

# Peace Brigades International

May 2014

A group of people, including several in white Peace Brigades International (PBI) shirts, are sitting in a circle outdoors on folding chairs. They appear to be in a meeting or discussion. The setting is a dirt area with trees and simple buildings in the background. The PBI logo is visible on the backs of the people in the foreground.

**TEN YEARS OF THE EUROPEAN  
UNION GUIDELINES ON HUMAN  
RIGHTS DEFENDERS:  
AN ASSESSMENT FROM THE FIELD**

# Contents

## 3 Introduction

## 5 México: a good example of the light and shade in implementing the Guidelines in the field

## 11 Three different structures for implementing the Guidelines

- A. Guatemala
- B. Colombia
- C. México

## 13 Implementing the Guidelines in Guatemala. Interview with Omar Jerónimo, HRD working on land and natural resource right

## 17 A case of study of the Guidelines in Colombia. Irregular judicial proceeding against HRD David Ravelo Crespo

## 20 The Guidelines in Honduras: Still many challenges to be overcome

## 21 A snapshot from Kenya

## 22 Conclusions and Recommendations

*Cover photo: Representatives of the Embassies of France and Germany (Guerrero), who met with the Organization of the Indigenous Me'Phaa People (OPIM) and the Tlachinollan Human Rights Center during a visit to Ayutla, April 2009 ©PBI Mexico*

*Contents photo: PBI Colombia volunteers', Magdalena river ©PBI Colombia*

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# Introduction

**«The Guidelines can respond adequately to vulnerable situations. I'm an example: if I hadn't been sheltered by various forms of international protection, it's very likely that I'd be dead.»**

**Jorge López, OASIS, an organisation which defends rights related to sexual diversity in Guatemala, October 2013**



*Presentation by Feliciano Macario of the National Coordination of Widows of Guatemala (CONAVIGUA) during the 30th anniversary celebrations of PBI's Guatemala Project. Among the representatives of the diplomatic corps present: Matthias Sonn, German Ambassador; Stella Zervoudaki, EU Ambassador; Artur Brunner, advisor to the Embassy of Germany; Alberto Brunori, Director of the Office of the United Nations High Commissioner for Human Rights in Guatemala; Carlos Tercero, First Secretary of Consular and Cultural Affairs, Embassy of Spain; Alexandre Guyot, Embassy of Switzerland; and others. 25 February 2014*

In June 2004, the EU General Affairs Council (EU) adopted the *European Union Guidelines on Human Rights Defenders*. These Guidelines, which build on the United Nations' *Declaration on Human Rights Defenders*<sup>1</sup>, recognise that human rights defenders (HRDs) often face a specific risk because of their work in defending and promoting human rights.

The Guidelines include advice and suggestions aimed at the various EU bodies, its Member States, and especially its Missions or Embassies, to protect, support and reinforce the work of HRDs in third countries. They suggest specific actions (visits, meetings, acts of public recognition, observation of trials, political *démarches*, etc.) to assist threatened HRDs in any country.

According to the Guidelines, “[w]hile the primary purpose of the Guidelines is to address specific concerns regarding human rights defenders, they also contribute to reinforcing the EU’s human rights policy in general”<sup>2</sup>.

Peace Brigades International (PBI) has been present in the debate and the formulation of proposed EU protection mechanisms since before the Guidelines.

In 2003, PBI interviewed a great number of men and women human rights defenders accompanied by the organisation, to survey their protection needs and their ideas for how the diplomatic corps could better respond in dangerous and vulnerable situations.

PBI then collated and delivered their concerns to

the EU as a proposal for the drafting of the Guidelines and their revision in 2008.

Since 2004, PBI has regularly referred to the Guidelines, asking EU Missions and Delegations to the countries where PBI has or has had projects to take actions to protect the HRDs we accompany.

In the field, we have noted a range of responses given by the EU and its Member States, and we have been able to analyse the Guidelines' implementation through our accompaniment to HRDs and the dialogue we have maintained with Embassies and the EU.

To give voice to the human rights defenders we accompany, but also to verify information and finalise this analysis, we conducted –between November 2013 and January 2014– 30 interviews with HRDs and members of the diplomatic corps in Mexico, Guatemala, Colombia, Honduras and Kenya.

The contents of these interviews, together with the results of ongoing analysis during the decade that

the Guidelines have been implemented, are profiled in this report.

Its objective is to share good practices so they can be replicated in other contexts, and to highlight the challenges that still need to be faced, always from the perspective of working towards a better implementation of the Guidelines in the field.

1. *Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms*, resolution adopted by the UN General Assembly on 17 March 2010, A/RES/64/163.

2. EU General Affairs Council, *Ensuring protection – European Union Guidelines on Human Rights Defenders*, 08 December 2008, §1.1.

## What is PBI?

**P**eace Brigades International is an international non-government organisation (NGO) with more than 30 years of experience in international accompaniment.

PBI's goal is to protect the political space for people and organisations that promote human rights in a non-violent manner, and who suffer repression for their legitimate work.

PBI only works at the request of local organisations and does not replace efforts by local human rights defenders to

promote respect for human rights. Rather, it merely seeks to support their initiatives by standing next to them.

PBI regularly visits conflict areas, distributes information, and holds dialogue with civil and military authorities, as well as with human rights organisations and other civil society actors.

To promote international attention to the local situation, and to help create the necessary conditions for human rights defenders to continue with their work, PBI also maintains a dialogue with the international

community and international organisations.

PBI seeks to contribute to creating the conditions that will allow human rights defenders to continue their work.

PBI currently has accompaniment teams in Colombia, Honduras, Guatemala, Nepal, Kenya and Mexico. PBI's fieldwork is supported by 15 country groups in Europe, North America and Australia. More information on PBI's work is available from our website: [www.peacebrigades.org](http://www.peacebrigades.org)

# Mexico:

## A good example of the light and shade in implementing the Guidelines in the field

To evaluate the implementation of the Guidelines in Mexico, interviews were conducted with six human rights defenders and three members of the diplomatic corps<sup>1</sup>.

The interviews were focused on the southern state of Oaxaca, where PBI accompanies four organisations<sup>2</sup> and has maintained a permanent presence since 2008.

Oaxaca has the greatest ethnic diversity<sup>3</sup> in Mexico, is very attractive to large-scale investments because of its natural wealth, and is one of the three poorest Mexican states<sup>4</sup>. Oaxaca also boasts the national record in term of attacks against HRDs<sup>5</sup>,

which has led the EU and its Member States to take steps for the HRDs' protection.

These conditions make it particularly informative in regard to the achievements and challenges of the Guidelines in their implementation in Mexico and elsewhere.

