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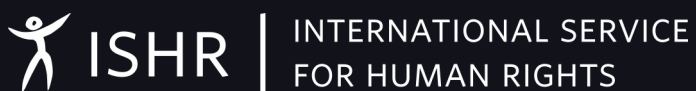
**Human rights defender strategies
to protect
civil society space**

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ACKNOWLEDGMENTS

ABOUT THE INTERNATIONAL SERVICE FOR HUMAN RIGHTS

The International Service for Human Rights is an independent, non-governmental organisation dedicated to promoting and protecting human rights. We achieve this by supporting human rights defenders, strengthening human rights systems, and leading and participating in coalitions for human rights change.

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INTRODUCTION

In September 2015, ISHR convened a group of 15 human rights defenders (HRDs) working predominantly at the national level from Australia, Brazil, Burkina Faso, Colombia, Côte d'Ivoire, Guatemala, Honduras, Hungary, India, Kyrgyzstan, Mexico, the Philippines, Sierra Leone, Tunisia and Uganda. The HRDs worked in diverse contexts on diverse issues, including in the fields of women's rights, political participation, combating impunity, transitional justice, LGBTI rights, and the fight against torture, amongst others.

Crucially, they also all had experience in advocating successfully for civil society space at the national level, either in pushing for specific laws and policies for the protection of HRDs, or pushing back against legislation which would close this space and restrict the rights to freedom of expression, association and assembly.

During their visit to Geneva, the HRDs received training and carried out joint advocacy activities, with the support of ISHR. However, the primary purpose of the Convening was to discuss and share strategies and tactics to contribute to the protection of defenders or the safeguarding of civil society space.

This report documents the outcomes of the consultation; principally the elements of successful strategies shared by participants. It also outlines the lessons learnt by participants from unsuccessful strategies, lists some of the current obstacles they face in their advocacy for civil society space, and details some of the potential strategies which participants identified jointly to try and overcome these obstacles and maintain momentum.

It should be noted that, whilst most of the examples shared by participants were drawn from strategies used specifically to influence laws and policies on human rights defender protection or civil society space, some of the experiences discussed pertained to broader human rights work. However, given that these strategies were endorsed by the group as potentially useful for the more specific focus of the consultation, they are included in the report. What is more, many of these broader advocacy achievements had a positive knock-on effect for HRD protection. For example, the removal of the President in Guatemala meant the removal of a leader who had failed to tackle threats against HRDs, whilst the amendment of the torture law in the Philippines is associated by defenders with a decrease in the torture and ill-treatment of HRDs.

I. ELEMENTS OF SUCCESSFUL STRATEGIES

This section documents what participants identified as the key elements of successful civil society strategies for the development and enactment of progressive laws and policies on HRDs and civil society space, and the review, repeal, delay or withdrawal of restrictive laws and policies.

We note that each of these strategies was usually combined with one or more of the others in order to be successful, illustrating the importance of adopting a holistic approach to advocacy and a complementary and integrated range of tactics. This is discussed further under section 2: 'the importance of combining elements' and explains why some of the same case studies are cited under more than one heading, in order to illustrate the different elements of the strategies used in that case.

1. Form coalitions and broaden the movement

Forming coalitions with other NGOs and HRDs, including international NGOs, can be an effective method to diversify and optimise resources, funding, skills and strategies, as well as to send a more united, strong message to authorities and other stakeholders.

However, to persuade powerful actors to change their behaviour, it may be necessary to broaden the movement for change *beyond* the pre-established human rights movement. It may well be the case that there are other stakeholders more capable of influencing those in power, who can be activated to join the movement if they are able to understand its relevance to their lives and interests.

Mass movements have often been capable of exerting profound change, due to their ability to 'take the streets' and paralyse the usual day-to-day activities of the government and the population, though it is necessary to ensure buy-in from key sectors of the population in order to avoid a backlash against the movement precisely due to the paralysis of the activities of the majority, or powerful sectors, of the population.

Once key sectors are on board, they can influence others to join. For example, the economic power of consumers may influence the behaviour of businesses; the high regard in which doctors are held may influence the behaviour of their patients and the broader population, and so on.

A sense of belief is necessary to harness the anger and desperation of the broader population and persuade actors outside of the human rights movement that it is worth their while to assume the risks of getting involved in the push for change.

The more sectors of society which can be brought into the movement, the harder it becomes for the authorities to ignore their demands.

Broadening the movement case example
Guatemala

In Guatemala, in order to reinforce the impact of a national strike and broaden the movement for change, HRDs from the capital engaged with more than 100 human rights organisations from different regions, as well as businesses, students and schools. As the movement grew, small and medium-sized enterprises realised that they could attract more business by expressing their support for the strike. This in turn provided public legitimacy and support for the movement and encouraged more people to join. As the movement grew, it became empowered and emboldened to believe that real change was possible and to continue pushing to the point that the President was forced to step down from power.

2. Engage authorities at all levels

Engagement with government will have more impact if that engagement occurs with both political and bureaucratic authorities, with different sectors of government, with the ruling party and the opposition, as well as at both the local and national levels.

a) Build from the bottom up

In some countries, an effective strategy has been to engage with local and regional government officials to set positive precedents, which can then be lauded publically in order to inspire similar actions in other regions and eventually ensure national level change.

For example, in the **Philippines** HRDs worked with local government to pass local resolutions against torture and encourage high-level local politicians to declare their provinces 'torture free'. 400 local government resolutions were made. Lobbying then commenced at the national level, advocating for an anti-torture law. An anti-torture law was passed in the Philippines in 2009. One method used to engage local government was for survivors of torture themselves to share their stories with officials, thus giving a human face to the appeal.

In **Brazil**, one strategy used to encourage greater implementation of the National Program for Human Rights Defenders Protection (PPDDH) has been for local and national NGOs to focus on specific Brazilian states to push for implementation. The aim is to demonstrate that implementation is possible and indeed can mean political kudos for local officials, and thus encourage other states of the federation to prioritise implementation. Five of the 26 Brazilian states have implemented the PPDDH, with efforts being made by NGOs, social movements, indigenous peoples, lawyers, quilombolas, and other traditional communities to push for its implementation in other states.

A similar strategy has been adopted in **Australia**, with HRDs pushing successfully for the enactment of human rights charters at the local government level with a view to building momentum towards the enactment of similar statutes at the state and national levels. A strategy which seeks to achieve legislative change at various levels of government is likely to benefit from a greater number of 'windows of opportunity' for legal or policy reform than a campaign targeted at one level only, although this must also be balanced with the reality of limited resources and the importance of targeted, focused campaigns.

b) Engage with the highest levels of power

In other contexts, it may be more effective to engage high-level national officials 'with whom the buck stops'. Particularly in States where the strategy of many officials to avoid working for progress has been to blame somebody else or claim a lack of mandate, it has been deemed useful to go directly to the highest levels of government for commitments and guarantees of follow-up.

In **Sierra Leone**, for example, HRDs tired of being passed from one ministry to another in their efforts to get human rights concerns addressed. Finally, they decided to invest their advocacy energies in securing a meeting with the President himself; the only man in the country who could not pass the responsibility on. In that meeting, the HRDs demanded a permanent mechanism through which their issues might be addressed and the President subsequently appointed a 'focal point for human rights defenders': a specific person within his office to consult HRDs, listen to their concerns, and transmit them to the President and follow-up on response.

