

ON THE HUMAN RIGHTS FRONTLINE

A strategy for the protection of human rights defenders

Introduction

Globally there is an unprecedented surge in repression against human rights defenders (HRDs).¹ We call on governments to prioritise work to support and protect them, with particular consideration given to HRDs facing specific risks such as women and LGBTI+ people, environmental, indigenous and land rights activists, journalists, and lawyers. Human rights defenders are positive agents for change whose objectives mirror many of those set out by the Scottish Government (SG) in its Global Affairs Framework and Feminist Approach to International relations. Centering them in external policy is one of the most effective ways to create just, equal and open societies with human rights and access to justice for all.

UK Context

The UK government recognises HRDs as an essential part of its foreign policy in its 2019 policy document, UK Support for Human Rights Defenders². The publication of this document was significant not only as evidence of the UK's support for the legitimacy of HRDs, but in identifying practical measures of support and providing guidance for UK embassies and high commissions around the world. However, this policy document is no substitute for a considered and comprehensive strategy in support of HRDs which would identify interventions to promote the work of posts in country, and to challenge at the international level the global trend towards increasing repression.

In 2021 a report³ by Amnesty International UK (AIUK) and the centre for Applied Human Rights (CAHR working with, Peace Brigades International UK, Front Line Defenders, the Law Society of England and Wales, Gender Action for Peace and Security (GAPS), Kaleidoscope Trust, Bond, CIVICUS, The Fund for Global Human Rights, Forum Asia, Together We Build It and JASS (Just Associates) - launched a draft strategy for the protection of Human Rights Defenders (HRDs) with a call for the UK Government to develop a cross-government, adequately funded and gender responsive strategy for the protection of HRDs, which we continue to press the UK government for.

¹ Front Line Defenders, annual report 2022: https://www.frontlinedefenders.org/sites/default/files/flid_annual_report_2022.pdf ; On the Human Rights Frontline, 2021: <https://www.amnesty.org.uk/onthehumanrightsfrontline>

² UK Support for Human Rights Defenders: <https://www.gov.uk/government/publications/uk-support-for-human-rights-defenders>

³ On the Human Rights Frontline, 2021

The Scottish Context

Under the devolution settlement the SG has an important role to play in supporting HRDs and championing human rights in its international work. To quote a recent policy document, the government has ‘developed an increasingly ambitious role in the international arena’.⁴

The Scottish External Affairs Directorate has offices world-wide and specific engagement strategies with the U.S, China, Pakistan, Canada and India. Work led by the international offices focuses on developing overseas economic and trade links, and the SG undertakes development work in its four identified partner countries Rwanda, Malawi, Zambia and Pakistan.

While Foreign Affairs remains a matter reserved to Westminster, the SG’s significant International engagement carries with it responsibilities to promote human rights globally. It has opened new international offices, developed a feminist approach to international relations, and supported the establishment of the Scottish Council for Global Affairs, a policy think tank on international relations. These developments underline the SG’s capacity and ambition for international work.

Many countries the SG engages with are environments where HRDs face a range of attacks and abuses, including harassment, surveillance, arbitrary arrest and detention, and even extra judicial killings. The danger experienced by HRDs reflects the wider human rights challenges faced by populations. Currently International Development work focuses on areas identified by governments in partner countries. To fulfil its commitment to directly addressing human rights⁵ however, the SG should set out clearly how the experiences of HRDs informs its work in each country context.

Currently the government funds the Scottish Human Rights Defenders Fellowship (SHRDF), delivered annually by the University of Dundee and supported by AIUK, PBIUK, Front Line Defenders, and others. In 2023 the government funded additional places for WHRDs working on gender and environment.

In November 2023 the SG set out how it intends to take a ‘feminist approach’ to international relations’.⁶ The document articulates positive guiding principles of transformation, participation, intersectionality, equitability, consistency and accountability. It is intended that the scope of the policy will focus on humanitarian work and international development, climate justice, trade, and peace and security. As one element of its focus on peace and security the document recognises the role of HRDs in promoting human rights, accountability and good governance, and commits to ‘continuing to learn from the experience and expertise of HRDs...[and] to encourage the UK government to consult directly with HRDs, including alumni of the SHRDF.’

