

Report on consultation with human rights defenders working in highly restrictive environments

November 2015



1. OVERVIEW

On 28 and 29 October 2015, a group of 15 human rights defenders working in, or in relation to, highly restrictive environments gathered at the Robert F Kennedy International House of Human Rights, Florence, Italy, to identify, document and further develop strategies, tactics and lessons learned to ensure the relevance, resilience and effectiveness of human rights organisations and movements operating in such environments.

The defenders came from States including Bahrain, Belarus, Burma, China, Ecuador, Egypt, the Gambia, Iran, Russia, Somalia, South Africa, Sri Lanka, Syria, Venezuela and Zimbabwe and included both defenders working in these countries and in relation to these countries from exile. They worked on a diverse range of issues, including women's rights, LGBTI rights, the protection of journalists, the release of political prisoners, accountability for war crimes, peacebuilding, minority rights, labour rights, the rule of law, and protection of the rights to freedom of expression, association, assembly and protest, among others. Many had faced imprisonment, ill-treatment, defamation and other violations in connection with their work, in some cases extending to the death, detention or ill-treatment of family members and associates. Defenders from Azerbaijan and Cuba were invited but ultimately unable to attend due to visa restrictions and travel constraints.

Jointly convened by ISHR and the Robert F. Kennedy Human Rights, with the support of three foundations committed to sustaining and strengthening the global human rights movements (the Open Society Foundations, the Sigrid Rausing Trust and the Fund for Global Human Rights), the consultation was intended as a response to worsening attacks and restrictions, including legislative and funding restrictions, on human rights defenders and their organisations in many States. It aimed to ensure that such attacks and restrictions do not result in the elimination or de-capacitation of independent civil society in those States and that human rights defenders and organisations can continue to operate effectively and with impact. More particularly, the consultation aimed to examine and discuss:

- The **key challenges, threats and impediments** to establishing and maintaining a resilient, connected and effective human rights movement in a highly restrictive operating environment;
- **What works** to ensure the resilience, connectedness, sustainability and effectiveness of movements in the face of such challenges;
- **What doesn't work** and why; and
- What **additional support** is needed from donors, international NGOs and others to support human rights defenders and movements in such environments.



2. KEY THREATS, CHALLENGES AND IMPEDIMENTS

Defenders identified a diverse range of physical and psychosocial, digital, institutional, legislative, administrative, cultural, financial and even sectoral threats, challenges and impediments to their work.

a. Physical and psychosocial threats

In a significant number of countries represented, defenders continue to face arbitrary arrest and detention, assault and excessive use of force, enforced disappearance, torture and ill-treatment, and even extrajudicial killing in association with their work. These threats come both from State and non-State actors, including both public and private security forces, religious extremists, armed militias and terrorist groups. Overwhelmingly, such attacks are not promptly or adequately investigated, perpetrators prosecuted, or victims provided with remedy.

Disturbingly, a number of defenders reported a worsening trend of such attacks targeting not only defenders themselves, but their family members, associates and organisations. They also reported that while efforts and investments are being made in relation to physical security, there remains a relative lack of investment in or support for the psychosocial wellbeing of defenders or their families, or the maintenance and safety of defenders' families when defenders are in prison. Stress, burn out and mental illness are all, sadly, occupational hazards for defenders working in such environments, but it is clear that more steps could be taken to mitigate risks and harms in this regard.

b. Digital risks

Defenders reported that while information and communication technologies can be important tools for documenting and exposing human rights abuses, and for coordinating and mobilising action, increasingly they are also being used as tools of surveillance and harassment, both by State and non-State actors.

Many defenders reported that they or their colleagues had been subject to social media campaigns of stigmatisation and defamation (including in Venezuela and Zimbabwe), rising to threats to liberty and security in some cases. Increasingly, this stigmatisation brands defenders as traitors or terrorists (such as in Burma, China and Egypt), as economic saboteurs or anti-development (such as in Ecuador and Venezuela), or even as sexual deviants (such as in Iran). Too often, social media companies such as Facebook and Twitter have refused or been too slow to take down such damaging content.

A number of organisations had been subject to hacking and cyberattacks too, reflecting the importance of a high level of digital literacy by defenders and increased digital security infrastructure investment by donors. In some cases offices had been raided, with hard drives searched or removed.

c. Institutional and political challenges

In the vast majority of countries represented, defenders reported an absence or weakness of democratic institutions, oversight or accountability mechanisms, independent judiciary or the rule of law. This means that the 'traditional' tactics relied on by defenders in many other contexts – parliamentary lobbying, legislative advocacy, strategic litigation, independent media commentary, and the like – may be unavailable or severely limited in their effectiveness.

