

FRONT LINE DEFENDERS HANDBOOK FOR HUMAN RIGHTS DEFENDERS

**WHAT PROTECTION CAN
UNITED NATIONS FIELD
PRESENCES PROVIDE?**

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FRONT LINE DEFENDERS

Front Line Defenders was founded in Dublin in 2001 with the specific aim of protecting human rights defenders, people who work, non-violently, for any or all of the rights enshrined in the Universal Declaration of Human Rights (UDHR).

Front Line Defenders aims to address some of the needs identified by defenders themselves, including protection, networking, training and access to international bodies that can take action on their behalf.

Front Line Defenders seeks to provide rapid and practical support to at-risk human rights defenders, including through a 24 hour emergency response phone line, and through promoting the visibility and recognition of human rights defenders as a vulnerable group.

Front Line Defenders runs a small grants programme to provide for the security needs of defenders. Front Line Defenders mobilises campaigning and lobbying on behalf of defenders at immediate risk. In emergency situations Front Line Defenders can facilitate temporary relocation.

Front Line Defenders conducts research and develops resource materials and training packages together with and on behalf of human rights defenders, as well as facilitating networking and exchange between defenders in different parts of the world.

Front Line Defenders promotes strengthened international and regional measures to protect human rights defenders, including through support of the work of the UN Special Rapporteur on Human Rights Defenders. Front Line Defenders seeks to promote respect for the UN Declaration on Human Rights Defenders.

If there are aspects of UN protection which you feel are not adequately addressed in this publication, we would be very happy to hear from you. Please feel free to contact us at info@frontlinedefenders.org

For general information on the work of Front Line Defenders please log onto **WWW.FRONTLINEDEFENDERS.ORG**

Front Line Defenders has Special Consultative Status with the Economic and Social Council of the United Nations.

Front Line Defenders has partnership status with the Council of Europe and consultative status with the African Commission on Human and Peoples' Rights (ACHPR).

Front Line Defenders is the winner of the 2007 King Baudouin International Development Prize.

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LIST OF ACRONYMS

ASEAN	Association of South East Asian Nations
CAT	Committee against Torture, and Other Forms of Cruel, Inhuman or Degrading Treatment or Punishment
CCA	UN Common Country Assessment
CEDAW	Committee on the Elimination of all forms of Discrimination against Women
CERD	Committee on the Elimination of all forms of Racial Discrimination
CESCR	Committee on Economic, Social and Cultural Rights
CMW	Committee on the Protection of the Rights of all Migrant Workers and Members of Their Families
CRC	Committee on the Rights of the Child
CRPD	Committee on the Rights of Persons with Disabilities
DPA	UN Department of Political Affairs
DPKO	UN Department of Peacekeeping Operations
DRC	Democratic Republic of the Congo
EU	European Union
HC	UN Humanitarian Coordinator
HRC	Human Rights Committee
HRD	Human rights defender
IASC	Inter-Agency Standing Committee
ILO	International Labour Organisation
MDGs	Millennium Development Goals
NGO	Non-governmental organization
OCHA	Office for the Coordination of Humanitarian Affairs
OHCHR	Office of the UN High Commissioner for Human Rights
RC	UN Resident Coordinator
SG	UN Secretary General
SR	Special Rapporteur
UNCT	UN Country Teams
UNDAF	UN Development Assistance Framework
UNDG	UN Development Group
UNDP	UN Development Programme
UNEP	UN Environmental Programme
UNESCO	UN Educational, Scientific and Cultural Organization
UNHCR	Office of the UN High Commissioner for Refugees
UNICEF	UN Children's Fund
UNIFEM	UN Development Fund for Women
UNS	UN System
UN Women	UN Entity for Gender Equality and the Empowerment of Women
UPR	Universal Periodic Review

PREFACE

In 2007 Front Line Defenders published a Handbook for Human Rights Defenders titled *What Protection can EU and Norwegian Diplomatic Missions Offer?* It examined the commitments that EU member states and Norway have made to protect Human Rights Defenders, drawing in particular on *Ensuring Protection - European Union Guidelines on Human Rights Defenders*, which the EU approved in 2004 and updated in 2010. (www.consilium.europa.eu/uedocs/cmsUpload/GuidelinesDefenders.pdf)

Since 2004, Front Line Defenders and other organisations have pressed the EU and its member states to implement the Guidelines fully and energetically; and some progress can be reported. Since 2007, EU missions have been requested to adopt local implementation strategies; most are now integrated into human rights country strategies in countries where the EU and member states are represented. In 2010, following an operational evaluation, EU missions were requested to appoint a field liaison officer for HRDs and to organise, at least annually, a meeting gathering HRDs and EU diplomats. Front Line Defenders has welcomed these developments on processes while noting that practical implementation is uneven because too much is linked to the personal dedication of EU diplomats. Front Line Defenders will continue to encourage the EU and its member states to fulfil the commitments they have made to HRDs, and will help HRDs make use of the facilities offered by the EU.

In this Handbook, we turn our attention to the United Nations, which plays a core role in the protection of human rights defenders. When the UN General Assembly adopted the UN Declaration on Human Rights Defenders in 1998 (*Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms*, at: <http://www2.ohchr.org/english/issues/defenders/declaration.htm>), it formalised the status of human rights defenders for the first time by bringing together in one document the rights and entitlements of those who act peacefully to defend and promote human rights. Through UN agencies such as the Office of the UN High



Mary Lawlor, Director of Front Line Defenders

Commissioner for Human Rights, and UN human rights mechanisms such as the UN Special Rapporteur on Human Rights Defenders, the UN has committed itself to protect human rights defenders and promote their human rights work.

Most discussion of the UN and human rights, however, has focused on international treaties and forums, such as the UN Human Rights Council and the UN Treaty Bodies, and regional human rights institutions like the Inter-American Commission on Human Rights and the African Commission on Human and Peoples' Rights. Little has been written about what UN agencies can do locally, even though they are present in numerous countries. If a human rights defender needs help or protection, to what extent can she expect UN officials and UN agencies in her country to assist her? This is the question which this Handbook addresses.

Like the EU, the UN has made a promise to human rights defenders. It is a promise that many UN officials do not carry at the front of their minds. It is one that many HRDS currently feel the UN does not keep very well. Yet UN institutions evidently do many things that are helpful to human rights defenders, and some UN officials make remarkable efforts, sometimes at personal risk, to protect and assist them.

Front Line Defenders will adopt an approach to the UN that parallels its work on the EU Guidelines. We will advertise the UN's commitments to human rights and to the work of human rights defenders; we will monitor the UN's performance in honouring those commitments; and we will assist and encourage UN agencies and UN officials to implement those commitments actively and effectively. The UN can do much more for human rights defenders, and we hope this Handbook will encourage UN officials as well as HRDs to increase the UN's efforts at national level to protect human rights defenders and promote the work they do.

Mary Lawlor
Director, Front Line Defenders

TEN RULES OF THUMB

1. Identify the UN agencies in your country, familiarise yourself with their mandates, find out which mandates match your concerns.
2. Be personal. Seek meetings with UN officials in the organisations that seem most relevant. Identify and get to know individuals who are motivated to help you. Establish long term relationships in advance of any urgent need for protection or help.
3. Create trust. Take advantage of opportunities to cooperate. Provide information that is consistently reliable.
4. Understand the institutional mandate of the officials you contact. Don't expect an official to do things for you that lie outside that mandate or transgress UN rules or procedures.
5. Work to the UN's strengths rather than its weaknesses. Accept "soft" assistance. Take advantage of any space the UN can create for you. Value tacit recognition. Accept informal help. As far as possible, frame requests in terms that reflect UN mandates and practice. Make reference to the UN's commitments to HRDs.
6. Do not rely on the UN to provide physical protection. UN institutions are not generally equipped to do this and usually will not.
7. Work creatively alongside the UN with other actors whose assistance and support can complement what the UN offers: diplomats, international NGOs, government officials, parliamentarians, staff of national human rights institutions, lawyers, journalists, etc.
8. Weigh the risks that you may incur by publicly associating with or seeking help from UN institutions.
9. Make use of regional and global mechanisms to advance your work, but do not rely on these (rather than national relationships and advocacy) to deliver effective results or give you physical protection.
10. Remember that the UN is a collective organization of governments; it is political and bureaucratic. A gap often exists between the aspirations of UN declarations and what agencies actually do. Nevertheless the UN can do more. Human rights defenders can press UN agencies to live up to their human rights commitments and declared ideals.

INTRODUCTION

The first thing to say about the United Nations is that it is a large and complex institution. It is difficult to generalise in precise terms about how the UN is organised in different countries, let alone describe how UN institutions interact with one another or are coordinated regionally and globally. Always in transformation, the system is regularly re-structured from the centre and, at its edges and inside its different institutions, at any one time these change processes are unevenly integrated. Even within the UN, relatively few officials understand clearly and in detail how the UN system works – or should work – as a whole.

Adopting the language that UN officials themselves use to describe their system (“one UN”, etc.) is also helpful only to a degree. For one thing UN jargon is always changing. For another, the UN’s language does not always explain its operational behaviour. Nor does it help that the UN’s operational procedures (which drive decision-making and the way decisions and programmes are implemented) are often opaque to outsiders. HRDs need to analyse the UN’s actual organisation and competence in their country, rather than rely on theory.

At country level, nevertheless, the UN tends to be organised similarly in all developing countries in which it has programmes. Here too, however, too much generalisation can mislead. For example, the Office of the UN High Commissioner for Human Rights (OHCHR), the most important UN agency for HRDs, has several distinct forms of field presence and is not active in all countries where the UN operates.

To be successful in engaging constructively with the UN, HRDs need first to understand what the UN is doing in their country, how it is organised, and what their priorities and approach vis-a-vis the government are, giving special attention to the OHCHR where it is present, and then apply this knowledge to create circumstances in which UN officials and UN institutions will find it appropriate to provide the assistance that HRDs want.