In **Côte d'Ivoire**, a memorandum of understanding was established between civil society and a section of the parliament to conduct joint actions, leading to close collaboration between civil society and government officials in the elaboration and enactment of the Law on the Promotion and Protection of Human Rights Defenders.

In **Burkina Faso**, it was stated that progress had been made since activists were able to talk to senior government officials or the Prime Minister in order to achieve advocacy goals.

In **Mexico**, Presidential commitments or those of the Minister for the Interior served as catalysts for action from other branches of government. Inversely, the absence of high-level political and governmental interest in and support for the Protection Mechanism for HRDs and Journalists, has been identified as a key obstacle to its effective implementation.

c) Engage with advisors and assistants

It can be useful not only to engage with high-level local and national government officials themselves, but also their advisors, staffers, secretaries, assistants and other personnel, who can influence their calendars, agendas and priorities.

HRDs across all regions have enjoyed greater attention from key stakeholders, and sometimes greater action, when they have invested time in developing a good relationship with staff of that stakeholder. Methods including socialising with the staff, appealing to their conscience, finding ways to make their work easier, and being appreciative and laudatory of their efforts.

Whether or not to recognise the crucial role of assistants and staff in promoting civil society space, for example in meetings with their superior or in public, was a decision which depended very much on the context and the stakeholder. In some cases, for example, it was deemed more useful to find ways to show personal appreciation to the assistant, rather than risk him or her being accused of being too close to human rights defenders.

d) Engage with the opposition parties

Engaging with members of the opposition can also be beneficial as it may be easier, or deemed more politically beneficial by them, to speak out in favour of civil society space and propose legislative responses. The opposition can be useful in pressuring the ruling party/ies to take positive steps, but they can also be held to their public commitments in the eventuality that they take power.

In **Uganda**, HRDs have found it easier to identify shared interests with opposition MPs. For example, they have rallied around the shared interest of holding the government accountable, albeit with different motivations and for different reasons.

In the **Australian** state of Victoria, engaging with opposition MPs led to successful law reform when there was a change of government. 'Move-on' laws that limited the right to protest were repealed after the party that introduced the laws lost power.

e) Engage both the executive and the legislative branches

In **Mexico**, the executive branch of the government passed a decree creating a protection mechanism for human rights defenders after civil society had approached legislators to discuss a law for the same purpose. The political attention to the issue, which had been created by discussions in the Congress, made it harder for the Executive not to act swiftly in response. In turn, the existence of executive decrees for the protection of HRDs and journalists served to legitimate and accelerate civil society's demands for a law to protect both populations.

In order to maximise the potential of both channels, the broad coalition of NGOs (called the Espacio OSC in Spanish) had split itself into two subgroups: one carrying out advocacy towards the Interior Ministry around a presidential decree and the other towards the Congress for a law, whilst also sharing strategies and analysis amongst themselves and consistently demonstrating to the international community and local HRDs the need for action from both branches.

3. Engage the general public

In democratic societies, engaging the public to support calls for action on HRDs and civil society space is an important strategy because governments have a powerful incentive to listen to the public – it is the public that votes as to whether or not they stay in power. Even in non-democratic or authoritarian regimes, the public has the power to pressure the authorities for change through, for example, mass demonstrations and strikes.

In **Kyrgyzstan**, in order to educate and engage the public, each year there is a human rights film festival where films are shown and are followed by talks from experts. These have been deemed successful in terms of broadening the range of citizens who understand the work of HRDs, who would resent a further closing of civil society space and who can incentivise governmental action.

The public can also be engaged using the strategies mentioned below, such as through social media and traditional media.

4. Engage and cultivate younger generations

The engagement of younger generations is important in order to broaden the civil society movement, ensure that wisdom is passed down through the generations, and ensure that the fight for justice and civil society space continues.

Sometimes a specific context, occurrence, political or societal moment can give rise to a particularly strong generation of human rights activists. Nonetheless, as contexts change – and, sometimes, when State control mechanisms evolve and strengthen – the human rights movement can weaken if those from the strong generation do not take concerted actions to engage their potential successors.

In **Guatemala**, older generations of HRDs – who rallied to respond to abuses during the country's civil war – are recognising the importance of engaging with younger generations and passing on their knowledge. Deliberate actions include, for example, meeting with leaders and members of student movements within universities.

5. Engage academia and schools

Engaging academia can help broaden the movement and spread important messages through a more theoretical or research-based lens, which in turn may strengthen the argument for change. HRDs are able to show key stakeholders that it is not just them who are demanding certain legislation, for example, but independent experts. Qualitative and quantitative studies and a strong evidence base can lend weight to advocacy.

Meanwhile, schools and universities are also targets for those movements seeking to broaden their membership and develop mass actions for change.

In the **Philippines**, HRDs worked with schools to spread the message that torture is unacceptable, whilst many schools declared themselves 'torture free zones'. This was successful given the receptivity of children, plus their ability to influence their relatives. Professors at universities also used their position of responsibility and authority to help spread the message that torture is unacceptable.

In **Guatemala**, schools participated in the national strike, as did university students.

6. Engage businesses

Engaging businesses can assist to broaden the movement for change and to put pressure on governments who often respond better when economic incentives are involved. Businesses often have access to greater resources, funding and networks than civil society organisations, making them powerful allies, as well as threatening foes.

Engaging business case example
Australia

In Australia, HRDs were prevented access to immigration detention centres. However, they managed to advocate for access by using their relationships with ethical investors in the businesses operating the detention centres, by asking that those investors request a site visit and take the HRDs with them. Thus Australian HRDs engaged with businesses, and ultimately with the migration detention system, by appealing to an economic imperative, rather than a human rights imperative.

In another Australian example, HRDs who were shareholders in one of the country's largest superannuation (pension) funds, HESTA, successfully advocated for HESTA to divest its shareholdings in Transfield, a company involved in the operation of Australia's offshore detention centres in Papua New Guinea and Nauru. Human rights lawyers who had backgrounds working in the commercial sector – and could thus access and 'speak the language' of the boardroom – were influential actors in this campaign.

Engaging business case example
Guatemala

In Guatemala, small, medium and large sized businesses were engaged as part of the national strike to overthrow the President, with many businesses agreeing to close during the strike. HRDs engaged businesses by showing them that high level officials in the government were embezzling their taxes, thereby causing economically incentivised outrage and making the movement relevant to them. Messages on social media expressing support for the strike and Twitter hashtags such as #NationalStrike, #IamforGuatemala and #IDontHaveAPresident (#ParoNacional, #YoEstoyPorGuate, #YoNoTengoPresidente) were created to encourage all those citizens who believed in the objective of the strike to choose those businesses which supported the movement, and boycott others. This had a huge impact on consumer trends, creating an immediate economic incentive for businesses to be involved.

Even large multinational restaurant chains were convinced to get on board, using social media to declare that they would close their branches 'because Guatemala is worth it', 'so that Guatemala can be reborn' and because 'we join the movement for change in this country'. Other global fast food chains donated food to protesters camped in the streets

7.   Engage embassies and diplomatic staff

In some contexts HRDs have engaged diplomats from third countries on issues relating to the protection of civil society space, including:

- Obtaining funding for monitoring and advocacy activities and products;
- Creating diplomatic pressure on host governments, through private meetings and public statements;
- Obtaining actions to legitimise those HRDs demanding change (and therefore their messages), such as visits to their offices, presence at their activities, visible dialogues in embassies;
- Taking emergency action in the case of attacks against HRDs;
- Attending and monitoring trials of HRDs; and
- Publishing reports reiterating the message of local HRDs and condemning the violation of HRDs' rights.

