
RETHINKING THE PROTECTION OF HUMAN RIGHTS DEFENDERS:

A critical and creative reflection on protection approaches

BACKGROUND

The adoption in 1998 of the United Nations Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognised Human Rights and Fundamental Freedoms (**UN Declaration on human rights defenders**) has been a milestone in the promotion and defence of human rights. This has been followed by a number of decisions and resolutions from international bodies (i.e. UN General Assembly, Human Rights Council, Inter-American Commission of Human Rights, African Commission of Human and People's Rights) recognising the role that human rights defenders and civil society organisations (CSOs) play in building more democratic and just societies.

However, as agents of change, human rights defenders (HRDs) continue to be at risk. State actors have a duty to protect and are currently involved in protection at different levels – international, regional and national. However duty bearers tend to treat HRDs as 'objects' of protection: HRDs who are targeted by threats and attacks are recipients of different protection measures – political and physical.

The response from a diverse community of CSOs and institutions has been to recognise the agentic nature of HRDs: as agents of social change, HRDs can also be agents of their own security and protection. Tools and strategies have been created out of this perspective to maintain and expand HRDs' and CSOs' working space: from reactive measures, such as emergency grants, temporary relocation and urgent appeals in national and international instances, to preventive approaches including capacity-building trainings on security (physical and digital) and well-being. *Ad hoc* interventions have their intrinsic limitations: they are based on positivist assumptions of HRDs acting as rational actors, who make choices based on a maximising utility (i.e. protection seen as a cost/benefit decision). Furthermore they generate a discourse around the security of HRDs which downplays states' obligations to respect and protect the right to defend human rights.

TWO-DAY CONSULTATIVE MEETING

In anticipation of the 20th anniversary of the UN Declaration on HRDs, **Protection International** and the **Centre for Applied Human Rights of the University of York** will host an international roundtable on **12 & 13 December 2017** for human rights defenders, practitioners, academics and policy-makers to reflect collectively and critically on the way that security and protection are conceptualised and enacted. The main **objective** of the roundtable is to strengthen the human rights movement by providing a space for the participants to review and challenge existing protection approaches, tools and practices to take stock of what works, limitations and lessons learned. The roundtable will also be a space to brainstorm on new ideas and research opportunities ultimately fostering innovation within the HRD protection community of practice.

METHODOLOGY

The discussions will be enriched by all participants through a multidisciplinary approach and by perspectives coming from the different fields and contexts from around the world. Leaning towards a participatory approach, all participants will be expected to actively engage in theoretical and practical discussions with a strong action-oriented perspective: going beyond an analytical and descriptive discourse, discussions will be geared towards improving action of/with/towards HRD protection.

The roundtable will be structured around three strands and the content of the sessions will revolve around the following questions:

Strand I: (Re)conceptualising HRDs

Guiding questions:

How do protection actors conceptualise HRDs – as objects of protection or as subjects of rights? To what extent is the important diversity of HRDs actually reflected in current protection regime for defenders at risk? In what ways do protection practices privilege some subjects and not others? How does the conceptualisation of HRDs contained in international instruments facilitate or hinder the protection of HRDs? Are there power dynamics in place that construct HRDs in particular ways, for example, as ‘heroic’ or ‘exceptional’ figures? What are the implications of such constructions? Are there ‘good’ and ‘bad’ HRDs? Is there a continuum between individual HRDs and the collective they represent? Do the realities of HRDs on the ground correspond to a normative, positivist approach to human rights? How could all these issues be related to the agency of HRDs?

Strand II: Gaps in current protection frameworks

Guiding questions:

Which is the place of HRDs in state-centric, normative conceptualisations of human rights protection? Why do critical gaps in protection remain? Do discourses and practices on the security and protection of HRDs sideline the obligation of states to respect and protect the right to defend human rights? To what extent are protection regimes able to address defence of human rights as a collective struggle rather than an individual right? 20 years on, how has the UN Declaration on HRDs shaped regional and national norms? Which factors shape the development of national policies for the protection of HRDs?

Strand III: Rethinking the protection of HRDs and ways forward

Guiding questions:

Who has the power to set the operational protection agendas for HRDs? What does it mean for HRDs? Is protection of HRDs a process or a result? Are existing approaches to the protection of HRDs overlooking evolving threats, harassment and other forms of aggressions, including criminalisation and those perpetrated by non-state actors? How do existing protection tools and practices respond to the diversity within the human rights movement and the evolving threats? How do current paradigms of protection, like the risk-based approach, relate to a broader discussion on the defence of human rights? What other approaches are now in place to enhance the agency and protection of HRDs? How could these approaches be enhanced in practice by an intersectional approach to HRD protection? What can be learned from discussions on protection in other fields (e.g. humanitarian action)?