Sometimes, the support required cannot easily be given. This may be due to several reasons, ranging from limitations in the mandate of the agency approached to limited resources or an unwillingness to challenge the host government. HRDs also need to think about whether they will increase their exposure to risk, or decrease the impact of their advocacy, if they try to work with the UN.

The UN has a huge unfulfilled potential as regards the protection of HRDs at risk. There is an array of actions that could help in a situation of risk. Some of them may require resources, but others are neither costly nor politically sensitive. Furthermore, while what is needed is effective protection, the expression of solidarity remains important as it helps alleviate the psychological impact of the stress and fear caused by a situation of risk. Having said this, it is vital to acknowledge that every day, in many countries, UN officials assist, protect, advise and give recognition to HRDs. Their support can be of great practical value, especially when it is reinforced by the support that diplomats, government officials, and independent institutions can offer.

This document suggests how HRDs can go about making the best use of the OHCHR’s services, and those of other UN institutions, to protect themselves and advance their work; how they can manage the risks that association with the UN can bring; and also how HRDs can assist UN officials to fulfil their mandated responsibilities to human rights and HRDs more confidently and fully.



Left to right: Michel Forst, UN Independent Expert on the situation of human rights in Haiti, Front Line Defenders Board Member and Secretary General of the Commission Nationale Consultative des Droits de l'Homme de la République Française; Father John Jonga, Chairperson of the Inter-faith Communication Forum of Keerom Regency, Indonesia; Navi Pillay, UN High Commissioner for Human Rights; Mary Lawlor, Front Line Defenders; Sam Mohochi, Senior Legal Advisor of the Social Justice Project, GIZ-Kenya, at the Dublin Platform 2010.

Overleaf: the United Nations System, as published by the United Nations Department of Public Information.



The United Nations System

UN Principal Organs

General Assembly

Security Council

Economic and Social Council

Secretariat

International Court of Justice

Trusteeship Council⁵

NOTES:

- UNRWA and UNIDIR report only to the General Assembly.
- IAEA reports to the Security Council and the General Assembly.
- WTO has no reporting obligation to the General Assembly (GA) but contributes on an ad-hoc basis to GA and ECOSOC work inter alia on finance and developmental issues.
- Specialized agencies are autonomous organizations working with the UN and each other through the coordinating machinery of ECOSOC at the intergovernmental level, and through the Chief Executives Board for Coordination (CEB) at the inter-secretariat level. This section is listed in order of establishment of these organizations as specialized agencies of the United Nations.
- The Trusteeship Council suspended operation on 1 November 1994 with the independence of Palau, the last remaining United Nations Trust Territory, on 1 October 1994.

This is not an official document of the United Nations, nor is it intended to be all-inclusive.

Subsidiary Bodies
Main and other sessional committees
Disarmament Commission
Human Rights Council
International Law Commission
Standing committees and ad hoc bodies

Subsidiary Bodies
Counter-terrorism committees
International Criminal Tribunal for Rwanda (ICTR)
International Criminal Tribunal for the former Yugoslavia (ICTY)
Military Staff Committee
Peacekeeping operations and political missions
Sanctions committees (ad hoc)
Standing committees and ad hoc bodies

Functional Commissions
Crime Prevention and Criminal Justice
Narcotic Drugs
Population and Development
Science and Technology for Development
Social Development
Statistics
Status of Women
Sustainable Development
United Nations Forum on Forests

Regional Commissions
ECA Economic Commission for Africa
ECE Economic Commission for Europe
ECLAC Economic Commission for Latin America and the Caribbean
ESCAP Economic and Social Commission for Asia and the Pacific
ESCSA Economic and Social Commission for Western Asia

Departments and Offices
EOSG Executive Office of the Secretary-General
DESA Department of Economic and Social Affairs
DFS Department of Field Support
DGACM Department for General Assembly and Conference Management

DM Department of Management
DPA Department of Political Affairs
DPI Department of Public Information
DPKO Department of Peacekeeping Operations
DSS Department of Safety and Security
OCHA Office for the Coordination of Humanitarian Affairs

Programmes and Funds
UNCTAD United Nations Conference on Trade and Development
• **ITC** International Trade Centre (UNCTAD/WTO)
UNDP United Nations Development Programme
• **UNCDF** United Nations Capital Development Fund
• **UNV** United Nations Volunteers
UNEP United Nations Environment Programme
UNFPA United Nations Population Fund

UN-HABITAT United Nations Human Settlements Programme

UNHCR Office of the United Nations High Commissioner for Refugees

UNICEF United Nations Children's Fund

UNODC United Nations Office on Drugs and Crime

UNRWA¹ United Nations Relief and Works Agency for Palestine Refugees in the Near East

UN-Women United Nations Entity for Gender Equality and the Empowerment of Women

WFP World Food Programme

■ Research and Training Institutes

UNICRI United Nations Interregional Crime and Justice Research Institute

UNIDIR¹ United Nations Institute for Disarmament Research

UNITAR United Nations Institute for Training and Research

UNRISD United Nations Research Institute for Social Development

UNSSC United Nations System Staff College

UNU United Nations University

■ Other Entities

UNAIDS Joint United Nations Programme on HIV/AIDS

UNISDR United Nations International Strategy for Disaster Reduction

UNOPS United Nations Office for Project Services

■ Related Organizations

CTBTO PrepCom Preparatory Commission for the Comprehensive Nuclear-Test-Ban Treaty Organization

IAEA² International Atomic Energy Agency

OPCW Organisation for the Prohibition of Chemical Weapons

WTO³ World Trade Organization

■ Advisory Subsidiary Body

UN Peacebuilding Commission

■ Specialized Agencies⁴

ILO International Labour Organization

FAO Food and Agriculture Organization of the United Nations

UNESCO United Nations Educational, Scientific and Cultural Organization

WHO World Health Organization

World Bank Group

- **IBRD** International Bank for Reconstruction and Development
- **IDA** International Development Association
- **IFC** International Finance Corporation
- **MIGA** Multilateral Investment Guarantee Agency
- **ICSID** International Centre for Settlement of Investment Disputes

IMF International Monetary Fund

ICAO International Civil Aviation Organization

IMO International Maritime Organization

ITU International Telecommunication Union

UPU Universal Postal Union

WMO World Meteorological Organization

WIPO World Intellectual Property Organization

IFAD International Fund for Agricultural Development

UNIDO United Nations Industrial Development Organization

UNWTO World Tourism Organization

■ Other Bodies

Committee for Development Policy

Committee of Experts on Public Administration

Committee on Non-Governmental Organizations

Permanent Forum on Indigenous Issues

United Nations Group of Experts on Geographical Names

Other sessional and standing committees and expert, ad hoc and related bodies

OHCHR Office of the United Nations High Commissioner for Human Rights

OIOS Office of Internal Oversight Services

OLA Office of Legal Affairs

OSAA Office of the Special Adviser on Africa

OSRSG/CAAC Office of the Special Representative of the Secretary-General for Children and Armed Conflict

UNODA Office for Disarmament Affairs

UNOG United Nations Office at Geneva

UN-OHRLLS Office of the High Representative for the Least Developed Countries, Landlocked Developing Countries and Small Island Developing States

UNON United Nations Office at Nairobi

UNOV United Nations Office at Vienna

PART 1

UNDERSTANDING THE UNITED NATIONS AT COUNTRY LEVEL

The UN's major agencies have an operational presence in most developing countries. HRDs should therefore find out which agencies are operating in their country and what their programmes focus on.

Some of the main UN Agencies

FAO	Food and Agriculture Organisation
ILO	International Labour Organisation
OHCHR	Office of the UN High Commissioner for Human Rights
UNAIDS	Joint UN Programme on HIV/AIDS
UNDP	UN Development Programme
UNEP	UN Environmental Programme
UNFPA	UN Population Fund.
UN Women	New consolidated UN agency for women
UNESCO	UN Educational, Scientific and Cultural Organization
UNICEF	UN Children's Fund
UN-Habitat	UN Human Settlements Programme
UNHCR	Office of the UN High Commissioner for Refugees
WFP	World Food Programme
WHO	World Health Organisation
OCHA	UN Office for the Coordination of Humanitarian Affairs

COUNTRY TEAMS AND RESIDENT COORDINATORS

To increase efficiency and avoid duplication, UN agencies seek increasingly to coordinate their work. To achieve this goal, UN Country Teams were established to bring together all the UN agencies operating in a given country. In many instances they allow selected external institutions to attend at least some of their meetings and coordination activities. An inclusive approach is particularly common in situations of crisis or conflict, when coordination must be reinforced.

For an example, see: <http://ph.one.un.org/uncountryteam.html>

At country level the UN is headed by a Resident Coordinator. This post is usually held by the head of one of the UN agencies in the country, often the UNDP but increasingly another UN agency, such as UNICEF. Though their powers are circumscribed and they do not overrule the authority of other agencies, Resident Coordinators represent the UN nationally and have considerable influence over the UN's profile and in particular over the degree to which in given countries the UN takes up more sensitive issues, including human rights matters.

On the UN Resident Coordinator System, see: <http://www.undg.org/index.cfm?P=5>

In countries that are experiencing civil conflict, war or other forms of complex emergency, the UN Secretary General may directly appoint a Humanitarian Coordinator, who is granted considerable authority. In such complex emergencies, coordination is more active and for obvious reasons the UN's security procedures are applied more energetically. These factors can marginalise or exclude local HRDs from participation.

In other respects, however, humanitarian coordination is often more inclusive. In addition to incorporating additional UN agencies such as OCHA, and essential humanitarian institutions like the ICRC, it will involve key civil society actors, notably international NGOs, because they make crucial contributions in emergencies. This enlargement can (but does not always) create space for more involvement by national HRDs.

