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VOICES AT RISK

CANADA'S GUIDELINES ON SUPPORTING
HUMAN RIGHTS DEFENDERS

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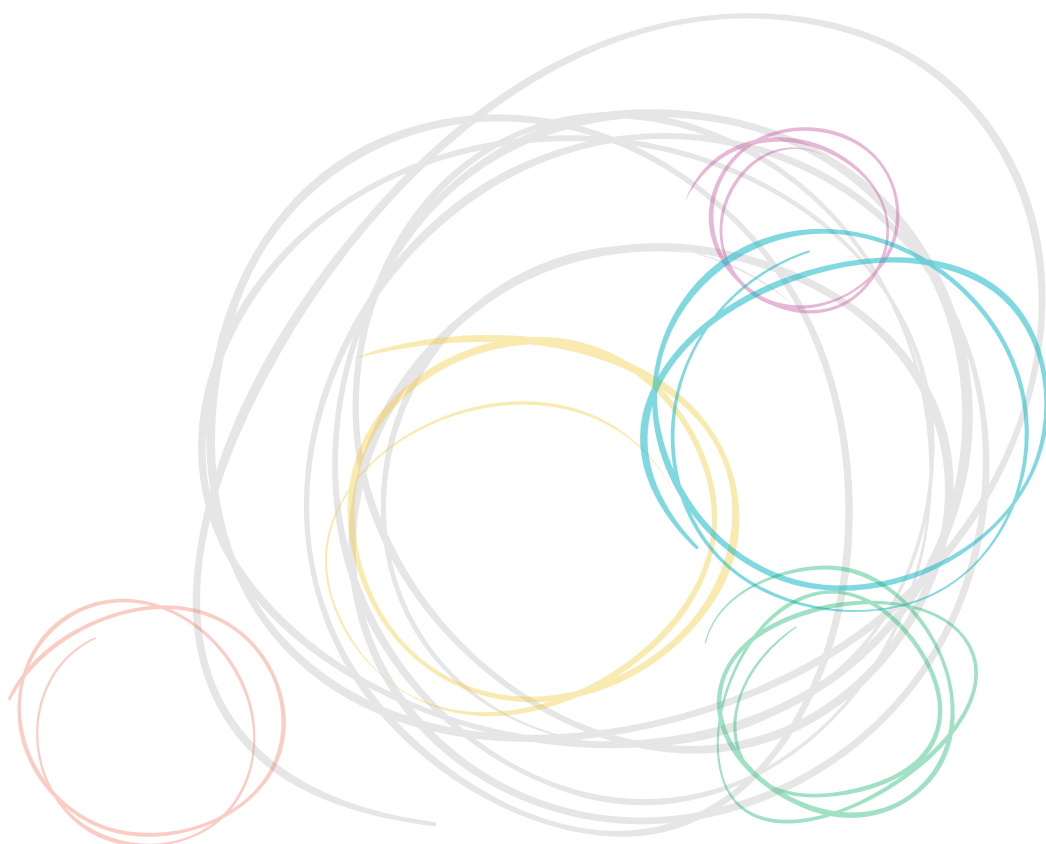
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INTRODUCTION

Canadians care about human rights. They expect their government to help build respect for human rights at home and around the world.

Promoting respect for human rights is at the heart of Canada's international engagement. Canada works with other governments, civil society, international organizations and the private sector to strengthen the international rules that protect universal human rights. International engagement also means supporting human rights defenders: the women, men and youth in communities around the world who keep respect for human rights alive.

Canada has a strong tradition of supporting these brave people who hold governments and companies to account. These are the people who stand up for others who face discrimination; the people who persist in saying what they believe—even when doing so can endanger their own lives.

Canada's Guidelines on Recognizing and Supporting Human Rights Defenders is a how-to guide for supporting human rights defenders—with practical advice for officials at Canadian missions abroad and at Headquarters—as well as a clear statement of Canada's commitment to promoting all human rights, including by supporting the vital work of human rights defenders.

These guidelines reflect the experience gained over the years by Canadian representatives working across the globe to support human rights defenders and are informed by the work and advice of Canadian civil society organizations. These guidelines are intended to complement and support the ongoing work of Canada's diplomatic corps.

