

**Increasing Legal Protections at the International, Regional and National  
Levels for Human Rights Defenders Working in Africa and Asia  
(E-WEL-2016-5378, September 2016 – August 2019)**

**External Evaluation**

**Final Report**

Submitted to International Service for Human Rights  
March 26, 2019

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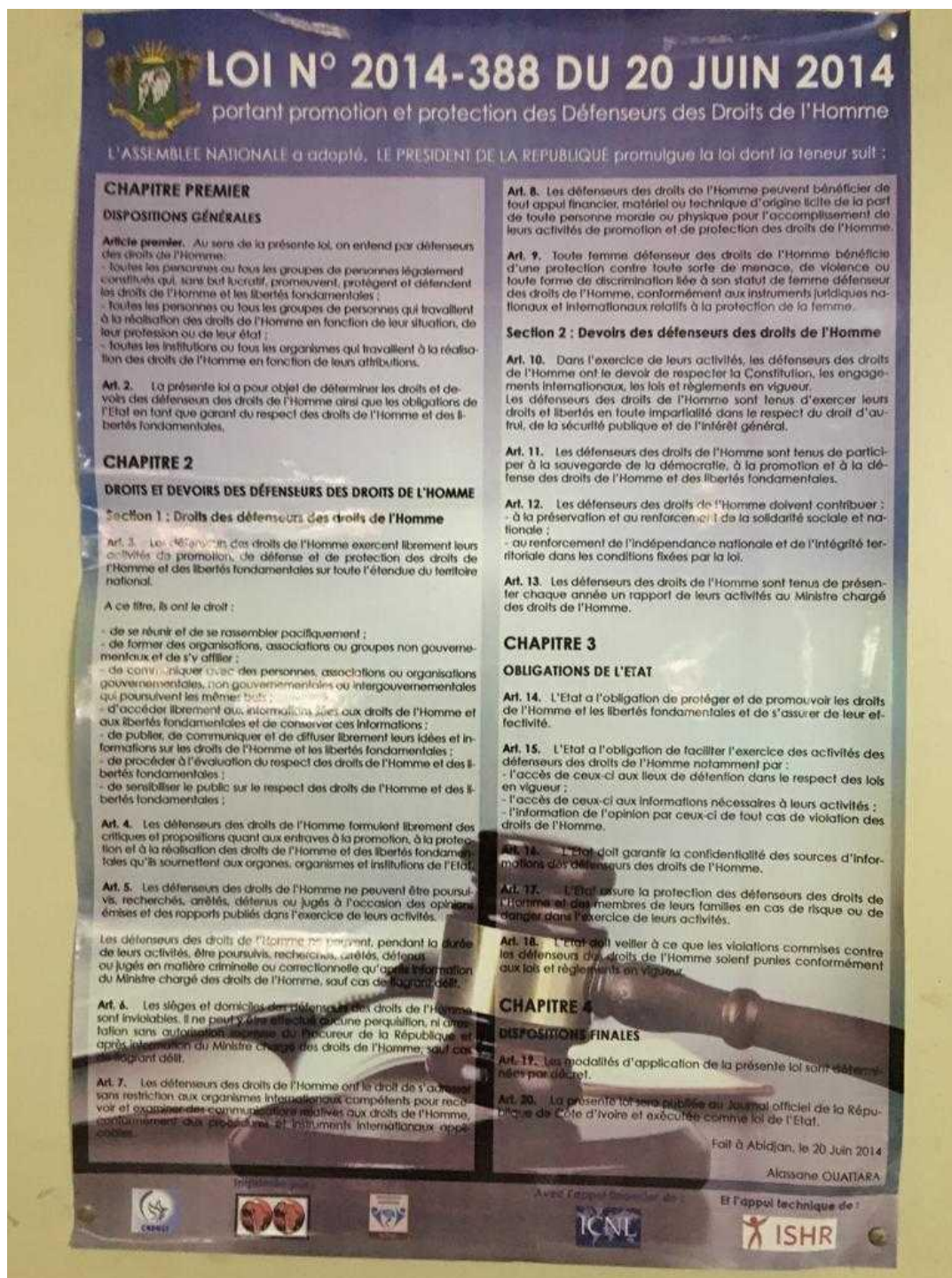


Figure 1 Poster of the HRD Law from Côte D'Ivoire

## Executive Summary

### Introduction

This evaluation was undertaken to review the project **Increasing Legal Protections at the International, Regional and National Levels for Human Rights Defenders Working in Africa and Asia (E-WEL-2016-5378, September 2016–August 2019)** funded by Bread for the World and implemented by the International Service for Human Rights. It was carried out a little more than two years into the lifespan of the project.

### Project Objectives and Indicators

The project sought to achieve the following two objectives:

1. To advance the enactment of national laws for the Protection of Human Rights Defenders (in Africa and Asia); and
2. To enable HRDs working in sub-Saharan Africa to use the international and regional human rights systems for their improved protection.

Three indicators are linked to the two objectives above:

1. having enacted at least one human rights defender law, presumably based upon the Model Law or the Recognition and Protection of Human Rights Defenders;
2. working toward such a law in at least two Asian countries; and
3. having human rights defenders using international and regional human rights mechanisms.

### Methodology

The three-person team of evaluators conducted a total of 40 interviews with key stakeholders including staff from ISHR, human rights defenders from Asia and Africa, members of the African Commission on Human and Peoples' Rights, including its Special Rapporteurs, representatives of National Human Rights Institutions and state representatives. These interviews took place via video-conference as well in person in The Gambia, the DRC, Côte d'Ivoire, and Geneva. Several particularly busy stakeholders submitted written responses to our questions instead of conducting an interview. The interviews were conducted in English and French. Additionally, the evaluators reviewed a wealth of archival data provided by ISHR that included periodic reports to the donor (narrative and financial), relevant publications and tools, and other relevant project documentation. Questions commonly asked during Most Significant Change exercises were included in almost all of the qualitative interviews.

## **Achievement of DAC Criteria and Specific Questions Raised in the ToR**

Based upon the extensive findings related in the body of this report, the team finds that the project has met each of the five DAC criteria for success: namely relevance, effectiveness, efficiency, impact and sustainability. Each of the criteria is listed below with relevant questions from the Terms of Reference as well as key findings.

**Relevance:** To what extent are the objectives and activities of the project in line with the priorities and needs of the targeted beneficiaries? How is the idea and vision behind the project relevant to the countries where the project is implemented? Are there other or additional areas (countries) to be considered for the future project?

ISHR's strategy was to rely on HRDs on the ground to highlight the needs in a specific country, thus making the project in line with the identified priorities and needs in target countries. The project activities were designed with input from a range of HRDs who themselves are experts and seasoned human rights practitioners working close to the ground, a situation which made the selected activities more relevant and fostered a sense of shared ownership.

The evaluators are not in a position to make recommendations as to what specific countries should be focused on in Phase II of this project. Instead such questions should be decided based upon the expertise of ISHR and relevant stakeholders as the project progresses, while taking on board opportunities which they have identified in different countries. Without preempting or wishing to influence the process which ISHR and its partners would need to engage in, Guinea Conakry may be one of those countries in Africa while in Asia one could possibly point to Malaysia for the next phase. Regarding the prevailing situation in Africa, it is suggested that ISHR explore other sub-regions on the continent.

**Effectiveness:** To what extent have the activities contributed to achieve the project objectives? How has the project contributed to better informing/empowering the local civil society groups/human rights defenders in the targeting countries?

The evaluators start by confirming that the project has reached the indicators laid out in the original project proposal.

1. The first indicator is met and surpassed because two HRD laws have been passed in Africa, one in Burkina Faso in 2017 and the other in Mali in 2018.
2. The second indicator has also been met and surpassed as such a law has moved forward in three Asian countries: Nepal, Mongolia, and the Philippines.
3. The third indicator is on track to be achieved by the end of the project. ISHR has supported 9 HRDs to participate in the ACHPR sessions, and 3 to participate in sessions of the UN Human Rights Council. In addition, ISHR has continued to support capacity building prior to the ACHPR sessions and on the UN system, facilitated interactions between HRDs and the ACHPR Special Rapporteur on HRDs, and provided advocacy and lobbying support to individual HRDs during ACHPR/UN sessions.

The project activities included the following (see Annex IV for a complete list of project activities):

1. Consultations on HRD laws for capacity building, strategy definition, and to facilitate networking between key stakeholders (civil society, governments, NHRIs);
2. Mentoring and providing ongoing support to key stakeholders to define strategies, address challenges, and facilitate linkages between key stakeholders;
3. Capacity building and facilitating linkages with regional and international mechanisms

These activities were very effective for attaining the project objectives and, as noted in the body of this report, the project substantially helped with informing and empowering the local civil society groups and human rights defenders in the targeted countries. For the next phase, we have included recommendations below for improving the effectiveness of the project with a view to widening impact and sustaining the gains of this phase.

**Efficiency:** How efficiently has the project been managed in relation to time, human and financial resources? What can be done in terms of improving the project management in regard to the upcoming project?

Since the consulting team did not have access to financial data for each activity, we are not in a position to conduct a formal cost-efficiency analysis. However, the evaluators did not identify any major concerns in how the project was managed in relation to time, human and financial resources. Overall, ISHR was commended by many of the interviewees for their accessibility and timely interventions. One HRD described ISHR as “efficient, swift, and indispensable”.

The report on pages 41-44 outlines the value added of the ISHR administering the project and thus the evaluators recommend that Phase II of this project be run by ISHR. Nonetheless, as the project expands to more countries, ISHR will need to determine how best to deploy its human resources in a cost-efficient manner. For example, long term physical presence as was the case in Cote d’Ivoire, would not be feasible in several countries, although it could still be considered for a “flagship” country in the Asian region. The consultants make some recommendations for e-networking and e-learning in the recommendations section of this report that could be the basis for more cost-effective interventions in the long-run.

**Impact:** How and to what extent has the project contributed to the improvement of the legal protection of human rights defenders in Africa and Asia (project objective)? Are there any unintended changes (positive or negative) that can be observed throughout the project?

Each of the formal indicators have been met, and there have been wider impacts of the project that can be summarized as follows:

1. Increased capacity for individual human rights defenders and networks of HRDs to gain better understanding of policies and legislations to protect HRDs,
2. HRDs feel more empowered to participate in political processes to get HRD protection laws to be enacted;
3. Better protection of HRDs through the effective enforcement of existing laws and policies on HRDs while advocating for specific HRD laws;

4. Greater understanding and awareness of HRDs about their rights and assertion of their rights and how to access support when engaged in their human rights work;
5. The best evidence of impact is the track record of successful delivery of activities carried out in the context of this project in different countries and regionally.

**Sustainability:** Will the intended positive changes have a lasting effect? How can the upcoming project build onto the achievements of this phase in order to deepen their sustainability?

The consultants found that sustainability is incorporated in the project activities as they place emphasis on building the capacity of key stakeholders to undertake advocacy for the advancement of HRD laws in their local contexts and to engage with regional bodies on HRD protection issues. The project's emphasis on building networks among HRDs also has a positive impact on sustainability by building a connected community of defenders who would support and learn from each other. Several interviewees noted that they were better informed and had more confidence to engage in HRD advocacy on account of the project activities. An HRD from Sierra Leone for example, noted that he had more confidence engaging diplomatic missions and the broader international community in his country on account of ISHR training, and at the time of interview had made efforts towards a stakeholder consultation on the HRD law in his country.

However, the consultants noted a strong dependence on ISHR's support from most interviewees. One interviewee from Cote d'Ivoire for instance was very concerned about the possibility of ISHR's support ceasing in the near future stating that "they were not ready", and strongly recommending renewal of the project. While this is not surprising considering that these are still early stages of implementation of this specific project and the broader Model Law Project, moving forward, the consultants make suggestions for decentralization and increased autonomy of the CSOs (see discussion on page 40 of this report).

**Gender:** Our study placed emphasis on the gender component of this project as the ToR include the question: To what extent have gender perspectives been included in the project both in its objectives and activities as well as in internal methodologies?

Our study placed emphasis on the gender component of this project as per the ToR. ISHR notes in their 4th report to Bread for the World: "ISHR prioritizes the equal participation of both men and women at its trainings whenever possible. Among the participants ISHR supported to participate to the ACHPR's session so far, 5 out of 10, were women. During the consultation in Abidjan, 10 out of 26 participants were women." In addition, 10 out of 14 in the Asia regional consultation held in the Philippines were women.

Most interviewees stated that women were very well represented in project activities and it is noteworthy that 50% (19 of 38) of HRDs interviewed for this evaluation (representing key project partners) are women.

Several respondents noted that ISHR should incorporate more women HRD issues in future trainings. Amplifying the voices of women HRDs working on these issues as well as those who have experienced persecution and other obstacles (inviting them to meetings, documenting or collating their stories) could be one way of bringing additional awareness about the problems they face and lead to brainstorming about protective measures. In addition, ISHR could consider



creating a sub-group of women HRDs to strengthen networking and experience sharing between women HRDs which could foster a stronger/more unified voice to advocate for inclusion of women HRDs and address how the project can incorporate more of a feminist perspective.

### **Recommendations**

The evaluators make a number of recommendations for better project management and effectiveness for the next phase with a view to widening impact and sustaining the gains of the first phase. These address the following question from the ToR: What kind of changes, or additional components could be incorporated in the upcoming project to make it more coherent with the needs of the target groups and ISHR's strategy and mandate? The following seven main sets of recommendations have been identified (they are discussed in more detail on pages 47-53 of the report):

1. Create a set of best practice documents by consolidating experiences and lessons learned;
2. Add E-Learning components to the project;
3. Conduct trainings on specific topics that came up during Phase 1 of the project and facilitate more cross-national training including across continents;
4. Broaden partnerships and decentralize the project;
5. Continue efforts to change societal and government narratives of human rights defenders, especially women human rights defenders;
6. Explore the potentials of subnational human rights defender laws and outreach specifically targeting more remote areas;
7. Consult the academic and grey literature on the vernacularization of human rights.



## **Acronyms Used**

ACHPR	→ African Commission on Human and Peoples' Rights
APF	→ Asia Pacific Forum of National Human Rights Institutions
BfW	→ Bread for the World
CSO	→ Civil Society Organization
DAC	→ Development Assistance Committee
DRC	→ Democratic Republic of the Congo
GANHRI	→ Global Alliance for National Human Rights Institutions
HRC	→ Human Rights Council
HRD	→ Human Rights Defender
ISHR	→ International Service for Human Rights
NANHRI	→ Network of African National Human Rights Institutions
NGO	→ Non-Governmental Organisations
NHRI	→ National Human Rights Institution
SR	→ Special Rapporteur
ToR	→ Terms of Reference
UN	→ United Nations
WHRD	→ Women Human Rights Defender

## Overview

This final evaluation was carried out a little more than two years into the lifespan of the project **“Increasing legal protections at the international, regional and national levels for human rights defenders working in Africa and Asia (September 2016 – August 2019).”**<sup>1</sup>

The project had two main objectives: “1) To advance the enactment of national HRD laws (in Africa and Asia), and 2) To enable HRDs working in sub-Saharan Africa to use the international and regional human rights systems for their improved protection.”

Helpfully, the ToR lists three indicators based upon these objectives: 1) having enacted at least one human rights defender law, presumably based upon the Model Law, 2) working toward such a law in at least two Asian countries; and 3) having human rights defenders using international and regional mechanisms (at least 5 HRDs using the UN system, and 15 HRDs using the ACHPR by the project’s end).

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The Burkina Faso Coalition of Human Rights Defenders (CBDDH), the International Service for Human Rights (ISHR) and the West African Human Rights Defenders Network (WAHRDN) welcome the adoption by the National Assembly of Burkina Faso of a national law protecting and promoting the rights of human rights defenders. The law was passed on 27 June and has now entered into force following its signature and publication by the head of State.  
– ISHR Press Release, 02/09/2017

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*ISHR, the Malian Coalition of Human Rights Defenders, Front Line Defenders and the West African Human Rights Defenders Network welcome the adoption of a human rights defenders law in Mali. -- ISHR Press Release, 16/01/2018*

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We start by confirming that the project has reached the objective indicators laid out in the original project proposal.

The first indicator is met and surpassed because two HRD laws have been passed in Africa, one in Burkina Faso in 2017 and the other in Mali in 2018.

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<sup>1</sup> It is important to note that the Bread for the World-funded project (E-WEL-2016-5378, September 2016 – August 2019) is part of a larger initiative by many stakeholders across the globe to advance the “Model National Law on the Recognition and Protection of Human Rights Defenders.” The development of the Model Law was led by ISHR with collaboration from hundreds of stakeholders from around the globe and was unveiled in 2016. References to the Model Law Project in this report refer to the specific BfW Project unless specified otherwise.

The second indicator has also been met and surpassed as such a law has moved forward in three Asian countries: Nepal, Mongolia, and the Philippines.