Within each UN country team, at least one individual and sometimes an agency or team is responsible for monitoring human rights. If present, the OHCHR takes this responsibility. Otherwise, one or more human rights officers -or alternatively UN officials working on democracy and governance - will be appointed to fill this role. Not all UN officials have expertise in human rights: Resident Coordinators and other UN staff have access to human rights advisers based in UN regional offices or in Geneva if they need expert advice on human rights issues or UN human rights standards and guidelines.



World Food Programme providing vital food supplies to communities in Gaza

The UN and human rights in large and powerful states

Like the UN's own programmes, this report focuses principally on low- and middle-income developing countries. The UN is also present, of course, in high income countries and in large middle-income countries. Because of their size and economic or military weight, these have particular influence and power, in their region or globally.

The basic rules of thumb listed on page vii broadly apply to relations with the UN in these countries too. However, the distinct characteristics of such countries need to be taken into account.

In many high-income countries, the UN will not have an operational presence and its offices may be organised differently, primarily to liaise and fundraise. In a category of large middle-income countries, the UN has an operational presence, but its influence (and willingness to speak out) are conditioned by the perception that such countries are powerful enough to discount public or international criticism.

This is a particular problem in large states that do not yet have a strong tradition of respect for human rights, where human rights violations are often severe and frequent, and conditions can be particularly dangerous for HRDs. China and Russia are obvious examples but (each in a different manner) India, South Africa and Brazil all present challenges. Saudi Arabia has also been very successful at deterring international criticism.

Human rights duties of UN Resident and Humanitarian Coordinators

Both Resident and Humanitarian Coordinators are expected to monitor human rights violations and act to prevent them, and inform the wider UN about the human rights situation. These responsibilities are enunciated in the generic job descriptions of UN Resident Coordinators and Humanitarian Coordinators. Some Resident and Humanitarian Coordinators give considerable attention to human rights, whereas others do not.



UN Photo by Fardin Waezi

Valerie Amos, UN Under-Secretary-General for Humanitarian Affairs (front, right) arrives at a refugee camp in Kabul's Parwan Se district, on a mission to Afghanistan, May 2012.

Human rights responsibilities of UN Resident Coordinators:

According to the UN Resident Coordinator Generic Job Description (approved by the UNDG on 29 January 2009) a UN Resident Coordinator:

- Facilitates and oversees [...] inclusion of the key principles of the CCA/UNDAF guidelines of gender equality, human rights based approaches, environmental sustainability, results based management and capacity development;
- Coordinates the work of the UNCT in (a) mainstreaming human rights into operational activities for development, (b) facilitating access to knowledge and expertise on human rights available in the UNS, and (c) ensuring a coordinated UN approach, in accordance with relevant mandates and at the request of Government, to building national capacity to implement human rights and other universal UN norms and standards to which the Government committed itself;
- Advocates fundamental UN values under its Charter;
- Promotes the international development agenda in the context of internationally agreed treaty obligations and development goals, including the MDGs;
- Promotes international human rights standards and principles and advocates for human rights as a common UN value in dialogue with national actors. The RC does not undertake human rights monitoring, investigation or casework;
- [...] is responsible for ensuring that a network of focal points for the implementation of the provision contained in the SG's "Bulletin on special measures for protection from sexual exploitation and sexual abuse" is operational and supporting the development and implementation of a country-level action plan to address the issue.
- Leads the development of a strategic response plan for humanitarian action in-country, ensuring that cross-cutting issues (gender, age, human rights, HIV/AIDS, the environment) and activities in support of early recovery are integrated;
- Advocates with all relevant parties, including non-state actors, for compliance with international humanitarian and human rights law.

Extract from Resident Coordinator job description, UNDP. At: <http://www.undg.org/index.cfm?P=133>

Human rights responsibilities of UN Humanitarian Coordinators

Under the Terms of Reference for the Humanitarian Coordinator, endorsed by the 73rd Inter-Agency Standing Committee Working Group meeting on 31 March 2009, "The HC is guided by international humanitarian and human rights law, and by the humanitarian principles of humanity, neutrality, impartiality and independence", and *inter alia*:

- Ensures that a common strategic vision for humanitarian action in-country is articulated
- [...] integrating cross-cutting issues (for example age, gender, diversity, human rights, HIV/AIDS, and the environment [...])
- Promotes the respect of international humanitarian and human rights law by all parties, including non-state actors, by coordinating the advocacy efforts of relevant organisations and using private and/or public advocacy as appropriate;

See also: Human Rights Guidance Note for Humanitarian Coordinators, IASC, June 2006. At: <http://www2.ohchr.org/english/countries/field/docs/HRguidance-coordinators.pdf>

If Resident and Humanitarian Coordinators can be induced to support the work of HRDs, or contribute to their protection, this will clearly be helpful. They are in a position to influence the national government and can encourage UN officials in all UN agencies to be more sensitive to human rights.

Nevertheless, their capacity to take a lead on human rights issues is in reality often limited. Resident Coordinators may feel they cannot easily highlight very sensitive human rights issues if the local government is resolutely opposed, or they lack the support of UN Headquarters, their own agency, or other UN agencies. In addition, many Coordinators have no background in human rights and do not set them above other UN programme objectives. Influencing UN Resident and Humanitarian Coordinators is a slow process and may not easily bear fruits in the short term. However, it is a valuable strategy in the long term and a well reasoned approach may bring about change. In the short term, HRDs can sometimes achieve their goals by working in other ways, through specific agencies or specific UN officials, or through diplomats or independent institutions.

It is important to separate the institution from the individuals who lead it. In Colombia, where relations with government are particularly brittle and suspicious, human rights defenders blew hot and cold with the UN office because, whenever the head of the office changed, its explicit commitment to human rights concerns changed too. HRDs should separate out their long term institutional relationship with the UN and maintain it – even if, at particular times, they find they can work more easily with certain staff than others.

Former UN official, interview (summarised).

As the quote illustrates, sometimes HRDs may deal with UN officials who they feel do not adequately fulfil their responsibilities. In such cases, especially if support depends on that person, one needs to find ways to work around this. This includes considering whether it is useful to approach another official, or to exert pressure by informing more senior staff or the headquarters. It is also important to bear in mind that such actions may be counterproductive: if needed, it should be done in a measured and factual way and possibly with the support of others.

Advice

- Identify the UN Coordinator and consider his or her mandate and background. Assess his or her commitment to human rights.
- If the Coordinator shows commitment to HR, approach and consult his or her office on the matters that concern you.
- If the Coordinator shows little interest in the HR matter that concerns you, draw his or her attention (in appropriately diplomatic terms) to the Coordinator's terms of reference and Guidance Notes, and to UN commitments towards human rights and HRDs, and ask him or her to act on these grounds on the matter that concerns you.
- If a Coordinator continues to show no interest, decide whether you will continue to lobby him or her, or use other means to achieve your goals.
- Take the above steps in good time, before you have need of assistance.

UN AGENCIES AND HUMAN RIGHTS

It is important to say at the outset that, although human rights have theoretically been mainstreamed throughout the UN (alongside security and development), UN agencies work on a vast range of issues - from climate to conflict, via crime, trade, telecommunications and tourism - and each of the UN's Programmes, Funds and Specialised Agencies has a particular mandate. Viewed from this angle, the UN cannot be categorised as a human rights organisation.

For HRDs this has two consequences. The first is that an HRD should not presume that, because she brings a legitimate human rights concern to the attention of a UN official, that official will consider they have a duty to take action. HRDs should not expect a UN official to take up their issues unless these fall within the mandate of the UN organisation for which the official is working.

In practice, this is a crucial point. Many individual UN officials are personally committed to human rights, and some act energetically to defend human rights and protect human rights defenders. But other UN employees have no human rights mandate; lack a personal commitment to human rights; are reluctant to take initiatives of which their organisation may not approve; or are afraid that the host government will declare them persona non grata and force them to leave if they take up issues that are politically sensitive (and in many countries this is indeed a real risk).



**UNRWA building,
Gaza**

The second consequence is that, when HRDs want help from the UN, it is in their interests to inform themselves about the mandates of different UN agencies, and match their requests to relevant mandates.

Some UN agencies have a general responsibility for human rights. As already noted, the most important is the Office of the UN High Commissioner for Human Rights. For HRDs this is the key UN protection agency. Where the OHCHR is present or has an office, it is likely to be the first and main port of call and its staff can be expected to respond more positively to human rights requests and requests by HRDs. (The OHCHR is discussed separately below.)

Several other agencies have a good record of providing human rights protection in their fields of responsibility but do not have a general human rights mandate. The mandate of UNICEF leads it to protect children and by extension their primary carers (especially women). The UNHCR has a duty to protect refugees. UN Women can act to protect women and women's rights, and so forth. Each of these agencies is likely to be more sympathetic to the need for protection of HRDs whose work falls within its specific mandate.

In sum, HRDs should begin by assuming that (with the exception of the OHCHR, which has a general human rights mandate), UN institutions and their employees are unlikely to take risks on their behalf simply because they have a human rights problem. HRDs will frequently be disappointed if they expect them to do so. At the same time, by engaging with the UN, HRDs can help to legitimise their role and build space for their work.

They should therefore look for allies within the UN: individuals who are willing and motivated to help them, and institutions whose mandate will incline them to take up the HRD's specific concerns. Individual officials and particular agencies can be enormously helpful and creatively supportive in informal as well as formal ways.

In some cases, however, UN agencies may refuse to act even when a situation or case seems to fall within their mandate. While this may be due to the sensitivity of the case or of the environment where they operate, it does illustrate how the implementation on the ground of UN policy objectives may be problematic. To give an example, in 2012 a Pakistani religious leader issued a fatwa that banned women human rights defenders from entering a province. It threatened the women (who travelled unaccompanied) that they would be forcibly married to local men if they disobeyed. Several UN agencies, including those with a specific mandate on women's rights and those leading the UN clusters on protection and on gender based violence, refused to act.