Engage embassies case example
Philippines

In the Philippines, many HRDs engage with a range of embassies. There is an annual forum whereby ambassadors carry out discussions with representatives of both civil society and the security forces. This is an opportunity for embassies to get to know and understand civil society's demands better, and to see that civil society representatives are 'reasonable' people, capable of dialogue with all actors, contrary to what the government and media sometimes suggest.

HRDs also organise regular diplomatic briefings and submit joint annual reports to embassies on the situation of human rights in the Philippines. HRDs are constantly building relationships with the embassies so that they can react when necessary.

Through donations from embassies, HRDs were able to place large advertisements on private billboards on highways, raising awareness about torture in the Philippines.

Engage embassies case example
Sierra Leone

In Sierra Leone, HRDs often sent press releases about human rights violations to diplomatic embassies to shame the government and establish a channel through which to demand government accountability and put pressure on officials to comply with international human rights standards. This has seen some success, particularly around the creation of a new law to protect HRDs that is being drafted by civil society to be presented to the government, and for which embassies have shown support.

Engage embassies case example
Guatemala

After lobbying both at the in-country embassies, and with the support of international partners at capital levels, HRDs in Guatemala managed to open a space for diplomatic dialogue which is innovative both in terms of its focus and in terms of the breadth of participation.

Once every two months, a dialogue takes place between representatives of European and Latin American embassies and HRDs to discuss the situation of HRDs working on violations in the context of business activities. At the outset, this is useful in terms of the legitimacy it provides to a group of defenders usually subject to particularly high levels of stigmatisation and criminalisation. What is more, it has the additional advantage of the HRDs being able to make demands not only of their government or of 'friendly' embassies, but of representatives of the countries from which much of the business investment comes.

The dialogues have also become a space in which the cases of one or two HRDs facing particularly elevated levels of risk may be analysed in more detail. It is necessary, therefore, for civil society to coordinate prior to the meetings to come to an agreement regarding the priority cases. Sometimes embassies have responded with public statements regarding these specific cases. These have been deemed particularly useful actions both for the cases in question and for the broader movement for HRD protection. Joint statements have carried even more weight. However, it remains difficult to obtain public actions, with embassies preferring quiet diplomacy.

8. Engage potential perpetrators

In some contexts, engaging potential perpetrators of human rights violations, such as the military and police, has been deemed to help to prevent further violations by raising awareness about the consequences of their actions and engaging on the reasoning behind the violations.

However, whether or not this strategy would be successful is dependent upon the context, the nature of the violations, and the homogeneity or diversity within violating or potentially violating institutions. Defenders agree on the need for a careful prior analysis, as well as a clear public framing of the interaction, in order to avoid appearing to condone the actions of perpetrators or as having been 'co-opted' or having lost independence.

In the **Philippines**, engagement of the military and the police in the struggle towards torture eradication has been deemed of fundamental importance, when done in conjunction with a number of other strategy elements. Engagement gave some surprising results. For example, the military and police carry out regular national 'runs against torture' – public running events to promote an anti-torture message.

In **Nigeria**, child soldiers were identified as a particular threat to human rights movements and dissenting individuals and communities. At a time when recruitment levels of child soldiers were at a peak, HRDs made efforts to meet with children at, or prior to, recruiting age to educate them in regards to the legitimacy of dissent and to dissuade attacks on HRDs.

9. Engage men when fighting for the rights of women HRDs

Engaging men can be a powerful tool when advocating for women's rights, including the rights of women HRDs. In order to remove impediments to gender equality and to transform social norms that may place women HRDs at greater risk, men need to be involved as it is their social behaviour that may need to be transformed.

10. Ensure you have a clear message and identity

In order to create and maintain legitimacy and authority, it is necessary for NGOs and HRDs to have a clear message and identity. This is particularly important given that both will be questioned, undermined and attacked by those who feel their interests are threatened by the work of HRDs.

HRDs, movements and – particularly – NGOs must ensure they hold, understand and articulate a clear mandate and legitimacy which is understandable to outside actors.

It is also crucial for HRDs to be cautious in who they are seen to be associated with, given that the reputation or demands of come actors – including donors – may undermine the mandate, image and message of an organisation.

A non-partisan/independent identity can often be key to maintaining credibility and avoiding stigmatisation. Transparency of operations, as well as a public reiteration of messages, can be useful in preventing de-legitimisation by authorities and the press.

Clarity of identity becomes a substantial issue the drafting and implementation of specific laws for the protection of HRDs. It is necessary for all stakeholders to agree on the definition of a HRD, or at least to ensure a clear articulation of a consensus amongst civil society regarding the definition, in order to demonstrate that potential beneficiaries of a protection law fit the definition and that their status should not be subject to a debate which may slow the implementation of protective measures.

In several countries, HRDs have seen a utility to ensuring that all HRDs self-define themselves as such, in order to legitimise their work and demands, to integrate themselves into a broader human rights movements which can provide strength and protection, and in order to demand protective actions from the State.

In **Brazil**, some organisations have assessed that a more inclusive application of the term 'human rights defender', based on the UN Declaration on HRDs, and greater levels of self-recognition as a HRD, would aid both civil society articulation, as well as demands towards the State for better implementation of the Protection Programme for HRDs.

In **Australia**, some HRDs and NGOs are struggling to maintain a clear identity, finding that they are being accused of not being in touch with the community they represent, or criticised for the overly legal/technical approach of their campaigns. They are therefore trying to engage more with communities, including by using stories of the victims of violations to engage the public and decision-makers more effectively and to humanise human rights issues.

In **Hungary**, sometimes donors push for cooperation between NGOs which appear to be working on similar issues, but for whom it may actually be more strategic to take slightly different stances and actions in order to retain a clear identity and message. NGOs can therefore be left with a difficult choice between shunning funds and altering identities and strategies. Donors should be wary of this.

11. (Social) media

Both social media and traditional media can be extremely effective tools to agitate for change, including to push for the adoption of HRD protection laws and policies or the repeal of regressive laws and policies.

Social media has proven an extremely useful tool to mobilise people for demonstrations, which in turn puts pressure on the government. It has been used successfully to mobilise or contribute to the coordination of massive protests in countries including **Tunisia** and **Guatemala**.

Social media can also be used both to document and to raise awareness of human rights violations and educate the public, encouraging them to join the movement. Its reach, its informality, its relative lack of censorship and the ease at which users can reproduce or endorse information make it a useful channel for 'naming and shaming'. This is particularly important in countries where governments deny that human rights' violations are occurring or where the mainstream media is largely or entirely controlled or censured. Social media is also a very affordable tool for change. Well-known social media used successfully include Facebook, Twitter, Whatsapp, YouTube and Instagram. HRDs have also started using new platforms such as Periscope, which enables users to broadcast live videos to followers.

Participants identified a range of tips for using social media effectively for human rights change:

- A picture speaks a thousand words (use pictures where possible);

- Keep the message short and sweet (it is useful to provide links to more information);

- Post regularly and consistently (for example give updates every Friday so people know when to look for them);

- Focus on key messages related to your identity as an advocate or activist (if you post about everything people will stop listening);

- Focus on messages promoting action (such as #JusticiaYa/#JusticeNow); and

- Use celebrities or well known or well respected public figures (for example the use of Michelle Obama in #BringBackOurGirls).

