

## WORKING DOCUMENT

### Enhancing the EU Guidelines on Human Rights Defenders and their implementation

*based on grassroots experiences from Latin America*

*“Defending fundamental human rights demands courage and determination. In some places, defending people’s dignity can mean going to prison, even without a trial. Or it might mean slander. Let us pray for those who risk their lives while fighting for fundamental rights under dictatorships, authoritarian regimes and even in democracies in crisis, that they may see their sacrifice and their work bear abundant fruit.” [Pope Francis<sup>1</sup>]*

In the context of the upcoming debate and vote in the European Parliament<sup>2</sup> on the Draft Report<sup>3</sup> on the implementation of the EU Guidelines on Human Rights Defenders<sup>4</sup>, the COMECE Secretariat has elaborated this working document in close dialogue with human rights defenders in Latin America. The document presents some concrete recommendations based on their daily experience, aiming at enhancing the EU Guidelines on Human Rights Defenders and their implementation in practice.

According to the Office of the United Nations High Commissioner for Human Rights (OHCHR)<sup>5</sup>, from 2015 to 2019, 1,323 human and environmental rights defenders have been killed in at least 64 countries. The Special Rapporteur on the situation of human rights defenders attested that Latin America is consistently the most affected region, and environmental human rights defenders are the most targeted. The Rapporteur emphasised that the situation is particularly disturbing for “*those protesting land grabs or those defending the rights of people, including indigenous peoples, by objecting to Governments that are imposing business projects on communities without free, prior and informed consent*” ([Human Rights Council, 2021](#)). Furthermore, underreporting continues to be a common problem and killings are fuelled by widespread impunity.

Based on these considerations, it is important to strengthen the protection and promotion of human rights and environmental defenders. The European Union, with its wide range of policy instruments encompassing diplomacy, trade, development cooperation, as well as tools aiming at strengthening human rights and democracy, has a particular responsibility and role to play in this respect. The EU Guidelines on Human Rights Defenders (2008) provide a good basis for supporting human rights defenders worldwide. However, in the light of the present challenges, they would need to be updated and some gaps in their implementation addressed, so that they can become a more useful and effective instrument.

<sup>1</sup> Pope Francis, Prayer intention for April 2021, <https://www.vaticannews.va/en/pope/news/2021-04/pope-francis-prayer-intention-april-2021-human-rights.html>.

<sup>2</sup> [https://oeil.secure.europarl.europa.eu/oeil/popups/ficheprocedure.do?reference=2021/2204\(INI\)&l=en](https://oeil.secure.europarl.europa.eu/oeil/popups/ficheprocedure.do?reference=2021/2204(INI)&l=en)

<sup>3</sup> [https://www.europarl.europa.eu/doceo/document/AFET-PR-736464\\_EN.html](https://www.europarl.europa.eu/doceo/document/AFET-PR-736464_EN.html).

<sup>4</sup> [https://www.eeas.europa.eu/eeas/eu-guidelines-human-rights-defenders\\_en](https://www.eeas.europa.eu/eeas/eu-guidelines-human-rights-defenders_en).

<sup>5</sup> [https://media.business-humanrights.org/media/documents/A\\_HRC\\_46\\_35\\_E.pdf](https://media.business-humanrights.org/media/documents/A_HRC_46_35_E.pdf).

## Proposals for enhancing the EU Guidelines on Human Rights Defenders and their implementation

- a) More **transparency** in the Guidelines' implementation is needed: the access to EU focal points in the delegations should be made easier and clearer; access to relevant EU documents linked to the Guidelines should be enhanced; and information on the programming and finances spent on projects and programmes for Human Rights Defenders should be better disclosed.
- b) Guidelines need to be **updated for new cases** of human rights defenders. Many local activists in informal movements are still helpless and are not represented in the EU Guidelines. Such cases also concern environmental activists, as well as women and religious actors, as human rights defenders.
- c) Ensure **emergency support for more urgent cases**, underpinned by **a long-term policy**. This support should include the creation of a dedicated resource fund linked to the protection policies of public authorities. Most of the fundraising is offered by non-governmental institutions. They are important, but there is a need for more systematic, institutionalised and structural solutions.
- d) Provide **adequate shelter** and **increased protection** to threatened human rights defenders, including through **visa facilitation** provisions. This should encompass **shortening the visa processing time**, as well as creating **adequate visa categories** for human rights defenders.
- e) Provide **adequate psychological and medical accompaniment**, ensuring not only the physical safety, but also the **emotional well-being** of threatened human rights defenders.
- f) Ensure the **recognition of diplomas, qualifications and certificates**, as well as the necessary conditions to facilitate the **inclusion of human rights defenders in the labour market**.
- g) Provide **adequate technical, linguistic and legal assistance** to human rights defenders who are forced to leave their country, upholding their **dignity**, while taking into account their **individual needs**.
- h) Conduct **periodic consultations** with human rights defenders on **the implementation and evaluation** of the EU Guidelines on Human Rights Defenders.
- i) Systematically **include human rights defenders in the process** of planning, setting up and implementing the pertinent protection schemes and programmes.
- j) Strengthen the **implementation and support the establishment of state protection programmes** for human rights defenders at different levels, including in municipalities. In this regard, the EU could also promote the **sharing of good practices** based on the experience of existing protection programmes.