The ultimate goal is to ensure that Canada continues to provide effective support to people around the world who are working for human rights—from helping human rights defenders be more effective advocates to helping protect them from harm.

Human rights defenders help defend the vital and fundamental human rights that we all enjoy. We need to continue to be strong advocates for them.

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HUMAN RIGHTS CONTEXT

1.1 Objectives of Canada's guidelines on recognizing and supporting human rights defenders

Human rights are central to the achievement of sustainable development, peace and security.

Promoting respect for human rights, as set out in international law, is a priority for Canada. States must ensure that all individuals have equal protection of the law, including the universal rights to exercise their freedom of opinion and expression, peaceful assembly and association, online as well as offline.



Canada recognizes the key role played by human rights defenders in protecting and promoting human rights and strengthening the rule of law, often at great personal risk. Canada has a continuing interest in supporting the work of these people.

These guidelines are designed to support officials of Global Affairs Canada at Canada's missions and at Headquarters in their efforts to advance the work of human rights defenders around the world. Canada's approach to supporting human rights defenders is based on these key values:

- Do no harm—the safety and privacy of the human rights defenders are paramount;
- Human rights are universal and inalienable; indivisible; interdependent and interrelated.

Canada's Guidelines on Recognizing and Supporting Human Rights Defenders is an evolving document. Officials at missions will be called upon to assist in the periodic revision and improvement of the Guidelines to reflect changing circumstances with respect to situations faced by human rights defenders in the field and evolving international norms.

The use of these guidelines by officials at missions and at Headquarters will be supported through human rights training prepared by Global Affairs Canada through the Office of Human Rights, Freedoms and Inclusion.

1.2 Who are “human rights defenders”?

“Human rights defender”, according to the Office of the [UN High Commissioner for Human Rights](#) (OHCHR), is a term used to describe people who, individually or with others, act to promote or protect human rights. Human rights defenders document and call attention to violations and abuses by any actor, including governments, businesses, individuals, groups and non-state actors.

Human rights defenders are identified above all by what they do. A human rights defender acts to address any human right on behalf of individuals or groups. Defenders can be women, men, boys or girls of any background. Many defenders do not identify themselves as such. Many begin by merely attempting to exercise their rights in the face of adversity and then take on an advocacy role. Human rights defenders seek the promotion and protection of civil and political rights as well as economic, social and cultural rights.

Human rights defenders sometimes focus on specific categories of rights or the rights of specific persons. These may include women’s rights; children’s rights; the rights of lesbian, gay, bisexual, transgender and intersex (LGBTI) persons; the rights of persons with disabilities; the rights of Indigenous peoples; rights related to land, natural resource management and the environment; labour rights; the rights of refugees, migrants and internally displaced persons; or the rights of individuals belonging to religious, ethnic or linguistic minorities.

1.3 Role of human rights defenders in improving human rights

Human rights defenders play an important role in the promotion and protection of human rights at the local, national, regional and international levels by collecting and disseminating information, by calling attention to violations by states of their obligations to promote and respect human rights, and by highlighting abuses of human rights by other actors.

Human rights defenders are active in every part of the world: in those states that are divided by internal armed conflict as well as states that are stable; in states that are non-democratic as well as those that adhere strongly to democratic principles; and in developing as well as developed economies.

The work of human rights defenders can bring many benefits to their communities, from helping to make governments more accountable, to protecting vulnerable communities from harm, to enhancing respect for rights related to economic participation.

1.4 Risks and threats to human rights defenders

The work of human rights defenders and civil society organizations can be dangerous. They are often subject to intimidation, job loss, restrictions and violence. Individuals from vulnerable and marginalized groups are particularly at risk.

Canada is concerned by the growing global trend of governments in non-democratic and in democratic states seeking to stifle civil society by:

- enacting new legislation and regulations that limit the full enjoyment of fundamental freedoms, both online and offline;
- discriminating openly against individuals from marginalized and vulnerable groups; and
- using increasingly harsh tactics of intimidation, unlawful and arbitrary surveillance, threats and reprisals.

Human rights defenders are increasingly at risk of serious human rights violations, including harassment, enforced disappearance, targeted and extrajudicial killing, arbitrary arrest or detention, unlawful imprisonment, torture, sexual violence and unfair trials.