"There were varied experiences of UN Field Presences among HRDs. Some found that [the UN's] distinction between local and international staff undermined its capacity to properly campaign against discrimination while discriminating itself.¹ Others stated that insecurity can shut the UN down when it is needed most. Offices will close when heightened risk is perceived.

The HR mechanisms can be useful, but are often too slow for HRDs at risk. They are also often very inflexible. An international delegate pointed out that there are an array of UN presences (eg in-country teams, UNDP, peace keeping, UNHCR) who deal with HR issues and could be helpful. It is not just OHCHR that can help.

The EU Guidelines were also discussed and suggested as an alternative mechanism for obtaining protection. Some UN agencies were criticized for not engaging with civil society but imposing their own perspectives on their partners. In Burma, the UN came and some changes were made, but when they left, things remained the same.

Good practice was identified with numerous field presences.² Peace keepers were credited with creating a stable environment in Uganda. UN agencies in Indonesia were able to assist HRDs contact other HRDs and assist them in writing reports to the SRSG on HRDs. It was also pointed out that the mere presence of the UN can improve the HR situation without any active engagement.”

Note of a Working Group of Human Rights Defenders, organised by Front line Defenders (September 2011, extract).

UNLOCKING THE POTENTIAL OF THE UN

The UN is a supranational institution created by states. It serves states, which collectively determine its constitution, regulations and priorities, but it is in principle independent of particular states. UN staff are expected not to favour the interests of their country of origin. In important respects, the UN promotes and defends the values that states claim are important to human society: it represents shared ideals and interests, not individual state interests.



José Patrocínio from Angola, at the Dublin Platform 2011.

At the same time, the UN is not a civil society organisation. While the UN recognises the essential contributions that civil society organisations make, and promotes their right to speak and organise both in the UN and in society, the UN does not privilege the values or function of civil society institutions over those of other legitimate bodies.

The UN's moral authority derives from its special position, which also gives it the potential to be helpful to HRDs in unique ways. It can mediate between civil society and the state; can create new relationships between civil society and the state; and can recognise and legitimate civil society activities.

At the same time, the UN's status constrains its freedom to act. It cannot always speak as freely as an independent civil society organisation. It is accountable to states and must follow rules of conduct that states have defined.

HRDs that wish to cooperate effectively with UN institutions understand the importance that UN officials attach to UN rules and doctrine.

The UN has evolved as a rule-based, principle-driven institution because, faced by differences of interest, this is the means that states have found to secure consent to supranational cooperation and intervention. Everything the UN does tends to be sanctioned in terms of agreed rules or principles. (This is particularly true of human rights interventions, which are sensitive both for the UN and states.)

1. Afghanistan
2. West Papua, Indonesia

The emphasis on rules and doctrine has two consequences. The first is bureaucracy. The UN's model of decision-making encourages inertia, slows decision-making, and advantages those who wish to prevent action more than those who want to act.

A second consequence is that, professionally, UN officials are bound to respect the UN's rules and doctrines. Put another way, they need to be able to justify their actions in terms of the UN's mandate and rules, or those of their agency. This is an obstacle to action, but for HRDs it is also an opportunity. If officials can be shown that certain actions are in accordance with UN rules and doctrine, or those of their agency, it is much easier to persuade them to act.

For this reason, it is strongly in the interest of HRDs to frame their requests in terms that take account of UN rules and practice, not only human rights principles. Many UN officials are unfamiliar with human rights. Such people are much more likely to take up a human rights question if they are convinced that action is in accordance with the UN's mandate and rules.

For HRDs, it is therefore worthwhile to familiarise themselves with UN rules, as well as the work of UN institutions in their country, and to frame requests, wherever possible, in terms of actions that UN officials are entitled or have a duty to take.

Useful links

In Larger Freedom, Towards Security, Development and Human Rights for All, Report of the Secretary General of the United Nations, September 2005.

At: <http://www.un.org/largerfreedom/>

UN Declaration on Human Rights Defenders.

At: <http://www2.ohchr.org/english/issues/defenders/declaration.htm>

OFFICE OF THE UN HIGH COMMISSIONER FOR HUMAN RIGHTS

Among the UN agencies, the OHCHR is tasked specifically to promote and protect human rights. Where the OHCHR is represented in a country it is the obvious agency to approach first for support or assistance.

Until the late 1990s, the OHCHR was essentially a headquarters operation, responsible for supporting standard-setting work and the main human rights committees, and the various diplomatic and political discussions of human rights that take place in Geneva. While Mary Robinson was High Commissioner, the OHCHR strengthened its presence in New York, deepened relations with other UN agencies and took the first steps towards developing operational country programmes. The operationalisation of country programmes accelerated in the following years and at the same time OHCHR also opened an increasing number of regional offices.

At the beginning of 2011, OHCHR operated eleven country offices and twelve regional offices. Some 240 international human rights officers were serving in UN peace missions.

UN Photo by Elizabeth Murekio



Navi Pillay, UN High Commissioner for Human Rights, holds a press conference in Juba at the end of an official visit to South Sudan, May 2012.

OHCHR Country Offices (as of May 2012)

Bolivia	Guinea	Togo	Stand-alone Offices
Cambodia	Mauritania	Tunisia	Occupied Palestinian Territories
Colombia	Mexico	Uganda	Kosovo (Serbia)
Guatemala			

The OHCHR cannot unilaterally open offices abroad. Country Offices are established on the basis of an agreement between OHCHR and the host government. Their mandate includes human rights observation, protection, technical cooperation activities and public reporting. OHCHR develops these activities in consultation with the local government, based on an assessment of human rights concerns, the capacity of national and international actors to address them, and the OHCHR's own means. Country offices report annually to the UN High Commissioner for Human Rights. Their reports are presented to the Human Rights Council independently or as part of the High Commissioner's report. It may be useful for HRDs to develop contacts with the OHCHR office in their country and share information about human rights violations, as this information would feed into OHCHR's work and reports.

<http://www.ohchr.org/EN/Countries/Pages/CountryOfficesIndex.aspx>

OHCHR Regional Offices

East Africa (Addis Ababa)	Central Asia (Bishkek)
Southern Africa (Pretoria)	South East Asia (Bangkok)
West Africa (Dakar)	Pacific (Suva)
Central Africa (Yaoundé)	Central America (Panama City)
Middle East (Beirut)	Latin America (Santiago de Chile)
South-West Asia and the Arab Region (Doha)	Europe (Brussels)

OHCHR regional offices are established on the basis of an agreement between OHCHR and the host country, following consultations with countries of the region. Regional offices focus on cross-cutting regional human rights concerns and, at national level, support follow-up with respect to treaty bodies, special procedures and the Universal Periodic Review (UPR). They work closely with regional and sub-regional inter-governmental organizations. They support human rights country presences by providing information on institutional and thematic issues. They report to the UN High Commissioner on Human Rights and, via her annual report, to the Human Rights Council.

<http://www.ohchr.org/EN/Countries/Pages/RegionalOfficesIndex.aspx>

Human Rights Advisers

Chad	Madagascar	Russia	Tajikistan
Ecuador	Moldova	Rwanda	Ukraine
Great Lakes (Bujumbura)	Niger	Serbia	FYR Macedonia
Honduras	Papua New Guinea	S. Caucasus (Tbilisi)	
Kenya	Paraguay	Sri Lanka	

<http://www.ohchr.org/EN/Countries/Pages/HumanRightsAdvisorsIndex.aspx>

Human Rights Advisers are deployed to support UN Country Teams at the request of UN Resident Coordinators. They follow up and analyse the human rights situation in the country in which they serve. They advise the Coordinator and Country Team on strategies to build or strengthen the capacity of the country's institutions to promote and protect human rights. They engage with governments and civil society on how to promote and implement human rights standards.

<http://www.ohchr.org/EN/Countries/Pages/WorkInField.aspx>

<http://www.ohchr.org/EN/Countries/Pages/HumanRightsAdvisorsIndex.aspx>

Human Rights Components of UN Peace Missions

Afghanistan	Democratic Republic of the Congo	Lybia
Burundi	Guinea Bissau	Sierra Leone
Central African Republic	Haiti	Somalia
Côte d'Ivoire	Iraq	South Sudan
Darfur (Sudan)	Liberia	Timor-Leste

Human rights components of UN peace missions monitor, document, investigate and report on the human rights situation; ensure that peace processes promote justice and equity; prevent and redress violations of human rights; build human rights capacity and strengthen institutions; and mainstream human rights into all UN programmes and activities. Working closely with the UN Department of Peacekeeping Operations (DPKO), the Department of Political Affairs (DPA) and other actors, OHCHR assists them by providing expert advice, technical assistance and functional support. OHCHR also participates in inter-departmental technical assessment missions to design and establish peace operations. Human rights components report both to the head of the peace mission and to the UN High Commissioner for Human Rights.

<http://www.ohchr.org/EN/Countries/Pages/PeaceMissionsIndex.aspx>

Looking forward, it is unlikely that the OHCHR will simply multiply the number of country offices. This would be too expensive and not all countries need OHCHR country offices, which are most effective when they meet a temporary need for protection or capacity building that cannot be provided immediately by national institutions. In the longer term the UN's strategy for strengthening human rights promotion and protection is likely to focus on developing regional and sub-regional offices that can support (and be supported by) strong networks of national official and civil society human rights organisations in the countries they serve.



Sonja Biserko,
President of the
Helsinki
Committee for
Human Rights in
Serbia.

society actors, and that OHCHR field presences engage on the ground with HRDs, to protect them and advance their work in support of human rights.

Besides its field presences, a number of functions are carried out and managed from OHCHR Headquarters in Geneva. This includes a range of international UN human rights procedures such as treaty bodies, special rapporteurs, and the Universal Periodic Review.