The third indicator, to enable HRDs working in sub-Saharan Africa to use the international and regional human rights systems for their improved protection is on track to be achieved by the end of the project. ISHR has supported 9 HRDs to participate in the ACHPR sessions, and 3 to participate in sessions of the HRC. In addition, ISHR has continued to support capacity building prior to the ACHPR sessions and on the UN system, facilitated interactions between HRDs and the ACHPR Special Rapporteur on HRDs, and provided advocacy and lobbying support to individual HRDs during ACHPR/UN sessions.

As per the ToR for this evaluation and discussions with ISHR staff the evaluation team conducted a much deeper evaluation that can be summarized as looking at lessons learned, best practices, and ideas for the future.

The specific objectives of the evaluation, as per the Terms of Reference (TORs) are:

1. To assess the project's relevance for and impact on targeted beneficiary groups and their needs;
2. To assess the project's effectiveness and efficiency as well as the sustainability of the project activities;
3. To assess the impact of the Model Law on the protection of HRDs as part of this project;
4. To assess project contributions to the beneficiary HRDs' capacities to use and engage with the international and regional human rights mechanisms;
5. To identify lessons learned and recommend improvements that would further strengthen and build on current gains;

In addition, the evaluation should:

1. Serve as a background document that would draw on the lessons learnt and facilitate the preparation of the follow-up project starting from September 2019;
2. Identify lessons learnt and make recommendations for improvement relevant to this and related projects;
3. Examine the extent to which gender perspectives have been included in the project.

After a thorough review of documents provided, as well as interviews with staff members of ISHR, the evaluation team decided to also consider initial best practices for implementation, the role of NHRIs, and lessons drawing across jurisdictions.

### **Data and Methods**

The main data for this evaluation came from the testimonies of key stakeholders gathered through in-depth qualitative interviews. These included interviews of staff members and trainees, project involved-experts, key beneficiaries, ACHPR and state representatives. Several particularly busy stakeholders chose to submit written responses to the questions instead of agreeing to be interviewed. The interviews were conducted in English and French.

We also reviewed a wealth of archival data provided by the ISHR that included periodic reports to the donor (narrative and financial), relevant publications and tools, and other relevant project documentation. We included questions commonly asked during Most Significant Change (see Davies and Dart 2005) exercises in almost all of the qualitative interviews. We decided *not* to field a short online quantitative survey as originally envisioned as we found that qualitative interviews better captured the views of key stakeholders and as we moved away from key stakeholders the information was not very rich. We increased data reliability by data triangulation; that is comparing the results across stakeholders and across data collection strategies. We were especially attentive to possible interviewer and social desirability biases.

Overall, we conducted 40 interviews totaling 38 different interviewees; five of the respondents were interviewed a second time for additional information and clarification. An additional four interviewees were unavailable for interview but provided written responses to our interview questions. We began by conducting interviews with human rights defenders at the 63rd Session of the African Commission on Human and Peoples' Rights in Banjul in November 2018. We also traveled to Abidjan, Côte d'Ivoire, site of the first human rights defender law in Africa, to speak to a range of actors and stakeholders. One member of the team was able to conduct in-person interviews with ISHR staff in Geneva and with an HRD while in Kinshasa, as well as a Special Rapporteur at another event in February 2019 in The Gambia. By videoconference we conducted interviews with ISHR staff and HRDs in a number of countries in Africa and Asia. In most cases these interviews were recorded to allow for more accurate transcriptions. A small number of potential interviewees were unresponsive, but our response rate for requests was approximately 80%.

Our interview questions included the following broad set of questions:

1. Demographic information
2. Understanding of the ISHR project goals and objectives and level of engagement with the ISHR project
3. Specific questions relating to project objective 1 – the enactment of national HRD laws, including lessons learned, direct and indirect impacts, visions for the future implementation of national laws (as appropriate)
4. Specific questions relating to project objective 2(a) – strengthened engagement with regional human rights system for improved HRD protection
5. Specific questions relating to project objective 2(b) – strengthened engagement with UN human rights system for improved HRD protection
6. Questions relating to most significant changes due to the ISHR project
7. Questions relating to gender mainstreaming in this project and in HRD protections
8. Dissemination of knowledge within stakeholders' countries gained from project activities
9. Broad recommendations for the project

Within each category of inquiry, we developed a number of potential questions and tailored the specific questions for each interview. Also, with much previous experience in conducting qualitative interviews, our team felt comfortable deviating from the question route to follow potential fruitful avenues of inquiry.

## **Evaluation Ethos**

The evaluation team considers an evaluation as a function of managing for impact. As such, the team understands the meaning of an evaluation as the systemic and objective assessment of an on-going or completed project, with the aim of determining its relevance, effectiveness, efficiency, impact and sustainability in line with the OECD's DAC criteria. The Terms of Reference also provided a set of questions which guided the evaluators during the evaluation exercise.

The evaluators were especially attentive to sustainable impacts, not just the advancement of a specific issue or individual event. Instead, they looked for impacts such as changes in institutional culture, the development of coordinated multi-level campaigns, the involvement of new voices in advocacy, and the creation of new initiatives. The evaluation sought to incorporate voices of those who are often missed in such projects. Team members especially privileged the voices of women as well as the gender perspective within the adopted HRD laws.

In addition to assessment and helping to chart a future course, the evaluation of a project in progress can be an excellent opportunity for advancing the outcomes of the project. For instance, such an evaluation can be an opportunity to enhance networking among key stakeholders.

This evaluation was participatory in all aspects, involving staff members of ISHR and the stakeholders affiliated with the project, as well as other partners in conceptualization of the study and some data collection. The evaluating team's strategy was iterative and flexible, keeping ISHR's staff informed at regular stages of data gathering. The approach was to keep an open mind in order to consider new interviewees and doubling back on some interviewees as needed.

## **Ethical Considerations**

Due to the relatively small sample size in a relatively close-knit project, it is difficult to completely protect the confidentiality of the respondents in this evaluation. For instance, if we mention that a female HRD from a given country gave us a specific response, ISHR will most likely be able to deduce that person's identity. To address this concern, we informed all interviewees that their confidentiality could be compromised in such situations and we have decided to provide very limited identifying information when attributing direct quotes or insights gained from the interviews. Also, we were very much aware that HRDs in some countries were at great risk. In such instances, we discussed the risks with them before conducting the interview and did not record the interview. In such cases, we have been especially cautious with any identifying information in this report.

### **Findings for Objective 1: To Advance the Enactment of National HRD Laws**

We begin with some basic points to keep in mind for this evaluation, and in the overall context of the Model Law project.

1. First, we must remember that the Model law was only proposed in 2014 and finalized by experts in 2016 and so the fact that it has had any traction in its first few years is all the more remarkable.
2. HRD laws have been adopted in only 3 countries (Côte d'Ivoire [2014], Burkina Faso [June 2017], and Mali [December 2017]) in all of Asia and Africa, so it has not had wide impact as of yet, at least legislatively on these continents.

3. The countries that were the focus of the Bread for the World-funded project have vastly different sociopolitical conditions. And, many of the countries are experiencing some type of major transition requiring HRDs and ISHR to adapt to changing political climates. Some countries have become more human rights friendly in the past few years, some have become less so, and some have alternated positions. Some countries have upcoming elections or potential upheavals that will determine the viability of developing and implementing an HRD law.
4. We should stress that HRDs in many of the countries under the aegis of this project are working in extremely difficult situations. In some the conditions have worsened dramatically in a short period of time. For instance, the former head of the NHRI in the Philippines is now in prison. In the case of the DRC, there were moments where even the UN Special Rapporteur on HRDs who had planned to visit did not receive a visa. Retrograde laws that target human rights defenders have been proposed in places such as the DRC. In others HRDs face harm from regressive interpretations of existing laws on terrorism, freedom of assembly, and press freedoms. HRDs in many countries are fighting laws that require the registration of NGOs that include restrictions on who can count as an HRD. The ISHR and HRDs have had to rally support to defeat, or at least mitigate the effects of, these proposals.

### **Impacts of Activities Related to Objective 1**

In addition to meeting the formal indicators listed above (see page 6 of this report), this Bread for the World-funded project has had widespread impacts in a variety of contexts. Some of these impacts were less expected than others. Often these impacts came out in our interviews only after prodding from the interviewers which is not surprising as some of the activities took place almost two years previously and all of the stakeholders are involved in numerous projects and probably attend numerous consultations and workshops in a given year. Also, several of the interviewees work with ISHR on several projects, so pinpointing what impacts came from which project can be a bit tricky for some. Note that by asking questions drawn from Most Significant Change exercises, we were able to get much more detail about impacts. It should be kept in mind that positive impacts will happen almost any time passionate and talented people are brought together in a project of this type. Nonetheless, the depth and range of the impacts of this project in its first two years is truly impressive.

We were especially interested in the value added of HRD laws. In some countries the biggest resistance has been the fact that fairly robust laws already exist for many of the provisions for human rights defenders. These include freedom of assembly and expression as well as the rights attaching to civil society organizations. In such cases, there is a sense that it would be better to push for other issues instead of using time on this. A nagging skepticism was reported by many of the major stakeholders, even those that were the biggest proponents of the law. *“Some people said no government would adopt this and blah blah blah... the naysayers!”* We believe the list of impacts described below will do much to allay these doubts, and that they could serve as a backbone for documents that could be distributed to others to show the importance of HRD laws.

It should be noted that some of these impacts such as changing the narrative about HRDs and increased networking can be accomplished by other means. In developing future strategies



ISHR remain cognizant that the push for HRD laws is not always the best or most efficient means to attain these impacts in all contexts.

### *Legislative Movement of Human Rights Defender Laws*

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*The most significant project difference to me is quite clearly the enactment of new laws for the protection of human rights defenders. From my experience in participating in these events, there is a trend, which is that in all these countries, one or several partners, networks of HRDs have taken up the work of advocating, pushing through national HRD laws. This would clearly not have been possible without ISHR's support and engagement. Quite significantly, the Model Law has played a very instrumental role in that regard. National actors have taken ownership of that law; they have used it, printed it, taken copies of it in their meetings with ministers, law-makers, decision-makers, and it has made a difference. -- ISHR Staff Member, 1/11/2018*

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Besides passage of the law in three countries, an important impact has been legislative initiatives for a human rights defender law in places that it was probably not expected. In some countries, like the Philippines, this movement is very unlikely to lead to legislative enactment in the near term, but just having a bill introduced and discussed has had positive impacts as it brings stakeholders together and primes them for a more opportune time. In Mongolia a HRD law has been introduced in Parliament with the assistance of ISHR but faces strong opposition from business interests, especially mining companies. In such cases the passage of a minimalist law could be an entry point that could be expanded when conditions are more favorable.

Also, the project has led to awareness that has prevented retrograde laws from being enacted. “For our country, DRC, even if there is no law currently, we feel the impact is tangible, because if there were no interaction with ISHR, maybe this [restrictive] law would have already been voted in its original form, which would have been detrimental to the defenders. And that it has not been voted at this stage in this form is also a positive impact” (HRD from DRC, 23/11/18). Some said that the push for HRD laws has helped reverse “the trend of legislative restriction and political stigmatisation of human rights defenders.”

### *Promulgation of the Model Law for the Recognition and Protection of Human Rights Defenders*

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*It feels as if it has become a reference tool which most actors who want to improve conditions of HRDs in their countries are using, at least in Africa. – ISHR Staff Member, 11/1/2018*

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It may be an obvious impact, but it should be explicitly stated that this project has dramatically increased discussion about legislative recognition and protection of HRDs in Africa

and Asia. Many HRDs and government officials are now quite aware of the Model Law for the Recognition and Protection of Human Rights Defenders (Model Law) and adept at informing others about it. The Model Law is now becoming, as it was envisioned, the benchmark for evaluating legislative proposals and the protection of HRDs in various countries.

One of the lessons learned has been how adaptable and scalable the Model Law can be in different contexts. This flexibility allows it to be tailored in interesting ways by different constituents in different contexts. In some conditions a more robust version is not feasible at this time, in others it was decided to not include specific provisions. Also, several jurisdictions have proposed laws that extend the wording of the Model Law in some interesting ways.

### *Increased Discussion and Appreciation of Human Rights Defenders*

Drawing attention to HRDs and getting the issue of HRD protection on the policy agenda in national dialogues was noted by stakeholders, ISHR, and in several countries. This is important as in some countries the term “human rights defender” was very new, and in others the 1998 UN Declaration on Human Rights Defenders was little known.

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*There was no dialogue or discussion at the national level around the protection of HRDs, in particular about legal protection. I think the project has been able to really bring this as one of the important discussions so that some of the government's attitude that they don't know anything about the declaration changed. – ISHR staff member, Geneva, 3/11/18*

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While the definition of human rights defenders is still a bit vague in some countries like Taiwan, overall, the Declaration and the Model Law and legislative proposals have established clear, working legal definitions of who is a human rights defender. “There is no ground today for any government in West Africa to say, ‘who is this HRD’ and question the HRD definition because within the national law, there is a clear definition.”

Related to the definition of HRDs has been the issue of identification cards or other types of registration of HRDs. In Côte d’Ivoire there were discussions around setting up a commission that would issue IDs to people to identify them as HRDs. Such a mechanism was later abandoned as it became clear that it would be restrictive. Both the Model Law and UN Declaration call for a very broad understanding of who an HRD is; that individual does not have to be formally working for a CSO. As one interviewee said, “An HRD can act to address a situation and it is the action that he/she does that confers that status of HRD to him or her.”

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*Martin Luther King, Mahatma Gandhi and Nelson Mandela did not need cards for them to be HRDs! The woman who is selling tomatoes at the market and who decides to stand up and say that these tomatoes are too expensive, and we can no longer sell them, and this is a breach of our right to food, she is a human rights activist. The women of Abobo that do not have water and who get together within an association, who demonstrate in the streets saying ‘We need water, we need water’ are HRDs.*

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*-- HRD from Côte D'Ivoire, 14/1/19*

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The increased dialogue about the protection of human rights defenders extends to governmental figures as well as treaty bodies and special rapporteurs at the regional and international level. Several stakeholders reported governmental figures saying that for the first time they understood the issues linked to human rights defenders. In some countries the push for a HRD law has reversed the narrative about HRDs as previously HRDs were “viewed as anti-development and political saboteurs” or in some countries as terrorists or rebels.

Some officials even reached out to ISHR or brought up the issue of HRDs at the African Commission or during meetings in Geneva. This points to the snowball effect of lesson learning from one country to another. A number of interviewees mentioned that movement in one country led to progress in another. This took one of two forms: either competition or cross-border accountability. First, there was evidence of competition where “states can copy each other in terms of positive and enabling legislation.” Representatives or mandate holders of both the ACHPR and the HRC have used the Model Law to talk with government representatives, including in countries where defenders’ issues are really challenging. Also, HRDs have tried to use the success in other countries to push for such legislation in their countries with mixed results.

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*The minister of Burkina Faso in Geneva talked to me, asking how can work together and wanted us to come and help because we hear that Côte d'Ivoire developed a law and we want also to do this as well. I was like, that's great. The same also about a minister from Niger who came here we had a meeting.*  
*-- ISHR staff member, Geneva, 3/11/18*

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Successful legislation in one country can put pressure on others and it is expected that this type of cross-national pressure will continue to build. Just the existence of a HRD law in one country can put some pressure on another government to consider a law. It can also give officials the credibility to call out violations against HRDs in another country. This snowball effect points to the importance of achieving success in one country and in our recommendations, we will suggest that in the next round that achieving a law in one Asian country will be very important.

#### *Coalition Building and Networking among NGOs*

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*The project allows HRDs to stop working in isolation but rather in a more open environment. We have developed a system comparable to the spider's web. In this system, if there is one single thread that moves, the others must also mobilize. – HRD from DRC 23/11/2018*

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Almost all of the stakeholders mentioned increased networking with their colleagues both in their country and transnationally as an especially important impact for this project. As one HRD said, “I am in Congo but I have contacts with defenders in Burkina Faso, Uganda, Kenya and all across Africa.” This networking has both intrinsic and instrumental import. Intrinsically, making or renewing connections has led to increased solidarity, support for venting frustrations, and, in some cases, increased hope about their own context. Instrumentally, these networks lead to shared understanding, collective strategisation and action and hearing about best practices as well as challenges in other contexts. Also, it has made connections that can be leveraged for advancing specific human rights issues. Importantly, the network of defenders can be mobilized when HRDs are under threat.

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*We just have to communicate with other defenders and we feel that we can rely on their support. They are ready to write to Governments, UN and ACHPR special rapporteurs to inform them that such a defender was in distress and there was need to intervene. – HRD from DRC 23/11/2018*

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Advocating for HRD laws has had other important networking impacts. Pushing for a law of common interests has broken down barriers that have existed between HRDs from focusing on different human rights issues or from interpersonal conflicts in the past. The proposal and passage of the law seems especially to lead to increased collaboration among HRDs in a given country as they then work together to put in place an implementation decree. Rarely, if ever, are these done by just one group. For instance, according to one HRD, in Mali 44 NGOs are working together on an implementation decree as well as on dissemination and sensitization sessions (interview 24/10/2018). There is also a spillover effect where the networking tools that individuals have learned in this project has led to additional networking in other aspects of their work.