Non-state actors, such as criminal organizations or terrorist groups, may also target human rights defenders in response to their work, often with the approval of governments, whether tacit or explicit.

The impact of such violations and abuses on the individuals themselves, on their families and communities, and on respect for human rights overall, is profound. The promotion of respect for human rights defenders is critical to inclusive, safe and prosperous societies.





SUPPORTING HUMAN RIGHTS DEFENDERS INTERNATIONALLY

2.1 Approach

Canadian support for human rights defenders takes many forms and responds to changing needs: advocating for open civic space and human rights; working in multilateral forums to strengthen international rules; leveraging partnerships with other countries, civil society and the private sector, including Canadian business interests abroad; funding civil society organizations and grant agencies; and giving public recognition to human rights defenders for their achievements.

Global Affairs Canada works with human rights defenders and local, regional and international human rights organizations through its officials at Headquarters and at its missions abroad. This active cooperation helps to inform Canada's human rights policies, priorities and activities internationally.

A state's ability to address each human rights defender case through its diplomatic corps can be limited. This is why Canada works collaboratively with a variety of partners and stakeholders in support of human rights defenders.

2.2 Engaging through multilateral institutions

Through its engagement in multilateral forums, Canada helps to strengthen and maintain respect for the international norms that define human rights. Canada also uses these forums to advocate strongly for the protection of human rights defenders. This includes support to the OHCHR and efforts to ensure that civil society has the opportunity to participate during multilateral human rights forums as stakeholders in constructive dialogue.

The UN's human rights institutions play a vital role in setting standards, monitoring conditions and encouraging and supporting states to meet their obligations. One of the key UN institutions is the Human Rights Council (HRC). Through the HRC's Universal Periodic Review (UPR) mechanism, Canada makes constructive recommendations to all UN Member States to:

- improve human rights promotion and protection;
- seek areas for collaboration, including with human rights defenders; and
- fulfill the commitments made previously through the UPR.

2.3 Advancing advocacy and building capacity

Through its network of missions, Canada engages with local authorities on an ongoing basis to underscore the obligation of states to protect all individuals in their territory and subject to their jurisdiction, including human rights defenders. Canada may also issue public statements, deliver speeches and use social media or diplomatic *démarches* in support of human rights defenders, alone or in partnership with other countries, when such advocacy is not expected to put the safety of human rights defenders at risk.

Canada regularly seeks opportunities to help build the capacity of civil society organizations, through sharing expertise and experience and technical assistance. This can take many forms, from multi-year funding for key human rights groups, to targeted contributions that Canadian diplomatic missions offer to grassroots groups for training courses, seminars and other initiatives. Canada also supports human rights education in partnership with Canadian organizations and assists organizations that provide emergency assistance needs. A principal objective is to build bridges between human rights stakeholders.

2.4 Recognizing efforts through awards



Canada understands the value of recognizing the vital work of human rights defenders. The John Diefenbaker Defender of Human Rights and Freedom Award was launched in 2011 to honour individuals or groups that show exceptional courage and leadership in defending human rights and freedoms at the local, regional or international level. The Minister of Foreign Affairs selects recipients on the basis of recommendations from missions.

Past recipients of the Diefenbaker Award have included Asma Jahangir of Pakistan and the Citizens' Alliance for North Korean Human Rights, based in South Korea, in 2011, and retired Joseph Cardinal Zen of Hong Kong, in 2013.

Canadian missions periodically offer or support awards that recognize the achievements of human rights defenders for championing specific human rights issues.



GUIDELINES TO SUPPORTING HUMAN RIGHTS DEFENDERS AT RISK

3.1 Overview

Support for human rights defenders is a priority issue for Canada's diplomatic missions, led by the Head of Mission and involving diverse mission programs and personnel, as required. Missions provide advice to and seek guidance from specialists at Headquarters to ensure their approach is considered and effective. When confronted with urgent situations, Heads of Mission should take necessary actions, drawing on these guidelines.

These guidelines are to be used in a manner that, at all times, bears in mind the well-being of human rights defenders at risk. The privacy and safety of individuals will continue to be of primary concern. This applies to decisions about case management as well as to the sharing of information with partners and with the public.

