to be fused with stronger efforts to safeguard institutional environments conducive to human rights activism.

In sum, the key challenge is to combine better implementation of the current Guidelines with a deeper and qualitative reassessment of rights activism. The case is strong for an updated version of



or supplement to the Guidelines, without this detracting attention from the basic steps that still need to be addressed to give substance to the Guidelines in their current format.

## 7. Recommendations

The Guidelines have gathered momentum and become more operationally relevant to human rights issues in many countries around the world. This report has shown the Guidelines' pertinence across a number of criteria: they are an instrument highly relevant and well-tailored to a particularly serious and worsening policy challenge; in some cases, they have been efficient in delivering tangible benefits to HRDs; and they have helped improve coherence between member states and EU diplomacy, a clear case of EU-level added-value compared to national diplomatic efforts.

The Guidelines could, however, be revised, widened, and tightened in several very concrete ways in order to give them greater impact:

### 7.1. More concrete requirements for action in the Guidelines

The HRD Guidelines could be revised in ways that would make it harder for delegations in many countries to continue doing very little with regards their implementation. A revision or supplement to the Guidelines should include firmer requirements that all delegations must have a HRD Liaison Officer, and that this person should spend a certain amount of their time on this dossier. It might be reasonable to stipulate that these posts should spend one third of their time assisting HRDs and hold 50 or more meetings with them each year. Such rules would still recognise legitimate differences in strategy across vastly different country contexts but offer a baseline minimum of HRD protection.

The Guidelines need to stipulate more detailed and concrete steps that delegations must take in response to very particular types of assaults on HRDs. Canada's updated HRD guidelines could serve as a useful model in this sense; for example, in the way they map out a 'managed approach' from early-stage informal interventions to more formal, high-level involvement at subsequent stages.<sup>23</sup> The internal staff guidance note of 2020 begins to move in these kinds of direction, but this ethos could be advanced in a more open, transparent, codified and accountable manner still.

The EU annual report on human rights could be required to reveal those EU delegations that do not have active HRD Liaison Officers and have declined to act under the rubric of the Guidelines. These HRD Liaison Officers could be required to give a specified number of briefings to member state representatives in each reporting period. Delegations could be obliged to devise a local strategy for implementation of the Guidelines and to define this through consultations with local HRDs.

### 7.2. Human and financial EU capacity for HRD protection

A strikingly recurring theme to emerge from our consultations is that of capacity shortfalls. As demand has grown from HRDs for EU assistance and protection, the EU has increased its commitments in this area of policy but has not kept pace with deteriorating human rights situations in many countries. In a sense, the increasing demand on the EU is a sign of the Guidelines' success in establishing themselves as a reference point for human rights actions. But to move into a next phase of human rights protection, the EU will need additional capacities to meet the demand and to offset regimes' increasingly wide array of repressive tools.

This additional capacity is needed at multiple levels. The EU's emergency grants schemes have been successful on their own terms, but as they have increased in number so more capacity is needed to administer them in timely and efficient manner. Within EU delegations that are relatively small, HRD work is normally combined with numerous other functions and can get easily side-lined because of

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<sup>23</sup> Government of Canada, [Voices at risk: Canada's Guidelines on supporting human rights defenders](#).

this: if the EU is serious about improving implementation of the Guidelines it clearly needs to invest in more capacity to deal with human rights issues in their own right and not as an after-thought to other policy priorities. And finally, capacity is needed to liaise with member states: we found in research for this report that most smaller member states are broadly supportive of strengthened HRD Guidelines but lack capacity within their national embassies to play any kind of proactive role in this area. Some kind of standing coordination forum could be set up and funded to help mitigate this shortcoming.

### 7.3. Accessibility of relevant EU staff

While security considerations are in many countries a legitimate concern, HRD Liaison Officers need to be more accessible. This is a clear civil society request and priority. The names and contact details of these officers should be openly available wherever at all possible. At present, the Guidelines' utility is reduced by the fact that contact possibilities are kept relatively quiet and deliberately not publicised; this means that only the most organised, internationally connected activists know how to maintain fluid links with the right EU officers.

There needs to be special effort from EU diplomats to reach out to the younger generation of activists and the kinds of informal social movements gaining ground in rural locations – there should be specific reporting requirements related to this imperative in the future. To help with this, in addition there could be a handful of civil society representatives in each country charged with making these contact points known to the broadest possible community of human rights activists.