By analysing and comparing the results of PBI's interviews for this report, we can conclude that the challenges revealed by the Mexican experience are shared and repeated in a similar manner in other contexts.

*Gathering of Mexican HRDs and the diplomatic corps, facilitated by PBI in Mexico City, February 2013*



**«[The Guidelines] can have a certain impact, a certain ascendancy over the Mexican Government, because the Mexican Government is very sensitive to the opinions held about it abroad. Any opinion which the EU could give is quite influential in regard to the importance it gives for caring for the lives of men and women HRDs. It's enough that someone asks after [us] for the Mexican Government to show us more respect.»**

**Human Rights Defender**

## **GOOD PRACTICES AND USEFUL EXPERIENCES**

### **Field visits**

The first measure recognised as useful and important by the Mexican HRDs are the field visits by Embassies.

These have given significant political support in the local context, especially when *“the risk or the perpetrators come from more local actors”*.

However, the HRDs warn, *“there are many on-site visits, but it is necessary to focus more on human rights, and reinforce that aspect, and less on trade”*.

Since 2011, the EU has made at least 14 visits to different Mexican states, each one followed by a press release. Not all of the visits responded to a particular human rights concern or an especially risky situation for HRDs; many focused on commercial matters.

This is despite the fact that, as the EU Delegation stated, *“we work systematically so that these visits have a human rights angle”*.

To these 14 visits are added those organised by European Embassies, either individually or in small groups, which have generally been easier to coordinate as they don't require a consensus from EU members.

Despite this, the Mexican HRDs stated that the working groups *“should have more activities in each state, and increase contact with civil society organisations, to have other reference points and not just those of the [Mexican] State. They should have more regular visits.”*

Two experiences have been particularly highly valued in Oaxaca.

- The first concerns the case of Father Solalinde: *“After one of the last quite serious death threats, the Father took advantage of a tour organised by PBI and AI [Amnesty International] and left Mexico [for a time]. On his return, he had a meeting with around 15 EU political advisors. The EU Delegation's official in charge of political affairs accompanied him on his return and in subsequent meetings. This increases the political cost, which led the*

*[state] governor to provide follow-up in the meetings regarding the Father's precautionary measures”*.

- The second was the result of a petition by Codigo-DH and PBI, and was successful despite the fact that the economic interests of some European countries made it a highly controversial case.

In December 2013, the Embassies of Germany, Norway and Switzerland visited an area in which various communities are opposed to the proposed imposition of wind farms. The HRDs involved had suffered attacks on various occasions.

The political advisors toured the wind farms and met with local HRDs to understand their concerns, and the visit was publicised through communiqués published by each Embassy.

Finally, it is worth noting that Mexican HRDs remember and value the visits by other European entities:

*“The Human Rights Subcommittee [of the European Parliament] visited Oaxaca [...] the meeting was held in our office, and that brought attention to us and gave us a form of accompaniment in our work that was important at that time [...] Later we had a joint meeting with the committee and the governor”*<sup>6</sup>.

Members of the EU-Mexico Joint Parliamentary Delegation have also been particularly active in the case of Oaxaca, through visits and official meetings.

The HRDs especially highlight the repeated visits (six visits in three years!) by two MEPs<sup>7</sup>, who, by their continued attention to a particular case<sup>8</sup>, have taken on board the general situation in Oaxaca and even in the neighbouring state of Guerrero.

They met with HRDs and local authorities, provided media coverage for their visits, and even published pronouncements or letters expressing their concern for the impunity in cases of human rights violations and the risks faced by Mexican HRDs<sup>9</sup>.

### **Meetings with HRDs in Mexico City**

The second method widely used by the EU in Mexico, and highlighted by the HRDs, are meetings, which are appreciated for their legitimating power



*Representatives of the Embassies of Norway, Switzerland and Germany visit Migrant Shelter "Hermanos en el Camino" with F. Solalinde, Oaxaca, December 2013*

and the political support they offer to individuals at risk.

For these meetings to have a greater impact, the HRDs highlight two factors.

- Firstly, *"greater publicity and communication is required for the actions that [EU members] are taking [...] One doesn't know if these meetings were private, or what can be made public, and if they were within the Guidelines"*
- Secondly, they highlight that it is crucial that *"the meetings are followed up at a local level. Going beyond the ways these meetings can be addressed again with high-level authorities, it is important that the link continues to the local authorities, especially when the risk comes from them."*

### **Political dialogue**

The third method most actively used is non-public diplomacy. PBI has been witness to times when a HRD experienced a serious security incident, and, having been alerted by PBI or other national or international NGOs, diplomatic representatives made phone calls, conducted meetings and/or sent letters

to members of the Mexican Government to express their concern.

Both the HRDs and the political advisors consider this tool one of the most efficient: *"[Two Embassies] sent a letter to [the Oaxacan governor] asking for the implementation of security measures for Alba [Cruz, of Codigo DH]. It was a personal request, direct, specific. The result was that the Oaxacan Government responded. [...] there was a meeting to discuss the implementation of the measures. That had not occurred before. They also re-established the regular rounds by the Oaxacan police."*

### **Public recognition**

Another good practice which PBI has noted as being especially useful, and with positive consequences on the risk of HRDs, is the awarding of prizes.

In the case of Codigo-DH, the organisation's increased risk happened to coincide with the Franco-German "Gilberto Bosques" Human Rights Prize for individuals and collectives of human rights defenders, recently created by the Embassies of Germany and France.

The Embassies awarded Codigo-DH an honourable mention, and took the opportunity to recognise, in the prize-giving ceremony, the recent wave of attacks against Oaxacan activists.

They publically advocated for *“the federal, state and municipal governments act to guarantee the security of Alba and other human rights defenders, implementing protection measures and punishing those responsible for attacks against them.”*

The result was that the federal and state authorities returned to the round tables for the implementation of Codigo-DH’s protection measures.

The Oaxacan governor even met with the collective and with other HRDs to talk about their protection. Although security incidents have occurred since then, their gravity has decreased.

### **Accompanying the design of public policies**

Since 2012, Mexico has had a government Protection Mechanism for Human Rights Defenders and Journalists.