In some States – such as China, Ecuador, Somalia, Sri Lanka and Venezuela – the lack of access to national mechanisms has increased defenders' recourse to and reliance on international human rights mechanisms. Defenders cautioned, however, that this engagement can carry the risk of reprisals (as has been the case for defenders in China, Egypt, Russia, Sri Lanka and Venezuela, among others) and that the political relations and influence of some States – such as Bahrain, China and Egypt – limits the prospects for action and accountability in political bodies such as the Human Rights Council or the Third Committee of the UN General Assembly.

d. Legislative and administrative restrictions and attacks

Defenders from most States reported proposed or worsening legislative restrictions on their work and their organisations, ranging from laws imposing government controls or oversights on non-governmental organisations, to laws restricting access to foreign funds and resources, to laws restricting and criminalising various forms of speech and advocacy. Such laws both directly fetter free speech and may also lead to self-censorship, as has occurred in Ecuador. They may also license attacks on defenders, with the anti-LGBTI law in Russia being associated with an increase in homophobia and attacks against LGBTI defenders and associations in that country. In some States, such as Russia, NGOs have been forced to shut down or relocate to avoid the strangling and stigmatising effects of ‘foreign agent’ laws, with concerns expressed by all defenders as to the copycatting of such bad practices.

Defenders from all regions also reported that the need to counter-terrorism and violent extremism is both resulting in, and being used as a subterfuge for, the enactment of restrictive laws and policies which result in arbitrary interference with, and overbroad restrictions on, individuals and organisations, often criminalising their work on overbroad grounds such as ‘national security’. The context of counter-terrorism, and the collusion and cooperation between States to combat extremism, also means that some traditional human rights ‘allies’ are increasingly reluctant to speak out against abuses in States with whom they have military or intelligence relationships, such as Egypt or Saudi Arabia.

Defenders also regretted the lack of laws which operate to protect or enable their work, such as human rights defender protection laws or laws pertaining to access to information, with weak enforcement also a problem in the contexts in which such laws exist. Overly burdensome establishment, governance and reporting requirements for NGOs are a barrier to entry, impose high transaction costs and divert scarce resources, and can also be used and manipulated to exert government control over NGOs.

Travel bans imposed by defenders’ home countries, together with a lack of access to visas for countries (such as to the UK, EU or Switzerland), or the risk of extradition from countries, to which defenders may travel for advocacy, fundraising or other purposes was also raised as an issue of common concern.

e. Cultural challenges

Traditional values, cultural practices and rising religious extremism – such as in Burma, the Gambia and Syria – continue to pose risks and challenges for human rights defenders, particularly those working on issues such as women’s rights, LGBTI rights or minority rights.

Such risks and challenges can arise not only from the State, but from local communities, families and even within the human rights sector itself, with some NGOs unwilling to support or affiliate themselves with other organisations or defenders who they identify as too politically risky or sensitive, particularly in States such as China, Egypt, Iran, the Gambia and Russia.

f. Financial restrictions and constraints

Defenders from all States identified lack of access to adequate, sustainable, flexible, core funding from a sufficient diversity of sources (including at the national, regional and international levels, as a key threat and impediment to their work.

The over-reliance on foreign funding renders many defenders and their organisations vulnerable to legislative restrictions, the freezing of accounts and even stigmatisation as foreign agents, while also meaning that national strategy can become too influenced and constrained by international actors rather than national priorities and needs.

Defenders identified the need to build local sources of financial support, while also reflecting that in many restrictive States local donors can themselves face restrictions and reprisals for supporting human rights work.

Defenders also discussed the high level of competition for funding and the relative scale and sophistication that is required to access and manage many funds, particularly from large institutional and State donors. Changes in donor strategy, the need for donors to see ‘impact and results’ in contexts in which the mere survival of civil society may be a significant success, and the difficulty of sustaining investment in a State in which the situation improves such that it is no longer ‘the worst of the worst’ (such as in Belarus, Iran or Zimbabwe), were also identified as significant financial and funding challenges.

g. Sectoral challenges

Some challenges and impediments arise from the human rights movement itself. At the national level this can manifest as a lack of trust or cooperation between defenders (such as in Somalia or Zimbabwe) arising from such factors as political fragmentation, the proliferation of government controlled NGOs, infiltration or competition for scarce funds.