The safety and security of mission personnel must also be borne in mind when considering approaches for supporting human rights defenders.

In some cases, intervention may have consequences for the mission itself. If the state concerned considers the actions of Canadian diplomats to be incompatible with their status under the *Vienna Convention on Diplomatic Relations* or the *Vienna Convention on Consular Relations*, it may declare individuals to be *persona non grata*. It is important to assess this risk on a case-by-case basis prior to engaging in advocacy, so that it can be weighed against the potential benefit of taking action.

Key elements of a successful approach to the support of human rights defenders include strategic analysis, timely action, and cooperation with other supporters. A managed approach is typically most effective, with greater emphasis on informal, working-level interventions in the early stages, and increasing emphasis on higher-level, formal interventions as a critical situation evolves. Public interventions are most often considered following the pursuit of diplomatic engagement.

The challenges and threats faced by female human rights defenders may be greater and different in nature than those faced by male human rights defenders. Similarly, human rights defenders may face particular obstacles because they belong to an identifiable group that faces discrimination in a given country. In addition, some human rights defenders are minors. These differences in context must be taken into account when considering an appropriate approach to a given case.

3.2 Gathering information and reporting

Canada's ability to help build capacity and support effective responses to urgent situations depends on the documentation of evolving contexts and individual cases. Documentation allows for the sharing of information between personnel at Canada's diplomatic missions and those at Headquarters through regular reporting and enables Canada to contribute to cooperative efforts involving other diplomatic missions, civil society organizations and local authorities.

Missions are encouraged to report regularly on relevant developments in their countries of accreditation. This information will be maintained in a manner that respects confidentiality, so it neither adds to the risks faced by human rights defenders nor diminishes Canada's ability to provide support.

3.3 Information exchanges with individuals and their families

It is important wherever possible to maintain contact with human rights defenders at risk in order to keep up-to-date on their circumstances and preferences on any assistance they are seeking. In some cases, contact with diplomatic missions can be advantageous to an individual human rights defender or organization, as it can dissuade authorities from taking action against them. In other cases, contact with foreign entities can increase the risk for human rights defenders.

Direct contact is not a prerequisite for Canada to provide support. Often, a single diplomatic mission or civil society organization in the country where a human rights defender works serves as the point of contact between the human rights defender and the organizations and individuals working together to support their efforts to promote respect for human rights.

3.4 Helping build the capacity of human rights defenders' networks

Canadian representatives should proactively pursue opportunities to help human rights organizations and defenders to work together more effectively to respond to situations where human rights defenders are at risk. Canadian missions can play an important role in fostering the development of effective support networks that can include diplomatic missions, journalists, academics, government authorities and other stakeholders. Such networks can help human rights defenders to increase their safety.

3.5 Engaging with local authorities

Canadian representatives should build and maintain relationships with local authorities with influence or those with the authority to make decisions affecting human rights. These may include, for example, host government ministers and their staff, national human rights institutions, ombudspersons, partisan or public service officials, legislators, and regional and municipal leaders.

Canadian missions should maintain both formal and informal channels to discuss human rights issues with local authorities on an ongoing basis. Established mechanisms and relationships built on trust can create opportunities for collaboration and can facilitate the resolution of difficult issues.

In cases where human rights defenders are at acute risk, it is often fruitful to engage local authorities discreetly through such established networks and mechanisms. In many cases, informal outreach can help to resolve emerging crises in their early stages. Approaches can be made at senior levels as necessary, for example as part of meetings between ministers and the Head of Mission. Similarly, formal diplomatic mechanisms can be engaged when informal mechanisms have been exhausted or are inappropriate. Formal mechanisms can include, for example, *démarches* or *notes verbales*, and can be coordinated with other diplomatic missions. In very serious cases, firmer diplomatic measures may be required. These could include, for example, Headquarters calling in a foreign diplomat to discuss the case or, rarely and exceptionally, recalling a Canadian diplomat to mark strong disapproval of the actions of the host government.