The traditional media, such as newspapers and radio, can also be used to raise awareness and educate the public about human rights violations. A wide audience still engages with the traditional media and therefore it is important to supplement social media campaigns with traditional media campaigns to reach as many people as possible.

In order to engage effectively with the traditional media and ensure that the correct message is conveyed, HRDs in many countries form alliances with journalists. For example, in **Côte d'Ivoire** a formal coalition was formed with members of the press, whereby it was agreed that they would promote ideas with a special human rights emphasis whenever required.

(Social) media has been deemed an extremely important and complementary tool that is used to communicate all of the other strategies mentioned in this report and enhance their effectiveness.

Social media example
India

A good social media campaign that started in July 2015 is Jhatkaa's campaign against Unilever in India. The campaign has used a YouTube clip to demand that Unilever take responsibility for Kodaikanal's mercury poisoning: https://www.youtube.com/watch?v=nSal-ms0vcI.

By setting original and clear lyrics to a dynamic and popular rap song, Jhatkaa created a viral video that has over three and a half million views. The song described the consequences that the people and environment of Kodaikanal are suffering due to the improper handling and dumping of mercury at a Unilever factory. Its simple but powerful medium is accessible to everybody in the world with internet, with nearly 100,000 people signing a Jhatkaa petition to hold Unilever accountable for its crimes. However, despite the widespread support Jhatkaa's campaign received, Unilever has continued to refuse to clean up the factory site to a standard deemed acceptable by civil society.

Social media example
El Salvador

In September 2013, the UNDP collaborated with local Salvadoran civil society and university groups to promote the hashtag #ExijoSaber (#INeedtoKnow). People could ask questions that they wanted answered by the government in an effort to promote the right to access to information, combat corruption, and increase accountability. It was taken up by university students in an offline format around several campuses for maximum outreach, with the questions that were gathered then manually posted on to Twitter by campaign leaders. In total, there were 40,000 questions tweeted over the course of the day; the media attention and widespread public contribution led to the Secretary of Transparency answering many of the questions on Twitter. The UNPD and civil society then followed up by organising all the questions into issue groups and sending them to the appropriate ministries.

Social media example
Guatemala

In Guatemala, HRDs used social media to mobilise the public for a national strike in August 2015, demanding that President Otto Perez Molina resign for alleged corruption. 350,000 protesters gathered in the capital as part of the national strike and around half a million people gathered country-wide. HRDs combined this with hashtags on Twitter such as #RenunciaYa (#Resign Now) and #JusticiaYa (JusticeNow), to build awareness about the movement. HRDs also used Twitter to engage and incentivise business action, and support for it, through hashtags such as #ParoNacional and #YoEstoyPorGuate. In August 2015, hundreds of businesses, schools and universities closed their doors. The President resigned in early September 2015.

12. Monitoring and documentation

Monitoring governments and documenting any human rights violations is an important strategy that can be used to raise national and international awareness about the situation in a given country. It can give the human rights movement and its demands authority and weight. What is more, it is an important tool to counteract government assertions regarding levels of human rights protection.

Vitally, with proper monitoring and authoritative documentation, it will be easier for HRDs to engage other key actors actors and carry out some of the other strategies contained in this report (for example, engaging the press, engaging authorities, engaging embassies, using social media and the like).

In **Colombia** and **Mexico**, monitoring, documenting and reporting on the state of implementation of specific HRD laws has proved crucial to evidence the failures of the State and gain momentum towards proper implementation and thus protection.

In carrying out documentation and reporting, it is important to think about the target audience and tailor reports to that audience. For example, if the audience is a Special Rapporteur of the UN Human Rights Council, the document may need to be in English and kept to 2-3 pages, given the limited time and resources which Special Procedures have.

Whilst comprehensive, thorough documentation can be crucial in establishing the authority of civil society and getting heard, it is important to produce executive summaries (often in multiple languages) in order ensure that research, findings and recommendations reach a range of useful stakeholders.

Monitoring and documentation case example
Mexico

Documentation and reporting by civil society has been crucial at every stage of the struggle for adequate HRD protection through the enactment of a specific law and its implementation in Mexico.

One reason why civil society was able to engage a broad range of actors – including diplomats, INGOs and UN agencies – in the call for a specific law for the protection of HRDs and journalists, was because of the diligent documentation of the realities facing these populations, both by members of Mexican civil society and international actors.

Through a network of human rights NGOs (the Espacio OSC) resources were pooled to ensure the most thorough documentation possible. What is more, both members of the coalition and the international NGOs and the UN in-country Human Rights office which accompanied it, condensed extensive research into digestible briefing papers, videos and press releases for consumption by the range of national and international actors identified as capable of pressuring the State.

In the light of the law's approval and the subsequently poor level of implementation, the civil society coalition and its allies have once again mobilised to document the obstacles to implementation which have been denied, or whose importance has been minimised, by the government. One tactic used by civil society has been for NGOs to "accompany" cases into the protection mechanism created by the law. In this way, NGOs with capacity are able to identify and document patterns of inadequate implementation and obstacles, whilst also coordinating protective actions from civil society itself in the absence of effective State action. The Espacio OSC recently published a comprehensive analysis of the State's failings at the implementation stage.

Monitoring and documentation case example
Guatemala

In Guatemala, documentation of rights' violations (including attacks on civil society members) and documentation of the corruption of the previous regime (described in more detail above), meant that HRDs were able to inspire multiple sectors to join the national strike. By providing concrete evidence of the regime's rights' violations and corruption they were able to provide people with a powerful incentive to come together and speak out. Documentation also enabled civil society to counter the regime's attempts to undermine their legitimacy and credibility.

13. (Strategic) litigation

Strategic litigation can be used as a powerful tool to effect broader systemic change, both through a successful judicial outcome and by providing a public platform for the articulation and exposure of violations. The impact of strategic litigation will often depend upon the other strategy elements which are allied to the litigation itself, in particular media work and engagement with those actors who hold the key to implementation and guarantees of non-repetition. In fact, if used in conjunction with other successful strategy elements, strategic litigation can provoke change even if the case in question is not won. The litigation process in itself can be an extremely effective tool in raising awareness of rights violations and the need for change.

Litigation can also be used to protect the activities of the particular NGOs or persons under government attack; for example to overturn the de-registration of an NGO or the criminalisation of an HRD.

However, it is important to be aware that with strategic litigation, as with other public strategies, reprisals can occur. For example, in **Uganda** the successful overturning of the 2014 Anti-Homosexuality Act resulted in some citizens, particularly those associated with church groups, taking to the streets to attack members of the LGBT population. In this case, it may have been more effective if legal efforts had combined with a campaign engaging the public and attempting to transform social attitudes.

Strategic litigation may also not be the best use of time and resources where there is a corrupt judiciary or weak rule of law. For example, in the **Philippines** HRDs have experienced frustrations, reporting that the military 'protect their own by all means', such as by pressuring the judiciary to change judges if they think a judge is friendly towards an NGO.

Strategic litigation case example
India

In May 2013, the Indian Social Action Forum's (INSAF) NGO licence was suspended, meaning they were unable to receive donations in India. This was a reprisal against INSAF's work on purely political grounds, given that they had complied with the law. Around 4000 other NGOs also had their licences suspended. As well as speaking to the media and MPs, INSAF took the matter to the Delhi High Court. In September 2013, INSAF was successful and their licence was restored. Since then, a number of other NGOs have been to court and also been successful, proving the knock-on effect which litigation and creation of jurisprudence can effect.