Defenders from all regions identified the need for genuine and equal partnership and information sharing between national and international NGOs as a key priority. Too often, international NGOs rely on national NGOs as a source of information and legitimacy while, too rarely, do they facilitate access to information, funding and networks for such NGOs. There was a widespread view that there is a need for more genuine and equal partnership, coordination and joint strategisation between national, regional and international NGOs.

Defenders also spoke of the challenges of ensuring a high degree of trust, coordination and complementarity between those working in the country and those working from exile (such as in Sri Lanka or previously in South Africa), particularly in circumstances where defenders are forced into exile rather than the establishment of an exile movement being an aspect of long-term strategisation and survival. The stigmatisation of some of those who work in exile as lacking credibility, resilience or commitment, both by the State and other defenders within the States was also identified as a challenge.

Finally, some defenders also spoke of the patriarchy or lack of transparency that can exist within human rights organisations themselves, emphasising that NGOs should practice the principles of non-discrimination, empowerment and accountability for which they advocate.

3. WHAT WORKS?

Defenders discussed a range of strategies and tactics to respond to the challenges identified above and to sustain and strengthen the impact of their work, including through better collaboration, constituency building, precautionary measures, long-term planning, international engagement, opportunism, creativity and a measure of risk taking. Each of these factors is elucidated below.

a. Collaborate, coordinate and show solidarity

All defenders emphasised the importance of a high degree of collaboration and coordination between human rights defenders within a country, and between defenders operating in that country and in relation to that country from exile. This extends to supporting and building the capacity of grassroots NGOs, especially those working in rural areas, who may be particularly vulnerable to violations associated with major development projects that often occur without adequate documentation, visibility or accountability. Wherever possible, a joint or common strategy, which recognises and leverages the distinctive and complementary roles of those in the country and in exile, in capitals and in rural areas, and those who speak out and those who remain under cover, is highly desirable.

Defenders also stressed the need to ensure solidarity and support for and between each other. Measures in this regard include ensuring that defenders have, and can rely on, access to psychosocial support services, emergency legal assistance, relocation funds, medical insurance and healthcare, safe houses for respite, and financial support for their families in the event that they are disappeared or detained. Even where such

resources are not relied upon, the mere existence of these support structures can provide a sense of security and alleviate a degree of stress.

Solidarity also extends to supporting one another's campaigns. Generally speaking, the greater the number of defenders and organisations involved in an action the lower the level of risk to any single defender or NGO. In Russia, for example, the refusal of many NGOs to voluntarily register under the odious 'foreign agent' law forced the Russian government to make such registration mandatory, a move that carried some political cost. Many defenders emphasised the importance also of cross-regional solidarity, strengthening solidarity and the sharing of strategies, tactics and lessons learned between defenders who work in different countries with restrictive environments.

b. Build communities and constituencies of support

All defenders agreed on the importance of building local communities and constituencies of support.

Public understanding of and support for the work of human rights defenders is a key factor contributing to a safe and enabling environment for their work, while a failure to counter stigmatisation may lead to the conditions which licence or tolerate attacks. Donors should be prepared to invest in developing counter-narratives and in initiatives such as anti-stigmatisation campaigns (as has been the case with OSF in Guatemala), dissemination of human rights information in local languages and accessible formats, social media campaigns, story-telling, film making and even advertising in this regard.

In addition to building a constituency among the local population, defenders also emphasised the potential for engaging 'unusual actors' in the protection of civil society space and human rights defenders, including social services, development organisations and even faith-based actors.

Further, while many major corporations have been active or complicit in attacks or restrictions against defenders, there are an increasing number of cases where corporations have advocated privately or even spoken out publicly in support of defenders, such as in Angola and Cambodia. Defenders can and should leverage the shared interest of business and human rights defenders in a legal and administrative operating environment which respects the rights to freedom of expression, association and assembly, transparent and accountable government, freedom from corruption, and respect for the rule of law.

c. Take precautionary measures and develop contingency plans

The taking of precautionary measures and the elaboration and effective implementation of security and contingency plans, both in relation to the liberty and security of individual defenders, and the security and sustainability of their organisations, were identified as critical.