The HRDs interviewed highlighted the EU’s important role in the adoption of the federal law which created the Mechanism, *“[e]specially at the beginning, when we were in the legislative process for the creation of the law. Their involvement was very strong, both the European Delegation as well as a large number of individual countries, who always called us on the telephone, came to the meetings... we knew that they were pushing both on a legislative and an executive level for the law to be passed.”*

The political advisors also gave a positive evaluation of this experience: *“In fact, the best thing for us is that the existence of the Mechanism now gives us another tool, another instrument for dialogue with the government on this issue.”*

*Gathering in Chihuahua City promoted by PBI, between HRDs from Coahuila and Chihuahua, and political advisors representing Canada, the Netherlands, Norway, Switzerland, the UK, the USA, and the EU Delegation, October 2013*





**«It's important to give the Guidelines greater publicity, so that the HRDs who are not actively involved in the circles of organisations who already have an ongoing dialogue with the European Delegation and the Embassies can [then] contact them directly and be empowered [to do so].»**

**Human Rights Defender**

## **CHALLENGES TO BE FACED**

The human rights defenders and advisors also recognised that there are several challenges to be addressed, firstly pointing out the issue of continuity: *“The political advisors change every four years, and sure, sometimes there is some sort of gap in the institutional memory [...] The handover of information can be improved, but it is a challenge and a reality we face.”*

To this difficulty is added the heterogeneity of the Embassies (some have greater capacities than others) and the fact that although the issue's importance *“is clear among political advisors, it is still a challenge to bring the ambassadors on board.”*

The second challenge is one of follow-up. One political advisor interviewed recognised that it was more feasible to respond when an organisation with greater capacity could provide follow-up on the case.

For the human rights defenders, the manner in which the Embassies decide to respond is too discretionary, and follow-up is sporadic and inadequate: *“There is one action, and that's it. If there is a new situation, they respond again. They've been supporting [us] for four years, but only when there's an emergency situation. There has been no real sustained attention to the agreements made with the authorities [in meetings held during field visits]”*.

The HRDs also recommend that *“the Guidelines' interventions should not only be reactive, but preventive.”*

At the same time, in regard to the follow-up conducted on the Protection Mechanism: *“Once the law was passed [...] they've distanced themselves from the process a little. There has not been any specific follow-up on the implementation of the law and the functioning of the Mechanism [...] it would seem important, in Mexico, in the field, that the Embassies could find a way to involve themselves now in the Mechanism's compliance as a public policy. While we understand the complexities involved in not making it appear like foreign intervention, it is important to provide follow-up.”*

The third challenge pointed out is that it is still difficult for the EU to speak with one voice and to make decisions between so many countries.

The result, according to the human rights defenders, is that the Embassies require longer decision-making processes, which impede them from making rapid responses.

Both the advisors and the HRDs noted that it is often quicker and easier to achieve actions by one Embassy or by groups of allied Embassies, rather than by the EU as a whole. Some advisors, however, also believe that this is not a negative, but evidence of dynamism: *“Visits can be scheduled independently, and others can be invited to accompany you.”* In fact, Embassies which are not part of the EU have regularly participated in such initiatives.

The fourth challenge is the dissemination of the Guidelines. In general, our interviews indicated that HRDs didn't hear of the Guidelines directly from the EU Delegation or from the Member States' Embassies, and they didn't know who to address to request their implementation.

The Guidelines are understood as something distant, something which belongs in Brussels and, often, are confused with other EU tools and policies. The majority of HRDs don't frame the EU actions taken as an application of the Guidelines, and similarly, from the Embassies themselves, the support offered to HRDs isn't always conceptualised as such.

As one political advisor said, *“for example, I don't know them [the Guidelines] [...] I can imagine what they must say, because of the activities we conduct, but in my case, the issue of human rights defenders is a direct instruction from headquarters and the mandate of this Embassy.”*

Both advisors and HRDs concur in saying that the Guidelines aren't generally known, and they highlight that it is especially complicated in the case of more grass-roots defenders or those located far from Mexico City: *“That is a big challenge: the indigenous woman HRD who is being threatened in the Isthmus [of Tehuantepec], how do we get to her?”*

And also, *“it is still a topic of debate among advisors and within the Embassies themselves, whether we publish them [the Guidelines] or not. We do have them on the web page, but it's not common among the Embassies.”*

The fifth challenge is that public actions (public declarations, joint communiqués, or the use of the media) are the type of responses that are the rarest seen, despite their being unanimously valued by human rights defenders as the most useful measures to decrease their risk.

The HRDs highlight that, *“governments take few actions of this type for diplomatic reasons; they take great care of their relationship with the Mexican State. They tell us that they can't get involved in situations 'of a political nature'.*

*The other reason is because there are economic interests. They go, they observe, they know that things are happening, and they don't agree with what's going on, but they can't say anything because of the economic interests."*

The advisors interviewed explained, *"we have to act with great prudence, and take care that it isn't counterproductive. In addition, we have to maintain our relationship. In general we prefer private conversation, they can be more effective and also because [...] we're interested in maintaining dialogue with Mexico on various subjects, and bad management can shut doors rather than helping."*

The sixth and final challenge is that which is self-imposed by the Embassies and the Delegation when the risk to human rights defenders clashes with their economic interests: *"the worst obstacle is the strong interests of the countries of the European Union itself. The truth is that you'll have people with very strong interests [...] and they don't want us to conduct activities that might harm their businesses"*

In Mexico, those who demand their right to consultation, and prior, free and informed consent before the proposed imposition of megaprojects in their lands and territories, are particularly vulnerable.

Several of these megaprojects have the participation of European companies, and the defenders who have accompanied these cases have faced defamation, criminalisation and attacks.

The Embassies state that it is more difficult to take a position in these cases as they are *"between two fires"*

They also highlight that dialogue with Mexican authorities on this issue has been especially difficult

because of the lack of both information and a clear legal framework.

The result, according to the HRDs, is that *"business interests overpower human rights,"* and they suggest that the Embassies continue with their visits and tours so they can see the feelings and arguments of the communities.

They also indicate that the EU and the Embassies *"could share experiences [of prior consultation] and they could facilitate experts in the field"* Likewise, they could *"host thematic working groups [on] the role of community defenders [...] to share and disseminate these Guidelines and in some way feed the organisations' work back in to the Guidelines"*