Strategic litigation case example
Australia

In Australia, strategic litigation was launched in relation to anti-protest laws used against 'Occupy Melbourne' demonstrators: Muldoon v Melbourne City Council [2013] FCA 994. The court case did not succeed but the litigation was successful in the sense that it was combined with a media strategy that raised public awareness of the overbroad and disproportionate restrictions imposed by the law on the right to protest and also raised awareness in parliament, particularly among opposition parliamentarians. Indeed, the media coverage led to the anti-protest laws being discussed in parliament and the laws were repealed when a new government came to power.

Strategic litigation case example
Hungary

In Hungary, some NGOs have used litigation to issue defamation proceedings against politicians who had sought to stigmatise individuals and NGOs, and thereby dissuade further stigmatisation.

In relation to another Hungarian case, the tax numbers of some NGOs which acted as distributors of Norwegian and European External Action Service NGO Grants were suspended. The affected NGOs requested a judicial review of the decisions. The court suspended the decision of the tax authorities until the end of the court procedure, and decided to request a constitutional review from the Constitutional Court to declare the suspension of the tax numbers unconstitutional. The case is pending.

14. Use comparative experience from other countries

Lessons can be learnt from the experiences of HRDs in other countries. Where laws have been passed to protect HRDs or other measures have been taken, these can be used to draft a HRD law. This can also be used to put pressure on the government by asking why it is not also taking measures or passing laws to protect HRDs. This may be most effective in a regional context; for example HRDs in **Mexico** demanded that their government afford them the legal protection which their counterparts were granted in **Colombia**, whilst HRDs in **Sierra Leone** are currently pointing their government to recent developments in **Côte d'Ivoire** as part of their campaign for the enactment of a HRD protection law.

Human rights defenders from States with, or currently developing, protection laws and programmes are exploring ways in which to stay in touch with one another to exchange developments, strategies, successes and lessons learnt from one another in order to improve their strategies and speed the pace of approval and implementation of such laws and policies. Methods being explored are an online community and face-to-face encounters. A mailing list for defenders involved in such initiatives in a range of countries was set up by ISHR in light of requests from HRDs at the 2015 Geneva Convening.

15. Use international mechanisms

International mechanisms can be used as powerful tools to exert external pressure on governments, in particular where the government is sensitive to the opinions of international human rights bodies or wants to be seen on the world stage as complying with human rights. Compliance with human rights may be a necessary condition of donor aid, making governments particularly sensitive, while recommendations from UN bodies may also inform bilateral development assistance and human rights dialogues.

One international mechanism that can be effective in promoting laws and policies for HRDs is the UN Special Procedures. HRDs can put pressure on their government to show their commitment to human rights and invite UN or regional mandate holders to visit. On the issue of HRD protection and civil society space, the UN, Inter-American or African Rapporteurs on HRDs, freedom of assembly and association or freedom of opinion and expression could be particularly pertinent.

Whilst Special Procedures can perform a range of tasks at-distance, country visits have indeed been valued as particularly useful by local activists, particularly if the host State in question is already under pressure at the national level to do more to protect HRDs.

In all Latin American countries where a HRD protection policy or law exists - **Columbia**, **Brazil**, **Guatemala**, **Honduras** and **Mexico** – high-level State authorities made explicit public commitments to develop such laws or policies after, or in the context of, visits of the UN Special Rapporteur on HRDs. However, activists from all of these countries agree that these developments did not happen in isolation. In each case civil society was already making demands of the government in this regard, whilst in each case the visit also came in the context of increased pressure due to high-profile killings or attacks against HRDs.

The impact of international and regional mechanisms can be greatly enhanced when they are accompanied by media work both at home and internationally. This helps to cause embarrassment and raise the political cost on the State. For example, the **Ugandan** government paid attention when the African Commission embarrassed Uganda in relation

to the issue of LGBTI rights, releasing a press statement denouncing its 2014 Anti-Homosexuality Act. This was in conjunction with the widespread condemnation the Act received from foreign media and institutions.

In **Australia**, concerns expressed and recommendations made by UN Special Rapporteurs regarding proposed anti-protest laws targeting business protests and environmental activists in Tasmania contributed to the draft law being referred to a parliamentary committee, resulting in amendments.

However, HRDs also recognised difficulties in engaging with international mechanisms. For example, for some mechanisms (such as complaints to treaty bodies) domestic remedies need to be exhausted first. Some defenders have felt frustrated in their international efforts when they feel the State simply refuses to listen to international human rights bodies, whilst others have identified that it may be more useful to interact with international mechanisms beyond those focused upon human rights. For example, in **India** defenders have successfully lobbied the State through interaction with the World Bank and the World Trade Organisation.

However, there are cases where the role of international mechanisms has been absolutely crucial, proving the catalyst for change on the ground. For example in **Guatemala** the recent overthrow of the President would have been impossible without the impulse of the CICG, which investigated and documented abuses in a way which national level mechanisms had proven incapable of. Once an authoritative documentation of the abuses existed, it proved the foundation upon which new sectors of the population came on boards and through which the movement sustained its energy for change.

International mechanisms case example
Honduras, Mexico and *Côte d'Ivoire*

In Côte d'Ivoire, Honduras and Mexico, civil society has used the Universal Periodic Review (UPR) to ensure the State accept strong recommendations regarding protection laws for HRDs, around which they have lobbied for approval and implementation.

In Mexico's first UPR cycle in 2009, civil society ensured recommendations were made and accepted regarding the security of human rights defenders and journalists, ensuring the first steps towards State recognition of the problem and the need to respond. Having then lobbied successfully for the passing of a law for their protection, civil society mobilised at Mexico's second UPR to obtain numerous recommendations encouraging more effective implementation of the law. 40% of recommending countries addressed HRD and journalist security and many made specific recommendations to strengthen the efficiency of the law's protection mechanism, undermining the State's argument that the law was working and forcing them to commit to better implementation.

In 2009, Côte d'Ivoire accepted three UPR recommendations regarding the protection of HRDs. Civil society rallied around these commitments and engaged the State on the need for a protection law. Discussion about the proposed law intensified in the build-up to the country's second review in 2014, with the State opting to pass the law in the build up to the UPR, knowing that scrutiny on the implementation of their past commitments would ensue. This enabled HRDs to then seek, successfully, that States make recommendations directed at ensuring adequate resourcing and effective implementation of the law.

In Honduras, the State committed to enact a protection law in response to recommendations accepted in its first UPR. Like Côte d'Ivoire, it approved a law in the spotlight of international attention, just days before its second review. However civil society were able to react and encourage many States to maintain their second cycle recommendations on HRDs and even, in some cases, adapt them to reflect the legislative change and encourage implementation. More than 21 recommendations were accepted regarding HRD protection, made by a very broad range of States, including influential Latin American peers.

16. Use windows of opportunity

a) Use bad news or a crisis as a catalyst for change

Bad news can be a powerful catalyst for change, creating momentum and energy that can be used to pressure governments into action. Dramatic cases of aggressions against defenders and NGOs can provoke actors to respond emotionally and politically.

For example, a flurry of high-profile murders of journalists in **Mexico** created the necessary momentum to push the government to pass a HRD protection law. It gave HRDs the evidence to demonstrate to the government that such a law was necessary and provoked the President to make a decree for journalists' protection, the first policy step towards the current law.