For individuals, this could include measures such as the encryption of emails, or the setting up of alerts or pre-prepared SMS or WhatsApp messages to notify a colleague, group of colleagues or journalists as to any harassment, abduction or detention. It may also involve setting daily password changes so that a defender is able to resist interrogation for a day can ensure that their online data remains secure. Some defenders maintained that defenders should always operate under the assumption that you are being listened to and watched. Individual security plans should also contain provision for the safety and security of the families and dependents of defenders, including their care and sustenance in the event that the defender is detained.

For organisations, precautionary measures and contingency plans could include measures such as off-site storage and back-up of all confidential or sensitive data or materials, the use of safe offices accessible only by biometric data, the establishment of a contingency fund to provide emergency legal assistance or relocation, and even the incorporation of a 'shadow' or 'shelf organisation' in a third jurisdiction which can be rapidly operationalised in the event that an organisation in the home state is shut down. This precautionary measure has notably been used in Russia, for counteracting the side effects of the restrictive laws on NGOs. Due diligence and thorough background checks, including through the checking of social media profiles and contacts, can also assist to prevent organisational infiltration.

Defenders emphasised the desirability of funders being prepared to invest in such contingency funds. They also emphasised the importance of assisting each other by doing ‘stress tests’ and ‘spot checks’ on each other, helping to ensure that plans are in place and can be rapidly and effectively implemented.

d. Plan and invest for the long-term (while also celebrating short-term success)

Most human rights reform is long-term, incremental, non-linear and multi-factorial, with change most likely to occur in connection with the opening of a window of opportunity. Recognising this, defenders stressed the importance of planning for the ‘long-term’, including through perseverance and commitment on the part of both defenders and donors, and the development and implementation of long-term strategies with shorter-term milestones and indicators of progress, the achievements of which are celebrated. The 2009 to 2015 campaign for the Human Rights Council to mandate an investigation into, and promote accountability for, alleged war crimes and crimes against humanity perpetrated in Sri Lanka is an illustrative case.

Connected with the Sri Lanka example, defenders also discussed the importance of diligently documenting violations, including in forms that may be admissible in judicial proceedings, with the aim of ensuring future accountability and effective transitional justice. On this issues, defenders discussed the desirability of sharing lessons learned, both positive and negative, from comparative transitional justice processes.

Defenders also emphasised the importance of nurturing, cultivating and empowering future human rights leaders, ensuring that information and influence does not become too heavily vested in one generation or group.

e. Engage internationally

Defenders from most countries spoke to the importance of international engagement and advocacy, including at and through the UN human rights bodies and regional mechanisms where they exist. Such platforms have become particularly important in States such as Bahrain and Egypt, where there is no independent judiciary, in States such as China and Russia where many forms of advocacy and association are criminalised, and in States such as Venezuela, which has withdrawn from the regional human rights system.

Defenders reported that they have used international and regional human rights systems and standards to document, expose, denounce and seek accountability for human rights violations and to seek resolutions and recommendations for national-level human rights reform. Used and leveraged effectively, the outputs of international mechanisms can contribute to change on the ground and, in many cases, may be essential elements of such change. In the context of particularly restrictive States – such as China – the mechanisms themselves may also provide a platform for the empowering exercise of fundamental rights to freedom of expression, association and dissent that is not possible or is even criminalised at the national level.

The notion of engaging internationally also extends to engaging effectively with international NGOs. While emphasising the importance of INGOs being sensitive and responsive to national priorities and needs, national defenders also recognised the vital role that INGOs can play in building local capacity, informing advocacy strategy, attracting media attention to an issue, documenting and exposing violations, and engaging and influencing political and diplomatic actors.

f. Be opportunistic and creative

Defenders from all regions emphasised the importance of being opportunistic and creative in their advocacy and campaigning, appropriating platforms that become available. The vexatious prosecution of a human rights defender may, for example, through a public court hearing and associated media coverage, provide a platform to expose and denounce human rights violations or to advocate for a cause, as powerfully demonstrated by the use of such trials by human rights lawyers and defenders in the context of apartheid-era South Africa or, more recently, in the Gambia. Judicial proceedings can also be used as a means to access and expose information that is not otherwise in the public domain, and may also be an avenue through which defenders can then access regional mechanisms such as the European Court of Human Rights or the UN treaty bodies.

Defenders emphasised the importance of cultivating strong relationships with both national and international journalists, implying that press statements, for example, should be released both in local languages and in English.

