



A tool for Diplomats Diplomatic Support for Human Rights Defenders in Restrictive Environments

WHO ARE

'HUMAN RIGHTS DEFENDERS IN RESTRICTIVE ENVIRONMENTS'?

HRDs in restrictive environments have specific protection needs due to the context in which they operate. While the purpose of this action sheet is not to provide a fixed definition of the term 'restrictive environment', the following elements are characteristics of such contexts, and may be present in different combinations at different moments in a number of contexts:

- > Highly restricted or rapidly deteriorating space for civil society
- > Absence or serious weakness of democratic institutions, independent judiciary and the rule of law
- > Culture of impunity and the absence of effective accountability mechanisms
- > Political instability and/or unpredictability
- > Rising fundamentalisms and violent extremisms coupled with political populism and unchecked authoritarian rule
- > Increased internet censorship and mass or targeted (online and offline) surveillance
- > Absence or weakness of independent media, widespread media manipulation and online disinformation
- > High level of generalised violence or war

This document is part of a series of 'action sheets' designed for human rights defenders (HRDs) and diplomatic representatives, with the purpose of enhancing the impact of diplomatic support to HRDs.

See the full series and sources at www.ishr.ch/diplomatic-support

HRDs in restrictive environments include **both defenders working in those environments and in relation to these environments from exile**. They may work 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, peace-building, minority rights, labour rights, the rule of law, and protection of the rights to freedom of expression, association, assembly and protest, among others.

WHAT ARE

THE PARTICULAR VIOLATIONS FACED BY HRDs IN RESTRICTIVE ENVIRONMENTS?

In restrictive environments, the challenges and threats faced by HRDs are greater and different in nature from those faced by their counterparts working in relatively more democratic and safe environments:

- **Serious attacks on life or bodily integrity** – such as threats, torture, ill-treatment, enforced disappearances and even extrajudicial killings in association with their work
- **High levels of judicial harassment and criminalisation of human rights work** – including targeted abusive criminal charges, civil lawsuits or administrative proceedings through accusations ranging from violations of protest laws, NGO laws or public order to entirely fabricated charges of terrorism, being "foreign agents" or threats against national security.
- **Systematic deprivation of liberty** – such as arbitrary arrest, detention and imprisonment.
- **Systematic stigmatisation and widespread smear campaigns** – HRDs are often labelled as 'traitors', 'terrorists', 'foreign agents', 'economic saboteurs', 'anti-development' or even as 'sexual deviants' further reducing often low levels of popular support. Too often, social media platforms refuse or are slow to take down such damaging content since they are under pressure of the governments.
- **Intense surveillance, invasion of privacy, internet censorship and online harassment** - including interception of emails, voice or other type of communication; hacking of websites, blogs, email or social network accounts; the installation of malware or spyware; the banning of websites, close physical surveillance, etc
- **Reprisals** - punitive actions taken against HRDs in retaliation for their engagement with international and regional human rights systems, to intimidate and prevent local HRDs from engaging with international human rights and international law mechanisms.
- **Legal provisions or practices restricting advocacy and organisational association** - such as laws imposing government controls or oversight on non-governmental organisations, laws restricting access to foreign funds and resources, laws restricting and criminalising various forms of speech and advocacy.
- **Regular involvement of the host State in threats against HRDs** – very often, the host State is the source of or complicit in the threats against HRDs, since the restrictions are part of a deliberate, and often explicit, State policy to limit civil society.

WHO ARE THE PERPETRATORS OF THOSE VIOLATIONS?



Like in other contexts, the threats and attacks listed above come both from **State agents** including **law enforcement personnel and security forces and non-State actors, including paramilitaries, armed militias, religious extremists, private security agencies, and corporations**. However, the level of involvement or complicity of the host State in the threats against HRDs, and the suspected collusion among various perpetrators suggest that particular sensitivity is required when seeking to extend support to HRDs under threat.

WHY ARE

HRDS IN RESTRICTIVE ENVIRONMENTS MORE AT RISK?

There are particular challenges in restrictive environment contexts that render HRDs more vulnerable to prejudice, exclusion and public attack than their counterparts working in comparatively more democratic environments.

■ **Ineffectiveness of 'traditional' advocacy tactics**

'Traditional' tactics relied on by HRDs in many other contexts include parliamentary lobbying, legislative advocacy, strategic litigation, and independent media commentary. These tactics may be unavailable or severely limited in their effectiveness in restrictive environment contexts.

■ **The lack of access to national mechanisms together with the high risks of reprisals for engaging with regional/international human rights mechanisms**

In restrictive environments, remedies for human rights abuses are often inaccessible to victims and to HRDs. This increases HRDs' recourse to international human rights mechanisms for accountability, including UN human rights bodies and regional mechanisms. However, this engagement also carries the risk of reprisals, which are often intensified in restrictive environments.