3.6 Cooperation with key regional and international actors

Cooperation with and support for regional and international bodies and mechanisms is another recognized avenue for supporting and enabling strong institutions to promote and protect human rights. Within the UN system, the OHCHR supports respect for human rights at the national level through its network of regional offices and centres, with additional focus on cross-cutting regional human rights concerns. Canada supports efforts to undertake country visits by UN Special Procedures, the independent human rights experts mandated to report to and advise the HRC on human rights issues. The Special Rapporteur on the situation of human rights defenders is mandated to work with countries in support of the implementation of the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms and to gather information on the situation of human rights defenders around the world. Other important contacts for Canadian officials to maintain include mandate holders such as the Special Rapporteurs on the promotion and protection of the right to freedom of opinion and expression and on the rights of Indigenous peoples.

Beyond the close cooperation between missions in a region on cross-cutting themes and issues, Canadian missions should continue to work within regional institutions to promote and protect human rights and to support human rights defenders.

3.7 Enhancing visibility for human rights defenders

Giving greater visibility to human rights defenders can contribute to their safety and effectiveness by demonstrating that “the world is watching”. However, consultation with the defender or their representative prior to any profile-raising activity is essential, as association with foreign diplomats can sometimes create new risks. To demonstrate the importance of the work of the defenders, missions can, for example, conduct field visits, either independently or accompanied by other diplomatic missions, to meet with human rights defenders in the variety of settings in which they conduct their advocacy. Such visits can sometimes take place in remote regions, often within sight of local authorities and security forces. Human rights defenders can also be invited to mission functions as honoured guests, together with host authorities and others with influence on government actions.

3.8 Attending trials and hearings and visiting detained human rights defenders

Attendance by Canadian officials at trials or hearings involving human rights defenders—a clear and visible expression of Canada’s concern—can be helpful by allowing for detailed tracking of legal proceedings, ensuring up-to-date information on cases of particular interest. Canada’s involvement often presents networking opportunities with human rights organizations, other diplomats, and local authorities. Where several diplomatic missions are following a case, or where a trial is held in a remote or difficult-to-access area, it can be helpful to establish a roster to share trial-attendance duties and information on trial-related developments.

Seeking to visit human rights defenders detained by local authorities as a result of their human rights advocacy work can, in some instances, be a helpful means of showing support. This is an instance where the well-being of the individual, and the potential impact on the mission, must be weighed with particular care, and where the mission should consult Headquarters before action is taken.

Local authorities do not always allow foreign diplomats to attend trials; restrictions on visiting human rights defenders in detention are very common. In such cases, requesting permission to attend can nevertheless demonstrate continued international interest in the case.

3.9 Making public statements and using social media

While diplomatic engagement is in most cases the primary approach for Canada, public interventions can be an effective tool to support human rights defenders who are at risk or have been detained. They can bolster efforts by local and international actors to pressure a government to take positive steps. Public interventions can include open letters, op-eds, news releases, news conferences, and social media postings published by mission or Headquarters accounts. Although they may be made unilaterally by Canada, interventions typically have greater impact when made in coordination with other concerned countries.

Public interventions are most effective when the government in question is called upon to meet its own international human rights obligations. Most states have chosen to ratify the [Core International Human Rights Instruments](#). In so doing, these states have taken on certain obligations, including agreeing to submit to regular reviews by committees (“treaty bodies”) set up under these agreements. These UN human rights treaty bodies make observations and recommendations to improve the implementation of the human rights obligations. Canadian interventions can also make reference to Articles of the [Universal Declaration of Human Rights](#), a foundational document to which all UN members subscribe. It can also be useful to make specific reference to actions on human rights that are recommended to states through the Universal Periodic Review.

Common public appeals include urging authorities to conduct prompt and impartial investigations of alleged violations of human rights and to take all necessary measures to ensure the protection of all people against violence, threats, retaliation, discrimination, pressure or any other arbitrary action as a consequence of the legitimate exercise of their rights.

Drawing publicity to a case can sometimes make diplomatic efforts more difficult. The human rights defender in question, or their representative, should be consulted wherever possible, as public statements by foreign governments can lead to reprisals against the defenders, their families or against other human rights defenders. Special care needs to be taken whenever missions are unable to make contact, and must take into account the best interests of the individual. Specialists at Headquarters should be consulted before a decision to undertake a public intervention is made on a given case.