OHCHR has a general mandate to protect and promote human rights and its staff have committed themselves to support and assist HRDs and give recognition to civil society actors more generally. The OHCHR is therefore the natural partner of HRDs wherever it has a presence, and can be expected to respond to appeals for support on human rights matters or matters of protection.

At the same time, the OHCHR is still a UN agency, subject to the UN's rules and the UN's mandate.

HRDs should therefore take into account the rules of thumb that they apply when they deal with UN agencies, even if OHCHR staff are far more likely, because of OHCHR's mandate, to be expert in human rights and to respond positively to requests for human rights support and action.

At the same time, because of the OHCHR's human rights mandate, HRDs can reasonably press OHCHR staff to be proactive in defence of human rights: they are entitled, on the basis of the OHCHR's own commitments, to demand that staff cooperate with civil



**Irish UN Peacekeeper,
Lieutenant Colonel Conor
Burke, Western Sahara.**

Links

For the commitment to HRDs of the Office of the UN High Commissioner for Human Rights, see: Human Rights Defenders – Protecting the Right to Defend Human Rights, OHCHR Fact Sheet 29.

At: www.ohchr.org/Documents/Publications/FactSheet29en.pdf

For a diagram of OHCHR's organisation, see OHCHR Management Plan 2012-2013, page 111, at: <http://www.ohchr.org/Documents/Publications/OMP2012-13.pdf>

"In my case, four Ambassadors met me urgently to take action on the arrest of a colleague. Such action is very valuable. They acted quickly and efficiently. The OHCHR also telephoned to give its support. Other UN offices are not active: they are complicit with state officials."

Human Rights Defender, The Gambia

PART TWO

WHAT UN AGENCIES CAN DO FOR YOU

“Our experience in the field proves that attacks against human rights defenders can effectively be reduced through consistent monitoring and reporting; participation in protection mechanisms; tight links with national institutions and national mechanisms ... as well as with organized response of civil society actors; and advocacy both at national and international level (also in partnership with other international actors, such as the international media, diplomatic communities or other regional organizations), wherever appropriate.”

Anders Kompass, Director of Field Operations and Technical Cooperation, Office of the UN High Commissioner for Human Rights. (London 29 April 2009.)



Alberto Brunori, Representative of the UN High Commissioner for Human Rights in Guatemala with Mary Lawlor, Director of Front Line Defenders and Yuri Melini, Director of CALAS (Legal, Environmental and Social Action Centre of Guatemala), June 2012. Mr Brunori asked for state protection for Yolanda Oqueli, a woman human rights defender and community leader who had been shot. He visited her in hospital, and sent a team to visit the area.

WORKING WITH UN AGENCIES IN YOUR COUNTRY

In this Part, we look at what UN agencies in general, and the OHCHR in particular, can do practically to advance your work and protect you.

This section headlines some of the ways in which you can expect to cooperate usefully with UN agencies in your country. It must be remembered that both HRDs and UN agencies operate in a wide range of contexts. In some countries, UN agencies have considerable freedom of manoeuvre, in others they do not. This depends, for example, on the size of the UN presence, its specific mandate, and the

political context. In some countries HRDs are free to cooperate with the UN while in others it is dangerous to do so, and sometimes this varies over time: in Kenya, a number of HRDs were targeted for providing information on police abuses and post election violence to a visiting UN Special Rapporteur and to ICC investigators. The advice below must therefore be assessed in context. Only you can judge what is appropriate and useful for your protection and your work.

Create diplomatic space

UN agencies do many kinds of things, from research to programming and peace-keeping, but the UN's deepest roots are diplomatic. First and foremost, it negotiates, accommodates, advises, and creates space for cooperation. The UN's commitments to human rights may clash somewhat with its older diplomatic traditions.

This is one reason why, because they have a human rights mandate, agencies like OHCHR are likely to provide explicit support to human

rights and HRDs, whereas agencies like UNDP are less likely to do so because their mandate and institutional tradition are different.

At the same time, the UN's diplomatic functions and the diplomatic skills of UN staff can be helpful to HRDs – and in a number of ways, since good diplomacy is all about bringing creative and flexible thinking to bear on differences of interest and principle. To illustrate, UN officials can:

- Raise human rights issues, including cases of detention of a human rights defender, formally or informally with the host government, and do so persistently.
- Convene the diplomatic corps to discuss a sensitive issue, or draw attention to problems that HRDs are facing.
- Issue statements on matters of human rights concern.
- Involve senior staff in public or private *démarches* (diplomatic speak for representations). A government will attach more importance to a human rights issue, for example, if it is taken up by the Resident Coordinator or a senior UN official from headquarters.
- Invite government to include HRDs in joint human rights fact-finding missions, or make NGO participation a condition of their own presence on such missions.
- Mediate when differences between civil society and government become acute, using a range of means to encourage contact, increase trust, or improve respect for international norms.

Successful UN intervention relies on persuasion and consent rather than any form of enforcement. In general, UN agencies do not employ or enjoy forceful leverage.

OHCHR in Mexico

In 2009, the OHCHR country office in Mexico released a report on the situation of human rights defenders. It was a welcome initiative that strengthened the legitimacy of human rights defenders' work and their demand for protection. One of the recommendations addressed to the government concerned the creation of a protection mechanism for HRDs at risk. Three years later, in 2012, the Mexican parliament passed a new law which established a mechanism. While this was the result of the combined efforts of a number of actors -first and foremost local civil society- the OHCHR's stance contributed to this development.



Margaret Sekaggya, UN Special Rapporteur on Human Rights Defenders in Honduras calling for creation of a protection mechanism for human rights defenders, February 2012.

Give recognition

In many countries, HRDs and those they defend are ignored, marginalised or vilified by the media or the authorities. This impedes the ability of HRDs to defend rights, and puts them at greater risk. One of the most useful services that UN officials (and other diplomats) can provide is to recognise HRDs – show publicly that they merit respect and should be given attention. This, however, should always be done with the agreement of the HRD concerned, who will assess the risks involved. For example, UN officials can:

- Visit HRDs in their homes and offices.
- Visit HRDs in detention (or formally ask to visit).
- Encourage HRDs to visit them in their offices, and meet them visibly when they do so.
- Hold regular formal or informal meetings with HRDs and other civil society organisations, including those at risk of harassment, to share information about human rights.
- Name HRDs and other civil society organisations as reliable information sources in speeches, public statements and dialogues with government.
- Create opportunities for HRDs at risk to meet senior UN officials who visit from abroad.
- Keep their headquarters informed about the work that HRDs are doing, and their exposure to risk, publicly or privately.

“United Nations Agencies often invite us when they organise public events, and this gives us visibility and recognises our work. They also contact us sometimes to draw on our knowledge about the governance situation and human rights, and ask for suggestions about how governance can be improved. They include human rights in some of their reports and communications.”

Human Rights Defender, Burundi.

Security is one reason why it is important to create relationships with UN staff before emergency help is needed. Where there is good understanding and trust, it is likely that security risks can be managed more successfully. HRDs should adopt a proactive approach: do not wait for UN officials to contact you.

HRDs should also be explicit and specific about their security risks. Say clearly what security risks you are willing and not willing to take. Do not presume that UN officials will understand your risks without being told.

Increase your access

Several of the initiatives mentioned above increase the access of HRDs to the authorities or to other organisations that can potentially support or assist them. Increasing access for HRDs who are marginalised or held in suspicion is one of the most important contributions that UN officials can make. It is of particular value because of the “supranational” character of the UN and its capacity to act as a politically disinterested party. UN officials can bring HRDs into contact with a variety of individuals and organisations: national politicians, officials or parliamentarians, National Human Rights Institutions, international NGOs, diplomats, senior visiting UN officials, UN officials from sister agencies, etc.

They can increase access by a variety of means:

- Invite HRDs to informal or formal meetings which government officials and other parties attend.
- Invite HRDs to participate in informal or formal consultations (or social events) with UN and diplomatic missions.
- Ensure that senior visiting UN officials meet HRDs.
- Introduce HRDs to international NGOs and other relevant organisations, such as national human rights commissions.

The OHCHR can make a specific additional contribution. It has a mandate to monitor human rights, collect information on violations of rights, and report and analyse violations of rights. Facts on the ground are often contested and it is extremely important, if respect for human rights is to improve, to create as much agreement as possible on the facts of violations. In this context, the OHCHR can play a very constructive role by associating HRDs with fact-finding missions and human rights policy discussions, as full participants or experts.

Provide Advice

UN officials can often provide advice and information - about international standards, the procedures of international institutions and human rights mechanisms, the content of specific human rights, other forms of legal advice. More directly, they may be able to witness trials, or give evidence. When HRDs are in need of protection, UN officials may be able to advise them about their options even when the officials involved, or the UN itself, are not able to provide direct assistance.

“OHCHR staff advised us about preparing our second report for the UPR. They made themselves available, explained the procedure and advised us on some questions of drafting.”

Human rights organisation, Ecuador. (Interview, summarised.)

At the same time, it should be noted that the advice UN officials provide on local matters may rely on information provided by local UN staff or other local sources. If these are not independent or are themselves badly informed, this can create new risks for HRDs.

Cooperate on programmes

UN agencies run a wide variety of programmes, and in many cases they find it useful to cooperate with NGOs, or are ready to support NGO projects that complement their own objectives. Such cooperation can bring many advantages:

- Recognition
- Increased access
- Opportunities to learn
- Increased capacity
- Greater credibility
- The possibility to communicate with a wider audience
- Possibly physical protection

Cooperate on policy reflection and research

The UN is also frequently involved in policy reflection and analysis, independently or in association with government. NGOs and HRDs can contribute to this work by providing information, contributing expertise, or assisting with analysis. The benefits of such cooperation are similar to those listed under the previous point.