Notably, the networking across borders has not been as successful in Asia as it has been in Africa. The reasons for this state of affairs are multiple, including a longer-term involvement in Africa by ISHR, formal networks of human rights defenders in Africa, the African Commission sessions serving as a hub for defenders to meet regularly, the relative heterogeneity of contexts in Africa, and also the number of project activities in Africa as opposed to Asia. Also, several stakeholders mentioned the creation of WhatsApp groups for defenders in Africa were especially helpful, although there seems to be some divide between Anglophone and Francophone WhatsApp groups. In our recommendations below we suggest better E-networking in Asia.

On both continents, the national and regional consultations proved to be especially fruitful for networking and coalition building. Several participants in the regional consultation in the Philippines in January 2018 highlighted the learning that took place across different countries. For instance, we were told that the Mongolian representatives gave good, “vivid” examples of the problems faced by women HRDs. Also, the sharing of the African experiences were very much appreciated by the Asian participants. All of this created something of an “aha” moment for HRDs from the Philippines to formulate a strategy to move legislation forward that could fit their context. Notably the Taiwanese HRDs were so taken by the knowledge and passion of the Filipino NHRI members, that they will soon take a field trip to the Philippines to

observe its NHRI in action. According to one HRD, the biggest success at the national consultation in the Philippines in January was the active involvement of members of the NHRI. This discussion prodded the NHRI to take a second look at the issue of HRDs and helped establish better connections between the NHRI and CSOs.

### *Networking with NHRIs, Governments, and International Bodies*

This project has also led to more collaborations between CSOs, NHRIs, and governmental officials. Many stakeholders were especially pleased with the activities that brought together defenders, members of Government and NHRIs, as well as the relevant Special Rapporteurs.

Networking with international actors such as governments and special rapporteurs was mentioned by many as a distinctive strength of ISHR and it seems to be something of a hub for connections that could apply external pressures to governments. As one staff member of ISHR reported: “whenever there are situations that are complicated, we know on which door to knock.” Many of the HRDs reported calling on ISHR to help with international advocacy. The ISHR helped put them in touch with Special Rapporteurs as well as making other diplomatic connections. Filipino CSOs asked for letters of support for their HRD legislation to remind the legislators that this is an important international issue and one was sent by ISHR as well as other international NGOs. When HRDs in Taiwan needed to put pressure on China to release an imprisoned Taiwanese HRD, ISHR arranged for visits to embassies and other organizations in Geneva. They also connected the Taiwanese defenders with Chinese activists in exile. HRDs in the DRC called on ISHR to help block the proposed restrictive legislation and ISHR helped them get in touch with UN special rapporteurs who “issued joint communiqués and wrote to the Congolese Government or Congolese Parliament to indicate that the world was watching this situation.” Several African HRDs highlighted the personal connections they made with the Special Rapporteurs during the ACHPR sessions and that this led to less hesitancy to reach out to them for assistance.

### *Impacts of Loi 2014-388 in Côte d’Ivoire*

We devote a special section to the impacts in Côte d’Ivoire because it has progressed furthest with implementing a HRD law. Since the law has already been adopted in Côte d’Ivoire before the start of the E-WEL-2016-5378 project, we will focus on impacts the project has had on the progress of the law. Under this project ISHR focused on implementation of the law and sharing the lessons learned in Côte d’Ivoire with HRDs in other West and Central African countries. They held four consultation workshops in November 2016, April 2017, Dec 2017, August 2018 (details of these and other project activities in Annex IV) and continued to closely engage with Ivorian partners on issues of strategy and capacity building. Our broad observations are that the project activities were crucial for building capacity, confidence, and facilitating networking between HRDs, and NHRIs in Côte d’Ivoire and across the region. In the words of one HRD interviewed: “I would say that the presence of ISHR has allowed us at all times to have a constructive, permanent, constant dialogue, allowing for sharing of information not only on difficulties but on how to move forward” (HRD from Côte d’Ivoire, 15/1/19).

A member of the team of evaluators undertook a mission to Côte D'Ivoire from 14<sup>th</sup> -16<sup>th</sup> January 2019. The purpose of the mission was to gather information on the passage of the law, its impact, and implementation of the law. The evaluator met with representatives from civil society, government departments and the NHRC. The following points were summarized from these interviews.

1. **The HRD law is helping to change perceptions of HRDs in Côte d'Ivoire and raising the profile of HRD's work.** Several HRDs noted that appreciation of the role of HRDs in society was much improved since the enactment of the law and implementation decree. One HRD stated that attitudes towards HRDs had improved and space was now being created for HRD representation in different institutions:

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*The law has caused people to look at HRDs with a different pair of eyes. The law has had the advantage of shedding a light on the work of HRDs. There is now a different perspective, because on the boards of different institutions, there is a place for HRDs. For example, in the setting up of certain structures, such as the regulatory board for audio-visual communications, there is a representative from civil society or HRD, the national press authority, has one representative... HRD from Côte D'Ivoire, 15/1/19*

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2. **The HRD law is already having an impact in protecting HRDs from persecution.** It appears that since the law's adoption there have been fewer attacks on HRDs, but this is only an anecdotal observation as there is no hard data and it would be difficult to tease out the effects of the law on any reduction in attacks with certainty. Nevertheless, one HRD provided the following noteworthy examples where the law was cited in courts of law to secure the release of HRDs who had been arrested:

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*It (the law) has become our weapon... I have a case in mind, the case of the fourth bridge which was being built in Abidjan. There were people who had to be relocated, victims who wanted to walk and demonstrate and who were arrested. Their lawyer brandished the law before the court. The judge, all confused, had to release them. Another memorable moment - I listened once to a lawyer who said that someone had been arrested. The lawyer quoted the law and the judge was not aware of it. He made a direct representation and the judge said: "You have educated me, and I will make use of this law." -- HRD from Côte D'Ivoire, 15/1/19*

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3. **The law is still not widely known and there are still cases of HRDs being persecuted.** It was noted that there needed to be widespread sensitisation on the law, especially among the judiciary and police in order to prevent HRD arrests and persecution. In the words of one HRD: "There is a blockage, because of ignorance, especially at the level of

the authorities, both judicial or police, about this law. It is still possible to arrest HRDs... there are two or three detained HRDs... Train these officials.”

### *Most Significant Changes and Memorable Moments*

We end this section on impacts with most significant changes and memorable moments of the project shared by various stakeholders. These overlap with many of the impacts listed so far, but they are very compelling and will aid the collation of such stories to be mobilized in other contexts to push for HRD laws.

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*The meeting we had with the Sierra Leonean Parliamentary Committee on Human Rights; so a cross-party group of parliamentarians with whom we discussed the situation of defenders and presented the model law, who were very welcoming of the model law as an authoritative tool which will enable them to inform the development of a national law but given the review function of this committee, would also be very useful for this committee in considering the compatibility of proposed bills and existing laws with the [UN] declaration on human right defenders. So, in addition to being an advocacy tool for defenders, that really reaffirmed to me the utility of the model law as a tool for parliamentarians and policy makers both in the enactment of enabling legislation and the review of potentially restrictive legislation to ensure compatibility. -- ISHR staff member, 1/11/18*

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*The biggest impact is that today, we have the HRD protection law which conforms to a large extent to international instruments, which was not a given. We are the second country in Africa to have such a law, after CI. And if ISHR, more specifically Mr. Clement Voule, had not supported us, we might not have had such a law! They assisted us, lobbied with us and pushed for the adoption of the law. This is an opportunity to thank them all. We have the law, though not the most perfect one, but the key thing is that we have the law and with time, we can make it better. Bravo to this partnership which brought us the law on 27 June 2017!" -- HRD from Burkina Faso, 30/1/19*

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*The most important change for me is that it allowed me to build my capacity regarding the work of HRDs and secondly, helped me to get to know how to work as part of a network, thirdly how we can activate the protection*



*mechanisms at the national, regional and International levels whenever needed. -- HRD from DRC, 23/11/18*

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*During the time when Côte d'Ivoire was running to get a seat as a non-permanent member of the Security Council and they held a side event here which I attended. For me, it was, I'd say not surprised but important to see that one of the things that the minister put forward as a big achievement for the country is the adoption of this law! You know, this is a country that is running for a Security Council seat and presenting this law as one of its main achievement to show that Côte d'Ivoire is one of the countries that is progressing. I was like 'Wow, very serious'. ... seeing a country that wants to sell it as one of their main achievements, I was impressed. -- ISHR staff member, 1/11/18*

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*The impact is that today we have a draft bill. It's palpable, it's available. Even tomorrow we can send it to the government. That is palpable, it is available. -- HRD from Niger, 24/1/19*

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*A couple of days ago when I was provided with a compendium put together by the African Commission's Special Rapporteur on Human Rights Defenders of authoritative sources of international and regional law on the protection of human rights defenders in Africa... I think the inclusion of the model law in a compendium identified by an expert as being the authoritative sources of human rights norms and standards as they apply at the national level in Africa, I think, is really significant and both reflects the status and the influence of the model law but also contributes to enhance it. -- ISHR staff member, 1/11/18*

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*The one most significant example for me would be when I was in Abidjan and I found myself in the middle of a discussion between Ivorian activists and members of the NHRI when they were discussing about the difference that the law has made for them. That to me was really significant and was probably the moment when I thought well, we are making a difference here and that we are on good track ...! At the international level things are different. I think there was also some form of skepticism around the model law when it was adopted and I was aware of that skepticism. So, for me, being among a group of defenders on the ground speaking about this is how we use the law today and this is how it is beneficial for us, that was eye-opening and I thought we are on good track. -- ISHR staff member, 1/11/18*

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*Mali: But I was so surprised that when we had a meeting with parliamentarians, they added a whole section on specific protection, including disabilities and women. So, we talked to government and government was not convinced about that. But the parliamentarians, they changed it and included it; meaning that it is not just government, but the parliamentarians also started to understand what was the HRD's role. This is important for us that it is not just the government but also those who represent people having their own thoughts about such issues. I thought that was a great moment -- -ISHR staff member, 3/11/18*

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## **What Factors Have Led to Success?**

Drawn from our extensive interviews and research we offer the following observations about the factors that have led to increased impact in this project. This discussion can be helpful in determining whether a particular country in a particular time is well suited for a focused effort to pass a HRD law. That information will be helpful in formulating strategies about which countries to add to the project, in which specific countries to target resources, and to manage expectations in some countries where the conditions are not ripe. Such questions are especially important as this is a relatively new movement that has yet to catch on in the international arena.

It is interesting to note how many narratives mention luck or being lucky or perhaps something of a perfect storm of factors that converged to make this possible in the “pioneer countries.” However, as one respondent points out in the case of Côte d’Ivoire, CSOs (and regional and international mechanisms) were also ready to take advantage of what was going on to push a HRD law through. This points to the value of ISHR’s consistent support over the years and the advocacy at the regional and international levels. At the same time, many countries, especially some in Asia, appear to have none of the “luck factors”, but they are pressing on step by step using whatever goodwill they can muster.

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*To be honest, it is not an easy task to convince governments that HRDs and their offices should be protected from any kind of investigations or HRDs are protected for the work they are doing as HRDs. We receive all sorts of questions and within many systems of governments in Africa, you have those among them who understand human rights but there are those who do not want to hear anything. And sometimes the resistance is there. How to get this law through the council of ministers, to get a law of a certain quality which provide this kind of protection. Sometimes, the resistance can come from HRDs themselves, why they need protection, and different other questions. Sometimes, to create this understanding of the importance of protecting HRDs is a big challenge; things may work in some countries while in others, this can be a challenge to overcome. -- ISHR staff member, 3/11/18*

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Of course, in the adoption of a new law, political will is critical. What makes one government more willing to advance such a law over another? “It all boils down to *political will* and how much of a priority the issues are for decision-makers” said one stakeholder. What drives political will? Several factors, some fairly obvious, emerge from our interviews and review of project documents. research.

The priorities of the government are especially important. If a government is eager to improve its international image or if a regime is human rights inclined it will obviously help. It seems that regimes are more human rights conscious after transitions, especially those led by progressive movements. In West Africa, the human rights challenges that the region has experienced were turned into an opportunity to press for greater protection of HRDs. It also helps that there is something of a democratic wave in parts of West Africa. Also, it is important to have policy champions that are committed to the issue and in some notable cases key government ministers were former HRDs that had received advocacy training from ISHR.

When these factors come together, it can be the government leading the charge on adopting a HRD law and change can be accomplished with speed that surprises veteran observers. “To go frankly from a stage of conceptualization to enactment and implementation in two/three years is, I think, quite extraordinary.” These factors all came together in Côte d’Ivoire.

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*I believe that we have worked in good conditions. I could not ask for better nor do I believe we could find any better. The wind blew favourably. -- HRD from Côte D’Ivoire, 14/1/19*

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*ISHR, with its Model law, should remember that the initiative of the HRD law came from the government. And if the government was favourable to a law, this should be recognised rather than to believe that it is an epic battle which has been carried out by civil society against the government. -- HRD from Côte D'Ivoire, 14/1/19*

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In such cases, members of the parliament can even strengthen proposed legislation as in the Malian case where several CSOs convinced the Malian parliament to strengthen the Bill by including specific protection for women human rights defenders (Article 18) and human rights defenders with disabilities (Article 19).

### *Important Steps for Civil Society*

In most countries though, all the forces do not come together at the same time, and so it is a much longer process with success not assured. In such cases, expectations need to be managed. Even with political will and a good campaign from civil society it can still take years to get the law passed. CSOs in such cases need to “seize opportunities.” An ISHR press release described the Malian process as involving “years of efforts and a demanding legislative process.” One of the recurrent obstacles that HRDs noted was that a HRD law would be seen as protecting the political opposition. In some countries HRDs have been able to convince the regime that someday they will be in the opposition and will need such protections. While in some countries, HRDs are conflated with terrorists, anti-development forces, etc.

Several interviewees provided advice for CSOs seeking to push such a HRD law. Here is something of a top ten list from our interviews.

1. Understand the country context.
2. Be a good advocate.
3. Be inclusive (of all CSOs).
4. Be patient and persistent.
5. Be proactive. Do not wait around to be invited to meetings but to just go ahead and be involved.
6. Know how to engage with state actors
7. Build partnerships with lawmakers.
8. Build connections with local communities; ordinary citizens need to appreciate the value of HRDs work.
9. Civil society must work together and provide a united front.
10. Be realistic as to what can be accomplished in your context.

### *Passage of the Law in Côte d'Ivoire*

The passage of the first HRD law in Côte d'Ivoire was seen by many as a model for other countries, especially its combination of national, regional and international level advocacy from the early stages of deliberation.

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*The national level campaign was very much complemented and strengthened by international and regional advocacy, resulting in recommendations that Côte d'Ivoire adopt the law and enact a decree from the UPR, the treaty bodies like the Human Rights Committee, through the report of the then Independent Expert on Côte d'Ivoire and also through the recommendations made by the African Commission. All those came together to increase pressure for change. -- HRD from Côte D'Ivoire, 14/1/19*

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In addition to this multi-pronged lobbying, the new government was also especially receptive to such a law especially after a period of conflict. An HRD noted that “they were lucky to have a Minister of Justice who was an open-minded woman and helped in reviewing the draft” and that the Ministry of Human Rights was led by a former HRD. As one HRD said, “there was this window of opportunity to take advantage before power again accrues and fossilized and that momentum was there to be harnessed to contribute to the enactment of the legislation.” Much of this can be traced back to the November 2016 implementation workshop (see table of activities) which was funded under this project and continued engagement by ISHR with all stakeholders which preceded this project and has continued throughout this project.

In 2012 the ACHPR recommended the drafting of a HRD law in response to Côte d'Ivoire's first periodic report in many years. This recommendation was spurred by lobbying by ISHR and members of civil society. The first draft of the law came from the ministry responsible for Human Rights and the ministry organized a meeting to invite comments on the draft law. The Côte d'Ivoire law was passed in June 2014 with the implementation decree being passed in February 2017.

### *Narratives from Other Countries on Advancing the Legislative Process*

We received a number of interesting and informative narratives of how things have moved forward in a number of contexts.