HRD Liaison Officers should in the most challenging national contexts be provided with additional digital security. Greater transparency in relation to HRD Liaison Officers and human rights focal points is needed as an intrinsic part of their function; it should be backed up by higher-level political vigilance and intervention if and when any of these diplomats suffer intimidation or unwelcome state surveillance (especially for local staff that are often at most risk).

### 7.4. Political backing for HRDs

Regular Council conclusions on HRDs could help offer a stronger degree of high-level political backing for the Guidelines that is patently missing at present. An assessment specifically of the High Representative's performance in supporting the Guidelines is needed. There is equally a notable disconnect between the Guidelines and the EU Global Human Rights Sanctions regime. The latter has not been used at any meaningful level to disincentivise officials from undertaking attacks on HRDs and could have more potential, selectively, for adding political backing and signalling that would be helpful to the HRD Guidelines' stated aims. More open and concrete mechanisms are needed to monitor the progress and follow-up on concrete HRD cases raised during EU Human Rights Dialogues with third countries.

Some delegations run human rights awards, as in places like Kenya and Uganda: more of this kind of political incentive-building is needed across the world as a means of bringing senior ministers into HRD protection work. Several member states' award schemes offer examples that could be replicated more generally. An annual best practices forum in HRD defence could be organised, with high level political involvement from EU leaders.

The Guidelines are currently couched in language that is strikingly open-ended and exhortatory rather than mandatory on the issue of political backing: 'Where it is called for, HoMs should make recommendations to COHOM for possible EU actions ... HoMs should also report on the effectiveness of EU actions in their reports.' This could be tightened to place stronger obligations for action: 'Whenever HRDs are under direct attack, HoMs must...' and so forth. New requirements could stipulate that officers must also meet with HRDs in rural locations, if necessary using online

meetings to facilitate this. Similar language could also press for HRD concerns to be raised within the EU's established Human Rights Dialogues with third countries.

## 7.5. Fusing climate activism and human rights strategy

The issue of attacks on climate activists needs to be addressed at a higher level and on a more systematic basis. Environmental activists face particular challenges, but the EU should be careful to address these particularities without detaching climate actions from core democracy and human rights strategy. Indeed, we heard concerns this may already be happening too much. Dealing with attacks on environmental activists should not be a stand-alone area of concern but mainstreamed within the EU climate action with third countries.

Climate action is now perhaps the best resourced area of external policy; these resources should be brought to bear in protection of environmental activists. Younger activists are seeking to take advantage of regimes' formal commitment to international emissions targets to create space for mobilisation on this issue and they are seeking more external support in this. Climate funding should be linked to recipient governments' actions in relation to climate activists. Global Witness has pointed out that most attacks on environmental activists take place in countries with restricted civic space and that a comprehensive policy against those general restrictions would be the best way to protect climate activism.<sup>24</sup>

The Guidelines could offer a more specific and inclusive definition of what constitutes an HRD and this should inter alia define climate activism explicitly as a human rights issue, and climate activists as HRDs. In this way the EU must offer protection to climate protestors as part of its core HRDs work, rather than seeing these two areas of civic activism as separate. At present, the EU is ramping up climate funding to governments that are guilty of egregious abuses and attacks against climate activists. The EU should be pushed to ensure that it is not complicit in a gathering wave of 'green authoritarianism'. It should be obliged to factor HRD issues into its mainstream climate diplomacy in a way that it has declined to do so far.

## 7.6. Long-term human rights funding

The EU needs to search for practical ways to close the gap that nearly all interlocutors detect between the Union's HRD diplomacy, on the one hand, and its human rights funding, on the other hand. It needs to develop concrete indicators and commitments that serve to dovetail its human rights funding with the HRD Guidelines. The Guidelines' focus needs to be widened from protection to empowerment. That is, they need to be broadened in scope to build on their erstwhile focus on urgent action to mitigate immediate threats against HRD and supplement this with stronger support for human-rights capacity building. A better dovetailing of the Guidelines with actors like the European Endowment for Democracy could be helpful in this regard.

A set of updated, revised Guidelines could require a connection between HRD threats and human-rights funding levels: where assaults and intimidation against HRDs are becoming worse, the Guidelines could serve as a vehicle for upgrading long-term financial support to human rights activities in the country concerned. An annual report on implementation of the Guidelines could be required to show that diplomacy to relocate or otherwise protect HRDs has triggered a parallel effort to build more generic human rights capacity in each particular case. A separate fund could be ring-fenced specifically for this purpose, showing a more tangible and tailored connection between EU efforts to protect HRDs, on the one hand, and empower them, on the other hand.