Such cooperation may also create opportunities to strengthen the protection of human rights defenders, for example when policy initiatives examine freedom of expression, association or assembly, anti-terrorism legislation, witness protection programmes, etc.

The benefits to HRDs of associating themselves with human rights monitoring have been mentioned. The involvement of HRDs in monitoring visits, alongside the UN (notably OHCHR) and government, can enable issues to be addressed in a more objective as well as safer manner. This was done successfully in Colombia, for example, where the UN encouraged the participation of HRDs in human rights missions. As a result, missions were able to analyse contested events in a rigorous and credible manner. Such exercises may also increase levels of trust between those involved.

Funding

The UN is not primarily a funding organisation, but it disburses large budgets and in many of its programmes it makes secondary payments to partners.

While funding opportunities do occur in the context of cooperation, in most instances UN agencies will not fund the work of HRDs, or will only be able to fund those aspects of HRDs' work that correspond to the UN agency's goals. This can be frustrating for human rights defenders' organisations.

"Every time we present a project to funders, they pay no attention to items on security or even our salaries or the salaries of staff... Funders in the UN system don't want to work directly with local NGOs... They seem well-meaning but don't address the real needs of victims or beneficiaries, and always follow a funder's logic."

Human Rights Defender, Uvira, DRC

Problems that can arise when UN funding is accepted are similar to those associated with funding from other international donors: inappropriate emphasis on calculable impact, onerous reporting requirements, slow disbursement, etc.

Training

UN agencies provide many training courses, to increase understanding of their mandate and to improve operational delivery of services. Much of this training is available to civil society organisations. Training can be very helpful to HRDs, not just by increasing their knowledge and proficiency, but by bringing them into contact with UN staff.

HRDs may find it appropriate to coordinate requests and lobby for the provision of relevant training.

"It's time that the activities of UN agencies were really benefiting the downtrodden. And not ending up with government agencies, with millions of dollars being given to them and nothing to show for it... [but] The training given to me by UNICEF had a big impact; it really increased my knowledge and capacity and resulted in a big improvement in my work."

Human Rights Defender, Nigeria

Personal protection

UN agencies are not generally organised to provide direct physical protection to HRDs who are at risk of persecution. However, they can assist and facilitate protection in several ways. UN staff can intercede diplomatically on behalf of individuals who are at risk or have been detained. UN and diplomatic "recognition" may also provide some protection.

In general, the UN has neither the staff nor the resources to protect individuals physically, and its mandate as an independent supra-governmental institution does not give it effective authority to shield individuals from government actions (or oblige governments to protect their citizens from abuse by third parties). This said, the mandates of several UN agencies call on them to protect people who are at risk. As we have seen, UNICEF is required to protect children, while the ILO focuses on employees and workers and UNHCR on refugees and people who are forcibly displaced, etc. In broad terms, these organisations are called to intercede on behalf of individuals and groups of people who fall within their mandate, and in certain conditions they can and do provide protection and material assistance.

UN agencies can also intercede on behalf of HRDs who work to protect people who fall within their mandate. As emphasised earlier, however, whether they actually do so

will often depend on the degree to which an HRD is known to staff of the agency in question, and on the commitment and willingness of the UN officials involved to take risks.

OHCHR's mandate requires it to act in support of people who suffer human rights violations, and it covers human rights defenders and civil society actors who are targeted because of their work. OHCHR field presences will therefore be more likely to intervene in cases of human rights defenders who are attacked or threatened. While they cannot always investigate cases, OHCHR staff can document the facts, interview the HRD who is being targeted, liaise with the police, raise the case with the relevant political authorities, express concern publicly, and inform headquarters.

The UN in the Democratic Republic of Congo

Although rare, certain UN missions may be explicitly mandated to protect human rights defenders. This is true in the case of the UN Stabilization Mission in the Democratic Republic of Congo (MONUSCO). MONUSCO's HRD protection mandate is a good example of what concerted civil society action can achieve. Originally the mission was not specifically mandated to provide protection to HRDs. Its mandate was amended in late 2009 following local and international civil society lobbying of the UN.

While its work remains very challenging and its effectiveness questionable (see edited interview below), MONUSCO deploys protection officers in several areas of the country. They can intervene to protect HRDs at risk by, for example, documenting the facts, raising the case with the authorities, or assisting the HRDs concerned to travel to a safer area and facilitate their temporary relocation.

OHCHR in Guatemala

In June 2012, a woman human rights defender was shot on her way back home from a demonstration against a mine affecting the local community. The head of the OHCHR visited her in hospital, sent a team to visit the area, and raised the case with the authorities asking for state protection.

"When we think about protection for human rights defenders, we often see it simply as a security issue. We hardly understand the human side of it; the pain, helplessness, anger and frustration of those who are constantly attacked or criminalized for the sole reason of defending human rights. When I arrived at the Emergency Room of a hospital in the capital and saw Yolanda on a stretcher, amid dozens of people, it was clear to me that it is during those moments that the accompaniment of the Office is indispensable. We must not forget that behind a defender is a person, and if we continue to have hope of a world that respects human rights, that person must be protected."

Alberto Brunori, Representative of OHCHR/Guatemala

The experience of HRDs is certainly not always positive. In certain cases, HRDs feel strongly that UN officials or peace-keeping forces have failed in their duty to local people, either because their mandate is unbalanced, or because their behaviour is offensive or unhelpful to people who need protection.



UN plane, DRC

"In Ivory Coast, UNOCI presented some difficulties for us, because its mandate did not allow it to protect HRDs, only politicians."

Human Rights Defender, Ivory Coast

"MONUC, they only work for the interests of others, not for our wellbeing. It is like being colonised [...]. A colleague was attacked at night and cut and shot. She was assaulted for five hours. I called and called but they would not come out. They came only at nine o'clock in the morning to prepare a report. And by then she was in a coma. Fortunately she had insurance and we could airlift her to Uganda for treatment and then for more treatment in South Africa. [...]"

They have been stoned by the people because women have been raped yards outside the perimeter fence of their encampments and they have done nothing. Armoured vehicles have been burned by the people.

The soldiers come from non-democratic countries, and they do not have a democratic culture. They have said things that are very painful for us to hear, that they are in the country to do a job, for employment. When we call they never reply. They do not answer. They criticise us for being unprofessional, but they only take action when they are told to by Geneva or New York."

Human Rights Defender, Democratic Republic of the Congo. (Interview, edited.)

In many cases, UN officials have assisted HRDs who are in danger by putting them in touch with organisations that are equipped to protect them or can organise their temporary or long term relocation abroad. Less frequently, UN agencies other than OHCHR have acted to protect HRDs directly, perhaps because the individuals in question have been employed by the agency concerned or have another form of direct tie.

I can think of many cases. For example, at a recent UN-sponsored training in Iraq, a trainee was picked up. The UN very swiftly sent a team to make inquiries and secured his release. In another instance, staff in Afghanistan arranged for a human rights officer threatened by the Taliban to have a one year training in Britain to keep him alive. Again, during the conflict in Sierra Leone, [UN staff] secured a deferral of execution for several tens of civilian prisoners by encouraging lawyers to start a case in Geneva. Military in the group were shot, but the civilians survived. (They were able to escape during a subsequent coup.)

Former UN official. (Interview, summarised)

OHCHR in Nepal: a one-off experience?

The OHCHR office in Nepal was set up in 2005 at the time of a profound political crisis, against a backdrop of intense targeting of HRDs and widespread human rights and humanitarian law violations. OHCHR staff observed protests to report and address violations; helped civil society organisations to set up a monitoring system; helped trace disappeared HRDs by visiting detention centres; assisted NGOs to produce and implement a protection plan, including in remote areas. At times, UN personnel visibly remained in the building hosting the offices of NGOs to discourage raids by security forces.

However, the office in Nepal was OHCHR's largest presence anywhere. The activities described above were possible because the programme had a large and qualified staff and budget. The same means are not available in most of the countries where OHCHR is now present. The office ceased its activities in December 2011, following the non extension of its mandate by the Government of Nepal.

Other allies

It is in the best interests of HRDs to develop a proactive strategy that builds relationships with the widest possible range of allies. Rather than relying solely on the limited protection that the UN can offer, HRDs should assess all the organisations in their country that are in a position to offer protection or support, and create ties with as many of them as possible. They include other local or national human rights NGOs, international human rights NGOs, national human rights institutions, legal bodies (such as the law society), diplomatic missions, parliamentarians and parliamentary bodies, and the media.

"Following the murder of Munir, Hina Jilani [then the UN Secretary's General's Special Representative on Human Rights Defenders] was very supportive. Many European MPs also took up his case as did over 70 US Members of the U.S. Congress. We knew that if international pressure on Munir's case drops away, the Government will never pursue the case."

Human Rights Defender, Indonesia



Former UN Special Representative of the Secretary General on Human Rights Defenders, Hina Jilani at a Front Line Defenders seminar in Norway, 2010.

An inclusive approach enables HRDs to avoid being over-reliant on one source of protection, and also makes it much more likely that they will be able to work to the strengths rather than weaknesses of the UN and its agencies. The latter are well-placed to assist in some of the ways listed in this chapter, but are ill-equipped to do many of the things that international human rights NGOs, legal assistance organisations and diplomatic missions can do well.

HRDs outside the capital

An inclusive networking strategy is particularly necessary for HRDs who are distant from the capital and therefore have fewer opportunities to meet and build relationships with UN agency staff or other potential allies. In some countries (generally ones that are large or in humanitarian crisis), UN agencies have regional and local offices, and these offer HRDs valuable points of contact. Even in these cases, however, provincial and rural HRDs will be relatively isolated and exposed to particular risks. They are even more so in the majority of countries, where all missions and UN offices are located in the capital.