We welcome these steps as part of Scotland’s approach international relations and encourage the SG to further commit to developing its policy on HRD support and protection specifically.

⁴ Feminist approach to foreign policy - stakeholder engagement workshops: evidence report, 2023: <https://www.gov.scot/publications/stakeholder-engagement-workshops-scotlands-feminist-approach-foreign-policy-evidence-report/>

⁵ Scotland’s Global Affairs Framework: <https://www.gov.scot/publications/scotlands-global-affairsframework/pages/7/>

⁶ <https://www.gov.scot/binaries/content/documents/govscot/publications/strategy-plan/2023/11/taking-feminist-approach-international-relations/documents/taking-feminist-approach-international-relations/taking-feminist-approach-international-relations/govscot%3Adocument/taking-feminist-approach-international-relations.pdf>

We suggest that as a starting point the International development work the SG undertakes in its identified partner countries is an opportunity to set out clearly how it can support HRDs in Zambia, Malawi, Rwanda and Pakistan, before being expanded. We suggest that this can be achieved in the form of a strategy which details the actions the SG can take within each partner country context. This can be gradually expanded to capture more international activity, including advocacy targeted towards the UK government on behalf of HRDs. Previous examples of good practice have been evident in representations made to the UK government by Scotland's International Minister on behalf of HRDs from Belarus, Afghanistan and the Philippines hosted by the Scottish Human Rights Defenders Fellowship.

The Strategy

A strategy must take into account the differing human rights environments in each partner country, and crucially should be developed in consultation with HRDs and civil society working in each country. This would also reflect the government's commitment to a partnership approach to its international development work.

The SG's own research has highlighted it has a 'range of mechanisms' through which it can pursue a feminist approach to international relations. Those mechanisms can also be applied to the more specific context of HRD protection. Goals and objectives should reflect the SG's channels of influence, and the support it can realistically provide to HRDs and civil society within the scope of its international work. We appreciate that carrying out the following objectives will at times involve working closely with the UK government and FCDO and that there may be occasions when Scottish Ministers are not fully empowered to act. However, we also note that the Scotland Act permits Scottish Ministers to communicate with countries, regions or institutions, and pursue their interests internationally so long as they do not enter into binding agreements or speak for the UK.

Goal 1: To ensure HRDs are better protected and recognised including as a result of Scottish diplomacy

Objective 1 – Promote the right to defend human rights. Possible indicators include:

- Consistently raise cases of HRDs and human rights abuses during international visits,
- Issue statements to highlight human rights violations and the criminalisation, arrests or killings of HRDs, or if necessary lobby the UK government to do so,
- developing local HRD engagement plans for partner countries to facilitate consultation with HRDs to ensure the most up to date understanding of human rights challenges and the needs of HRDs among ministers and officials,
- Meet with HRDs visiting the UK and in international spaces,
- Provide where appropriate, visible recognition to HRDs through effective publicity, visits or invitations,
- Identify opportunities to facilitate and improve contact between HRDs and UK missions where needed,
- Raise cases and human rights violations in partner countries with UK Ministers.

Objective 2 – Strengthen the capacity of HRDs

- Raise the importance of the work of HRDs and their protection needs in bilateral meetings and international visits when appropriate
- Facilitate contacts among HRDs and the exchange of experiences between countries and/or regions.

Goal 2 : HRDs and human rights organisations are better able to access appropriate, flexible funding to enable their work

Objective 3 – Improve access to funding directed to HRDs.

This may involve adapting or opening new funding streams from Scotland's International Development or Climate Justice Funds aimed at grass roots organisations and activists working on

key human rights challenges. The SG may choose to ring fence some development funds for targeted efforts towards protection of defenders. Providing new direct funding streams for civil society organisations in partner countries is a welcome measure set out in FAIR. Specifying that efforts will be made to ensure HRDs in need of funds who may not be within the SG's existing civil society networks are able to access them flexibly and securely would be extremely beneficial.