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<sup>24</sup> Global Witness, *op. cit.*

## 7.7. Reframing EU engagement with HRDs in repressive environments

The EU needs to focus with higher priority on the wider structural and institutional context within which HRDs' work has become so difficult and vulnerable. The Guidelines should be a central pillar of EU diplomatic engagement with third-country governments, rather than a niche area of simply attending trials and meeting with well-known activists. The EU could be required to show follow-up after meetings with HRDs and to demonstrate these meetings are not merely box-ticking exercises that may even leave HRDs more vulnerable.

Increasingly repressive environments are not only a threat to HRDs but a barrier and disincentive to the population at large to engage in public policy questions. The Guidelines could be usefully updated or expanded to require EU delegations to engage on these wider issues and to hold something like 'Citizen Outreach Forums' each year.

Framing the challenges facing HRDs as one part of this broader trend towards repression would help nest the Guidelines within wider EU strategic goals. The EU needs an explicitly defined 'Hostile environments strategy' to help it devise and prioritise tactics for maintaining rights-oriented actions in the large number of countries increasingly tightening restrictions against civil society and human rights protections. This should help stress that the pertinent concern is not with attacks on a small number of prominent individuals but regimes' deployment of multiple tactics to stifle democratic space and pluralism, including through restrictions against external actors seeking to support human rights. This would help identify the root drivers of HRD problems and make the all-important bridge between protecting individual HRDs, on the one hand, and embedding system-level rights improvements, on the other hand.

## 7.8. Systematising the use of emergency visas and diversifying the types of visas for HRDs

Many member states insist they have significantly increased the number of emergency visas they grant to HRDs in the last several years, although this is an area where transparent reporting is most conspicuously lacking and diplomatic sensitivities remain high. The Guidelines themselves are unlikely to play lead role on this issue, as the EU itself cannot provide visas. However, there is scope for the Guidelines to play more of a facilitating function and help prompt member states to be more proactive and systematic in making sure emergency visas get to the HRDs in most urgent need of relocation. For all the progress made in recent year, member states as a whole are still dealing in no more than a partial way with these needs.

To this end, HRD liaison officers could do more to raise particular emergency relocation needs with member states embassies. Our research for this report revealed progress on emergency visas but also a widespread feeling that processes remain somewhat ad hoc and 'hit and miss': some HRDs are fortunate in getting visas due to personal contacts while others are left without help. A more systematically organised set of processes in-country would help iron out these imperfections: EU Liaison Officers could play a useful role in running such processes to collate and communicate demands for visas on a more comprehensive basis, feeding information into member state representatives. They could also suggest where preventive visas might be appropriate, as a way of getting ahead of regime attacks and making EU policy less purely reactive.

More formal changes could also be made outside the framework of the Guidelines themselves. It is well beyond this report's scope to unpack the whole range of EU provisions that are relevant to visa and asylum issues, but it suffices to mention that action under the Guidelines could usefully push for at least some changes that would have spill-over effects to human rights aims. We heard a strong demand for the EU's Visa Code to be supplemented with provisions tailored to HRDs. Schengen area

rules could offer a specific kind of HRD visa and liaison officers in delegations could be charged with drawing up recommendations for these visas to member states for their issuance to individual HRDs.

Clearly, such ideas move into the thorny politics of general visa and asylum debates, but the severity of mounting attacks against HRDs makes this increasingly necessary. Separately, there are more immediate improvements that can and should be made within the rubric of the Guidelines themselves. In particular, as this remains an opaque area of policy, greater transparency needs to be injected, to ensure more meaningful accountability over the EU's commitment to meet HRD needs for emergency help. Delegations could be required to report each year on the number of visas issued by member states and to relate these to the number of relocations being requested. Regular debates at pre-fixed intervals within COHOM on this issue would also be helpful in generating peer pressure in favour of widening the net of EU emergency help.