1. Togo: When Togolese civil society first approached the Minister of Justice about adopting an HRD law, the Minister was rather hostile and did not want to speak to HRDs saying that the Ministry had more important matters to deal with. However, they were able to convince the Minister by explaining the importance of enacting the law for improving the country's image on HR issues. They felt it was essential to ‘bring something to the table’ when engaging with government and in their case, it was improving the image of the country.
2. Sierra Leone: Sometimes it is approaching a government official at the right time. One informant unsuccessfully made several attempts to visit a key official, so he used an upcoming African Commission session in October 2018 as a means to get through the door and draw attention to the issue of HRD protections. The informant is now preparing a dossier for her of materials including data illustrating the threats that HRDs are facing in the country.
3. Mali: Originally, stakeholders in Mali were not considering an HRD law, but when the ACHPR made a recommendation for countries to adopt HRD protection laws following the Côte d'Ivoire crisis, they began to consider it. This process gained

- momentum during the crisis in northern Mali that involved numerous attacks against HRDs. Some of those threatened included members of the interviewee's organization and this brought home the need for laws to protect HRDs and victims of human rights violations. She noted that she then started working with ISHR on issues of building the capacity of HRDs including attending trainings and working groups.
4. Guinea: Upon hearing about the Côte d'Ivoire law, the minister of human rights, with his team, prepared a draft that they sent to HRDs, saying that we want to suggest this to the government. The reaction of HRDs was that since they were not involved in the drafting, they would reject it. In addition, there were some serious gaps in the law. ISHR was then called in to facilitate the process for a more comprehensive draft law with broad support. However, to date, the minister is refusing to be involved in the process. Nevertheless, a coalition of Guinean NGOs has been working on the promotion of a national law with ISHR support and the coalition submitted a report, in collaboration with ISHR, to the UN Human Rights Committee during its periodic reporting process. The HRC made a formal recommendation that Guinea "should guarantee the protection of defenders from threats and intimidation, particularly through the adoption of a focused and effective law on the protection of human rights defenders." Since then, the Coalition has ramped up their efforts to have a law passed. Some of their efforts include organizing workshops in 2017 and 2018. During the first, the text was enhanced and presented to the national executive and parliamentarians. The second workshop, held in collaboration with ISHR, facilitated joint discussions between national authorities and civil society, enabling them to finalise the draft law. The Coalition of Guinean NGOs has been working to disseminate the Human Rights Committee recommendations to various ministries of the national executive; organising a press conference; and launching a social media campaign on Twitter.

It is also informative to look at lessons learned from countries where progress is not being made. HRDs in difficult situations have tried some innovative methods for moving things through the legislature. In the Philippines a HRD law is being considered in the lower house introduced by an informal caucus of human rights parliamentarians even though they know the situation in the upper house is "hopeless". In the DRC, HRDs have tried to work with sympathetic legislators in their eastern region to push for a national law that conforms to the Model Law and relevant international standards. In both Taiwan and Sierra Leone plans were started to have large events to push for a HRD law at the end of 2018. However, in both cases such an event was postponed and instead there were more low-key events celebrating the 20<sup>th</sup> anniversary of the passage of the UN Declaration on the Rights of Human Rights Defenders. In Sierra Leone a high-level dialogue will take place in the near future, but in Taiwan this has been postponed until more CSOs can get on board with a HRD law. The situation in Niger is even worse where after some initial movement toward a law, the HRDs realized that any law advanced in the current situation would restrict the rights of HRDs so they stopped pushing for such a law.

## Implementation of HRD Laws and NHRIs

Once a HRD law is enacted, the focus turns to implementation which can be much more difficult. As one informant said: “we know that adopting a law is one thing while implementing it is a completely different thing: training lawyers, training judges, training law enforcement personnel, prosecutors – it takes time and is relatively difficult.” In some countries a separate implementation decree needs to be passed. In all, while the process of developing laws can open dialogue and establish valuable networks, and while the passage of laws themselves can be educative and normative, “having laws is not enough; we need laws that are respected, applied and implemented.” Many of the HRDs in countries that were moving a law forward were already rightly considering what would be needed in order to ensure full implementation. Here we discuss the implementation process in Côte d’Ivoire and the role of NHRIs as potential HRD protection mechanisms.

### *Lessons from Côte d’Ivoire on Implementation*

One stakeholder reported that Côte d’Ivoire could not allow itself to fail in the execution of the law because it has something to sell to Africa, being a pioneer in this area. Below are our observations of this critical implementation process:

1. **The absence of a functioning implementation mechanism is a major obstacle for implementing the law.** Almost all stakeholders interviewed stated that the lack of a functioning implementation mechanism was the major challenge for implementing the law. While the NHRC has officially been designated as the implementation mechanism, it has yet to assume this role. The reasons cited for this state of affairs include:
  - a. Competing priorities at the NHRC: One HRD stated: “The NHRI was fighting more for its own law than for the mechanism because as you may know, the Côte d’Ivoire NHRI is not fully in conformity with the Paris Principles and has a B status. So, it is working so that its own legal basis should be improved with regards to certain activities and actions which need to be undertaken.”
  - b. Changes in staffing at key government departments. One HRD noted that key staff of the Ministry of Justice and Human Rights who had activist/civil society backgrounds and had been instrumental in getting the HRD law and decree passed, had since left the Ministry. He stated: “we are in a situation where there are more magistrates who are not necessarily activists with a civil society background who have a good understanding of all the issues.”
  - c. Less intensive lobbying. Some HRDs noted the lobbying that had taken place around the implementation decree and how similar lobbying needed to be done for the establishment of the mechanism. ISHR, and specifically the office in Abidjan and Clément Voule’s role, was cited as crucial to the success of earlier lobbying efforts. ISHR was credited for facilitating constant dialogue and information sharing between stakeholders, providing links to international and regional mechanisms and processes, helping with strategy development, addressing emerging issues, and encouraging stakeholders. In the words of one HRD interviewed:

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*I would say that the presence of ISHR has allowed us at all times to have a constructive, permanent, constant dialogue, allowing for sharing of information not only on difficulties but on how to move forward...Each time, we have been able to access Mr Voule, who came to the Ministry or to the NHRI to explain things. The presence of ISHR here in Abidjan had the most significant impact. -- HRD from Côte D'Ivoire, 15/1/19*

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- d. The NHRC is in transition, a new NHRI law was adopted in November 2018 and they are awaiting a decree of implementation. In addition, the mandate of its commissioners expired in June 2018; provisional extension of their terms was approved till the end of 2018 pending the enactment of the new law. At present, they are in a state of limbo as they await the enactment of the decree of implementation before new commissioners can be appointed.
2. **Some stakeholders expressed concern that the gains in the “first phase” of the project which saw the enactment of an implementation decree, could be lost if lobbying and advocacy efforts for implementation were not intensified.** One stakeholder who was under the impression that the project was ending in 2019 stated: “It would be useful for the project to be renewed and continued or if not, that it is extended for a certain period of time because we are currently in a process and Ivorian actors are not all reassured, despite the law and the application decree. As I said, we came to this project for the protection of HRDs in a post-electoral process and we have elections in 2020 and the HRDs will still need the support of ISHR as we reach there, to accelerate the setting up of the protection mechanism for HRDs” (HRD from Côte d’Ivoire, 15/1/19).
3. **Key recommendations from stakeholders for the next phase of the project include the following:**
    - a. Engaging the media in order to popularize the law; it was noted that this was lacking in the first phase of the project. Engaging the media has another dimension expressed by one HRD interviewed, he noted that journalists were not considered to be HRDs by the authorities and that this perception needed to be changed: “There is a law on the press and there is a law on HRDs. The authorities, for most part, make a distinction between the journalist and the HRD. Yet for us, it is the same thing. For us, the journalist is a HRD, the lawyer is a HRD, etc. As there is a specific law about the press, when they arrest a journalist, they refer to the law on the press and not the HRD law. This is a bit of a difficulty” (HRD from Côte D’Ivoire, 14/1/19).
    - b. Extending the project’s reach beyond Abidjan; a couple of Côte d’Ivoire based HRDs noted that it would be useful for the project to have more partners covering different regions so that more people would know about the law.
    - c. Finding more ways of encouraging exchanges of experience, especially with HRDs in other countries. In the words of one HRD, “There are many countries which look up to Côte d’Ivoire as a leader in the sub-region and many countries are working to get laws, like Benin, Mali, Niger, Burkina. We have had some

exchanges concerning the law. However, this happens only during workshops or meetings/panel discussions on the margins of the African Commission or sessions. We probably need to find ways of encouraging more of such exchanges” (HRD from Côte D’Ivoire, 15/1/19).

- d. Training the judiciary and police on the HRD law as already noted above.

### *National Human Rights Institutions*

Among institutions that could oversee the implementation of HRD laws, the most discussed among the stakeholders was National Human Rights Institutions (NHRIs).<sup>2</sup> Their important role in this regard was highlighted by the Special Rapporteur on the Situation of Human Rights Defenders (A/HRC/25/55, 23 December 2013). This makes sense as NHRIs where they are effective are already in the role of intermediaries between civil society and the government.

More than half of all countries globally have a NHRI and most of these are certified as A status meaning they meet the Paris principles. The Global Alliance of National Institutions for the Promotion and Protection of Human Rights (GANHRI) oversees NHRIs globally while the Network of African National Human Rights Institutions (NANHRI) and the Asia Pacific Forum of National Human Rights Institutions (APF) oversee NHRIs in their respective regions. Active NHRIs are located in most of the countries of focus in this project with varying degrees of effectiveness and independence. In the Philippines, the former head of the NHRI had been arrested for political reasons. In Sierra Leone, all members of the NHRI had recently been fired for alleged malpractice and new commissioners were being appointed. In all countries the effectiveness of NHRIs is dependent on the competence of the commissioners and the political climate in the country. Another common thread of concern is that NHRIs almost universally lack financial independence.

Based upon our interviews HRD perceptions of NHRIs serving as protection mechanisms for HRDs can be summarized by the following:

1. **NHRIs, where they exist, are the only viable option (in almost every context).** While several HRDs expressed the need for an independent body to serve as a protection mechanism, they noted that their governments would be opposed to setting up a new institution because of cost or overlap with existing institutions. In the words of one HRD from Côte d’Ivoire: “For the authorities, the Ministry for human rights, it was not necessary to have another mechanism and if there was a need to set up a new mechanism for each and every law which was voted and adopted, it would not have been possible, given that the protection of HRDs is already taken care of in other provisions in national legal texts.” With a new mechanism not considered feasible, it was agreed to have the NHRI oversee implementation.

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<sup>2</sup> In addition, the ISHR, as part of this project, commissioned a desk report entitled “The potential of National Human Rights Institutions to serve as Protection Mechanisms for National Human Rights Defender Protection Laws” available from the ISHR.



2. **Compliance with the Paris principles is essential for NHRIs to serve as an effective protection mechanism, and this is not yet the case in several West African countries.** One HRD stated if NHRIs abide by the Paris principles then there is no problem with them serving as a protection mechanism, however if they are not independent there would be a serious problem. One interviewee noted that the Côte d'Ivoire NHRI was generally viewed as credible, but in Togo, the NHRI was perceived as less independent. A Malian HRD noted that the independence of the Malian NHRI had recently been compromised by the government's removal of the post of Human Rights Minister stating that the NHRI would play this role. Another HRD made the crucial point that there was often a marked difference between compliance with the Paris principles on paper and compliance in practice. She stated that in her experience several NHRIs that have been granted A status have serious challenges. For NHRIs to serve as effective protection mechanisms they would have to be compliant with the Paris Principles both in policy and practice.
3. **NHRIs in some countries are especially prepared for the oversight role in that they have long been involved in HRD protection and engaged in discussions/advocacy on HRD laws from early stages.** One HRD stated that the Ugandan NHRI has an HRD protection desk and includes issues of HRD protection in its annual reporting. Another HRD pointed out that the NHRI in Mali was involved in coordinating advocacy around the enactment and implementation of the Malian HRD law. In another interview the Malian NHRI was also noted to have played a key role in re-introducing specific protections for women under the Malian HRD law. Importantly, most NHRIs are already very active in dissemination of information and human rights education, two functions that are very much in need on the issue of HRD laws.
4. **NHRIs often have country-wide reach that would make it easier for HRDs in remote areas to access their services.** As stated by one HRD from Côte d'Ivoire: "the NHRI, which whether we like it or not has a responsibility for the protection of HRDs, has representations in all the administrative regions of CI. There are 31 regional commissions in CI and each one has eight members. Even in the different regions, HRDs have a recourse and an entry point, which is the regional commission which could be this protection mechanism at local level".
5. **The ISHR has a good working relationship with members of NHRIs in several countries under study and this has been extremely helpful in advancing HRD laws.**

In Côte d'Ivoire for instance, ISHR and its partners met regularly with members of the NHRC. Ultimately, Act No. 2018-900 of 30 November 2018 establishing, organizing

and laying down the attributes and operations the NHRC assigns the protection of HRDs to the NHRC.

To counter some of the challenges noted above associated with NHRIs serving as protection mechanisms for HRDs, one HRD proposed something of a hybrid model, an independent multi-stakeholder mechanism could be established hosted by the NHRI. A similar approach has been successfully adopted by a number of States in implementing the Optional Protocol to the Convention against Torture, establishing National Preventative Mechanisms hosted by their NHRI.

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It should include a network or consortium of civil society human rights defenders, the Ministry of Justice, and from the national security agencies, I think those three because they are the main bodies that would be involved. For Sierra Leone for example, we proposed that the NHRI should house the mechanism but it should not be left to the NHRI. We proposed that an independent body which includes the NHRI and other stakeholders should serve as the mechanism and not the NHRI alone because of the issues we know that the NHRIs have for now – *HRD from Sierra Leone, 1/2/19*

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Such a model was included in the draft HRD law in Sierra Leone and included provisions that such a body could have its own secretariat or rely on the NHRI, but either way it should have its own funding.

We were only able to interview one NHRI (from Côte D'Ivoire) for this evaluation, other NHRIs were approached but failed to grant interviews<sup>3</sup>. The following key points emerged from the interview:

1. The NHRC has for long been involved in matters of HRD protection, was engaged in the process of developing the HRD law from early stages, and appears to have embraced the role of protection mechanism for HRDs: "The NHRC, when seized of the situation of HRD in difficulty, has always acted for their protection in its capacity as an 'intermediate' structure between the government and civil society organisation."
2. The NHRC highlighted the following key issues that need to be addressed in order to better equip them for this role: better synergy for interaction with the government; strengthening its partnership with CSOs; and strengthening its capacity in the field for physical protection of HRDs.
3. While the NHRC noted a good working relationship with ISHR and the Coalition for HRDs, it emphasized the need for regular communication between key stakeholders: "The collaboration between the NHRI, the ISHR and the Coalition for HRDs in CI is good; however, periodic meetings focused on the evolution of the

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<sup>3</sup> The Burkina Faso NHRI sent written responses out of time for inclusion in the draft report.

implementation of the project would have allowed a better understanding and updating of the stakeholders regarding challenges met.”

4. The NHRC recommended that ISHR work more closely with regional and international NHRI networks moving forward: “ISHR should involve both regional and international networks of NHRIs, including agreeing on a joint activity with GANHRI at one of its annual sessions in Geneva. This could be a panel on HRDs as GANHRI did in February 2018 on the topic of people living with disabilities. This could also be done as a panel on HRDs with regional networks such as NANHRI during one of its meetings.” With regard to this point, it is noteworthy that African NHRIs are already coming together through GANHRI to define their role in protecting HRDs. At the 13<sup>th</sup> conference of National Human Rights Institutions that took place in Marrakech Morocco from 10<sup>th</sup> – 12<sup>th</sup> October 2018, under the theme “Expanding the civic space and promoting and protecting human rights defenders, with a specific focus on women: The role of national human rights institutions”, NHRIs issued a declaration (the Marrakech declaration) which provided, among others, that NHRIs should “Contribute to the establishment of national protection systems for human rights defenders, who need an enabling environment which is accessible and inclusive and in which all rights are respected. This should be done in consultation with those human rights defenders and civil society, media and other non-state entities and individuals (such as ethnic, indigenous and religious leaders”. The declaration also noted that “independent and effective NHRIs, as well as their members and staff, are human rights defenders themselves”.

In conclusion, since NHRIs are taking on such an important role in implementation, it is crucial to continue monitoring their role, especially as contexts change. ISHR commissioned a desk report on NHRIs as protection mechanisms in 2017, but the one HRD who was aware of the report noted there was need to follow up with country visits to establish what was on the ground. Also, it will be important for HRDs and NHRIs to come together from various countries to learn from each other.

### **Findings for Objective 2: To Enable HRDs Working in Sub-Saharan Africa to Use the International and Regional Human Rights Systems for their Improved Protection**

The second objective of this project is to enable HRDs working in sub-Saharan Africa to use the international and regional human rights systems for their improved protection. Based upon our research, we have the following observations about the ACHPR.

#### **The African Commission on Human and Peoples’ Rights**

First of all, as mentioned above, the existence of the ACHPR and fact that it is a gathering place for HRDs has been important in moving HRD laws forward especially in comparison with the Asian context. This difference is exacerbated as the Asian context lacks credible regional mechanism or regional special rapporteurs devoted to issues related to HRDs. The sessions of the ACHPR are also places where governments have come to expect to interact with HRDs whereas there is no similar place for meeting in Asia. This advantage over the Asian

context, also plays out regionally in Africa as many from West Africa felt they were advantaged by having easier access to the ACHPR especially as the secretariat is in the region and the relative ease in attending the sessions, which have predominantly taken place in West Africa, as there are no visas required for ECOWAS nationals and airfares are much more reasonable.