1. Civil society members interviewed included Sara Méndez and Alba Cruz of the Integral Defence Committee for Human Rights "Gobixha" (Codigo-DH), December 2013; Father Alejandro Solalinde of the "Hermanos en el Camino" Migrant Shelter, January 2014; Miguel Ángel Vásquez of Services for an Alternative Education (EDUCA), January 2014; and Daniel Joloy and Axel García of the Mexican Commission for the Defense and Promotion of Human Rights (CMDPDH), November 2013. Members of the diplomatic corps interviewed in November 2013 included two political advisors from Embassies based in Mexico, and an officer of the EU Delegation in Mexico. At their request, we will not state their names or countries of origin.
2. The Integral Defence Committee for Human Rights "Gobixha" (Codigo-DH); the staff of the "Hermanos en el Camino" Migrant Shelter; "Bartolomé Carrasco Briseño" Regional Centre for Human Rights (Barca-DH); and Services for an Alternative Education (EDUCA). For further information on each group, see: <http://bit.ly/1pWEdph>
3. Government of the State of Oaxaca [in Spanish only]: <http://bit.ly/1mV68ll>
4. Fernando Guadarrama Olivera, Evaluación de los Programas del INI Bienestar Social - Informe final de resultados de la muestra representativa en campo en el Estado de Oaxaca, 2003, at: <http://bit.ly/1qK0t3N>
5. OHCHR-Mexico, Informe sobre la situación de las y los defensores de derechos humanos en México: Actualización 2012 y balance 2013, Mexico, June 2013; available at: <http://bit.ly/1di0XAr>; and ACUDEH, Defender los derechos humanos en México: El costo de la dignidad, junio de 2012 a mayo de 2013, Mexico, July 2013; available at: <http://bit.ly/1jL3vmY>
6. See: <http://bit.ly/1kzdKIY>
7. See: <http://bit.ly/1iw8rKB>
8. ie the murders of Finnish HRD Jyri Jaakkola and Mexican WHRD Beatriz Cariño in 2010.
9. See, for example, the open letter to wind-energy operators in Oaxaca: <http://bit.ly/1hWIEBL>

*Representatives of the Embassies of France and Germany visit Ayutla (Guerrero), and meet with the Organization of the Indigenous Me'Phaa People (OPIM) and the Tlachinollan Human Rights Center, April 2009*



# Three different structures for implementing the Guidelines

## **GUATEMALA**

In 2008, the Filter Group was established in Guatemala as a mechanism of the EU Delegation (at that time, the European Commission Delegation) and of the Missions of the EU Member States, in order to coordinate and organise the Guidelines' implementation.

In its original concept, the members met once a month with the participation of one member from the Delegation and each Member State.

Over the years, the regularity and intensity of the work has varied, as has the access granted to Guatemalan HRDs.

Since 2010, the Norwegian and Swiss Missions have participated, as has a representative of the Office of the United Nations High Commissioner for Human Rights in Guatemala.

In recent years, occasional invitations to Group meetings have been issued to social and human rights organisations, so they can present their situation to the participants.

Among the tasks of the Filter Group are:

- monitoring the general situation of human rights defenders;
- examining specific cases of threats and attacks against HRDs, and deciding whether to take measures and what these should be, or making recommendations on measures to the EU Heads of Mission;
- inviting civil society organisations facing threats to share their history and their current situation, to then evaluate protection measures which can be taken;
- providing follow-up to the initiatives taken in regard to at-risk HRDs;
- organising gatherings with representatives of social and human rights organisations.

In PBI's interviews, social and human rights organisations consider the existence of the Filter Group as positive, as it permits the rapid diffusion of information on dangerous security situations against Guatemalan HRDs.

They have also found helpful the protection measures agreed on by the Filter Group and implemented for their protection: observation at trials; visits to organisations; inclusion in the political

## ***IN PBI'S INTERVIEWS, SOCIAL AND HUMAN RIGHTS ORGANISATIONS CONSIDER THE EXISTENCE OF THE FILTER GROUP AS POSITIVE***

dialogue on cases; occasional public activities in support of at-risk HRDs, etc.

In terms of challenges, the HRDs noted the need for organisation with the Filter Group, which would facilitate its stronger presence and the increased implementation of the Guidelines in rural areas.

Several interviewees highlighted the importance of being aware of the follow-up that the Filter Group has given to the cases it has received information on.

The HRDs consider that greater visibility for the Filter Group and occasional public communiqués would raise awareness of the Group, and make clear the support of the EU and its Member States for the work of human rights defenders in Guatemala.

## **COLOMBIA**

About two years ago, the "Human Rights Group" was formed, to be open to the participation of all EU Member States' Embassies.

The Group tends to meet at least once a month, and the objective is to share information on specific cases of human rights violations between the diplomatic missions, and to devise joint actions.

The Embassies share the follow-up of cases according to thematic issues (eg HRDs, indigenous peoples, etc.) and they present these cases during the Group's meetings.

The HRDs interviewed consider that there are pros and cons to the follow-up structure that has been structured by the EU and its Member States in Colombia.

Positive points noted:

- better coordination in the follow-up of prioritised cases;
- greater possibilities to take joint actions in specific cases;
- greater political weight in acting jointly as "the Group";
- greater compliance in the application of the Guidelines;

- greater access for civil society organisations located in Bogotá.

Points where improvement can be made:

- limitations on action because of the need for full Group consensus before taking actions on specific cases;
- slower processes when making decisions about steps to be taken;
- in some cases, once Embassies have acted as part of the Group, they don't take any actions on issues outside of their delegated thematic issue;
- limitations for the members of social movements in regional areas in sharing information on their cases.

## MEXICO

The EU in Mexico has developed –as it's been operating, and in response to requests from Mexican and European civil society organisations– an original structure both for implementing the Guidelines as well as for maintaining follow-up on the broader human rights situation in Mexico.

Since 2010, under the coordination of the EU Delegation in Mexico, the Embassies have been gathered into four local working groups (each one lead by a significant Embassy in Mexico) which distributed out the 32 Mexican states in order to have the capacity to examine individual cases and decide which actions should be conducted in the EU's name.

According to the political advisors, the working groups are an example of good practice which has allowed them to address Mexico's geographic diversity and range. It has also permitted a more responsive coordination between the Embassies, and allowed support actions to be integrated into their organisational cultures.

Similarly, the Global Agreement and the Strategic Partnership maintained by the EU and Mexico have opened the way for the establishment of spaces and mechanisms for sustained attention to human rights and the situation of human rights defenders.

One example is the High-Level Dialogue on Human Rights between Mexico and the European Union, where the EU has expressed concern for the situation of human rights defenders and has made efforts to include civil society in preparing the Dialogue's content<sup>1</sup>.

The other example was the 2013 creation of a working group between the EU Delegation and 21 human rights organisations (selected following an open call for participation).

The group meets every three months to share general information and specific cases related to human rights violations, to monitor the Dialogues,

and to provide follow-up on the EU's general human rights strategy in Mexico.

However, the primary challenges to this structure, according to the HRDs, continue to be:

- lack of transparency of the Human Rights Country Strategy Paper decided by the EU (which guides the action of the EU and its Member States in Mexico) and the actions taken by the EU in general;
- absence of clear indicators to monitor the progress of the agreements reached so far in the Dialogues, and the fact that the mechanisms for participation and inclusion don't apply to other types of dialogues (security, trade, etc.);
- limited representation (in numbers, and in geographic terms) of the EU Working Group of NGOs in Mexico: this Working Group therefore should not be the only channel of communication with the EU.