■ **Culture of impunity and lack of effective laws to protect or enable HRDs' work**

In restrictive environments, the attacks against HRDs are not promptly or adequately investigated, perpetrators prosecuted, or victims provided with remedy. In addition, in many of those contexts there are no laws in place to protect HRDs or enable their work, such as HRD protection laws or laws pertaining to access to information. Where such laws may exist, the weak enforcement render them meaningless.

■ **Cultural challenges**

In restrictive environments, traditional values, nationalism and rising violent extremism often persist widely and thus continue to pose serious risks for HRDs, particularly for those working on issues such as women's rights, LGBTI rights or minority rights.

■ **The rise of fundamentalisms and violent extremisms**

Today's rising fundamentalisms of all kinds, coupled with political populism, unchecked authoritarian rule and disproportionate focus on corporate profits over human rights have intensified the obstacles HRDs face.

■ **Criminalisation of human rights work**

The work of HRDs is often disrupted on the grounds of public order, national security and/or counter-terrorism efforts, and their work discredited by derogatory public statements by governments.

■ **Financial restrictions and constraints**

Governments often take measures restricting the operations of HRDs and their ability to acquire funding, such as budget cuts and selectively applied laws or new legislation. Overly burdensome requirements for establishment, governance and reporting of NGOs are also barriers for HRDs.

■ **Limited physical and digital mobility of HRDs**

Many HRDs working in restrictive environments are subjected to travel bans, often imposed to prevent HRDs from attending international conferences and events to speak about the human rights situation in their home country. The difficulty of obtaining visas or the risk of extradition represent other related factors which limit the mobility of HRDs.

■ **Polarised political climate and the lack of trust/cooperation within the human rights community**

In restrictive environments, civil society may often be highly polarised resulting in the lack of trust or cooperation between HRDs and human rights NGOs. The stigmatisation of some HRDs working in exile as lacking credibility, resilience or commitment also impacts trust and coordination within movements.

■ **Widespread cases of burnout and the lack of support for the psychosocial well-being of HRDs**

The cases of stress, burnout and mental illness are very widespread in restrictive environments since HRDs are under constant pressure and serious risks. Yet, there remains a lack of investment in or support for the psychosocial wellbeing of defenders or their families.

RECOMMENDATIONS FOR DIPLOMATS

Embed a strong analysis of context in your support. Restrictive environments may present widely different and fast changing contexts and security challenges for defenders e.g. in certain contexts, public mobilisation may lead to the release of a detained defender; in other contexts, such an approach may lead to the detention of the advocate who speaks out. Diplomatic representatives should familiarise themselves with best practice on meeting and communicating with HRDs in restrictive environments before deploying to such contexts.

Bear in mind that merely receiving diplomatic support or even being in contact with diplomats can put the HRDs at risk in those environments since they can be easily accused of working against the interests of their country, of working as agents of other States, of having hidden agendas, or of supporting violent and criminal elements.

Consider the combination of multiple and intersecting identities of HRDs and their effects on their security and their need for protection.

Avoid over-reliance on one type of support alone, or on adopting or repeating a type of support just because it was successful in the past. Consider different types of support and adapt and evolve the response. This includes regularly mapping out changing socio-political context and power relations.

Manage expectations and be clear about what you can and cannot do. In particular, clearly establish common understanding of the needs of the HRD, provide concrete information of the possible types of support, communicate regularly with timely updates and share reasonable and practical recommendations.

Provide opportunities for capacity-building and training for HRDs so that HRDs and organisations can continue to operate effectively and with impact as much as possible, and engage on an ongoing basis with HRDs. This would enable you to obtain reliable and up to date information about a given HRD in advance and to respond rapidly and at multiple levels when a violation occurs.

Address the holistic security needs of HRDs in restrictive environments and go beyond physical protection. Developing or strengthening digital security policies and practices while protecting and promoting the psychosocial well-being of HRDs is critical. However, also be prepared to stand with HRDs when they decide the risks associated with a certain action or project are tolerable or 'worth it'.

Facilitate HRDs' access to emergency support including emergency grants, psychosocial support, emergency legal assistance and assistance with relocation, if possible. This also includes mobilising urgent responses of international solidarity for HRDs at risk.

Support the establishment of a genuine and equal partnership, coordination and information-sharing between national, regional and international human rights NGOs. This is particularly crucial to strengthen solidarity and the sharing of strategies, tactics and lessons learned between HRDs who work in different countries with restrictive environments.

Bear in mind that no matter how repressive or restrictive the context, there are always innovative ways of providing diplomatic support to HRDs, and often such support is critical for local civil society to sustain its work.