The ACHPR sessions provide an important forum for publicizing the persecution of HRDs and for interaction between HRDs and their governments. The ACHPR itself has played a critical role in jumpstarting discussions on HRD laws. Indeed, “the first law in Côte d’Ivoire was recommended by the African Commission.” As noted above, these recommendations to Côte d’Ivoire also led to discussions in Mali for such a law. The ACHPR working group on the situation of women HRDs further solidified support for HRD laws and the regular side events related to HRDs, including the ones funded by this project also kept up this momentum. All of these have led to improved relationships especially with the ACHPR Special Rapporteur on Human Rights Defenders. As one HRD stated, “We maintain all available channels of communications open with him.” Having worked with the ACHPR for years in various capacities, the research team wonders how much of the success in networking and moving forward HRD laws by the ACHPR can be attributable to Special Rapporteur Reine’s personal commitment, likely encouraged by the ISHR.

The respondents suggested several means for strengthening the role of the ACHPR in advancing HRD laws. At the commission-level, it was suggested that the ACHPR regularly recommend HRD laws in response to periodic country reports. Also, it was suggested that ISHR and its stakeholders appeal to additional commissioners so that one or two do not carry the entire load on this issue. The HRDs also wanted to continue strengthening their relationships with the commissioners and to have more country visits by the special rapporteurs.

## **ISHR and the ACHPR**

Here are specific observations about the relationship between ISHR and the ACHPR

1. ISHR has been consistently working in this space for a long time and is considered a very valuable partner by the African Commission, specifically the mandate for protection of HRDs with which it has worked most closely. In the words of the former Special Rapporteur for HRDs:

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*“ISHR is the very first organisation which got in touch with me when I assumed the mandate until I left. They helped me to put together my strategic plan, also assisting with a periodic meeting with different stakeholders at different levels. ISHR can do a lot if it obtains the means. ISHR is the sole funder of the communication tool that my mandate benefited from. ISHR also assisted with promotional activities such as workshops in different countries, meetings, regional and sub-regional gatherings of HRDs around important themes. I remember that we have worked a lot around Women HRDs. We have had more than five opportunities to work on Freedom of Association, communication tools, HRDs in Extractive Industries who work in remote areas, or HRDs working on ECOSOC rights, etc.” -- Former African Commission Special Rapporteur, 29/1/19*

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2. The genesis of the Model Law initiative can partly be attributed to discussions in a freedom of association group at the ACHPR led by the Special Rapporteur on HRDs in which ISHR played a key facilitating role. And this partnership between ISHR and the Special Rapporteur continued in each of the three countries that have adopted HRD laws. “Once we had set up this group on freedom of association together with others, namely with ISHR, which has been of a great help to us, we said that it would be useful to have a ‘standard’ which would be presented to political actors so that they could see how, with this law, to better protect Freedom of Association and Assembly.”
3. The relationship that ISHR has built with the African Commission has enabled it to facilitate advocacy for HRDs with the African Commission. Several HRDs interviewed stated that they were connected to the Special Rapporteur for HRDs through ISHR and that ISHR was crucial to getting some of their issues highlighted at the African Commission sessions. One HRD described ISHR’s support as follows: “ISHR always interacts for appointments, meetings, communications and especially ‘corridor advocacy’ and lobbying, with diplomats and States representatives, coordinating things before issuing joint releases or to influence the Commission regarding the implementation of resolutions addressed to States.”
4. ISHR co-organizes with the African Centre for Democracy and Human Rights Studies (ACHDRS) annual trainings for HRDs on the African and UN Human Rights Systems which were generally described by the HRDs interviewed as very helpful in improving their knowledge of the systems, enhancing lobbying and advocacy skills, and for creating linkages with other HRDs and the regional protection mechanisms. One HRD noted some very significant direct results from his participation in one of the trainings:

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*For more than 12 years Niger had not presented a report to the Commission and with this experience of capacity building (through the ISHR and ACHDRS training sessions) we understood the importance of the treaty bodies, especially the African Commission. So, we lobbied at the national level so that Niger could catch up and submit reports on time. The Minister of Justice, who comes from civil society, (he even was the Secretary General of the collective that I run today), informed us that there was no problem and at the department level, they set up what is called an interdepartmental committee to develop reports for treaty bodies. Since then, Niger has been up to date before the African Commission. Niger's last report was presented in 2017. - HRD from Niger, 24/1/19*

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The stakeholders interviewed (consisting of former participants of ISHR trainings and HRDs who had been supported by ISHR to participate in ACHPR sessions<sup>4</sup>) mentioned two concerns about their work with ISHR and the ACHPR. First, that the impact of the trainings was hampered by the lack of sufficient follow-up mechanisms to enable the trainees to engage with the African Commission on a long-term basis. They cited a lack of funds to continue to attend sessions of the African Commission regularly after receiving training. Secondly, one HRD noted that the impact of training was also affected by staff turnover in CSOs, since most CSOs often do not take adequate efforts to share skills gained in training programs.

We understand that ISHR would have challenges funding a large number of HRDs to participate in the African Commissions regularly, and this is something that was acknowledged by most HRDs interviewed. We take note of ISHR's efforts to fund HRD participation in sessions especially where they have a defined advocacy agenda (9 HRDs were facilitated to participate in the sessions during the period under review), and to keep HRDs engaged with the African Commission through their Kumulika production, and by facilitating linkages between HRDs and the African Commission. Moving forward ISHR might want to consider incorporating into its trainings discussions on how to remain engaged with the African Commission in view of funding and other constraints that HRDs are experiencing (a "what next" session). This could be a way of managing expectations and encouraging innovative ideas on how best to remain engaged.

## Gender

The ToR for this evaluation asked us to "examine the extent to which gender perspectives have been included in the project" and Bread for the World specifically requests information on gender in their proposal and in the semi-annual project reports. ISHR has a long history of working on gender issues with HRD protection. One of their current program directors focuses on women's issues and two have part of their mandate devoted to LGBTI protections. By the time the Model Law project began ISHR had already been working with the ACHPR on the report on women HRDs, and they also devoted a significant part of their side event at the recent session to women HRDs. Most interviewees stated that women were very well represented in project activities. It is noteworthy that 50% (19 of 38) of HRDs interviewed for this evaluation (representing key project partners) are women. As ISHR notes in their 4<sup>th</sup> report to Bread for the World: "ISHR prioritizes the equal participation of both men and women at its trainings whenever possible. Among the participants ISHR supported to participate to the ACHPR's session so far, 5 out of 10, were women. During the consultation in Abidjan, 10 out of 26 participants were women." In addition, 10 out of the 14 participants in the Asian regional consultation were women.

## Women under Special Threat

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*There is a reality which is undeniable – women HRDs and women involved in politics are not viewed in the same way; that is the lenses that we wear as a*

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<sup>4</sup> Five interviewees were supported under this project to participate in ACHPR sessions, and all but one of the interviewees had participated in ISHR trainings on engaging the ACHPR in the past, although none indicated participating in the specific trainings under this project.

*society to look at men do not have the same focus when we look at women. Women themselves, do not benefit from the same consideration when it comes to equality, and even more so those women who stand in front of society to say I am a Woman human rights defender! HRD from Côte d'Ivoire, 14/1/2019*

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Universal in our interviews was that women HRDs faced a lot of challenges (social, cultural, etc.) had to make a lot of sacrifices, and were especially vulnerable to threats. Thus, they deserved special protections. This enhanced risk approach is explicit in the Model Law that calls for “special attention for risks and challenges faced by women defenders and those working on women’s rights and gender issues.”

Of course, the risks faced by women HRDs vary upon the context. In more patriarchal systems, especially critical as many societies covered by this project are becoming more religiously and culturally fundamentalist, women HRDs are branded as outlaws because they are supposed to be meek. If they step forward, they are said to be acting like men. In others they are labeled as homewreckers, and anti-family. One respondent reported that “some people say that she has taken on a ‘save the world mission’ while she is nothing! And it is difficult to say that she is going to defend men.” In at least one of the project countries, the media has been used to tarnish the image of women HRDs, circulating compromising photo-shopped images of them.

Women are also more susceptible to threats. One interviewee said that “it is often easier to intimidate women, especially when they have families.” This susceptibility is interconnected with fewer resources (financial, social, and familial) to protect themselves, especially if they have children. As such women HRDs are often perceived by antagonistic forces as a soft target. The following stark example of specific challenges women HRDs face was provided in one of the interviews in relation to Mali:

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*I remember that during the summing up of the Bamako consultation (there were different consultations on this subject-matter at regional level and in other places), the President of the Women Organisations of Mali, when she was about to take the floor, they went and took her father in law and said to him ‘come and listen to your daughter in law what she is saying’ ... this is a kind of pressure that they exercised on her through the father in law. This is the kind of pressure that women have to put up with at the family level, in their workspace because, often, it is where one works that one has to engage in the promotion of women’s rights. They say these are divorced women, who do not take care well of their husbands and of their homes, who do not go to Mecca for pilgrimage but who travel by plane all the time, taking money from Jewish people. -- African Commission Special Rapporteur for women and current chair of the African Commission, 28/1/19*

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Women need more protection and security. And those that did venture an opinion, mostly in Asia, mentioned that LGBTQI defenders face even more hostility and need even more protection. One Asian WHRD noted that they did not really have any NGO to turn to for added protection for women HRDs or LGBTQ defenders.



Several of the interviewees reported that women should define protection strategies addressing their specific needs and some of the women HRDs interviewed offered very concrete ideas for improving their own security that we discuss further in the Recommendations below. One interviewee stated that women needed practical self-defense training (boxing, karate, etc.) in addition to knowing more about their rights. She also noted the need for early warning mechanisms specifically for women and LGBTI individuals, so, that they can be alerted of possible dangers as quickly as possible. This would include trainings on IT security especially for women.

## **Gender and HRD Laws**

Providing for the specific needs of women HRDs is emerging as a bit of a contentious issue that needs to be given more attention moving forward. For example, the Côte d'Ivoire implementation decree at first did not provide specifically for women HRDs, similarly in Mali specific protections for women HRDs were at first omitted from the draft law, and Burkina Faso has chosen not to include specific protections for women HRDs. A Burkina Faso representative at one of the meetings that ISHR facilitated at the 63<sup>rd</sup> African Commission session stated that the Burkina Faso law did not specifically provide for women HRDs because they believe that the law protects all HRDs without distinction. He stated that they had held consultations with women HRDs to understand the specificities of women HRDs and found that these were already covered by other laws (such as laws on violence against women) and as such they found no reason to provide specifically for women HRDs under the law.

In some countries with strong gender rights laws, some have argued that there is no need for special protection for women HRDs because they will be protected by the gender discrimination laws and the HRD laws. One interviewee helpfully noted that there was a distinction between women's rights and the protection of women HRDs and urged the inclusion of a gender provision in the HRD law. In one Asian country with a "Magna Carta" for women's rights, a HRD noted that there was very little implementation of the women's protections and hoped that the HRD bill with gender provisions would strengthen the implementation of the gender law.

While HRDs interviewed for this evaluation almost unanimously agree on the need for women HRDs to be specifically provided for under the law citing cultural and religious perceptions as well as patriarchal structures at different levels of society that place women HRDs in a more vulnerable position; governments appear to be less convinced, citing, in the case of Burkina Faso noted above, the existence of other laws that protect women. The reasons for governments' apparent reluctance in some cases has not been thoroughly investigated in this evaluation and could vary from context to context. Nevertheless, the need to foster greater understanding of the specific needs of women HRDs is clearly observed.

There has been some significant advocacy supported by ISHR at the level of the ACHPR on women HRDs. In 2017 the African Commission issued a report on the rights of women HRDs (*Report of the Study on the Situation of Women Human Rights Defenders in Africa*) following ACHPR/Res. 230 (LII) 12 that called for the improvement of working conditions of women human rights defenders, and the development of strategies to protect women human rights defenders. During the recent 63<sup>rd</sup> ordinary session in October/November 2018 of the ACHPR (technically in Year 3 of the Project), ISHR organized a panel discussion examining (among others) the situation of women HRDs five years after the UN declaration on women human



rights defenders. The ACHPR issued an additional resolution at its 63<sup>rd</sup> session on the Need to Adopt Legal Measures for the Protection of Women Human Rights Defenders in Africa - ACHPR/Res. 409 (LXIII) 2018. The Special Rapporteur for Women's Rights at the ACHPR singled out ISHR for its support in raising the profile of women HRDs at the ACHPR:

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*The most memorable moment (of this project) for me is when the dimension of WHRDs was raised to the level that it could no longer be ignored. It is ISHR which made it a live agenda item and it has now been accepted. As the Special Rapporteur on Women's Rights in Africa, I have been involved in this process. To summarize, the gender dimension of this project is a memorable milestone for me. --African Commission Special Rapporteur for women, and current Chair of the African Commission 28/1/19*

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## **Gender and HRD Laws Going Forward**

Several respondents noted that ISHR should incorporate more women HRD issues in future trainings especially in Asia. Amplifying the voices of women HRDs who have experienced such challenges (inviting them to meetings, documenting or collating their stories) could be one way of providing greater clarity about the problems they face and lead to brainstorming about protective measures. In addition, ISHR could consider creating a sub-group of women HRDs to strengthen networking and experience sharing between women HRDs which could foster a stronger/more unified voice to advocate for inclusion of women HRDs specific needs in the definition and implementation of HRD laws. In one interview, a female HRD stated that there hasn't been sufficient networking for HRD women, she recalled a meeting for women HRDs in West Africa and the creation of a WhatsApp group for women HRDs following that meeting but said that she wasn't aware of any significant networking since then. She made the following recommendation to ISHR moving forward:

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*I think what they should do, they should be a specific focus in the project for women HRDs to come together to articulate the specific threats that they face, the specific needs that they would require as women HRDs. They should come together as a body, if they could try to bring together women HRDs in West Africa for example, for all of us to come together and articulate what we would like to see in an HRD law and put that together, and do some advocacy and some sensitization on it; I think the project should find a way of including that going forward, as lessons learned into the next phase. -- Govt representative and former HRD from Sierra Leone, 1/2/19*

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## **A Feminist Perspective?**

Finally, as we note in our recommendations below the narrative about gender from the HRDs interviewed centered on the fact that women HRDs are under more threat and need special protection. For many of the respondents, women (and LGBTI) defenders were described solely

as victims or potential victims. While this might not represent the totality of the HRDs views and experiences on this issue, the fact that it was the predominant narrative presented during the evaluation is worthy of note. There is a need to deliberately broaden the conversation to elucidate a more feminist perspective that presents women and their perspectives as positive forces for change, for bringing added value to the HRD protection discussion. In other words what could a feminist perspective offer to the Model Law project and the protection of HRDs in general? While everyone agreed that gender representation in activities is crucial, few HRDs in both Africa and Asia elucidated the added advantages of having women HRDs present.

One female HRD did offer some initial ideas in this vein that could be expanded in the next phase of this project. She offered that women are much more acutely aware of power dynamics especially in family settings but also in such things as trainings and human rights institutions. Also, women and members of the LGBTI community are more attentive to intersectional issues, the ways that gender, race, class, disability and others intersect to exacerbate the marginalization of individuals and silence them. In this regard, women HRDs are more likely to represent or at least be intimately familiar with the conditions of the most vulnerable in society. We would add that an increased feminist perspective could lead to considering different strategies for advocacy and a different dynamic in discussions about HRDs. Of course, this is just the tip of the iceberg and we could imagine very fruitful discussions between women HRDs and experts in feminist perspectives on human rights and development.

### **ISHR: Strategy and Value Added**

This project was managed and implemented by ISHR in conjunction with its local and regional partners. As ISHR was the grantee and took on the lion's share of the responsibility, we discuss their contributions in some detail. First, we will outline what we see as ISHR's strategy for working and then we discuss specific features of ISHR that add value to such a project.

#### **ISHR Strategy for the Advancement of HRD Laws**

Several strategic elements underlying ISHR's work on this project were omnipresent and mentioned by almost every stakeholder. Here we just list a few of these that are discussed in more detail elsewhere in this report:

1. The ISHR has clearly made efforts to engage governments, parliamentarians, and NHRIs from the early stages and facilitate CSOs interactions with them;
2. The ISHR has a good network of CSOs in the region, especially in Africa with whom they endeavor to keep in close collaboration/contact and keep them relatively well informed of the developments on the ground, thus facilitating timely and context relevant interventions;
3. The ISHR realizes that a HRD law is just one piece of the puzzle for the protection of HRDs. Even if a law does not materialize, it is important to promote networking, awareness, and protection of HRDs.
4. CSOs clearly rely on ISHR to facilitate interactions at the regional and international levels and these institutions are very helpful in trying to push or to support the process at the national level.

5. The ISHR clearly has an emphasis on sharing experiences and strengthening networking, which runs through most of their activities.

Of special note, peer learning/experience sharing is one of ISHR's primary working methods and examples were included throughout this project. Almost all consultations/meetings under this project promoted peer learning: the West Africa representative at Asia meeting in January 2018; Ivorian representatives at the DRC consultation in December 2017; bringing together representatives from several West African countries that had adopted or were in the process of adopting the law (at varying stages) to learn from each other (April and December 2017 consultations in Abidjan), as well as side events at the ACHPR.