1. In 2012, civil society organisations organised the Dialogue to be preceded by a civil society seminar, where they could provide their own analysis of the human rights situation in Guatemala and formulate recommendations in response. This mechanism was repeated and improved upon in 2014. The Dialogue's agenda was shared beforehand; the HRDs came to a consensus on the seminar's format; a section of the Dialogue's opening was used for NGOs to share their positions; and a debriefing was conducted at the end

# Implementing the Guidelines in Guatemala

## Interview with Omar Jerónimo, HRD working on land and natural resource rights

In Guatemala, PBI interviewed six human rights defenders, as well as the EU Ambassador to Guatemala<sup>1</sup>. We chose to highlight some of the successes and challenges of the Guidelines by reproducing extracts from an October 2013 interview conducted with Omar Jerónimo, member of the “New Day” Chortí Campesino Central Coordinator (CCCCND).

The CCCCND is an organisation which informs and prepares training gatherings with rural communities in various municipalities in Guatemala’s east, on issues related to the peasant economy, the environment, rights and territory.

PBI Guatemala has accompanied the organisation since 2009, because of the threats and attacks that several of their members have experienced as a result of their work supporting human rights.

### **1. Do you know of the Guidelines on Human Rights Defenders?**

Yes, we’ve participated in two workshops on the European Union Guidelines for human rights defenders.

They were organised by human rights organisations, partly so we could use them as tools, both for making demands on the State, but also for conducting advocacy with the European Union entities that are in Guatemala.

### **2. Your organisation’s struggle occurs in the context of significant financial investments and human rights violations. What do you think are your vulnerabilities as HRDs in this context?**

In principle, one of the most delicate vulnerabilities for men and women HRDs in Guatemala is not having a State which guarantees their work as human rights

*Visit by the German Ambassador, Thomas Schäfer, to Zacapa, Guatemala. Here with Omar Jerónimo, of the CCCCND, and José Pilar Álvarez, of the Association for the Protection of Montaña Granadilla (APMG), 28 April 2011*



defenders. We now even have an Interior Minister, who should be the guarantor of [our] security, who at times becomes the spokesperson for the companies, especially the mining companies.

He comes out publicly to defend [them] and to accuse human rights defenders, so, perhaps the greatest problem we face isn't if there are or aren't multinational [...] companies or big capital operating in Guatemala, but the State itself, which doesn't guarantee the rights of the population and especially of HRDs.

So, the State puts them at risk, because it propitiates a violent atmosphere in the communities and in the spaces where we act.

### **3. What kinds of attacks or threats have you experienced in this context?**

There are at least three types of attacks: one is the defamation of people and institutions; another are threats; and, of course, the third is the most direct, direct physical attacks [...] these, at times, are made by the companies and, at times also, by the governments themselves, including local governments, who get especially involved in this.

This is why they are the strongest acts of aggression. Right now in Guatemala, at least in the Chortí territory where we come from, one of the other violent actions they have is to create anxiety in the populace, by

telling them that they will establish military detachments in the indigenous communities, or that the companies

will start operations, or that they'll be accused by the Public Prosecutor's Office of some criminal incident in which, in most cases, neither the leadership nor the community nor the men and women of the community are involved.

So, this type of psychological attack is what we are suffering today.

### **4. In response to these threats, have you received or benefited from some concrete measure among the protection mechanisms outlined in the Guidelines?**

We have spoken in the European Union space on human rights, in the Filter Group, on our situation, and one of the things we believe has been important in that space is that they have spoken with our governments, especially with the Interior Ministry, and the Minister has acted in some way.

That is, the mechanism has in some measure made them responsible for the security of citizens and the country has tried to act to protect our lives.

### **5. Do you think there is some measure which could have been or should be implemented more actively, or added to the Guidelines to provide greater protection?**

I think that rather than add to the Guidelines, it would perhaps be a case of the European Union having a more active stance in terms of questioning the behaviour of the State and the companies towards human rights defenders.

I think it would work better. With respect, I think that the international community just watches what is happening, but it's not more active in terms of making demands of the State, in giving better protection to conduct our work as men and women human rights defenders in Guatemala.

That is perhaps the most important.

### **6. The measures that are listed in the Guidelines, such as attended hearings or visiting offices – do you find them useful or do they not have much impact?**

When we have evaluated PBI's work within our organisations, we've seen that visiting our offices, accompanying us to the communities [and] speaking with local authorities lets the level of aggression we experience drop considerably.

We believe that the European Union should also do these activities more regularly.

### **7. Do you have any other suggestions?**

Yes, another suggestion –or, rather than a suggestion, a reflection– is that in recent years we've seen how commercial rights end up being considered equivalent to human rights.

We believe that it is important to maintain human rights as superior to commercial rights in a very clear way: for the international community, [that means] positioning them as more important.

We've seen how that position becomes more apparent every day.

So, we believe that [they] continue to be important and substantial, that human rights should be maintained as the most important.

So that is a reflection rather than a recommendation.

### **8. In the case of European investments, how should the EU Delegation act to promote a respect for human rights?**

In principle, one of the things we should consider is that there are certain economic activities which are not viable in the Guatemalan context.

Mining, for example, rather than creating opportunities for development, creates unfeasibility

of the future of life. It is necessary to revise how these companies are financed.

In regards to energy, we believe that a dialogue should be opened that is clearer, more participative, honest.

The European Union should also consider if it will or will not finance those companies that at some time have been suspected of participating in human rights violations, because this will grant human rights the status that they really deserve, but it will also contribute to the development of companies with principles based on human rights.

Yes, we believe that needs vigilance and, of course, the State of Guatemala is very weak in terms of sanctioning human rights violations committed by companies.

We think that the international community has the capacity in their countries to sanction these incidents, regardless of where they are committed, because human rights violations, however they occur, are [a violation of] universal human rights.

So, for those companies for which there is evidence of human rights violations, we want their financing to be considered.

We also want the companies to be sanctioned when they commit human rights violations.

Another important thing is that all of the companies which come from abroad –Europe, North America– come to our country and think that by complying with the legal frameworks here they're absolved of all responsibility.

We believe that they shouldn't act only according to the rules of a country, which has a State that is

terribly weak in its constitutional compliance, but rather consider the non-violation of human rights, and not participate in any action with violates the human rights of the country they are coming to. We believe that is fundamental.