In **Hungary**, attacks on NGOs resulted in NGOs developing a stronger, more supportive network among themselves. In **Brazil**, meanwhile, civil society rallied after the death of a female HRD, demanding a visit of the UN Special Rapporteur on HRDs which provoked the State to create a protection policy.

In **Australia**, some NGOs have used the imperative created by withdrawal of government funding and restrictions on the use of governmental funding for advocacy purposes to build a private donor base. In addition to strengthening the independence of these NGOs, in some cases private donors, including influential business people, have then been cultivated by the NGOs as agents for change.

b) Leverage the opportunities presented by a new government

A change in government can be an opportunity to push for new laws or policies.

In **Burkina Faso** in 2014, HRDs used the new government's desire to 'brand' itself as more respectful of human rights than its predecessor to get commitments towards HRD protection policies and concrete outcomes in terms of legislative protection of freedom of association.

In **Australia**, state anti-protest laws in Victoria were successfully repealed after a new state government took power, as civil society demanded the party to follow through on the demands it had made in opposition.

17. Use procedural tactics

Procedural tactics, such as using rules of parliament to delay regressive legislation, or filing freedom of information requests to access more information, can be useful tools.

In **Uganda**, HRDs used rules of parliament to delay a regressive bill on the operations and activities of NGOs until after an election. They combined this with close lobbying of the parliamentary committee members, which resulted in a committee report recommending the removal of some of the more problematic provisions of the bill, and also lobbying of opposition MPs.

In **Hungary**, in response to restrictions on NGO access to funding, HRDs filed freedom of information requests to obtain access to information regarding the objectives and impacts of the restrictions and also to promote government accountability.

18. Deliberately seek and exploit the spaces in which the hand of the State is weaker and tie your demands to other elements of the governmental agenda

HRDs in several countries have had success in building human rights complaints and demands into parallel spaces in which the State is keen to look good, or is under pressure to make deals which can be conditioned by human rights demands. Spaces include negotiations for development aid, for business, or regarding political transition.

In **Burkina Faso**, HRDs were able to access the former Prime Minister and senior government officials by becoming part of the international development space. The Government was sensitive and its hand was weak in the negotiations, due to its reliance on international aid. HRDs therefore used these spaces to push human rights issues.

II. THE IMPORTANCE OF COMBINING ELEMENTS AND DEVELOPING AN INTEGRATED STRATEGY

It is has proven crucial the importance of combining strategies. Simply pursuing one strategy, such as strategic litigation or advocacy with an international mechanism, may not be powerful enough on its own to effect change. Rather, it is much more powerful to combine it with another element, such as media attention documenting abuses, mobilising the public demand, or engaging with government officials (including the opposition) to ensure change internally. It is necessary to be flexible and to have a back-up plan, so if one strategy is not successful another one might be.

Combination of strategies example
Uganda

In Uganda, HRDs managed to delay a regressive bill on the governance and operations of NGOs prior to an election. HRDs used a combination of strategies, including:

✓ Using procedural tactics in parliament;

✓ Engaging with and lobbying parliamentary committee members, leading to a committee report which recommended the amendment/ removal of some of the more problematic provisions of the bill;

✓ Forming an NGO coalition, which determined tactics and priorities during a retreat. This resulted in a joint civil society position paper and clear, well-coordinated lobbying;

✓ Engaging with development organisations and church groups to assist with the campaign;

✓ Engaging with and influencing opposition MPs by reference to the role of NGOs in promoting transparency, accountability and good governance;

✓ Working with diplomats and international mechanisms to exert pressure, both publicly and privately;

✓ Using the threat of litigation; and

✓ Mobilising large scale attendance by civil society during committee and parliamentary debates, ensuring scrutiny and accountability of MPs.

Combination of strategies example
Kyrgyzstan

In Kyrgyzstan, HRDs have to date managed to delay the passage of a 'foreign agents' bill which would increase government power and oversight over civil society. HRDs have used a number of strategies, including:

✓ Engaging MPs to speak out against the bill;

✓ Using both traditional and social media to educate the public about the negative impacts of the bill and to counter government propaganda;

✓ Working with international NGOs and UN mechanisms, including special procedures, to speak out against the law; and

✓ Seeking to engage the international donor community to speak out given State reliance upon international development cooperation.

Combination of strategies example
Philippines

In the Philippines, a wide range of strategies were used to ensure that four human rights bills were enacted into law, including the Anti-Torture Act 2009. A number of these strategies have been discussed above, and include:

✓ Intensive and persistent lobbying of legislators, government officials (at all levels) and government agencies, including the military and police;

✓ Starting at the local level by requesting local government to pass resolutions against torture and requesting that local government and schools declare themselves 'torture free' zones;

✓ Requesting to be part of meetings of senators;

✓ Inviting potential perpetrators such as the military and police to join in activities, such as 'run against torture';

✓ Forming coalitions with other NGOs;

✓ Educating the public and raising awareness by using big private billboards against torture on highways and on the back of buses; and

✓ Engaging with UN rapporteurs.

III. LESSONS LEARNT FROM UNSUCCESSFUL STRATEGIES

1. It is necessary to develop a clear strategic plan with a long-term perspective

When engaging in advocacy it is important to think about long-term goals as well as short terms goals. A strategic plan, which articulates the steps on a pathway to change or a power map, may be useful in this regard. In **Mexico**, when advocating for a HRD protection law, some HRDs feel that they were so focused on the physical protection of HRDs that they did not put enough emphasis on the need for a law to address the issues of prevention and ending impunity. A clear strategic plan may have prevented this.

It may also be useful to develop a clear strategic plan that contains a detailed analysis of actors that need to be engaged, including their powers and resources.

The importance of not underestimating the power of the adversary was emphasised by HRDs (especially in regards to intelligence agencies). The potential utility or benevolence of a State actor was more likely to be overestimated when the actor had previously been part of – or close to – civil society, such as when the Partido dos Trabalhadores gained the presidency in **Brazil**.

2. It may be necessary to engage a wider range of actors

In **Mexico**, it has been difficult to achieve the full and effective implementation of the HRD protection law. One insight from this process was that the focus has been overly focused on the Secretary of the Interior and not on other authorities directly responsible for protecting HRDs. It is has become necessary to also engage with others mandated to protect HRDs, such as the military and the police.

In **Côte d'Ivoire**, a number of progressive elements proposed by civil society were not included in the protection law as adopted. This may have been because the movement was not broad enough and there was a failure to engage a broader range of actors and partners to sustain pressure and increase the political cost of non-inclusion. Other reasons included a lack of resources/funding and a lack of strong documentation.

In **Kyrgyzstan** and **Hungary**, HRDs spoke of the need to engage a greater number and breadth of CSOs to speak out about HRD issues. Currently civil society is split, with some CSOs not speaking out because they do not think they are or will be affected by the restrictive laws. Therefore, it is necessary to engage by raising awareness of indirect, less immediate effects.

In **India**, it has been deemed necessary to engage better with civil rights lawyers to enable them to better understand the human rights implications of the FCRA law, which imposes restrictions on the ability to receive foreign funding.

3. It may be necessary to develop close links with donors through face to face meetings

Donors are more likely to provide funds to HRDs and/or organisations who they have met, therefore it is important to engage with donors and develop relationships, preferably though face to face meetings.

4. It is important to recognise that a strategy in itself may not be successful, but will likely have beneficial side effects

In advocating for social change such as the passing or implementation of HRD protection laws, change can be very slow and incremental. It is important to be persistent and to recognise small wins along the way and celebrate those wins so as not to lose momentum or important opportunities. For example, a strategic litigation case may not itself be successful in court, but it may have the effect of raising public awareness of the issues at stake.