In addition, less formal experience exchanges between HRDs often occurred. We observed that HRD representatives at the ACHPR session knew each other well and had a fair amount of knowledge regarding developments in other countries that were in the process of developing laws. The impact of networking/experience sharing is also evidenced by the near "uniformity" of responses concerning best practices. Basically, all descriptions of best practices from informants centered around engaging governments (as partners not adversaries), inclusive consultations, pro-activeness and timely engagement, and sensitizing governments and the general public about the crucial role HRDs play in society to counter perceptions of them being anti-government/anti-development. It is noteworthy that even in the DRC where the government has been more hostile to the idea of an HRD law and tried to turn the draft HRD law into an instrument that could be used to oppress HRDs, the HRDs interviewed maintained these best practice principles, as stated by one Congolese HRD:

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*If you need to work with government, you should not be confrontational. It is best to involve them in the drafting process and convince them in the process. NGOs are always accusing government which makes them very defensive, so it is best to involve them. It is important to have a "gradualist" approach. HRD from the DRC, 23/10/18*

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## **Value Added of ISHR including Regional Consultations**

A HRD from Africa summarized ISHR as "efficient, swift, and indispensable". Here we look at the value added by ISHR to the impacts listed above. What did ISHR bring to the table?

### *Expertise and Resources*

Many of the respondents explicitly stated that they found the ISHR to be an invaluable resource. ISHR is the fount of expert knowledge for this project, especially on technical issues related to the Model Law as well as when HRDs have general questions or needed advice on dealing with political issues. All HRDs seemed very comfortable reaching out to ISHR for input and got on well with their main contacts at ISHR.

On specific legislative proposals, ISHR has provided position papers, which often include inputs from their network of pro bono attorneys. These outline how the proposed legislation

compares to the wording and spirit of the Model Law. The position papers have led to positive changes in the wording of legislation or decisions by stakeholders to back one version of legislation over another. See Annex III for an example position paper as well as a table comparing two bills from the Philippines with the Model Law.

ISHR's expertise includes the ability to organize successful national and regional consultations. And, they are able to provide financial resources for such events as well as bringing key stakeholders together including experts from other regions. Also, ISHR's reputation helps a great deal in encouraging participation by special rapporteurs and high-level government officials. See Annex IV for the list of activities for this project. These included national-level consultations in such places as the Philippines, Côte d'Ivoire, and Sierra-Leone, as well as a sub-regional consultation for Central Africa in Kinshasa in December 2017. The participation of the Special Rapporteur for HRDs at the African Commission in some of these meetings provided valuable opportunities to interact with HRDs and other stakeholders on the ground. For example, during the August 2018 national consultation on implementation in Abidjan, the Special Rapporteur took the opportunity to meet privately with a group of defenders from Côte d'Ivoire, as well as a group of women human rights defenders to discuss the implementation of the law as well as the challenges faced in their work. The Special Rapporteur also met privately for two hours with 4 members of the NHRC in Côte d'Ivoire and civil society to discuss the operationalization of the protection mechanism in more depth. Each of the formal consultations were evaluated through a short assessment instrument filled out by the participants at the conclusion of the consultation. The results are uniformly positive with the sessions rated to be useful and HRDs expressing enthusiasm and confidence in using the Model Law. Meeting HRDs from other countries and regions were rated very highly. The ISHR routinely prepares press releases, Twitter tweets, and webpages laying out the highlights of each consultation. Follow-up evaluations of these activities could be deployed to better measure long-term impact.

### *Networking and Long-Term Relationships with Defenders*

Most of the interviewees praised the ISHR for having established good working relationships with key stakeholders at many levels; from grassroots HRDs up to the African Commission and the HRC. As one HRD mentioned, "ISHR makes it easier to work with government ministries and NHRIs because of their standing." These relationships have been forged over years of working on the rights of human rights defenders. Several of the interviewees had participated in ISHR advocacy trainings in Geneva over the years or worked with people who had participated. In Africa, many stakeholders had attended workshops at the ACHPR sessions or regional consultations and workshops. ISHR had also worked closely with a number of HRDs and NHRIs in countries undergoing post-conflict transitions especially in West Africa. The long-term approach to capacity building and networking paid off handsomely in the three West African countries that advanced the laws as long-time ISHR partners were intimately involved in the process. It was especially helpful when ISHR partners, including former ISHR trainees and beneficiaries, assumed key government positions. Long-term relationships were also evident in the Asian context as many of the champions of HRD laws have received previous training from ISHR or have worked with them on international advocacy campaigns on such issues as gender and corporate social responsibility.

It is important to note that the HRD advocacy program in Geneva continues and is partially supported by this project. This is a two-week very intensive advocacy training program

that includes sessions that explain the functioning of various UN mechanisms as well as a number of meetings and briefings with various experts/diplomats. For example, the three HRDs supported by this project in 2017 included two women HRDs and a transgender HRD. As part of their training they did such things as address the UN High Commissioner for Human Rights, participate at the Human Rights Council itself, and make an oral statement to the UN Independent Expert on protection against violence and discrimination based on sexual orientation and gender identity. The experiences of these three HRDs were documented on the ISHR website and through YouTube videos.

### *Experience/Wisdom of ISHR*

Several factors that can go unnoticed deserve special mention as from our experience these are all rarely found in NGOs. These are summarized by one of the HRDs who described the relationship with ISHR as collaborative “not like the typical donor/recipient relationship, but more like a partnership.” The following seems to us as key for these partnerships.

First, ISHR does not oversell the potential impact of the laws or the ease in passing a HRD law. “We are always careful about managing expectations including for ourselves, in terms of what these laws can change.” In fact, ISHR seemed to present their case in a matter of fact way, not trying to convince HRDs of something they did not really believe. This is apparent as several stakeholders were still skeptical about the value of such a law even after attending trainings or consultations. None of the interviewees felt pressured to push for a HRD law.

Second, though it was not explicitly stated, ISHR seems to be especially good at meeting CSOs where they are; in other words, they did not put undue pressure on CSOs to do more than they were capable of. They were very patient as CSOs addressed other priorities or dealt with internal or external pressures. They address the needs of CSOs without inundating them with too much information. In other words, they let the needs of CSOs working on the ground at the national level drive their interactions. While ISHR has a strategy in place (of where and how to work), they endeavor as much as possible to respond to demand and provide timely interventions. As one stakeholder explained when asked about the strengths of ISHR.

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*The trust ISHR showed towards the different actors. If there were no trust, things would have been different, most probably, with stakeholders getting discouraged along the way and the matter would not have been pursued. But in seeing that the different actors were listening and accessible, helped with implementation. ISHR was fighting more for our protection than ourselves.*  
*HRD from Côte D'Ivoire, 15/1/19*

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Third, ISHR's staff has significant gravitas among key stakeholders. This is especially true with Clément Voule who was described as tenacious, deeply connected, and well respected by civil society, policy makers and political leaders alike.

## Decentralization and Increased Autonomy of CSOs

Based upon the interviews and the evaluators' experiences, as the project progresses, ISHR and other partners will need to navigate how best to disseminate and share the burden of pushing for HRD laws, so that ISHR will not be the indispensable main focal hub. This project and the manner in which it has been managed has shed additional positive light on ISHR's strengths, but there will be a need for decentralization, to get more actors involved and to delegate critical responsibilities. The current dependence on ISHR is not too surprising as it is the early stages of this initiative but how well ISHR is building the capacity of their partners to take ownership of this process in the long run is something to look further into especially in the next phase of the project. There are some indications of CSOs growing in confidence and exhibiting some level of ownership from the interviews. An HRD from West Africa noted how ISHR training had capacitated him in engaging diplomatic missions and that he was now using that training to engage with embassies in his country. Other CSOs mentioned that they would like ISHR's help in engaging other donors so that they could be more independent. As for expertise, we applaud ISHR's early attempts at creating a network of attorneys trained in the model law that could be mobilized for input around the globe and such a model could be expanded into other domains.

The next phase of the project should consider how existing networks can be used for capacity building in a cost-effective way. While many stakeholders suggested additional and more in-depth trainings, this may not be feasible. Instead, capacity building could be ongoing through information and experience exchanges on some form of online platform. For example, the different success strategies in Côte d'Ivoire, Mali, and even DRC in delaying the presentation of the bill should be documented and shared through networks that are now used mostly for advocacy. It certainly cannot beat the personal interaction provided by the regular training, but it might help with providing continuous knowledge building and could involve more stakeholders, including multiple HRDs at a single CSO. This would have the added benefit of mitigating the impacts of staff turnover.

## Tensions to Address in the Next Stage of the BfW Model Law Project

Before moving to project recommendations, we call attention to several tensions that are becoming apparent in the execution of this project and will likely become more pressing in the next stage.

1. As this project expands, ISHR and other stakeholders will need to **balance a tension between focusing on current project-involved countries and expanding the focus to other countries**. On the one hand, the snowball effect mentioned above where one country such as Côte d'Ivoire serves as a model for others, means that a focus on a small set of countries should be maintained. On the other hand, discussions of HRD laws have started in many other countries—stakeholders mentioned movement in Benin, Togo, Tunisia, Uganda, Burundi, and Kenya—and so the project is already expanding. ISHR recently held a consultation in Tunisia on a possible HRD law and engaged HRDs in this process in Uganda and Zambia. In the Asian context, several stakeholders mentioned that Nepal could be the “Côte d'Ivoire of Asia” meaning that it could have a law passed

and then serve as an example for other countries. Thus, special attention should be given to Nepal, but other Asian countries could be added to the project.

The evaluators are not in a position to make recommendations as to what specific countries should be focused on in Phase II of this project. Instead such questions should be decided based upon the expertise of ISHR and relevant stakeholders and should remain open to additional countries as opportunities arise.

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*I think it will take root in Asia. Because what happened in West Africa is that we saw what was happening in Côte d'Ivoire and then because of the strides that Côte d'Ivoire was making other countries also started moving forward and governments started taking things onboard. So, I think we need that kind of push in Asia. If we just find a country that is ripe to take this kind of leap then we could use that example and it will take root in Asia. I think it needs to take root in Asia, and it is good that ISHR extended the project to Asia"*  
*Government representative and former HRD from Sierra Leone, 1/2/19*

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2. As this project expands to more countries it will **be more difficult to remain vigilant against regressive HRD laws across a number of contexts**. In the current climate it should be expected that draft HRD laws will be hijacked by government actors that insert provisions harmful to HRDs including invasions of privacy and increased monitoring and regulation. We note here that there was originally some support by some HRDs for identification cards or other types of registration. Trainings and documentation might need to be tailored to help HRDs become more attentive to such negative provisions.
3. In the next phase of the project, stakeholders should think more about **opportunity costs, political capital and likely impacts**. Some of the impacts of this project did not actually involve getting a law passed and, in some countries, especially in Asia there are limited prospects in the near future of successful legislation. So, if the most likely impacts in a country are to build networks and increase discussion of the rights and protection of HRDs, then pushing for a HRD law might not be the most efficient way to do that. There is an opportunity cost and much political capital in pushing hard for such a law.
4. Similarly, ISHR and other stakeholders might need **to rethink the amount of energy needed to pass the law versus the energy needed to establish adequate implementation measures**. Many interviewees suggested that implementation mechanisms and procedures are ultimately more difficult to put in place and require more political maneuvering than passing the law itself. At the same time, one of the common pushbacks against a law is that such provisions are already ensconced in the national laws. In some contexts, it might be more efficient and effective to collate existing laws into some sort of a tapestry (perhaps with small additions) and then expend resources on establishing implementation measures. One informant suggested separating out the need for a protection mechanism from the need for a law, saying:



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*For some countries a law would work, for some other countries it could just be establishing protection mechanisms and bringing together existing laws. ... if going forward they should think about separating the protection mechanism and the law, particularly in countries that are seemingly reluctant, saying that they already have laws and don't need another law, you can tell such countries that they could establish a protection mechanism that would give effect to those laws. -- Government representative and former HRD from Sierra Leone, 1/2/19*

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## **Recommendations**

Based upon our interviews, research, and knowledge about human rights, especially in the African and Asian contexts, we offer the following suggestions for the next phase of this project (E-WEL-2016). This list is followed by a few recommendations that most likely fall outside the scope of ISHR's current mission. It should be noted that the recommendations are inter-related – for instance, webinars can lead to resource groups that can lead to more partnerships.

### **Main Recommendations**

1. **Best Practice Documents:** Consolidate best practices in a document or series of documents showing how these principles have been developed in different country contexts. It is essential at this point that these best practice documents are evolving and evaluate country contexts. Such documents could be tied to a clearly defined, systematic process to capture information and data, with a system to store and disseminate this information in both comprehensive and digested forms, which would further enhance the benefits of this project. Indeed, the hiring of a marketing or publications person solely for this project should be considered. The following would be very helpful best practice documents:
  - a. How the Model Law has been adapted to different contexts including what has been added, deleted, or modified. The analyses prepared with the assistance of pro bono law firms can serve as the foundation for such a document.
  - b. Best practices on lobbying for HRD laws especially for countries that are yet to embark on the process including some guidelines on how to evaluate specific national contexts. This might save HRDs from unsuccessful efforts and lead to developing strategies in conjunction with HRDs from similar national contexts. .
  - c. Examples of impact stories (the value added by the law). These should be connected to a database of when HRD laws have been used in court proceedings and in other settings. We heard anecdotally in Côte d'Ivoire from individual lawyers that the law had been used in cases but this information is not centralized anywhere. If this information were centralized, exchanged and used, it could be a powerful advocacy tool.
  - d. We note that it is a little early to clearly define best practices for implementing the law. Côte d'Ivoire, which is clearly the pioneer country, is still in very early stages of implementation, but eventually a best practice document would be very helpful. We note that ISHR has already started bringing HRDs together on the



subject of implementation, for example the December 2017 Abidjan meeting was convened to assess the implementation of the law and the role of NHRIs as a protection mechanism, and we recommend that experience sharing on implementation continues to be given emphasis in the next phase of the project. We note that ISHR has made reference to developing an implementation hub to share resources and lessons learned in its 2017-2020 strategic plan, which we believe would be extended to this project.

2. **E-Networking:** In keeping with ISHR's emphasis on reducing its carbon footprint and for cost efficiency and flexibility we would suggest more use of videoconferencing and e-networking. If implemented in an innovative manner this could serve as a consistent feedback process with all involved (ISHR and local partners) while trying not to burden anybody further. In this vein, since there are no mechanisms comparable to the African Commission in Asia that bring Asian HRDs together across borders. We suggest that ISHR make more deliberate efforts to keep Asian HRDs connected on the issue of developing HRD laws by creating an online group and information hub to keep each other abreast of developments and share experiences. A Slack or Telegram group might be considered here.
3. **Additional Trainings:** In general, the stakeholders preferred trainings that focused on very specific and practical issues.
  - a. We recommend considering additional trainings or focused workshops on issues such as the following:
    - 1) Best practices for dealing with threats to HRDs by non-state actors. In several contexts private actors, especially in extractive industries, are the most immediate threat to HRDs and there seems to be some confusion about whether and how HRD laws can be tailored and implemented to address this situation. It would be important to brainstorm about best practices for mobilizing state authorities in this area.
    - 2) Evaluating and Responding to Country Contexts: So far, ISHR has had success in countries with notable contextual similarities (for example a government eager to improve its international image; Human Rights inclined (and in some cases ISHR alumni) government ministers in key positions; a change in the tide in West Africa towards more democratic governance), but also some crucial differences (post conflict situations, looming terrorist threats, varying degrees of civil society freedoms, legislative differences etc.) that have required nuanced approaches that need to be documented. The need for a more contextual approach was emphasized in some interviews, most notably in Asia where for example one HRD interviewed stated, in reference to the January 2018 meeting, that while she found the experience exchanges provided at the meeting very useful, she wished that they would have had more chance to talk about local level conditions and possible initiatives such as local laws/ordinances to protect HRDs. Another HRD stated that there was need to add more legalistic pieces at the consultation especially how to make sure the draft law works in their setting. A training on evaluating contexts

especially for countries that are yet to embark on the process could be worth pursuing in this regard. Networks of HRDs from similar contexts could be created.