1. The civil society representatives interviewed in October 2013 included Lorena Cabnal of the Association of Indigenous Women of Santa María Xalapán (AMISMAXAJ); Omar Jerónimo of the "New Day" Chortí Campesino Central Coordinator; Mauro Cosojay Turuy of the Organisation of the 12 Communities of San Juan Sacatepéquez; Carlos Morales and Sandra Calel of the Verapaz Union of Peasant Organisations (UVOC); Jorge López of OASIS. The diplomatic corps interview was conducted with Stella Zervoudaki, Ambassador of the European Union in Guatemala; her contribution can be seen here: <http://bit.ly/1hWIEBL>

## Special threats faced by women HRDs

*“To be women and human rights defenders working on natural resources puts us in a different position to male defender, in a situation of particular vulnerability.*

*A tool which is being used against women human rights defenders (WHRDs) is sexual violence, which many of our companions who defend national resources have suffered.*

*There is a difference in how our bodies are in the first line of attack, as well as [those] of our daughters.*

*Several of the threats that have been made against WHRDs have been that we should stop defending natural resources, because we or our daughters will be raped.*

*One way of making us quiet is to leave us pregnant, so we stay in our homes because of*

*sexual violence.»*

Interview with Lorena Cabnal, the Association of Indigenous Women of Santa María Xalapán (AMISMAXAJ) which defends the Xinka's natural resources territory and promotes women's rights, Guatemala, October 2013.



Visit by the German Ambassador, Thomas Schäfer, to the offices of AMISMAXAJ, 28 April 2011, Guatemala

## Challenges around investment

*“The ambassador came here to the communities, but he came as if he were the spokesperson for the cement company. So how is he able to defend us? That’s also been the way with other Embassies [...] They wanted to be in contact with us, but as they have a very different way of thinking, it’s difficult.*

*Those of us here don’t have any protection from the Embassies of any country [...] They haven’t come to listen, they’ve come to convince us [...] He compared with Europe, but there the law is respected, there are laws that must be followed.*

*So how is he going to compare it to Guatemala? We find ourselves utterly alone here [...] If there were truly a space where they listened and where they truly did something for the*

*indigenous people, it would be good. But it has to be in the community, not in Guatemala City, because we can’t get to the capital.”*

Interview with Mauro Cosojay Turuy, the Organisation of the 12 Communities of San Juan Sacatepéquez, which defends the communities’ natural resources and territory from a cement project in Guatemala, October 2013.

*“There are countries that have a fundamental presence in Colombia, in terms of, for example, trade matters but not human rights issues.*

*And we could include many of the countries of Western Europe in that scenario. Very good on trade issues; very good in terms of seeking those connections and the role of European companies in Colombia; and very timid when it comes to looking at accompanying HRDs, and the consequences of the work or the establishment of those European companies in Colombia, and what is happening in many territories where these companies are located.”*

Interview with Franklin Castañeda, the Committee in Solidarity with Political Prisoners (FCSPP), Bogota, December 2013.



# A case study of the Guidelines in Colombia

***«I'd like to thank all the international organisations which have honoured me with their solidarity, as PBI has done, that have made it possible for my case to be known in the world. Receiving that permanent support is what strengthens me each day. The international community should know that in Colombia people are pursued for their ideas, as has happened in my case.»***

**David Ravelo Crespo, 20 March 2014.**

**P**BI in Colombia interviewed four human rights defenders<sup>1</sup>. We chose to highlight the challenges and achievements of the Guidelines by considering the irregular judicial proceedings against one HRD, in a case which is emblematic in Colombia

## **IRREGULAR JUDICIAL PROCEEDINGS AGAINST HRD DAVID RAVELO CRESPO**

### **The case**

On 14 September 2010, human rights defender David Ravelo Crespo was detained in Barrancabermeja (Santander, Colombia), and since then he has been imprisoned in the capital Bogotá.

David Ravelo was accused of being the intellectual author of a homicide committed in 1991; the charges against him are based on the testimonies of demobilised paramilitaries, who also accused him of having links to the guerrilla group, FARC<sup>2</sup>.

However, Ravelo had already been jailed for 27 months between 1993 and 1995, accused of rebellion; he was judged and absolved of all charges, and furthermore, he later won his claim against the Colombian State for reparations. The State was ordered to compensate him for arbitrary detention<sup>3</sup>.

As a member of Regional Corporation for the Defence of Human Rights (CREDHOS), Ravelo had issued countless reports of cases of human rights violations against paramilitary groups in Barrancabermeja, and, among other cases, had denounced the paramilitaries who have now accused him.

Before his imprisonment, David Ravelo lived through more than a decade of death threats. Since his detention, mechanisms of the United Nations and national and international NGOs have drawn attention to his case, and the lack of compliance with international standards of due process<sup>4</sup>.

In September 2013, British lawyers filed an *amicus curiae*<sup>5</sup> brief in relation to the trial and

sentence of David Ravelo in the Superior Tribunal of Bucaramanga.

Among other concerns, the brief concluded that the trial should be nullified and that, in any case, David Ravelo should be absolved as "Mr Ravelo was convicted despite the weight of evidence that in this case demonstrated his innocence"<sup>6</sup>.

However, in December 2012, David Ravelo was sentenced to 18 years in prison in the first instance verdict, a sentence which was upheld in October 2013.

According to Colombian human rights organisations, it has been regular practice to link different human rights defenders with guerrilla or paramilitary groups, based only on the testimonies of demobilised troops who provide their testimonies in exchange for leniency in their own cases.

There have also been numerous cases of HRDs who have been imprisoned for several months or even years, and who have subsequently been released without charge.

They have noted the negative effects that these irregular judicial proceedings can cause, as in addition to putting their security and physical integrity at risk, they may see their credibility and their capacity to work as human rights defenders limited.

The accused HRD's organisation also suffers from reduced capacity for work and action, as the organisation also directs its energies to proving the innocence of its staff, and not to defending human rights as it normally does.

### **Actions taken by the international community**

Since David Ravelo's detention in 2010, PBI has maintained constant communication on the case (through bilateral meetings and emails) with the diplomatic corps in Colombia and the international community abroad.

As informed by Ravelo's defence lawyer, PBI has expressed concerns for irregularities committed in the development of due process, and for possible violations of the right to a legitimate defence<sup>7</sup>.

PBI continues to request close observation of the case, both through attendance at hearings and prison visits, in application of the *European Union Guidelines on Human Rights Defenders*.

### Good practices

Throughout David Ravelo's legal process, various representatives of EU Embassies, upon request from PBI and in compliance with EU Guidelines, have implemented a range of actions:

- **Attending trial hearings:** We note that it has been difficult for Embassies to attend hearings because of suspensions and sudden date changes. In June 2011, the UK Embassy travelled to Bucaramanga to attend David Ravelo's hearing, but it was postponed. In March 2012, the UK and German Embassies (in representation of the EU Delegation) also travelled to Bucaramanga with the same aim, but the hearing was cancelled once again.