Finally, in the context of being creative, it was discussed that the use of humour, such as in a booklet for defenders published by Zimbabwe Lawyers for Human Rights, can be effective as a coping strategy, and in establishing a sense of solidarity and camaraderie between activists.

g. Be principled and professional

Defenders articulated the need to always be principled and professional, and to build and reference a strong research and evidence base.

Advocating and litigating in a consistent and principled way for respect for human rights – such as freedom of expression regardless of the content of the speech, the right to a fair trial regardless of the crime accused, and the right to non-discrimination regardless of the political affiliation or identity of the person concerned – can assist to build public and political understanding and support for the legitimacy and integrity of human rights work, and provide a degree of protection against stigmatisation and harassment.

h. Invest in sound governance and administration

Defenders also emphasised the importance of ensuring that their organisations are managed prudentially and that all legal, financial and administrative records are in order and requirements met, minimising the grounds for attack on such grounds. This is vitally important in jurisdictions such as China and Russia where the regulatory environment for NGOs is becoming increasingly complex and where authorities increasingly rely on byzantine administrative regulations to justify raids and restrictions on NGOs.

Defenders also stressed the importance of donors investing in organisational capacity building, good governance and administration, and being prepared to fund relatively high overheads in this regard.

i. Be prepared to take some risks

Finally, many defenders spoke of the need, at times, to take and accept risks. While, of course, defenders should plan and exercise due diligence to minimise risk, some risk is inherent in the ‘job’ and defenders should be prepared to accept this. In this regard, defenders emphasised that, where fully informed, defenders make a risk assessment and determine that the risks associated with a certain action or project are tolerable or ‘worth it’, donors, INGOs and other partners should be prepared to accept and back them on this.

4. WHAT DOESN'T WORK AND WHY?

In addition to identifying ‘what works’, defenders discussed some of the strategies that have not worked in particular circumstances, with a view to sharing lessons learned in that regard.

Some of the key insights and lessons shared that are not otherwise discussed above included the following:

- It is **critical to ensure that personal and digital security plans are practical, engage and target all actors within an organisation**, are stress tested (including through ‘fire drills’) and are frequently updated and followed up. Having up-to-date software, ‘state of the art’ hardware, and an in-house (or at least ‘in-sector’) IT expert, were identified as critical and something in which donors should be prepared to invest.
- Relatedly, defenders emphasised the importance of a **whole-of-organisation approach to security and sustainability**, implying that staff across an organisation should be consulted about and ‘buy into’

significant policy and organisational decisions. This is critical if, for example, a digital security strategy is to be effectively developed and implemented across an organisation, with the strategy only as strong as its weakest implementer.

- Defenders should **avoid an over-reliance on one strategy alone**, or on adopting or repeating a strategy just because it has been successful in the past. Defenders emphasised the importance of **using a complementarity of strategies** (such as integrating public education with legislative advocacy as was the case in relation to reforms of the national human rights institution in Burma, or by integrating online petitions with offline protests, such as in Egypt) and of **continually adapting and evolving strategies to respond to a changing environment**, to remain a ‘step ahead’ of authorities, and to, at times, ‘take them by surprise’. The importance of **backing up or complementing online campaigns with offline actions** was particularly emphasised.
- Defenders emphasised the importance of **being able to mobilise and respond rapidly and at multiple levels**. If governments are sent a strong and early signal that certain actions will carry a political cost, they may reconsider or recalibrate them. [The recent relatively prompt release of Egyptian human rights defender, Hossam Bahgat, following a rapid and significant outcry from domestic NGOs, international NGOs, UN experts, diplomats and even the UN Secretary-General, is a good example in this regard.] Conversely, a slow or muted response, such as previously occurred with the detention of defenders in Somalia, may be taken by the authorities as a licence to continue down that path or an indicator of the relatively low price to be paid for their actions.
- Some defenders considered that large, permanent coalitions tend to be ineffective, provide diminishing returns and often fracture or peter out. These defenders emphasised the **benefits of establishing smaller, more nimble, campaign-focused and goal-oriented coalitions** that form and then disperse.
- Defenders emphasised the importance of **adapting different strategies to different environments**. In certain contexts, for example, public mobilisation and advocacy may lead to the release of a detained defender, such as has occurred in Bahrain and Egypt. In other contexts, such an approach may simply lead to the criminalisation and detention of the lawyer or advocate who speaks out, and then that of the subsequent lawyer or advocate who speaks out, and so on, as has been the case in China since the July 2015 crackdown.
- As discussed above, defenders must **be poised to respond rapidly to windows of opportunity for reform**, to **consolidate gains**, and to **celebrate progress but not prematurely**. Some defenders reflected that these are lessons hard learnt from the so-called ‘Arab Spring’, while others, such as from Ecuador and South Africa, emphasised the importance of holding governments to account for the implementation of hard won constitutional guarantees.
- Finally, defenders reflected that **‘forced marriages’ of NGOs, often imposed by donors or established to meet donor consortium requirements, do not work**. When coalitions are established they should be strategic, and involve partners with aligned values and a shared vision that bring complementary but distinctive skills. Trust and confidence between partners is crucial. Partners and donors should dedicate adequate resources to effective administration and coordination of coalitions.