3.10 Supporting emergency assistance needs

Missions may wish to put the human rights defender facing acute threat in contact with one of the civil society organizations that specialize in providing emergency assistance in such cases, such as [Lifeline](#), [Front Line Defenders](#), [International Cities of Refuge Network](#), [Peace Brigades International](#) and [Avocats Sans Frontières](#). This assistance can include legal support, temporary shelter and funding to cover living costs and personal protection. These specialized organizations can offer assistance in situations where a human rights defender feels it necessary to leave their home country temporarily in order to carry out their work without fear. The office of the [UN High Commissioner for Refugees \(UNHCR\)](#) has been given the mandate to assist with emergency evacuation and long-term protection. Human rights defenders seeking shelter abroad will often do so in a neighbouring country, close to their families and local networks.

4

CANADA AND HUMAN RIGHTS DEFENDERS

4.1 Canadian human rights defenders

Cases in which the human rights defender at risk is a Canadian citizen—with or without citizenship in the country in question—must be considered as consular cases. Such cases involve specific diplomatic agreements that govern consular affairs and specific mechanisms to be used at Global Affairs Canada for engagement. Mission staff must work closely together to ensure these cases are managed as effectively as possible, taking into account consular and human rights considerations. Missions must promptly report these cases to consular officials at Headquarters and the appropriate geographic branch.



In cases where the individual is not a Canadian citizen but has other ties to Canada, such as permanent residency, missions should report to the appropriate geographic branch.

4.2 Cases involving Canadian entities

Human rights defenders—including those advocating for rights related to land and the environment—often focus on the activities of multinational corporations, subsidiary companies and contracted organizations in supply chains. Support for these human rights defenders should be provided as outlined in these guidelines, regardless of the nationality of the company in question.

Canadian companies working internationally are expected and encouraged to operate lawfully, transparently and in consultation with host governments and local communities and to conduct their activities in a socially and environmentally responsible manner. In instances where Canadian businesses are alleged or appear to be involved in a case, the mission must refer to [Canada's Enhanced Corporate Social Responsibility \(CSR\) Strategy to Strengthen Canada's Extractive Sector Abroad](#). Although prepared for the Canadian extractive sector abroad, the Strategy provides broad guidance on CSR policy and practice applicable to all sectors. Missions should also seek direction from the Responsible Business Practices Unit at Headquarters and must ensure close collaboration between the sections of the mission responsible for international business development and bilateral diplomatic relations. Depending on the facts of a given case, there may be an impact on the support that the mission offers to the Canadian company in question, including denying or withdrawing trade advocacy support. In cases involving conflict between a local community and a Canadian investor in the oil and gas or mining sectors, Canada's Corporate Social Responsibility Counselor may have an advisory or intervention role.

4.3 Seeking asylum in Canada

A human rights defender seeking to urgently leave his or her home country temporarily will typically seek refuge in a nearby country. However, in cases where a human rights defender requests temporary refuge in Canada, but does not hold a valid Temporary Resident Visa (visitor visa) and is not a Canadian citizen or Permanent Resident, officials should consult with the mission's visa section or contact Immigration, Refugees and Citizenship Canada (IRCC). Human rights defenders seeking refugee status in Canada should be advised to register with the UN High Commissioner for Refugees (UNHCR) whose mandate includes identifying what measures, including protection and possible resettlement, might be required. Once the UNHCR becomes involved, IRCC can assess the case under its Urgent Protection Program.





CONCLUSIONS AND WAY FORWARD

No single template can be applied when taking action to support human rights defenders at risk. These guidelines should therefore be interpreted in the context of local circumstances and conditions on the ground and in consultation with Headquarters.

The various tools for intervention described in these guidelines should not be considered mutually exclusive and should be used in conjunction with other approaches. They are intended to serve as a checklist to ensure that key steps are considered and that appropriate officials are kept informed in a timely manner.

Canadian representatives abroad are expected to maintain networks of contacts among groups and individuals advocating on behalf of the protection and promotion of human rights. These networks provide essential resources to support human rights defenders at risk, including vital information, advice, and access to sources of influence. They may also provide added credibility in dealing with local authorities, the public, and human rights defenders themselves.

Canada will continue to be a strong advocate for human rights and fundamental freedoms, respect for diversity and inclusion. An important part of these efforts is Canada's recognition of and support for human rights defenders—wherever they are and however we can.