Instead, the two Embassies visited David Ravelo in La Modelo prison in Bucaramanga (where he was imprisoned during the trial).

- **Visiting CREDHOS, David Ravelo's organisation:** In September 2010, the Embassies of France, Germany, the Netherlands, Sweden and the UK, as well as the EU Delegation, travelled to Bucaramanga and Barrancabermeja and visited the offices of CREDHOS. The German and UK Embassies (in representation of the EU Delegation) did the same in March 2012.
- **Visiting the HRD in jail:** In December 2010, the Embassies of Germany and the Netherlands visited David Ravelo in La Picota jail, Bogotá. In April 2011, the German ambassador, together with a German parliamentarian, went to visit David Ravelo. The Embassies of France, Germany and the UK did likewise in December 2012.

*Visit by the Norwegian Ambassador Lars Vaagen; Helge Holleck, Embassy of Germany; Jérôme Gazzano, Embassy of France; Natalia López, MAPP-OEA to the Peace Community of San José de Apartadó  
May 2014*



- **Offering political support:** On various occasions, David Ravelo's case has become an issue addressed in the political dialogues between different Embassies and governments, with representatives of the Colombian State, and even with Colombia's President Juan Manuel Santos.

## Challenges

It is worth noting that some representatives of Embassies from the EU and other countries have been concerned about expressing themselves and taking actions on this case, considering it an "intrusion" in the domestic justice system of a third country.

As PBI, we continue to insist that the role of Embassies is not to make declarations on the innocence or guilt of individuals who are maliciously prosecuted, but rather it is to monitor and ensure that standards of due process are applied.

Another limitation to the steps taken by the EU Delegation has been the need to reach a consensus among the Member States' Embassies in order to authorise the Delegation to act, which, in cases of criminalisation of human rights defenders, tends to be an impediment to the practices listed above.

1. Franklin Castañeda of the Committee in Solidarity with Political Prisoners (FCSPP) was interviewed and video-recorded in December 2013. Extracts from the interview at: <http://bit.ly/1hWIEBL> Also interviewed: Abilio Peña of the coordinating team of the Inter-Church Justice and Peace Commission (CIJP); the team of the Luis Carlos Perez Lawyer's Collective (CALCP); and Fabián Laverde of the coordinating team of Social Corporation for Community Advisory and Training Services (COSPACC), January 2014.

2. Ana Maria Valencia, 'Alias 'El Panadero' señala a ex Congresista en un crimen', Vanguardia Liberal, 5 November 2008, at: <http://bit.ly/1sdKEZe>

3. En medio del Magdalena Medio. En: La Sandunga Films, 2012

4. Human Rights Council of the UN General Assembly, Report of the Special Rapporteur on independence of judges and lawyers, Gabriela Knaul, A/HRC/17/30/Add.1, 19 May 2011, at: <http://bit.ly/1nDh6iB> ; CCAJAR: Un nuevo ataque contra David Ravelo Crespo: Fiscal 22 Antiterrorismo hace falsa denuncia ante el INPEC, 24 December 2011, at: <http://bit.ly/1qe7QVi> ; World Organisation Against Torture (OMCT): Colombia: International Organisations express grave concerns at the irregularities in the judicial process leading to the conviction of David Ravelo Crespo, Colombian human rights defender, 10 December 2012, at: <http://bit.ly/1qKSchz> ; OMCT: Colombia: On the third anniversary of the detention of renowned Colombian human rights defender David Ravelo Crespo, International organisations express concern, 14 September 2013, at: <http://bit.ly/SVf9TK> ; OMCT: Colombia: On Human Rights Day, International Organizations deplore the conviction on appeal of David Ravelo Crespo, 10 December 2013, at: <http://bit.ly/1jqiMb2>

5. An amicus curiae (literally "friend of the court") refers to a presentation made by outsider to a legal case, who voluntarily offer their opinion in regard to a point of law or some other related aspect, to collaborate with the tribunal in resolving the matter dealt with by the case.

6. Bar Human Rights Committee of England and Wales (BHRC), Amicus Curiae ante el Tribunal Superior de Santander en relación con el juicio y la sentencia dictada por el Juzgado Primero Penal del Circuito Especializado-Adjunto- (Providencia n° 151, radicado. 2011-0049-01 del 16 de noviembre de 2012. Causa contra David Ravelo Crespo), Párrafo 7. In December 2010, PBI facilitated a meeting with David Ravelo's lawyer. Representatives of the Embassies of Canada, France, the UK and the USA attended.

7. In December 2010, PBI facilitated a meeting with David Ravelo's lawyer. Representatives of the Embassies of Canada, France, the UK and the USA attended.

***EU Guidelines, §11: Where appropriate, visiting human rights defenders in custody or under house arrest and attending their trials as observers.***

# The Guidelines in Honduras: Still many challenges to be overcome

**H**uman rights defenders Honduras remain largely unaware of the existence and role of the EU Guidelines. The PBI project in Honduras sought to interview ten HRDs, and only two of those knew of the Guidelines and agreed to participate.

The others were not aware of the protection mechanism and did not wish to participate. Of these two interviews, we have used the one conducted with Joaquín Mejía.

Joaquín Mejía is a lawyer, and currently holds the role of coordinator of the Human Rights Department of the Reflection, Research and Communication Team (ERIC).

After the coup of 28 June 2009 against constitutional president Manuel Zelaya, the work situation of the staff at ERIC and Radio Progreso became very difficult, with direct threats against more than 15 team members.

Mejía states that, despite having known of the Guidelines through a project financed by the EU, he doesn't consider them to be a protection tool for HRDs.

This statement comes from his limited knowledge of the Guidelines, the lack of an EU Delegation representative responsible for requests to activate the Guidelines, and the fact that his organisations have never benefited from them.

He remembers that on one occasion, they managed –with EU support– to allow two HRDs to temporarily leave the country when they were at great risk. In that case, the process and the requisites to benefit from the program seemed extremely rigid and difficult to fulfil.

Joaquín Mejía notes that, as a result of the situation of “chronic” insecurity experienced by human rights defenders in Honduras, HRDs are forcibly displaced and distanced from their families and friends, who then subsequently become victims of attacks and acts of aggression.

This situation has strong psychosocial consequences for the HRDs and their communities. Joaquín Mejía considers that the Guidelines are too general and that “the EU should invite civil society to evaluate the Guidelines”.