Engagement with international human rights mechanisms such as the UN Human Rights Council, UPR, treaty bodies or Special Procedures is another example in this regard. Even in circumstances where the State rejects or fails to implement resolutions or recommendations from such bodies, the process of engagement can contribute to the formation of NGO networks and coalitions, open doors and provide opportunities for dialogue with government, be used to generate media interest, inform the bilateral development assistance priorities and human rights dialogues in relation to the State by third States, and provide an international platform for HRDs and victims to tell their stories and exercise their rights to freedom of expression and association where those opportunities may not exist at home. The UPR process for **Sierra Leone** is a case in point. While the government has not yet moved to implement recommendations regarding the legal protection of HRDs, civil society engagement to the process led to the formation of a nation-wide Human Rights Defenders Coalition, and the establishment of a forum for regular dialogue between civil society, the national human rights institution and government officials.

5. It may be necessary to engage more effectively with the public/the community

As discussed above, engaging with the public is very important in order to put pressure on the government. A lack of public support for HRDs has been seen to be an issue in a number of countries, including **Hungary**, **Australia** and **India**.

In **Hungary**, it has recently come to the attention of NGOs that the public does not understand what HRDs are doing or fully appreciate the importance of their work to improve governance, accountability and the rule of law. There is a limited history of democratic principles in Hungary and therefore it has been necessary to build up legitimacy simultaneously with other activities such as training and public events. One HRD stated that it would be good to have external resources specifically for this purpose.

In **India**, some defenders believe that there is a significant level of public support for the work of HRDs from the poor, but not the influential middle class.

In **Australia**, opponents of human rights have been quite successful at casting HRDs as 'latte drinking, champagne sipping, privileged groups' that don't speak for the community more broadly. This is used to undermine the legitimacy of HRDs and their work. It is necessary to take the criticisms seriously and connect more with the communities that are being represented. One example of not effectively engaging the public was in relation to a campaign about anti-discrimination laws that was not successful. The messages were too technical; there were too many lawyers involved and not enough citizen activists. A technical element needs to be complemented with stories and values-based messaging to engage the community effectively. The campaign should be rooted within communities to be successful.

6. Encouraging States and donors to engage in indirect international pressure may be more effective than direct international pressure

In some circumstances indirect international pressure may be more effective than direct international pressure.

For example, in **Hungary**, when the US government criticised steps taken by the Hungarian government against civil society, this was not effective. However, when senior executives were denied entrance to the US, this sent a clear message and also ensures good media coverage, thus building pressure.

In **Uganda**, the US government slowly implemented travel bans and reduced military support in connection with human rights concerns, including as to restrictions on NGOs and criminalisation of homosexuality. This was seen as effective because it was what governments cared about. This was more effective than simply cutting aid, which may adversely affect the vulnerable more than the powerful.

Direct international pressure can at times have negative side effects. For example, Norway made the release of relevant funds to the Hungarian government conditional on the government ending the harassment of NGOs. This was a powerful incentive for the **Hungarian** government to cease harassing NGOs, but nonetheless these measures may have decreased the legitimacy of HRDs domestically and confirmed the State narrative that HRDs protect foreign interests. It is therefore necessary for States and donors to apply pressure cautiously and always in consultation with HRDs.

Direct international pressure can also be seen as having a 'Western agenda'. It may therefore be useful if non-Western governments are encouraged to speak out against HRD rights' violations. This has been the strategy adopted by LGBTI human rights defenders at the international level, who have pushed for resolutions on LGBT rights at the UN Human Rights Council to be initiated or led by States from the Global South – initially South Africa but more recently Argentina, Brazil, Chile, Mexico and Uruguay – rather than by the US or the European Union.

7. Create joint projects to bring civil society together

As discussed above, if civil society works together they are better able to realise their aims and be effective.

In **Tunisia**, as in many States, civil society is not always united (particularly over small issues) and there is sometimes conflict between NGOs. In the past joint projects have been effective to unite civil society, particularly around the 'big issues'. Activities such as sit-ins, which have been organised together, have proven to be particularly useful in uniting civil society through – initially in a physical space and joint public action, and then in terms of ongoing joint political actions.

8. It is necessary to ensure that HRD laws guarantee civil society oversight and participation

Civil society oversight and participation in HRD protection laws can minimise risks of corruption and enhance the potential for implementation.

In **Brazil** and in **Colombia**, HRD protection program resources have sometimes been used in the wrong way, including in surveillance and attacks against HRDs. There is corruption in the structures of the programs and not enough civil society oversight of who is appointed to the program. In **Mexico** and **Honduras**, lessons were learnt from Colombia and civil society participation and oversight were guaranteed by law.

In **Hungary**, civil society are aware of the importance of ensuring that non-State actors have an effective opportunity to monitor the implementation of HRD laws.

9. Don't stop being objective, even if the government appears to be an ally

Even if the government, or members of a government, appears to be an ally, it is important to remain independent and objective and to hold the government accountable for HRD protection and safeguarding civil society space, maintaining advocacy energy levels and scrutiny upon the State.

Many **Brazilian** civil society organisations now recognise that they initially put too much faith in the left-wing government when it swept to power after years of alliance with many civil society actors. Many social movements had supported the Partido dos Trabalhadores party in the elections and the HRD programme had been designed jointly; however consolidation and implementation of the program has not happened. Implementation may have been better, and happened sooner, if civil society had not 'taken their foot off the gas' because a party which had previously been an ally was in power.

10. It is important to have a contingency plan in order to be able to react rapidly

In **Honduras**, after the coup in 2009, the relationship between civil society and the government broke down. Civil society therefore took advantage of the UPR process to push for recommendations for a law to protect HRDs, which was achieved when the law passed immediately prior to the State's second UPR.

However, the government passed the law without taking into account numerous of civil society's minimum demands for an effective law. HRDs found it difficult to react and to explain the government's manoeuvre because the approval happened quickly and whilst many defenders were in Europe lobbying for the UPR. What is more, the text of the law was not published immediately, making it even harder to have clarity about what had happened and what the strategy needed to be. It was difficult to communicate accurately what was wrong with the law in a timely manner for the UPR.

Civil society in Honduras now recognises the need to prepare a contingency plan to be able to react rapidly to government manoeuvres aimed at disguising the closing of civil society space, especially so that civil society can evidence realities before those who the government is trying to impress, such as the UN.

11. It is necessary to create mechanisms for the control and focus of strategy and actions, even as the movement grows

As movements grow their potential for impact increases. However, it becomes harder for members to control the actions and strategies of all members, which can have the effect of limiting the movement's reach and longevity. Time, energy and resources need to be invested in the effective coordination of coalitions and sometimes bigger is not best, with small, tightly knit coalitions that are strongly aligned on strategy and can move rapidly and flexibly being most effective.

In **Guatemala**, although it was a great success in the sense that the President was overthrown, some members of civil society are rueing the failure to ensure the legislative changes necessary to create conditions for a more profound long-term change, and attribute this failure to a lack of control fomented by the breadth of the movement. Key strategizing spaces were limited in their utility and messages towards key actors became less clear. One way in which this could have been mitigated would have been through the creation of sub-coalitions to define and transmit strategies and messages around key issues.