Goal 3: More HRDs at risk have access to rapid response, individual and collective protection mechanisms

Objective 4 – Strengthen protection arrangements for HRDs

- Call for and support the development of collective protection mechanisms where appropriate and in response to calls from human rights defenders,
- Urge the UK to prioritise funding for emergency protection mechanisms and champion development of 'basket funds' or pooled funding for international embassies to contribute to, providing emergency protection grants,
- Facilitate accessibility to temporary UK visas for human rights defenders at risk and advocate at the UK level for more flexibility in the visa system and/or fast track visas for HRDs,
- Support awareness raising of the importance of temporary relocation schemes among civil society and knowledge sharing to encourage the development of further schemes.

These are suggested goals and objectives intended to inform the foundations of this work. Only consultation with HRDs can provide a full picture of what actions may best help to meet their needs.

Reporting and Accountability

The implementation of any strategy must be underpinned by monitoring and evaluation of progress against goals and strategic outcomes, in addition to transparent reporting on actions delivered to support and protect HRDs. One possible mechanism through which monitoring and reporting can take place is through an annual report on human rights and international activity provided to Parliament.

The role of HRDs and civil society in partner countries in monitoring and evaluation should be institutionalised throughout. The MEAL process set out as part of the government's feminist approach may be a useful model, however it will primarily be the government's responsibility to collect and publish data on how it has met the specific goals and objectives developed in consultation with HRDs - and the Scottish Parliament and civil society's role (in partner countries and in Scotland) to provide scrutiny.

Conclusion

It is likely that some of the proposals set out above will capture existing good practice in international relations, and there is undoubtedly significant overlap with many of the aims set out in the SG's feminist approach. Our clear ask is that human rights considerations are mainstreamed through international relations activity by centering HRDs, and that the SG develops its work on HRD support and protection in response to the escalating danger and reprisals faced by those defending human rights, including in its partner countries.

Grave human rights violations, including attacks on HRDs, occur in several countries the SG conducts external affairs work. Front Line Defenders most recent annual report identified four HRDs killed for their work in Pakistan in 2022. In Malawi HRDs were harassed and subject to arbitrary arrest and the government passed legislation cracking down on NGOs and civil society. In Rwanda journalists and activists were persecuted and unlawfully detained. Recognition of these violations and the impact upon activists working to defend populations against rights abuses should underpin how the SG shapes its engagement.

Further developing a strategic approach to supporting HRDs as far as possible within the SG's capacity will strengthen a human rights based approach to international relations in key areas:

- a. Ensure that the SG's approach includes those working directly on human rights violations. HRDs often face the most risk and are the least visible as a result. A targeted strategy would set out what proactive measures the SG will take to reach them with support and funding,
- b. Include HRDs who may not be known to larger, development focussed NGOs or Scotland based organisations,
- c. Recognise that HRDs working on land, environmental and indigenous people's rights face the greatest risk and seek to contribute consistently to their protection through Scotland's Climate Justice and Just Transition work,
- d. Specify that funding streams will be open to grassroots HRDs in partner countries, engage in direct outreach to make them aware of opportunities and how to apply; consult with HRDs on specific funding barriers, and build in safeguards to address security around the application process and receipt of grants,
- e. Securely facilitate contacts among human rights defenders and the exchange of experiences between countries and/or regions in partnership with protection organisations,
- f. Set out local HRD engagement plans for each partner country as part of building Global South consultation mechanisms,
- g. Acknowledge human rights concerns and considerations regarding Police Scotland overseas training and commit to overseeing improvement in due diligence processes as well as monitoring and evaluation.
- h. Strengthen human rights due diligence across the board by capturing specific harms faced by defenders and identifying remedial avenues when harm occurs, which may be overlooked in more general processes.