- 3) In several project-affected countries it could be helpful to conduct a short consultation that recaps progress and obstacles from the process of pushing for HRD laws. It would help to have a quick assessment of the limitations/problems faced in the current phase and propose a couple of solutions, what could be corrected and/or avoided. It could also serve to re-boost the process in different countries.
  - b. More cross-national learning, including learning across continents. This first phase included Clément from ISHR and a HRD from West Africa presenting at the consultation in the Philippines, and many participants found the discussion of the African context to be quite illuminating. Apart from that meeting there has not been any networking between the two regions and there did not seem to be any continued networking across continents. Indeed, some of the HRDs wondered how things were progressing in the other context. Besides the two presenters, none of the African HRDs seemed to be aware of the Asian initiative. In addition, we note that there is much to learn from the Latin American context especially the work being done in Mexico and Colombia.
  - c. A series of webinars, basically video roundtables with human rights defenders and others will help with decentralization and dissemination of expertise. Consider hosting webinars with people from difficult contexts such as the DRC, Philippines, and Indonesia. These could be monthly where ISHR or better yet, stakeholders identify specific issues and ask who would like to be involved. A couple of notes about logistics. The technology is available, the recordings could be made available in an internet archive, it is easy to attach discussion boards to videoconferences so the dialogue can start before the videoconference and continue after, participants should be paid a small honorarium, but that is much cheaper to pay individuals to participate in webinars than flying them to a large city. By the way, webinars can be the genesis of support groups that we mentioned in recommendation 6. Imagine webinars that would discuss:
    - 1) Disability, child, LGBTI defenders
    - 2) Journalists as HRDs
    - 3) Best practices for evaluating Model laws, could consider bringing point persons from pro bono law firms
    - 4) Introduce the SRs to a range of stakeholders.
4. **Broadening Partnerships and Decentralizing the Project:** We recommend that ISHR have a thorough dialogue with its stakeholders on what other partners to bring into the project overall and in specific countries. Many interviewees made suggestions of individuals and groups to include in the next phase of the project. We understand that such expansion greatly increases the need for resources and raises several project management issues as well as increasing chances of conflict between groups. In addition,

many potential partners are busy working on other issues and may not be able to devote much energy to this one. Nevertheless, we would consider adding the following:

- a. At the national level:
  - 1) Additional NGOs/HRDs in each country. This should include other actors that do not necessarily see themselves as HRDs such as journalists, bloggers and other opinion leaders on social media, trade unions, and legal groups including women's legal groups. This may be difficult, but a commitment to true inclusion and transparency in communication with more partners could be helpful. Note that involving journalists and social media purveyors would greatly assist in changing the narrative about HRDs as discussed below.
  - 2) Several other groups within each country could be tapped as additional resources. These include UN Country Teams, UNDP, and bilateral development partners (i.e., SIDA, USAID, DFID). However, we think it is too early to consider anything resembling a formal sector-wide approach to HRDs and this should only be done with caution as SWAPs can often stifle voices and participation.
  - 3) Work more explicitly with partners in their country that specialize in human rights education. This would include ActionAid, Just Associates and a number of other NGOs. These groups have excellent track records of doing participatory and critical human rights education projects, and are usually especially good at reaching vulnerable groups.
- b. ISHR should consider establishing a mechanism with key partner organizations to ensure that capacity building is extended beyond an individual or two. While the impact of staff turnover in partner organizations was not fully investigated in this evaluation, and there is some evidence to show that even when staff move on their skills can be utilized to advance HRD rights in their new positions (as was the case with the alumni noted above who moved on to government positions and were instrumental in getting HRD laws passed); there were a couple of indications that focusing on individual relationships might have consequences for sustainability in the long run.
- c. At the international level, some interviewees recommended more involvement with NANHRI and GANHRI. One HRD said, "ISHR should involve both regional and international networks of NHRIs, including agreeing on a joint activity with GANHRI at one of its annual sessions in Geneva. This could be a panel on HRDs as GANHRI did in February 2018 on the topic of people living with disabilities. This could also be done as a panel on HRDs with regional networks such as NANHRI during one of its meetings." Other stakeholders suggested more interaction with the EU and another suggested involving more commissioners at the ACHPR. During the next phase of the project an emphasis could be placed on getting international bodies such as the ACHPR, the Human Rights Council, the Universal Periodic Review and the Human Rights Committee

and other Treaty Bodies to routinely make recommendations for the adoption and implementation of HRD laws based on the Model Law.

- d. **Create and Support Resource Groups:** In order to advance decentralization of this project, it is recommended to expand consideration of the creation of resource groups such as the nascent group of lawyers that specialize in the Model Law. They could help not only with legal advocacy but with supporting colleagues with cases in the different countries when needed. Other groups could be formed based on the needs of HRDs.
5. **HRD and Gender Narratives:** In Phase II, ISHR should continue working to change the narrative about HRDs in general and WHRDs in particular.
- a. The perceptions of HRDs is critical for the success of this project. As one interviewee said, “the key challenge is, in each of the countries in which we are working, to try and create a narrative which contributes to an awareness and an understanding of the vital role that human rights defenders have in making communities and societies more fair, just, equitable, sustainable and prosperous in a way which contributes to the political health for politicians when they enact the law and which creates the political incentive for them to enact such a law and also to then devote resources to ensure its implementation.” Article 20(d) of the 2018 Marrakech Declaration echoed these sentiments:

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*Advance positive narratives on the importance of human rights in every aspect of our societies, and on the important and legitimate role of human rights defenders, in particular women human rights defenders. This should be done by communicating about human rights in an innovative way with the use of new technologies and a focus on youth. – Marrakech Declaration 2018*

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For these laws to advance and to be implemented adequately, it is essential that HRDs identify themselves as such and that society and government officials have a positive view of HRDs. Thus, the next phase of the project should include more intentional marketing campaign about HRDs. Part of this, as noted above, is to convince journalists and other actors that they can also be considered HRDs and that identification can lead to more protections. Also, partnering with established critical and participatory human rights education organizations can help to spread the word in context-dependent ways.

- b. **Change the Narrative about Gender:** Changing the narrative requires two steps. First, efforts need to be continued and expanded, especially in more patriarchal societies and in remote areas or among other subpopulations, that women HRDs are under threat and deserve protections. Second, as discussed above, the project should adopt more of a feminist perspective that mainstreams a positive take on gender. Currently women are seen mostly as victims or potential victims, not as

individuals and groups that bring a unique feminist perspective to the table. What such a feminist perspective would look like in this project should be elaborated through brainstorming among mostly women HRDs perhaps guided by experts in feminist development and human rights practice. The evaluators were made aware that ISHR is currently seeking funds to develop a feminist guide to the Model Law, as it seeks to expand this area of work further.

6. **Subnational Laws and Outreach:** Several stakeholders reported that there was improved awareness of HRDs, the threats they face, and possible protection mechanisms within capital cities and large urban centers. However, this knowledge is rarely seen in rural areas. As one HRD said, there are defenders who work in rural areas doing very useful work, and there is a need to reach them for capacity building. Some might not even see themselves as human rights defenders or even activists, but just individuals pushing for better living conditions, and thus have little knowledge of protection mechanisms.
  - a. We recommend having more regional consultations and workshops in remote areas. This should also include efforts to sensitize local law enforcement officials and attorneys on HRD protections. There are many examples of best practices from around the globe for doing this type of training through remote technology. For instance, an NGO in Kyrgyzstan has trained hundreds of lawyers in rural areas through short videos downloadable on mobile phones. In Guatemala, women HRDs and others are trained on laws about violence against women through texting networks that includes the ability to confidentially ask questions about specific situations.
  - b. Such an outreach and capacity building in more remote areas can have an important impact on advocating for national HRD laws. In the DRC the defenders in the Kivu provinces have been lobbying their local representatives to lobby at the national level. Similar advocacy from more remote regions was also noted in the Philippines.
  - c. Also, in South Kivu, a sub-national HRD law and a decree protecting journalists were passed though they have since been revoked with the election of a new governor. Such a strategy is also being considered in the Philippines. It would be interesting to connect stakeholders from both regions and others via video conference to brainstorm about the feasibility of such a process.
7. **Vernacularization of Human Rights Law:** Since this project is basically an exercise in the vernacularization of the Model Law into local and national contexts, it would be good to be more intentional about referring to the academic and policy literature on vernacularization of human rights documents. Vernacularization involves two processes: literal translation into additional languages and the more metaphorical translation into “the idiom” of specific socio-cultural contexts (Merry 2006, Chua 2015). For the former, additional translations of the Model Law should be supported. This need not include the entire document with commentaries. Our interviewees mentioned the need for

translations into Mandarin and Portuguese. And we are pleased to see that it has just been translated into Arabic. Secondly vernacularization refers to the metaphorical translation of international norms into specific contexts. Each of the provisions mean something slightly different in individual contexts. As one informant said, “I think the merit of this project first is to bring the declaration down to the people, you know.” Here especially, much can be learned from the relatively large academic literature on vernacularization and the related literatures on human rights education. See Annex IV for specific sources on vernacularization and its important impacts not only on awareness raising but on empowerment and consciousness especially among marginalized groups (Pruitt and Vanegas 2012, Merry and Levitt 2011, Goodale and Merry 2007, Levitt and Merry 2009).

### **Other Suggestions Outside of the Scope of ISHR’s Mission**

Note while we do not expect the ISHR to take the lead on these issues, they should be able to provide lists of resources and referrals that ISHR recommends on these issues.

1. **IT Security Training:** A number of HRDs suggested that they need more IT security training including some whose office had recently been hacked and some that face other severe privacy risks. It has been noted that ISHR provides such training during the Geneva advocacy trainings. We also note that several other NGOs around the globe and in specific countries such as Taiwan have great expertise on this. It would be good if ISHR is able to make connections as needed especially as IT security is a part of the Model Law.
2. **Early Warning Systems:** Several HRDs discussed the need for early warning systems especially for especially vulnerable groups of HRDs. These can be found in some countries such as the one sponsored by Amnesty International in Mongolia, but in others there are only informal networks. As part of this project or a related project, it would be good to collate and disseminate a small e-manual on best practices for early warning systems and have it widely distributed electronically.
3. **Trauma and Psycho-Social Support:** Several interviewees requested an increased emphasis on trauma and psycho-social support for HRDs, especially for marginalized groups. This relates to the Model Law project in two main ways. First, in the Philippines the proposed HRD legislation includes provisions for the state to pay for psycho social support for trauma experienced by defenders and that could be emulated in other legislation. Also, the success of this project hinges in part on low levels of staff turnover and HRDs that suffer trauma, especially when it is not addressed will be more likely to leave the field.

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## Annex I: Terms of Reference

### Call for proposals: evaluation of ISHR's project on national laws for the protection of human rights defenders (2016-2019)



### Organisation

The International Service for Human Rights is an independent, non-governmental organisation dedicated to promoting and protecting human rights. We achieve this by supporting human rights defenders, strengthening human rights systems, and leading and participating in coalitions for human rights change.

### Background information

ISHR seeks to engage an independent expert to conduct an evaluation of our three-year project “Increasing legal protections at the international, regional and national levels for human rights defenders working in Africa and Asia” (E-WEL-2016-5378) carried out during the period of September 2016 to August 2019 and funded primarily by Bread for the World. The project focuses on ISHR's long-term engagement to strengthen the international, regional and especially national human rights systems for the protection of human rights defenders (HRDs) in Africa and Asia.

The project has two main objectives<sup>5</sup>:

1. To advance the enactment of national HRD laws (in Africa and Asia)
2. To enable HRDs working in sub-Saharan Africa to use the international and regional human rights systems for their improved protection.

The main project activities include:

- Conducting regional consultations and trainings of HRDs in Central and West Africa in relation to the development, adoption and/or implementation of the HRD laws (based on international standards – e.g. Model Law for HRDs<sup>6</sup>).
- Building the capacity and knowledge of HRDs about the regional (African Commission for Human and Peoples' Rights - ACHPR) and international (UN) human rights mechanisms
- Strengthening the regional advocacy and cooperation of HRDs with the ACHPR and its mechanisms (e.g. Special Rapporteur on human rights defenders)

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<sup>5</sup> The two objectives have three main indicators:

- 1.1 By the end of the project, at least one national human rights defender law is enacted in sub-Saharan Africa under consideration of contributions from the direct target groups.
- 1.2 By the end of the project, case examples from at least 2 Asian countries show how defenders and possibly government officials have begun work towards developing national laws or policies for human rights defender protections.
- 2.1. By project's end, at the UN and ACHPR, at least 5 and 15 participating human rights defenders, respectively, use at least 5+ international and regional mechanisms.

<sup>6</sup> Model law for the protection and recognition of human rights defenders, available at <https://goo.gl/355uws>



- Assisting local HRDs in strategising and developing relevant advocacy to promote the adoption and implementation of national HRD laws that would increase the protection of human rights defenders
- Undertaking the first Asia-Pacific consultation related to the national human rights protection laws (incl. experience sharing with West Africa)
- Developing and distributing analytical reporting and information on the ACHPR and UN human rights systems to HRDs

### **Objectives of the evaluation**

The overall objective of the evaluation is to assess the relevance, effectiveness, efficiency, sustainability and impact of the project so far. The evaluation should also serve as a background document that would draw on the lessons learnt and facilitate the preparation of follow up project starting from September 2019.

The evaluation should also identify lessons learned and recommendations for improvements relevant to this and related projects.

The specific objectives of the evaluation are:

- To assess the project's relevance for and impact on targeted beneficiary groups and their needs
- To assess the project's effectiveness and efficiency as well as the sustainability of the project activities
- To assess the impact of the Model Law on the protection of HRDs as part of this project
- To assess project contributions to the beneficiary HRDs' capacities to use and engage with the international and regional human rights mechanisms
- To identify lessons learned and recommend for improvements that would further strengthen and build on current gains

The evaluation should also refer to the projects' impact on gender.

In particular, the following lead questions should be addressed:

Relevance:

- 1) To what extent are the objectives and activities of the project in line with the priorities and needs of the targeted beneficiaries?
- 2) How is the idea and vision behind the project relevant to the countries where the project is implemented? Are there other or additional areas (countries) to be considered for the future project?
- 3) What kind of changes, or additional components could be incorporated in the upcoming project to make it more coherent with the needs of the target groups and ISHR's strategy and mandate?

Effectiveness:

- 4) To what extent have the activities implemented contributed to achieve the project objectives? To answer this question, the indicators of the project have to be used.
- 5) How has the project contributed to better informing/empowering the local civil society groups/human rights defenders in the targeting countries?
- 6) How has the participation of ISHR's partners been in project design/planning, implementation, and monitoring? What improvements are needed, if any, to improve participation in the upcoming project?

Efficiency:

- 7) How efficiently has the project been managed in relation to time, human and financial resources? What can be done in terms of improving the project management in regard to the upcoming project?

Impact:

- 8) How and to what extent has the project contributed to the improvement of the legal protection of human rights defenders in Africa and Asia (project objective)?
- 9) Are there any unintended changes (positive or negative) that can be observed throughout the project?

Sustainability:

- 10) Will the intended positive changes have a lasting effect? How can the upcoming project build onto the achievements of this phase in order to deepen their sustainability?

Gender:

- 11) To what extent have gender perspectives been included in the project both in its objectives and activities as well as in internal methodologies?

### **Scope and methodology of the evaluation**

The evaluation is anticipated to include a literature and documentation review, a field mission (in the form of an approximately 5-day long participation in the 63<sup>rd</sup> session of the ACHPR<sup>7</sup>), and stakeholder engagement (including through staff interviews and solicitation of inputs from key beneficiaries, targets and stakeholders).

The external evaluator will be provided with all data and information relevant to the project, incl. periodic reports to the donor (narrative and financial), financial management assessment, trip and activity reports, publications and tools, and other relevant project documentation. The evaluator will be also provided with contact details for relevant partners and trainees.

At minimum, the evaluator will be required to:

- Monitor ISHR's participation in the 63<sup>rd</sup> session of the ACHPR in Banjul
- Undertake a review of all relevant documents
- Discuss with ISHR staff, including the Project Managers, Financial Director and Development Director.
- Organise interviews/questionnaires with key partners, beneficiaries, stakeholders or project involved experts.

Applicants are encouraged to propose different or additional evaluation methodologies, including details on the methods for the verification of information.

### **Timeframe and budget**

The evaluation should be completed by March 2019. Candidates should include an estimate of the time required for various tasks and their suggested dates in the proposal.

The budget should specify daily or hourly rates, other costs and include a total cost. Costs related to the field visit will be calculated by ISHR based on standard per diem and flight ticket range. These are therefore not expected to be included in the proposed budget.

### **Governance and accountability**

The evaluator will report to the ISHR Fundraising Officer. They may also contact other relevant members of staff, including to solicit contacts with partners and trainees. The evaluator may seek

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<sup>7</sup> The 63<sup>rd</sup> session of the ACHPR will take place from 24 October to 7 November 2018 in Banjul, Republic of The Gambia.

support from the ISHR in order to get introduced to relevant stakeholders, although they are expected to work independently.

### **Professional qualifications and experience**

The evaluator should have the following qualifications and experience:

- Postgraduate degree or higher in human rights, law, public policy, management and administration, or a related field; or a demonstrable level of equivalent experience
- Professional experience in project design, implementation, and evaluation;
- Previous experience in evaluation of human rights projects;
- Knowledge of UN human rights bodies and preferably past experience with the African Commission for Human and Peoples' Rights;
- Demonstrable report writing competencies; and
- Fluency in English and French.

Applicants must disclose any actual or potential conflict of interest.

### **Deliverables and schedule**

The evaluator is expected to conduct the review during **October - November 2018**.

The expected activities of the evaluation will include:

- Kick-off and clarifications meeting
- Inception report for the Evaluation
- Debriefing/presentation of the results (after field visits and prior to the submission of the draft report)
- Submit a draft report (by 21 January 2019)
- Submit a final report (by 18 March 2019)

The report should include at least the following sections:

- Background and introduction
- Methodology
- Main findings with regards to the evaluation criteria of relevance, efficiency, effectiveness, impact and sustainability.
- Lessons learned
- Implementation plan including recommendations to ISHR, and to Bread for the World on their cooperation with ISHR
- Relevant annexes, including questionnaires, persons and institutions interviewed, relevant documents related to ISHR activities etc.