## 7.9. Tailoring the Guidelines to gender specificities

The Guidelines need to be tailored more tightly to the extra challenges that women HRDs face, not only the political restrictions and repression with which they grapple, but also the pushback they may face from within their own families and communities – as detailed above. These require a different form of support from the EU's standard actions of meetings and attending trials. The Guidelines should serve as a vehicle for actions designed to improve this social context to women HRDs' advantage, this constituting a broader approach than simply reacting ex post to attacks on activists. The EU should push for third countries to have committees or other mechanisms staffed by women to deal specifically with the protection of women HRDs.

Women HRDs also need particularly tailored financial support as they tend to suffer more serious funding shortfalls than male activists. The Guidelines could include a commitment specifically to launch funding programmes aimed at the financial precarity of women HRDs and extend the sustainability of their work. This should include a more systematic focus on psychosocial support, as women HRDs are more likely to have suffered traumatic experiences.

Getting support for safe houses where women can go for protection within their communities should be one of the Guidelines' priorities. Training on digital security measures and online safety should integrate a gender lens, as the threats women HRDs face online tend to be different and sometimes more severe than those facing male HRDs. The EU should offer more recognition and visibility to women human rights defenders and their work when appropriate both in their local communities and internationally. The protection of women HRDs should be developed within the scope of other gender policies and women's empowerment programmes. It is essential that there is a proper investigation and follow-up of threats and other violence targeting women human rights activists as a preventive mechanism, including through human rights dialogues where the EEAS can raise specific cases.

While the EU offers funding for women's empowerment and gender equality, and clusters much of this through the current Gender Action Plan III, this could be more closely connected with the HRD Guidelines: the latter could serve as a political vehicle for guiding the EU's various gender-related funding streams and make sure these pay more attention to women HRD concerns.

## 7.10. Measures countering digital surveillance and disinformation

Our research revealed that EU help with HRDs' digital security is the area that has seen improvement over recent years. Still, as the EU has increasingly mobilised resources to help HRDs with their online security, the wider context and shape of digital activism has evolved. Many HRDs seek to move beyond the current defensive positioning and talk about developing more empowering fusions of mixed online-offline political strategies. The Guidelines could be updated to help more specifically

with this vitally important aim that will do much to determine how effective civic activism is in the future for propelling democratic change. While the EU has done a good job in providing civil society organisations with digital security training and capacity, the next step should be to ensure that they have longer term support to generate their own online democratic strategies.

The Guidelines need in this sense to be linked to the EU's overall strategies on internet shutdowns, disinformation and the like: at present these strategies can cut across human rights priorities. As detailed in previous EP reports, the EU's response to these has been patchy at best and often it unwittingly plays into regimes' online repression against opponents under a label of limiting disinformation.<sup>25</sup> We found limited cross-over between these two policy domains, namely the HRD Guidelines and counter-disinformation efforts. Indeed, knowledge of the HRD Guidelines among officials working on wider disinformation is still relatively limited. A clear area of improvement would be for this gap to be closed: for instance, a formal HRD perspective could be filtered into new EU measures in the field of digital surveillance and influence operations.

The HRD Guidelines will need to be updated to reflect policy outcomes from the EP inquiry into Pegasus and other intrusive spyware. Pegasus and equivalent surveillance products have become a serious threat to activists in a large number of countries and further ratchets up the digital threats facing HRDs. As the EU institutions, including the EP through its current inquiry, consider now measures to deploy in response to the spread of the Pegasus and other spyware, they should make sure these responses are tailored directly to protect HRDs made more vulnerable by this more advanced and intrusive surveillance. The EU debate has been focused mainly on the use of Pegasus within EU member states.<sup>26</sup> While this is understandable, more attention will also need to be given to its use against civil society actors in third countries.

The HRD Guidelines should be a primary avenue through which the EU addresses this heightened problem facing HRDs and for ensuring that human rights diplomacy is backed up by the security aspects of the Pegasus issue. A March 2022 EP resolution called for stronger international regulations to limit the use and sale of Pegasus and equivalent spyware.<sup>27</sup> But this is an issue requiring not just support for EU and global-level regulation but more direct diplomatic intervention to protect current hacks and surveillance against HRDs. It also calls for a more joined-up use of other foreign-policy instruments like sanctions, trade and aid incentives, dual use trading regulations, strategic partnerships, Europol cooperation, and civil society watchdog funding in parallel to the HRD Guidelines.