There appear to be no easy answers to this problem. Provincial and rural HRDs need to be particularly careful that they do not unwittingly put themselves at greater risk by assuming too readily that association with powerful external organisations will protect them, especially when their presence is temporary. In this regard they should consider the degree to which they may increase the risks they face or expose themselves to reprisals if, for example, they make contact with senior UN officials or Special Rapporteurs who visit their area. If this is the case, precautions must be put in place beforehand.

The most robust protection strategy is one that also includes building links with other HRDs and institutions who can swiftly raise the alarm on behalf of regional HRDs whose safety is threatened. As noted earlier, the resources, staff and mandate of UN agencies do not enable them to protect most HRDs physically. To make good use of what the UN can offer, complementary interventions and advocacy by other actors is essential.

In summary, there are significant limits to the protection and support that HRDs at risk can expect from the UN. As we have pointed out, UN agencies must take account of a range of constraints that reflect their mandate and character as well as institutional weaknesses.

At the same time, some agencies such as the OHCHR and UNHCR have a positive duty to engage with human rights issues and support the legitimate work of HRDs – and informally the possibilities of cooperation and assistance are almost limitless. In this regard, the UN can be an indispensable ally to HRDs.

In the next chapter, we look briefly at some of the international UN mechanisms, which are better known and tend to have a public character. These too can sometimes assist HRDs to advance their work or protect themselves.

USING THE UN'S REGIONAL AND GLOBAL PROCEDURES

A number of the UN's international investigative and legal procedures offer HRDs and those they defend a means to report or complain about human rights violations. These procedures are familiar to many HRDs and have frequently been described. Since this report focuses on cooperation at national level, it merely provides references to regional and global procedures, so that HRDs can access information they want.

In most instances, the capacity of international mechanisms to provide timely and effective protection should not be overestimated. They are valuable tools which can be helpful, but they cannot replace efforts made locally to strengthen human rights advocacy and protection.

The Human Rights Treaty Bodies

Nine expert committees monitor implementation of the principal international human rights conventions. The committees review and comment on the reports that member states submit periodically on their implementation of each treaty. Civil society organizations have opportunities (formally and informally) to contribute to these hearings.

Further information about the nine Human Rights Treaty Bodies

<http://www2.ohchr.org/english/bodies/treaty/index.htm>

Some (but not all) Committees are entitled to receive and investigate individual complaints concerning violations of the Treaty in question.

HRC	Yes
CESCR	Optional protocol permitting complaints in course of ratification.
CEDAW	Yes
CERD	Yes
CAT	Yes
CRC	No (other committees may receive complaints with regard to children)
CMW	A complaints procedure is pending subject to ratification.
CRPD	Yes
CED	New, pending ratification.

Special Rapporteurs

Some 37 Special Rapporteurs, Special Representatives and Independent Experts have been appointed to monitor human rights themes or the human rights situation in a country. Special Rapporteurs take up with states individual cases of human rights violations, issue reports, and make country visits (officially at the invitation of governments and sometimes informally at the invitation of other actors).

Special Rapporteurs play a particularly important role in the UN system because they are independent and also travel to investigate and prepare reports. This means that they are in a position to respond to issues that HRDs raise, and frequently do so. In addition, some SRs play an important protective function. This is obviously a core responsibility of the Special Rapporteur on Human Rights Defenders and the Special Rapporteur on freedom of peaceful assembly and of association. Several other mandates are also relevant, including the SRs on freedom of expression, on extra-judicial executions, on torture, on children, and on violence against women. Country rapporteurs can act to protect in a similar way.

“When we received death threats, three UN Rapporteurs jointly intervened and as a result the State provided us with security.”

Human Rights Defender, India

This said, it is important to remember that Special Rapporteurs are unsalaried experts who have no powers of enforcement. While SRs can analyse and draw attention to human rights violations and cases of persecution, they cannot make official investigative visits without the approval of the state involved, and their recommendations can be ignored by states. They are not able to provide guarantees of protection to those whose cases they take up.

Special Rapporteurs receive administrative support from the OHCHR. Desk officers welcome information relevant to the mandate they cover. An official country visit may only be made with the consent of the state in question, but civil society organisations can invite a Special Rapporteur to visit the country unofficially, for example to participate in a conference or seminar. Unofficial visits do not require the consent of the state, and they too can be helpful.

SR on human rights defenders: **defenders@ohchr.org**

SR on freedom of peaceful assembly and of association: **freeassembly@ohchr.org**

Further information about thematic mandates:

<http://www2.ohchr.org/english/bodies/chr/special/themes.htm>

Further information about country mandates:

<http://www2.ohchr.org/english/bodies/chr/special/countries.htm>



Maina Kiai, UN Special Rapporteur on the Rights to Freedom of Peaceful Assembly and of Association, with Venerable Luon Sovath, Cambodia at the Dublin Platform 2011.

Universal Periodic Review

Created in 2005 when the Human Rights Council succeeded the Human Rights Commission, the Universal Periodic Review process requires each government to report every four years on what it has done, and plans to do, to promote and protect human rights. HRDs are entitled to contribute information to one of the two background papers which the OHCHR prepares for each country hearing. The promises that governments make at their hearings also provide civil society with a monitoring and advocacy agenda that is sanctioned by a UN process.

For more on the UPR and how to contribute to it:

<http://www.ohchr.org/EN/HRBodies/UPR/Pages/UPRMain.aspx>

Reprisals

The issue of reprisals against persons cooperating with UN human rights mechanisms has received increased attention since 2006. OHCHR now gathers information on such cases, i.e. individuals, including human rights defenders, who are targeted because of their engagement with the UN. This includes, for example, sending information on human rights violations or requesting the intervention of a Special Rapporteur.

Based on the information gathered by OHCHR, the Secretary-General reports annually to the Human Rights Council. While no enforcement mechanism exists, it is important to inform OHCHR of such cases for inclusion in the annual report, as they constitute a violation of states' obligation to cooperate with the UN system and may generate public discussion at the Council. (At: reprisals@ohchr.org)



UN photo by United Nations Information Centre

High Commissioner for Human Rights

The High Commissioner for Human Rights is the head of OHCHR and leads an office of several hundreds of officials. While opportunities for action with OHCHR Headquarters are highlighted below, it is important to mention specific opportunities related to the High Commissioner due to her high profile as the most senior UN human rights official. The High Commissioner routinely makes statements and issues press releases that serve to highlight human rights issues or situations of concern in specific countries, including the situation of human rights defenders. In this regard, it is important to share information on serious violations against HRDs to the OHCHR country office, if present, or OHCHR desk officers.

Margaret Sekaggya, UN Special Rapporteur on Human Rights Defenders, on mission to India, January 2011.

If the High Commissioner or other senior staff are visiting your country, they are usually willing to meet HRDs and keen to be informed more deeply about the human rights situation. This too can be an opportunity to open or improve national and international lines of communication, or raise specific issues. It is also a way to demonstrate the legitimacy of HRDs.

OHCHR Headquarters

Geneva is of course distant. Because it is visible, however, many HRDs feel that OHCHR's headquarters office is more accessible to them than its regional offices. The experience of most HRDs is that the OHCHR does not respond swiftly or effectively to their demands for assistance: nevertheless, because it operates like a human rights hub with vertical and horizontal connections throughout the UN, OHCHR offers opportunities for action that are worth bearing in mind. Several are mentioned below.



- An OHCHR official in Geneva is tasked with monitoring the human rights situation in each country. If a problem occurs and local communications with the UN breaks down, it may help to inform the country officer in Geneva and perhaps

United Nations, Geneva

request him or her to seek clarification or action from relevant UN colleagues on the ground. At the least, this ensures that headquarters is informed.

- Alternatively, it may help to ask relevant officials in the country to inform Geneva about a problem, and then ask international NGOs or Missions with representation in Geneva to follow the issue up. This can raise the profile of an issue, and may lead to action.
- The OHCHR has specialist staff in Geneva, and in its regional and country offices, and runs a rapid response unit which can swiftly deploy staff in emergencies. In serious situations, it may be possible to invite the OHCHR to initiate an investigative visit, or take steps to research the human rights situation more deeply.
- OHCHR Civil Society Section is mandated to strengthen civil society engagement with the UN human rights mechanisms. The section is a good entry point into the UN system, and can provide information on relevant UN meetings, country visits by the High Commissioner or Special Rapporteurs, and other opportunities for engagement. (At: civilsociety@ohchr.org)
- In certain circumstances, the OHCHR liaison office for National Human Rights Institutions can also raise issues or serve to improve the links between civil society and national institutions. A link with the liaison office is likely to be most useful if the national human rights institution in your country is capable (and cooperates well with civil society) or is particularly poor. (At: <http://www.ohchr.org/EN/Countries/NHRI/Pages/NHRIMain.aspx>)
- In appropriate cases, a diplomatic mission may agree to raise specific issues in the Human Rights Council through their diplomatic office in Geneva. International human rights NGOs, or national NGOs that attend the Human Rights Council, may agree to do the same.

For further information about the OHCHR:

<http://www.ohchr.org/EN/Pages/WelcomePage.aspx>

Rapid Response to Emerging Human Rights Crises

OHCHR's Rapid Response Unit deploys teams to the field to conduct or support fact-finding missions and commissions of inquiry that investigate serious allegations of human rights abuses. Since its inception in 2006, the Unit has conducted or coordinated fact finding or assessment missions, or commissions of inquiry, in Bolivia, Guinea, Kenya, Lebanon, Liberia, Madagascar, the Occupied Palestinian Territories, Sierra Leone, Somalia, Sudan, Timor-Leste, Togo, and Western Sahara.

<http://www.ohchr.org/EN/Countries/Pages/WorkInField.aspx>

Other UN agencies

HRDs may find it is effective to take similar kinds of initiative with the headquarters of other UN agencies, though to be successful it is likely that these would need to match the agency's particular mandate or to concern individuals who are already well-known to headquarters staff. As with the OHCHR, HRDs should not presume that UN agencies will be responsive or proactive in relation to issues they raise but, where the circumstances are right, they may be able to offer support.