Both the draft and the final report are subject to the approval of the donor Bread for the World.

### **Where and when to send applications**

Applicants should send a description of their experience and skills to undertake the evaluation, a CV, copies of previous evaluation reports or writing sample, 2 references, suggested timetable for the evaluation, methods to be deployed and an estimate of costs (budget).

Applications should be emailed to [e.homolkova@ishr.ch](mailto:e.homolkova@ishr.ch) quoting the following reference "Evaluation of ISHR's project on national laws for the protection of HRDs (2016-2019)", at the latest **by 22 August 2018**.

## Annex II: List of interview partners

### List of interviews undertaken for the evaluation

	<b>Name(s)</b>	<b>Organization &amp; Position</b>	<b>Country</b>	<b>Date of interview</b>
1	Clement Voule, Eva Homolkova, and Adelaide Etong Kame	ISHR Senior Advisor, Fundraising Officer, and Africa advocacy consultant respectively.	Switzerland	5/10/18  Follow up interview with Clement Voule 3/11/18
2	Ella Mindja	SOS IJM Lobby and Advocacy Officer	DRC	23/10/18
3	Melanie Kombate	West African Human Rights Defenders Network Program and Advocacy Director	Togo (representing sub- regional network)	23/10/18
4	Marthe Pedan Coulibaly	Coalition Ivoirienne des défenseurs des droits humains Côte d'Ivoire National Coordinator	Côte d'Ivoire	23/10/18 Follow up interview on 14/1/19
5	Alphonsus Gbani	Sierra Leone national human rights defenders' network Executive Secretary	Sierra Leone	24/10/18 Follow up interview on 21/1/19
6	Djingarey Maiga	Femmes et droits humains Executive Secretary	Mali	24/10/18
7	Joseph Bikanda	Pan-African human rights defenders' network Coordinator	Uganda (representing regional network)	24/10/18 Follow up interview on 17/1/19
8	Tess McEvoy	ISHR	USA	31/10/18

		Programme Manager and Legal counsel		Follow up interview on 5/2/19
9	Phil Lynch and Vincent Ploton	ISHR Director and Director of development and treaty body advocacy respectively	Switzerland	1/11/18
10	Justin Bahirwe Mutabunga	SOS IJM National Coordinator	DRC	23/11/18
11	Dugersuren Suhkgerel	Oyu Tolgoi Watch	Mongolia	30/11/18
12	Christina Palabay	KARAPATAN Secretary General	Philippines	15/12/18
13	Eeling Chiu	Taiwan Association for Human Rights	Taiwan	13/1/19
14	Prof Andre Kamate	Former Director, Ministère de la Justice et Droits de l'Homme	Côte D'Ivoire	14/1/19
15	Mr Tijane Sekou	HRD working at CNDHCI, Department cooperation et projets	Côte D'Ivoire	15/1/19
16	Neth Willy Alexandre	Vice-Président Ligue Ivoirienne des Droits de l'Homme	Côte D'Ivoire	15/1/19
17	Mr. Kokou Delmas	Directeur Executif Amnesty International Côte d'Ivoire	Côte D'Ivoire	15/1/19
18	Me Doumbia Yacouba	President - MIDH	Côte D'Ivoire	15/1/19
19	Mr. N'Djomou De Achille	Cabinet du Ministre de la justice et des droits de l'homme	Côte D'Ivoire	16/1/19

20	Victor Naclan Toure	Club de l'Union Africaine, Côte d'Ivoire	Côte D'Ivoire	16/1/19
21	René Légré Hokou	Secrétaire Exécutif CNDHCI	Côte D'Ivoire	16/1/19
22	Côte d'Ivoire NHRI.	Côte d'Ivoire NHRI	Côte D'Ivoire	19/1/19
23	Abdoulaye Kanni	Collectif des Organisations de Défense des Droits de l'Homme et de la Démocratie (CDDHD)	Niger	24/1/19
24	Commissioner Soyata Maiga	African Commission on Human and Peoples' Rights Chairperson	Regional, representing African Commission	28/1/19
25	Reine Alapini Gansou	African Commission on Human and Peoples' Rights Former African Commission Special Rapporteur for Human Rights Defenders	Regional, representing African Commission And giving info on Mali	29/1/19
26	Marc Gnahore	Directeur Exécutif Agir pour la Démocratie la Justice et la Liberté en Côte d'Ivoire	Côte d'Ivoire	16/1/19
27	Saraka Ngoran Monique	Women Lawyer's Organization of Côte d'Ivoire	Côte d'Ivoire	16/1/19
28	Olga Monique Agneroh	Chargé de Programmes Genre et Leadership	Côte d'Ivoire	16/1/19

	Dr Aichatou Mounkaila Seyni	Ex-Directrice de la Direction des droits de l'Homme, Niger	Niger	written responses sent on 28/1/19
29	Paul Kabre	Direction des droits de l'Homme	Burkina Faso	30/1/19
30	Florence Ouattara	Coordonnatrice, Coalition Burkinabe des défenseurs des Droits de l'Homme	Burkina Faso	30/1/19
31	Souleymane Sow	Amnesty International Guinée	Guinée Conakry	31/1/19
32	Mahamar El Moctar	Coalition Malienne des défenseurs des droits de l'homme	Mali	30/1/19
33	Mme Henriette Alida Gonta Da	Commissioner, NHRI, Burkina Faso	Burkina Faso	written responses sent on 31/1/19
34	Rajbhandari Renu	National Alliance of WHRD	Nepal	1/2/19
35	Frances P Alghali	Minister of State in the Vice President's office, Sierra Leone.	Sierra Leone	1/2/19
36	Yi-Bee Huang	Covenants Watch	Taiwan	7/2/19
37	HE Aimée Zebeyoux	Secrétaire d'Etat auprès du Garde des Sceaux, Ministre de la Justice et des droits de l'Homme, chargée des droits de l'homme	Cote d'Ivoire	written responses sent on 8/2/19
38	Commissionner Remy Ngoy Lumbu	Special Rapporteur HRDs, ACHPR	Banjul, The Gambia	16/2/19

### Annex III: Evaluation Timeline

Date	Main Activities and/or Deliverables
17- 27 September 2018	Initial contacts with ISHR + preliminary briefing, sharing of and preliminary review of documents, discussions with relevant staff including clarifications and Q & As
30 September to 16 October 2018	Preparation of inception report (including in-depth review of documents, information relevant to the project including periodic reports to donor (narrative and financial), financial management assessment, trip activity reports, relevant publications and tools and relevant project documents; drafting/review/finalisation of methodology and questionnaires, finalisation of itinerary for field visits, agreeing and then establishing contact with relevant partners/stakeholders, etc.)
16 October 2018	Draft Inception Report Submitted to ISHR for Review
23 October 2018	Final Inception Report Submitted
16 October – 7 November 2018	Begin qualitative staff interviews, solicitation of inputs from key beneficiaries, targets and stakeholders, partners and trainees, data gathering in Banjul, The Gambia at the Session of the African Commission on Human and Peoples’ Rights;  November 1 – Sheila met with ISHR staff in Geneva and conducted Most Significant Change Exercise
10 November 2018	Summary Report of ACHPR Interviews to be shared (if appropriate) with Bread for the World on their visit to Geneva,
10 November to December 7, 2018	Continue data gathering with feedback on initial data from ISHR
Approx. 14 January to 18 January 2019	Travel to Abidjan to interview HRDs, members of the NHRI, governmental officials, and other key stakeholders
31 January 2019	Submission of first draft of Report;
31 Jan to 22 Feb 2019	Receiving, discussing and analysing feedback/comments on 1st draft
25 March 2019	Submission of final report



**Annex IV: Table of Activities during the Period under Review**

<b>ACTIVITIES UNDER OBJECTIVE 1</b> <b>The Enactment of National HRD Laws Is Advanced</b>		
<b>Activity</b>	<b>Date</b>	<b>Brief Description</b>
Translation of model law into French		Model law translated into French due to demand from Burkina Faso, Niger, Mali, Democratic Republic of the Congo and Guinea for a French version of the model law
Niger consultations on development/enactment of HRD law	September 2016	National consultation on the enactment of an HRD law organised jointly with Collectif des Organisations de Défense des Droits de l'Homme et de la Démocratie (CODDHD), meeting discussed and approved a draft law produced by CODDHD and ISHR.
Sierra Leone workshop on development/enactment of HRD law	October 2016	2-day workshop in Freetown with partners from the Human Rights Defender Network Sierra Leone, to support the enactment of a national law on the protection of HRDs.
Côte d'Ivoire workshop on implementation of HRD law	November 2016	ISHR conducted a workshop for 20 participants on implementation of the national HRD law. The government of Côte d'Ivoire subsequently adopted a decree in February 2017 to operationalise the national law on HRDs.
West Africa Regional consultation in Abidjan	April 2017	Regional jointly organised by ISHR, the Ivorian Coalition of Human Rights Defenders (CIDDH), the West African Human Rights Defenders Network (ROADDH) and the

		<p>Pan African Network of Human Rights Defenders. The event brought together 48 HRDs from civil society, national human rights institutions, parliament and governments from 17 countries, primarily from West Africa. The event contributed to strengthen HRD networks regionally, reinforce the shared sense for a strong legal protection of HRDs in national legislation, and promote peer-learning amongst defenders, especially those based in countries with different levels of advancement in the national legislative processes for HRD recognition.</p>
Desk research on the designation of NHRIs as a protection mechanism		<p>Consultant Frances P Alghali engaged to carry out this research, draft research report completed.</p>
Consultation on implementation of HRD law in Abidjan	December 2017	<p>Consultation to assess the implementation of the law and the potential role of the National human Rights Institution (NHRI) as a protection mechanism for HRDs. This consultation gathered 15 participants comprising HRDs, representatives of the Executive and NHRIs from the following west African countries: Mali, Côte d'Ivoire, Niger, Sierra Leone and Burkina Faso. An in-depth research on the potential designation of NHRIs as protection mechanisms for HRDs (noted above) was carried out prior to the event</p>

		and discussed with participants.
Sub-regional consultation Kinshasa, DRC	December 2017	Regional consultation on HRD laws in Central Africa took place in Kinshasa instead of Cameroon on account of security concerns. The consultation was attended by HRDs, parliamentarians and NHRI representatives from the DRC, Cameroon, Republic of Congo and Côte d'Ivoire. The consultation was aimed at reviewing the current drafts of the DRC HRD protection law, and incite other countries to adopt effective protection laws for HRDs.
Asia consultation in The Philippines	January 2018	ISHR facilitated a regional consultation in the Philippines with the support of the Philippines National Human Rights Commission. 25 HRDs from Indonesia, India, Mongolia, Nepal, the Philippines, Taiwan and Sri Lanka participated in the consultation. A civil society expert from Sierra Leone also joined the discussions to share her experiences and challenges from West Africa.
National consultation in Abidjan on the establishment of protection mechanisms	August 2018	ISHR organised a consultation in Abidjan, Côte d'Ivoire with national HRDs, members from the National Human Rights Commission as well as HRDs coming from all over West Africa to draw on the expertise of other countries in the region regarding the establishment of protection mechanisms. In addition, the Special Rapporteur on defenders from

		<p>the African Commission used this opportunity to meet privately with a group of defenders from Côte d'Ivoire, as well as a group of women human rights defenders to discuss the implementation of the law as well as the challenges faced in their work. ISHR and the ACHPR Special Rapporteur on human rights defenders were able to meet privately for two hours with 4 members of the NHRC in Côte d'Ivoire and civil society. During this meeting the operationalisation of the protection mechanism was discussed more in depth, especially how to make the promotion and protection of defenders a reality as envisaged in the implementation decree of the law.</p>
Continued support to Asian CSOs on development of HRD laws	March – August 2018	<p>Since the regional consultation ISHR has maintained contact and continued to provide assistance to national partners. In particular, ISHR has consulted with partners in the Philippines and Mongolia regarding draft laws for the protection of human rights defenders that have been developed. It has also made plans to conduct national consultations in 2019 to develop strategies and road maps towards the implementation of draft laws in Nepal, the Philippines and Mongolia.</p>
<b>ACTIVITIES UNDER OBJECTIVE 2:</b>		

<b>HRDs Working in Sub-Saharan Africa Are Enabled to Use the International and Regional Human Rights Systems for Their Improved Protection</b>		
Training workshop on use of ACHPR and UN mechanisms	October 2016 session	26 HRDs (17 male and 9 female) in Banjul from 15-16 October 2016 on how to engage with UN and ACHPR mechanism to advance their human rights agenda domestically.
Production of African commission monitor “Kumulika”	October 2016 session	Publication captured the main activities and outcome of the 59th regular session of the ACHPR and the NGO forum which preceded the session.
Production of ACHPR SR newsletter	October 2016 session	Newsletter focused on the protection of Women human rights defenders and the work done by the ACHPR
ISHR panel during the NGO forum on the need to provide better protection for HRDs	May 2017 session	As described in first column
ISHR <a href="#">delivered two statements</a> , which congratulated Côte d’Ivoire for adopting the implementation decree for its national human rights defenders protection law. The statements also raised concerns about the situation of human rights in African countries such as Ethiopia, Burundi and Sudan.	May 2017 session	As described in first column
ISHR published landmark new report on <a href="#">Lessons Learnt: Human Rights Defenders Working in States in Transition</a>	May 2017 session	As described in first column
Training workshop on use of ACHPR and UN mechanisms	October/November 2017 session	From 25-27 <sup>th</sup> October 2017, ISHR co- organised a <a href="#">3 day training</a> for HRDs to familiarize them with UN and African human rights systems in particular at the ACHPR and how they can effectively interact with them. The training took place in Banjul and preceded the NGO Forum and the followed up 61 <sup>st</sup> session of the ACHPR.

Production of African commission monitor “Kumulika”	October/November 2017 session	Report covered the 61 <sup>st</sup> session of the ACHPR which was held in Banjul, the Gambia from 1 to 15 November 2017
ISHR organised a panel during the NGO Forum reviewing the situation of HRDs in countries where a national law has already been adopted and the challenges the HRDs face in establishing a protection mechanism for HRDs	October/November 2017 session	As described in first column
5 HRDs facilitated by ISHR to participate in the 61 <sup>s</sup> ACHPR session in Banjul.	October/November 2017 session	<ul style="list-style-type: none"> <li>- Mahamar Moctar, a male HRD from Mali who’s playing an instrumental role in the ongoing process of enactment and implementation of the Mali HRD protection law;</li> <li>- Melanie Kombate, a female HRD representing the West African HRD Network (WAHRDN), based in Togo;</li> <li>- Florence Ouattara, a female HRD from Burkina Faso, who’s playing an instrumental role in the ongoing process of enactment and implementation of the Burkina HRD protection law;</li> <li>- Justin Bahirwe, a male environmental rights defender from the DRC;</li> <li>- Michela Gaffuri Riva, a female HRD representing the Central African HRD network, based in Cameroon.</li> </ul>

<p>3 African HRDs facilitated by ISHR to engage with the UN system</p>		<ul style="list-style-type: none"> <li>- Victoria Renner (Sierra Leone): a female HRD focusing on women's rights (see a video of her experience at <a href="https://youtu.be/NxhhGMTihzw?t=56">https://youtu.be/NxhhGMTihzw?t=56</a>)</li> <li>- Adaobi Egboka (Nigeria): a female HRD (see a video of her experience at <a href="https://www.youtube.com/watch?v=DiuDO8YHEDo">https://www.youtube.com/watch?v=DiuDO8YHEDo</a>)</li> <li>- Amanda Bosco (Uganda) a transgender female HRD and activist (see a video of her statement to the Independent Expert on sexual orientation at <a href="https://youtu.be/0YDzX2F7f2A">https://youtu.be/0YDzX2F7f2A</a>)</li> </ul>
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4 HRDs facilitated by ISHR to participate in the 62nd ACHPR session	April 2018	<ul style="list-style-type: none"> <li>- Erick Kassongo, HRD working on environmental issues in DRC who is also an expert member of the working group on extractive industries at the ACHPR</li> <li>- Francess Piagie Alghali, woman HRD working for the protection of HRDs in Sierra Leone, who recently became Minister of State at Vice President office in charge of Justice sector institution</li> <li>- Odia Fidelia EGHONGHON, a female HRD based in Nigeria</li> <li>- Nassirou Akakpo Abito, a defender working on people affected by HIV in Benin</li> </ul>
Consultation between HRDs and the African Commission Special Rapporteur on HRDs organized by ISHR during the 62nd session of the ACHPR	April 2018	During this meeting, the Rapporteur presented his mandate and emphasised the need and importance of the work of defenders at the local level. He encouraged them to keep interacting with his mandate as regularly as possible to update him on the situation of human rights defenders on the ground. Defenders were then able to provide the Rapporteur with first-hand information on their daily challenges.