European governments are investing huge sums of money to beef up their cyber-security capabilities; these strategies rarely build in any significant focus on the human rights dimensions of online security. The Guidelines could be updated to include commitments to rectify this disconnect. Support could be provided from cyber defence budgets for activists in third countries monitoring their governments' attacks on Europe. This would help meet both geopolitical and HRD policy aims. Even if a small fraction of the billions being invested in European cyber-security went to those seeking to defend the rights-oriented dimensions of citizens' online engagement, this would represent a significant contribution to building activist capacities.

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<sup>25</sup> Carme Colomina, Hector Sanchez Margalef and Richard Youngs, [The impact of disinformation of democratic processes and human rights in the world](#), Directorate General for External Relations, European Parliament, 2021.

<sup>26</sup> Hendrik Mildebrath, [Europe's Pegasusgate: countering spyware abuse](#), European Parliamentary Research Service, July 2022; Octavio Marzocchi and Martina Mazzini, [Pegasus and Surveillance Spyware](#), Pegasus Special Committee, European Parliament, May 2022.

<sup>27</sup> European Parliament resolution of 17 February 2022 on human rights and democracy in the world and the European Union's policy on the matter – annual report 2021, [P9\\_TA\(2022\)0041](#).

## 7.11. Coordination with member states and other actors

More needs to be done to build wider alliances of support behind the Guidelines. It emerged clearly from our research that in most contexts, the EU delegation is working with a select number of member states on HRD concerns. The EU should make a concerted attempt to strengthen political backing for HRD concerns through all member state delegations on the ground in each national context. Coordination and unity among member states has improved in recent years but could still be tightened. Member state embassies should play a similar role to that played by EU delegations in terms of providing backing for various human rights issues or generating visibility for at-risk HRDs where appropriate, and in some countries this would clearly offer a preventive buttress for human rights actions. The new Team Europe Democracy could be given a specific HRD strand and be a useful policy instrument in this regard.

In some countries we found the EU orchestrating coalitions involving non-EU actors too – including states like the US, UK and Canada, as well as some international organisations. These groupings have worked to some effect and represent a dimension of clear EU added value. EU officials could make an effort to publicise and extend the lessons from such instances. A wider and more systematic use of this coalition-building function could represent one of the most useful functions played by the EU Guidelines and demonstrate their value as catalyst for wider international efforts to protect HRDs. The EU might also go beyond coordination aimed mainly at sharing information and ensure that member states divide tasks in a more effective way, each taking responsibility for certain rights issues or individual HRDs in line with their respective expertise and contacts.

## 7.12. Extending the Guidelines to internal human rights problems in the EU

Finally, while strictly beyond the competence of DROI or indeed the EEAS, it would mark a truly notable step forward to extend the Guidelines to HRD challenges within the EU. The severity of such problems in many EU member states makes it hard to deny or delay such an extension today. For example, in recent years many journalists have been killed in member states while investigating human rights abuses and corruption. HRDs need protection within as much as outside the EU.

The Guidelines offer a rich array of lessons as they have functioned externally since 2004 and these could be helpfully employed to efforts related to democratic backsliding and civil rights restrictions within the Union. Often such internal-external proposals fail because they cross the lines of formal institutional competences, but this is a weak reason for not making progress. Such a move should rather be considered a strategic opportunity, not a bureaucratic inconvenience.

This may seem like an overly ambitious idea because it cuts across many formal bureaucratic silos. However, the EU is now routinely criticised for pushing human rights issues externally more than it is willing to guarantee them within its own member states, and so any practical step to join together the internal and external dimensions of human-rights challenges could be enormously beneficial to both sets of aims: it could add a new lease of life to external efforts to empower HRDs, while also doing more to ensure that European HRDs are not overlooked.



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This study examines the implementation of the European Union (EU) Guidelines on Human Rights Defenders, which constitute the policy framework and provide the operational means for protecting human rights activists in third countries.

The first part of the study, written internally, provides an institutional perspective of the implementation of the Guidelines. It assesses the development of the EU framework to support human rights defenders, including EU Member States' emergency measures, and evaluates the coordination of such efforts. It also examines the European Parliament's support for human rights defenders and considers its impact on the EU's overall work on defender protection.

The second part of the study, which was outsourced, evaluates the implementation of the Guidelines from a bottom-up perspective. It provides an evidence-based analysis of how EU missions apply the Guidelines in countries where rights and freedoms are particularly challenged for human rights defenders, and assesses when and why measures for have not been applied.

The study also addresses ways in which implementation gaps can be bridged and recommends possible measures and action that could be taken to ensure the protection of human rights defenders.

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