For more information:

- International Labour Organization (ILO) www.ilo.org/
- World Health Organization (WHO) www.who.int/
- UN High Commissioner For Refugees (UNHCR) www.unhcr.org
- UN International Children's Fund (UNICEF) www.unicef.org
- UN Women www.unwomen.org
- UN Development Programme (UNDP) www.undp.org
- Food & Agriculture Organization of the UN (FAO) (Rome) www.fao.org
- UN Centre for Human Settlements (Habitat) (Nairobi) www.unhabitat.org
- UN Environment Programme (Unep) (Nairobi) www.unep.org
- UN Office on Drugs and Crime (UNODC) (Vienna) www.unodc.org

Women trade unionists demonstrating in Rabat, Morocco, to prevent a factory owner removing machinery from the factory. The factory was being shut down and production moved to another factory where there was no trade union. (2008).

Regional Bodies

States have formed several regional bodies that have a specific responsibility to discuss, protect and promote human rights. They are not UN institutions and are not the subject of this report. However, they have developed forums that link up with UN processes and have mechanisms that can provide support and protection to HRDs and those with whom they work.

For further information about the principal regional bodies, see:

African Commission on Human and Peoples' Rights www.achpr.org/

Inter-American Commission on Human Rights www.oas.org/en/iachr/

Commissioner of Human Rights
of the Council of Europe: www.coe.int/t/commissioner/default_en.asp

Asian states have recently created a regional inter-governmental human rights body, which is still in the process of defining its objectives and practice. Information about the ASEAN Intergovernmental Commission on Human Rights may be obtained at:

. www.aseansec.org/publications/TOR-of-AICHR.pdf



**Reine Alapini-Gansou,
Special Rapporteur on
Human Rights Defenders
in Africa, at the Dublin
Platform 2011.**

CHECKLIST: POINTERS FOR HRDS FOR ENGAGING UN FIELD PRESENCES

In addition to the general *Ten Rules of Thumb* listed at the beginning of this publication, the following are additional pointers which may be useful when engaging with the UN:

- When seeking assistance, provide complete, credible, detailed, and up-to-date information. Otherwise it may be more likely that the request for support is turned down.
- Have contact information of relevant UN officials (mobile phone numbers, etc.) with you at all times; provide your contact information to them.
- Collaborate with international human rights organisations in relation to your work and your own situation. If you are not already known to UN officials, they may be more likely to take action in relation to issues and cases that international human rights organisations bring to their attention. Give a personal reference of an international organisation you work with.
- Understand the UN structures and processes so that you know how and when you should lobby for attention for your situation or the situation of local HRDs, including for example in connection to visits by senior UN officials or Special Rapporteurs.

SUMMARY OF KEY UN DOCUMENTS

Strategic Management Plans and Annual Reports:

<http://ohchr.org/EN/PublicationsResources/Pages/AnnualReportAppeal.aspx>

Civil Society Handbook:

http://ohchr.org/EN/AboutUs/CivilSociety/Documents/Handbook_en.pdf

Guiding Principles for Human Rights Field Officers Working in Conflict and Post Conflict Environments:

<http://reliefweb.int/sites/reliefweb.int/files/resources/7827EC3BF46AB9FAC125749600687EE5-Guiding%20Principles.pdf>

Guidance to Resident Coordinators: <http://www.undg.org/index.cfm?P=133>

Human Rights Guidance Note for Humanitarian Coordinators, IASC, June 2006:

<http://www2.ohchr.org/english/countries/field/docs/HRguidance-coordinators.pdf>

UN Declaration on Human Rights Defenders:

<http://www.ohchr.org/EN/Issues/SRHRDefenders/Pages/Declaration.aspx>

Commentary to the Declaration on Human Rights Defenders:

<http://www.ohchr.org/EN/Issues/SRHRDefenders/Pages/CommentarytotheDeclarationonHumanRightsDefenders.aspx>

OHCHR - HRDs: protecting the Right to Defend Human Rights, Fact Sheet 29:

<http://www.ohchr.org/Documents/Publications/FactSheet29en.pdf>

Other links and documents

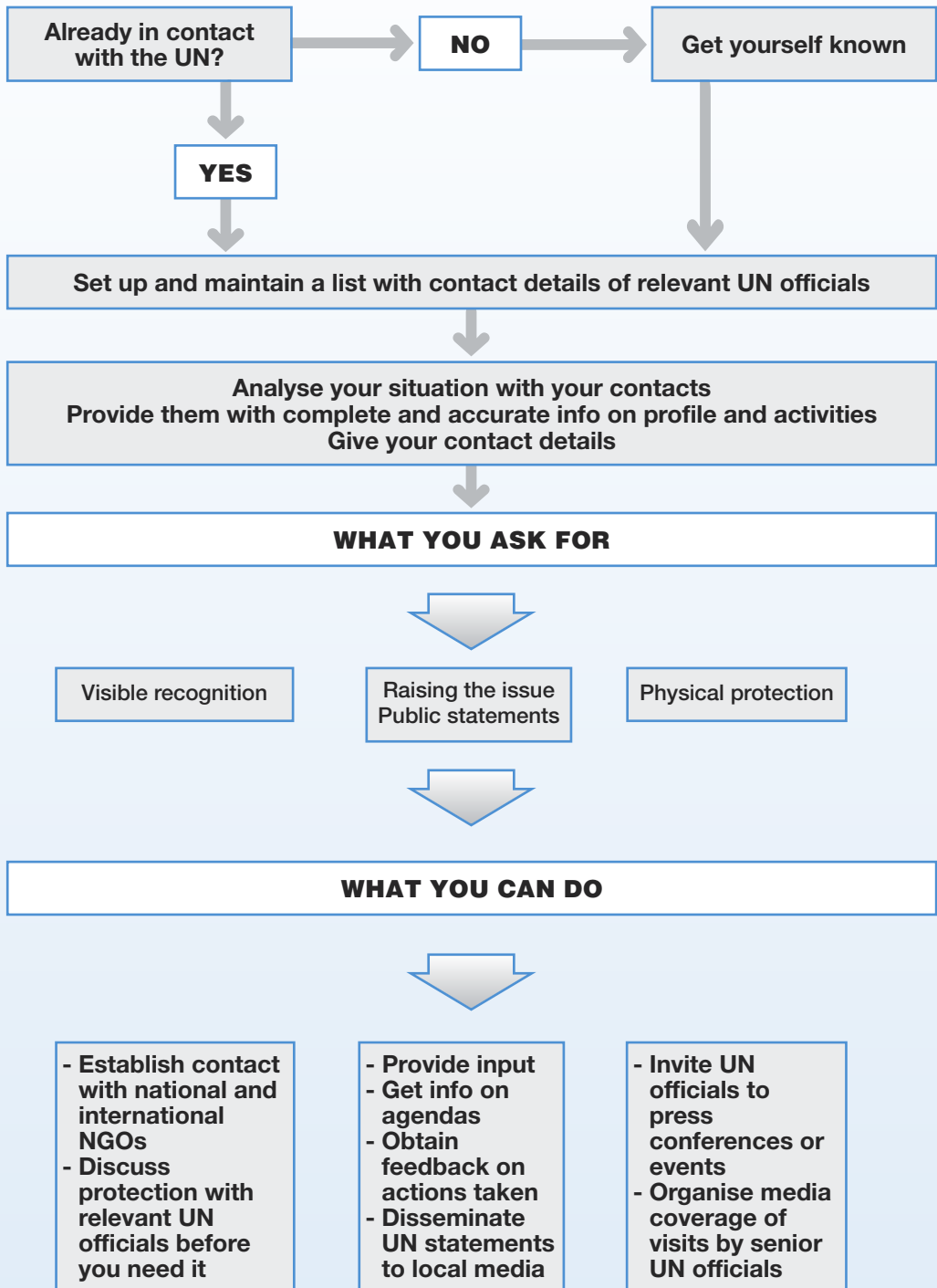
EU Guidelines on Human Rights Defenders:

<http://www.consilium.europa.eu/uedocs/cmsUpload/GuidelinesDefenders.pdf>

Front Line Handbook for Human Rights Defenders: What protection can EU and Norwegian Diplomatic Missions offer? (2007)

http://www.frontlinedefenders.org/files/fl_handbook_eu_guidelines_english.pdf

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NOTES

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FRONT LINE DEFENDERS HANDBOOK FOR HUMAN RIGHTS DEFENDERS WHAT PROTECTION CAN UNITED NATIONS FIELD PRESENCES PROVIDE?

Human rights defenders are people who, individually or collectively, work peacefully on behalf of others to promote and defend internationally recognised human rights.

They are defined by their actions rather than by their profession, job title or organisation. They can be community leaders, journalists, lawyers, trade unionists, students or members of human rights organisations. They can defend women's rights, environmental rights, indigenous peoples' rights, children's rights, minority rights, refugee rights or the rights of Lesbian, Gay, Bisexual and Transgender (LGBT) people. In many countries they face considerable personal risk because they stand up for the rights of others. against powerful interests.

This handbook outlines what UN agencies can do locally to provide protection for human rights defenders. It is intended to give practical and helpful suggestions to human rights defenders on how to engage constructively with the UN. It is also meant to encourage UN agencies and UN officials to implement their commitments to human rights and human rights defenders.

Front Line Defenders seeks to provide 24 hour support to human rights defenders at immediate risk. If you are a human rights defender and are concerned about your personal safety please feel free to contact our emergency number (+353 1 21 00 489) at any time. After office hours you will be offered language options in Arabic, English, French, Russian and Spanish, each of which will connect you to a member of staff.

WWW.FRONTLINEDEFENDERS.ORG



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