5. WHAT MORE SUPPORT IS NEEDED?

The final part of the consultation involved discussion and the formulation of recommendations to donors, international NGOs and others to better support human rights defenders and movements working in highly restrictive environments. The discussion *did not* extend to the additional steps and measures that third States and international and regional mechanisms could also take in this regard.

a. From donors

Defenders articulated a range of steps and measures that both philanthropic and State-based donors could take to better sustain and strengthen their work in restrictive environments.

- Defenders emphasised the importance of **flexible, long-term core funding support**, enabling organisations to focus on strategy rather than mere survival and short-term activities, and to adapt activities and tactics to changing environments and opportunities.
- Relatedly, defenders also emphasised that **donors must be realistic about what ‘success’ may look like and entail in restrictive environments**. In highly restrictive environments, the survival of an organisation itself can be a success, while the maintenance of at least a nascent civil society movement is essential to be able to respond rapidly when windows of opportunity for reform open.
- Donors were also urged not to withdraw or downscale funding if circumstances in a country are perceived to improve, with diminished investments in Zimbabwe identified as an example. **Continued investment in restrictive environments is essential if gains are to be built on and consolidated**.
- Defenders spoke to the **importance of donors funding and supporting both those who work in country and those who work from exile, enabling a range of complementary activities**. It was shared, for example, that international advocacy can be important and impactful but is often very difficult, dangerous or even impossible for those working in States such as China or Iran, meaning that such activities need to be undertaken by defenders and organisations operating from exile.
- Many national and grassroots NGOs, particularly those most at risk working in rural areas, may lack the capacity or expertise to deal with complex application processes and log frames. **The adaptation and streamlining of application processes and forms, together with capacitation and support to engage with such processes, is vital if funding is to reach the defenders and communities most at risk and need**. The application forms and advice and support provided by the Sigrid Rausing Trust were identified as good practice in this regard.
- Donors have a role to play in identifying and sharing synergies and opportunities for collaboration between organisations and grantees (particularly in states where civil society is deeply fractured, such as in Syria), but donors should **refrain from imposing collaborations or coalitions**. Defenders emphasised the importance of coalitions being NGO-driven, even if they are donor-facilitated.
- Defenders also suggested that donors can **support collaboration and coalitions by funding those organisations which are demonstrably collaborative rather than competitive in their approach**.
- Donors should **invest in the digital security of defenders**, including through the provision and funding of ‘state of the art’ software and hardware, and digital security training and adequate follow up.
- Defenders also emphasised that **donors should be attentive to their own digital security**, citing the example of one defender being detained in Iran following a Wikileaks document exposing that her organisation was US-funded.
- While it is appropriate and legitimate that donors undertake risk assessments, and request that applicants provide a risk analysis and management plan, they should **be more deferential to defenders and NGOs in terms of the risks that these actors are prepared to bear**.
- Also on the topic of risk, defenders considered that donors should be prepared to **‘make some bets’ or ‘take a leap of faith’** at times, with one defender saying that ‘if defenders are prepared to risk their lives then donors should be more willing to risk their investments’.
- For defenders working in restrictive environments, the **availability of funding for engagement and advocacy at the international level**, including in expensive locations such as New York and Geneva, is essential. This was particularly emphasised by defenders from States such as China, Ecuador, Egypt and Venezuela, where continually closing civil society space and the weakening of those national institutions and accountability mechanisms that do exist, are making international fora increasingly relevant and important.
- Relatedly, defenders from many jurisdictions requested that donors **provide capacity and financial support for lobbying and advocacy in third State capitals**. The ability of, for example, defenders from Bahrain and Egypt, to travel to and lobby in capitals such as London, Brussels, and Washington, together with Global South capitals such as Brasilia, Jakarta and Pretoria, is essential to influence the foreign policy of those States both in terms of their bilateral relations and their multilateral diplomacy.