In **Mexico** in recent protests, the image and messages of the movement for change after the disappearance of the Ayotzinapa students got polluted when the protest movement broadened to point that it became difficult to prevent infiltration by agent provocateurs and attendance by radical groups, as well as to ensure discipline and non-violence in the face of police provocation. A mechanism to mitigate these effects may have been to convene marches to locations which would be less provocative than the National Palace, for example.

IV. OBSTACLES

At the consultation, the human rights defenders present identified the following as the biggest obstacles to their work on civil society space and human rights defender protection:

- Violent attacks and reprisals (**Brazil**, **Guatemala**, **Mexico**, **Tunisia**, **Uganda**);

- Impunity and lack of investigation or accountability for such attacks (**Colombia**, **Guatemala**, **Mexico**, **Philippines**, **Brazil**);

- Stigmatisation by officials and media (**Hungary**, **Tunisia**, **India**, **Uganda**);

- The introduction of new regressive laws/regulations (**Hungary**, **Burkina Faso**, **Australia**);

- Corruption (**Columbia**, **Honduras**, **Guatemala**);

- Lack of public engagement (**Australia**, **Hungary**, **Burkina Faso**);

- Lack of political will to reform and implement HRD protection laws (**Honduras**, **Mexico**);

- Limited expertise in order to get a useful HRD law/policy passed (**Burkina Faso**, **Sierra Leone**);

- Inadequate implementation of the HRD law/program across all states (**Brazil**);

- Military influence (**Honduras**);

- Simulation and 'two-facedness of government (**Sierra Leone**);

- Fascism and the negative influence of Russia (**Kyrgyzstan**);

- Counter-insurgency campaigns (**Philippines**); and

- Remoteness and lack of access to information (**Australia**).

V. MAINTAINING MOMENTUM AND MOVING FORWARD

In this section we set out some key suggestions made by the HRDs present at the consultation, in relation to how to move forward in four key areas which they identified as important in overcoming obstacles and maintaining momentum in advocacy for civil society space and HRD protection: (1) how to achieve the adoption of an HRD law; (2) how to improve implementation of HRD laws; (3) how to reduce stigmatisation of HRDs; and (4) how to combat or reduce impunity.

1. Strategic elements for the adoption of a useful HRD law

- Mobilise resources/funding to strengthen civil society coalitions pushing for the law;

- Develop coalitions with other civil society organisations and institutional partners, including INGOs;

- Organise local, national, regional and international civil society consultations;

- Use international expertise to develop or use a model law in order to lobby the State to incorporate internationally recognised minimums into the law (a comparative study of existing HRD laws would be useful in this respect);

- Draft a proposed law which incorporates civil society proposals and international best practise.

- Organise a national conference to validate the draft law;

- Present the draft law and/or model law to the government;

- Engage in advocacy and lobbying with diverse actors to ensure the law is passed (this could include a social media campaign);

- Maintain momentum by documenting cases of HRD rights' violations and demanding a response by law; and

- In countries where the government is controlling the process and not civil society (such as Burkina Faso) – take stock of the existing proposal and develop an advocacy strategy in regards to improvements.

2. Strategic elements for the implementation of a HRD law

In some countries the HRD protection laws may first need to be reformed (**Honduras**, **Mexico**, **Colombia**). In other countries it is necessary to advocate for a decree for implementation of the law (**Côte d'Ivoire**, **Colombia**). Finally, in other countries it is necessary to change from an executive decree into a new law (**Brazil**).

In order to create the necessary awareness for these changes to occur, it is extremely important to document and communicate regarding the state of implementation. In relation to reform, civil society organisations can also draft a model law and lobby for its adoption.

In relation to implementing an HRD law, defenders set out the following strategies (some of which overlap with strategies for the passage of laws):

- Form coalitions with other NGOs and HRDs to pool resources;

- Mobilise resources and funding for monitoring the law, accompanying cases and communicating as a coalition;

- Use international and regional mechanisms to expose failures and seek recommendations for reform;

- Offer training to public officials responsible for implementation (for example police, prosecutors);

- File freedom of information requests to monitor the implementation of HRD laws if information is not readily available;

- Maintain the same level of effort in pushing for implementation as when pushing for the passing of the law;

- International strategic litigation (for example the case of Florentín Gudiel Ramos in **Guatemala**, in which the Inter-American Court of Human Rights ruled that the State must implement public policies of legislative, institutional and judicial character to guarantee the protection of defenders);

- National level strategic litigation, for example claiming for damages against public officials in cases of non-compliance with the law;

- Request investigations by (independent) local, national and regional human rights institutions;

- Lobby to ensure that non-State actors (involved in aggressions against HRDs, i.e. business) understand the law and their role in protecting HRDs;

- Push for the creation of a Parliamentary Committee to monitor the situation of HRDs and implementation of the law, given that the law came from the parliament (it was noted that the EU can provide funding for the creation of such monitorin committees, as it has done in **Kyrgyzstan**);

- Encourage the State to publish statistical information on the use of HRD laws (how many investigations have been launched, how many suspects prosecuted etc.);

- Encourage an independent ombudsman or national human rights institution to publish an annual report evaluating the implementation of HRD laws. The ombudsman or NHRI should consult all stakeholders; and

- Implementation is difficult if the rule of law is eroded, therefore it is also important to focus on ensuring the independence, effectiveness and transparency of the police, prosecution and judiciary more broadly.

If a country does not have a specific HRD law, other human rights laws can be used and applied to HRDs, and similar tactics used for their implementation.

3. Strategic elements for reducing the stigmatisation of HRDs and strengthening public support for civil society space

Participants discussed a range of integrated tactics to reduce the stigmatisation of HRDs and generate and strengthen public support for the work of HRDs and the protection and expansion of civil society space:

- Provide strong documentation about actual experiences and circumstances to counter incorrect information in the media;

- Create, strengthen and evidence a connection between contemporary HRDs and the national traditions of activism and human rights;

- Consistently reaffirm one's independence and non-partisan identity in public;

- Gain the support of key authorities and people in influential positions, who can act upon their counterparts and the media;

- Create resources for the government and media to adopt HRD legitimisation campaigns without the excuse of a lack of resources;

- Engage with regulatory bodies;

- Ensure as much transparency as is safely possible regarding operations of NGOs;

- Publically challenge the negative language and adopt positive language;

- Create 'recognition resources' for media and government to adopt and use;

- Make clear the debate regarding the line between hate speech and freedom of expression and articulate this publically and to key actors;

- Avoid confrontation and educate;

- Be careful not to resort to 'counter-defamation';

- Encourage dialogue with those making such statements; and

- Engage corporations and investors by making the 'business case' for the protection of HRDs and civil society space (with lessons to be learnt from the LGBTI movement in this regard).

4. Strategic elements to reduce impunity

Finally, participants discussed a range of integrated tactics to combat impunity and promote adequate investigations and accountability for attacks on HRDs and NGOs:

- Target and pursue high-level, emblematic perpetrators using national and international mechanisms;

- Investigate and gather all evidence against perpetrators in order to evidence the failings of the State in doing so;

- Use expert opinions when dealing with cold cases of impunity where there is little evidence;

- Raise public awareness that a lack of justice is itself a human rights violation;

- Tackling impunity is the responsibility of judges, therefore HRDs should build relations with and lobby judges to respond. Don't forget this actor;

- Where war criminals have moved to a new country (such as in Australia) pursue justice through media exposure and putting pressure on the police to investigate and host authorities to collaborate; and

- Use a combination of media, international pressure and legal interventions to raise the political cost of impunity.

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