Further, he affirms that the Guidelines should integrate some aspects related to the specific geography of Honduras: the situation in Bajo Aguán, for example, has characteristics which are not found in the Valle de Sula.

“It would be a good democratic exercise to conduct an evaluation of the application of the

Guidelines: how many people received protection, and where [they worked].”

The Embassies' location and sphere of action is another limitation pointed out by Mejía. On only one occasion has an EU representative visited the Northern Zone where Mejía works, which Mejía considers a demonstration of the mechanism's limitations.

Based on his experience, he proposes that the EU and its Member States seek more contact with human rights defenders working in rural areas. He recognises the importance of gatherings with HRDs facilitated by the EU Delegation in the capital Tegucigalpa, but their location proves an obstacle for individuals coming from other regions: for Joaquín Mejía, for example, it takes eight hours to reach Tegucigalpa.

He considers that the EU's communication with human rights organisations should be more fluid, and the connection with individual HRDs stronger.

Finally, as HRDs in other Latin American countries which have PBI projects have stated, Mejía highlights the lack of coherence between EU policies of supporting human rights defenders, and the economic interests reflected in bilateral and multilateral commercial agreements: “The EU representative is more interested in business agreements than in human rights issues”.

1. For further information (in Spanish only), see <http://bit.ly/1qKSXHx>

# A snapshot from Kenya

In Kenya, much work has been done by EU representatives and by civil society organisations to promote awareness of the EU Guidelines.

This is a challenging task, however, especially outside of Nairobi, in rural areas and among very grass-roots HRDs where awareness is low. No Swahili-language version of the EU Guidelines has been widely circulated.

Protection organisations have told PBI that they are actively trying to raise awareness among civil society and formulate ideas on how the Guidelines could be successfully adapted to the Kenyan context.

PBI Kenya recognises the active role played by some EU Embassies in communicating regularly with human rights defenders and protection organisations.

However, even when HRDs are aware of the Guidelines, they may not know exactly what they can expect from the EU and its representatives in Kenya, or how and when to seek help.

Some aspects of the proactive role that the Guidelines envisage EU Missions playing are not yet apparent to many HRDs in Kenya, which makes the defenders more reluctant to seek out assistance.



# Conclusions and Recommendations

It is worth highlighting that the human rights defenders interviewed here represent only a small sample of the people who defend human rights in Colombia, Guatemala, Honduras, Kenya and Mexico. All the HRDs here have received the accompaniment of, or worked closely with, PBI.

Accordingly, and in contrast to the great majority of HRDs, they have had continuing access to the international community, and they are among those who have received the greatest benefit from the Guidelines.

That being said, the conclusions we have come to are necessarily partial, and do not represent the reality experienced by most human rights defenders.

Some 90% of the HRDs interviewed claimed familiarity with the Guidelines, but the majority knew of them through PBI or other national or international NGOs. The majority didn't know who, within the EU Delegation in their country, was responsible for their implementation.

At least half of the HRDs interviewed had benefited from the Guidelines: the EU Delegation and its Members States' Embassies had taken specific steps for their protection.

These measures ranged from bilateral meetings in the Missions' or Delegation's offices, to invitations to multilateral meetings (eg of the political advisors of EU Member States); organising delegations' field visits to HRDs in their offices, and meetings with local authorities; trial observation; mentioning specific cases in bilateral dialogues with local governments; and even physical accompaniment to at-risk defenders on their return home after a period in exile because of their serious security situation and public pronouncements against them.

In all these cases, the human rights defenders considered all these actions are extremely useful and of assistance in decreasing their risk.

Despite these good practices, the human rights defenders interviewed also identified challenges in the implementation of the Guidelines, which can be summarised in three points:

- dissemination of the Guidelines and the EU's general human rights policy. It is particularly difficult to reach community and grass-roots HRDs, with the result that the protection mechanisms offered in the Guidelines are less known and implemented in rural areas, ie where those who defend human rights face the greatest risk;
- lack of information and follow-up for the actions taken by the EU and/or its Member States;
- lack of consistency among the EU Delegations and

Member States between the obligation to protect human rights and the promotion of their commercial interests. Often, economic interests hold primacy over human rights.

Rather than changing the Guidelines, all of the HRDs interviewed asked for a much more active implementation of the measures already outlined. Based on their experiences, the HRDs feel that some actions are more effective than others. They particularly recommend:

- wide diffusion of the Guidelines, including with rural and grass-roots HRDs;
- informing HRDs of the actions taken to support them; also, greater dissemination of and publicity for these actions via media releases or articles on Embassy/Delegation websites;
- communicating the criteria used by EU Delegations and Embassies to prioritise which cases to respond to, and revising these criteria with the HRDs;
- conducting more visits and meetings the community and grass-roots HRDs;
- making greater use of public declarations that support HRDs' work, and making public pronouncements in case of serious threats or other attacks against them.

A public campaign which recognised the important role of human rights defenders, especially women HRDs, would be a significant measure to legitimate and support their work.

In this line, the EU Special Representative for Human Rights, in an event which united the human rights focal points of at least 100 countries<sup>1</sup>, asked explicitly that Delegations take advantage of the tenth anniversary of the Guidelines on Human Rights Defenders to organise public events that recognise and promote the work and situation of HRDs;

- observing more hearings and trials. Increasing numbers of HRDs are facing legal accusations, especially those who defend economic, social and cultural rights, as well as rural HRDs. Observing the hearings of criminalised HRDs can help make visible the international community's concern and its expectation for compliance with international standards of due process;
- systematically sharing Country Strategies with the HRDs; increasing transparency and increasing the involvement of HRDs and civil society organisations in the definition and implementation of EU human

rights policies like the Country Strategies, but also the Human Rights Dialogues between the EU and third countries. This area has been improved in the case of Mexico, and could be replicated in other countries;

- seeking greater consistency between the EU Missions’ and Delegation’s diverse work areas, particularly commercial interests and the obligation to respect human rights;
- activating the Guidelines’ mechanisms, prior to their implementation and in a timely manner, in cases where European investments are planned;
- conducting visits to areas and communities affected by large-scale investments, to be informed of what is happening;
- demanding that the companies based in an EU Member State respect human rights, and especially monitoring those cases where the indigenous communities affected by megaprojects have prior and objective information on the forthcoming project and can give a prior, free and informed opinion and consent on the situation;

- calling round tables that unite communities, human rights communities and authorities to facilitate consultation and greater understanding of the sentiments of local communities affected by megaprojects.

1. Seminar for European Union Delegations’ Focal Points on Human Rights, organised in Brussels by the European External Action Service (EEAS), 20 February 2014.



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