- With increasing restrictions on the formation of independent associations in many States, together with restrictions on access to foreign funds for organisations, **donors must be willing to be flexible and innovative if their investments are to reach and have impact on the ground**. Donors should be prepared to fund informal organisations and networks, to transfer funds to private accounts, and even to make cash transfers to individuals.
- If organisations are to be well administered and governed, donors need to **invest more in overheads and governance**. Similarly, if organisations are to be strategic, donors need to **invest more in strategic analysis and planning**. The commitment of the Open Society Foundations to funding strategic planning processes and implementation was identified as good practice in this regard.
- As discussed earlier, donors should be prepared to **invest in establishing a counter-narrative and in initiatives such as anti-stigmatisation campaigns**, the dissemination of human rights information in local languages and accessible formats, social media campaigns, story-telling, film making and even advertising.
- As also discussed earlier, donors should provide **contingency funds to ensure defenders' access to psychosocial support services**, emergency legal assistance, relocation funds, medical insurance and healthcare, and safe houses for respite.
- Finally, an issue that was raised repeatedly was the importance that organisations, and their donors, **provide funds and other forms of support to the families of human rights defenders detained, disappeared or injured in association with their work**. Donors should also look to provide resources for organisations to backfill the positions of detained defenders, so that organisations can continue to pay that defender, or assist to ensure their family's financial security, without diminishing the capacity of the organisation itself.

b. From international NGOs

International and regional NGOs can be invaluable partners for defenders working at the national level in restrictive environments, providing security, expertise, resources, access to networks, legitimacy and influence, among other things. They can also, however, impede and even threaten the work and existence of national NGOs, sucking up scarce resources, headhunting or recruiting local talent, creating competition, and distorting national priorities.

Defenders discussed a range of attitudes and approaches that are essential if the work of INGOs is to optimally complement and strengthen the work of national-level defenders in restrictive environments.

- A **genuine partnership based on mutual trust and respect** between national and international NGOs is vital. For their part, **INGOs should commit to building the resources, capacity and networks of national partners**, introducing them to donors and diplomats, advising on issues such as advocacy strategy and communications, referring media inquiries to them, and the like. For their part, national NGOs should commit to advising and assisting INGOs to ensure that their work at the national level is relevant, responsive and informed by local priorities and needs.
- National defenders and NGOs must be treated as equal partners, not mere 'implementing partners', being **consulted and involved in strategisation and project design from the very outset**.
- Just as funders should be prepared to risk investments from time to time, INGOs should be prepared to **take risks and make some sacrifices** from time to time, including by straining diplomatic relations, in the interests of standing in solidarity with national defenders. The strong financial and diplomatic relations of many INGOs with States such as, for example, the UK, US and Norway should not be a barrier to them advocating strongly with and for defenders with whom those States have particular or sensitive relations, such as Saudi Arabia, Bahrain or China. Put another way, **INGOs must not sacrifice human rights principles, and the interests of national level defenders and activists, in the interests of their own 'access' and 'influence'**.
- Many national NGOs expressed concern at the 'brain drain' from national organisations to international and regional organisations, with many local NGOs unable to compete with the salaries

and conditions offered by much larger NGOs. In this regard they emphasised that **the mantra for all INGOs working at the national level must be to collaborate, capacitate and not compete**. To counter the 'brain drain' it was suggested that **INGOs could provide secondments to national NGOs**, while **funders could also support the secondment of national activists to regional and international NGOs** through the funding of a backfill. This approach could increase capacity within national NGOs, while also improving retention by offering staff of those organisations with professional development opportunities and experiences.

- The bureaucracy of some larger established NGOs, together with the importance they attach to brand management and their associated aversion to risk, were identified as barriers to collaboration or joint campaigning. Many national defenders consider that **INGOs could do more to streamline processes** for sign on to joint letters, for example, particularly given the time sensitivity of many calls.
- The **power dynamic between INGOs and local NGOs should be considered**, especially when there is a tension, dispute or conflict between an INGO and a local NGO which may create a situation in which the local NGO is isolated, discredited, excluded and even eliminated by the other parties within the sector since the local NGO does not have the same resources, connections, credibility or skills as the INGO.



Sophie Charpié and Phil Lynch
24 November 2015