



# **Protection of Human Rights Defenders against Non-State Actors**

## **Context, Analysis and Strategies**

### **Presentation Overview**

On January 22 and 23, 2017, the Fund for Global Human Rights and Just Associates organized a work meeting in Mexico City to promote dialogue between international organizations dedicated to protection and security (of human rights defenders), donors and human rights defenders from Mexico, Guatemala, Honduras and Colombia.

The meeting was organized as a response to the inadequacy of traditional models of protection against the rising violence and restrictions faced by human rights defenders and their organizations, generated by a confluence of interests between state and non-state actors as well as persistent structures of discrimination. In this context, the purpose of the meeting was to thoroughly analyze the threats, critically assess approaches and strategies for protection, and identify alternatives or modify current security measures to respond to increasingly complex contexts.

Three different but complimentary approaches or responses to threats to human rights defenders were identified during the two-day workshop:

- The context (what we live)
- The analysis (what we know about the context: phenomena, trends, information or evidence about reality)
- Strategies or courses of action (what we do with what we know versus what we live)

The meeting provided participants with a general overview on the context, and they were able to identify some of the general trends regarding who is attacking and being attacked, what forms the attacks are taking and what the implications and consequences are. The discussion of specific cases served as an opportunity to understand different realities faced by defenders, the risks that they face and their most pressing needs.

In particular, it was possible to thoroughly analyze the hidden actors, de facto powers and power dynamics in gender and class discrimination as well as ethnic affiliation. This made it possible to recognize the complexities of a region that is currently experiencing the decomposition of its social fabric and the reproduction of multiple forms of violence, due to its weak institutions and the collusion between state and non-state actors as well as the emergence of a new macro-crime.

The factors that increase vulnerability of human rights defenders were also reviewed (power map, emerging risk factors, own limits and deficiencies, among others). This exercise allowed for a critical assessment of the different approaches, tools and strategies used for the safety and protection of defenders in the current context, by identifying the key aspects of their successes and recognizing their limitations and the challenges they face.

One of the main conclusions we reached, faced with this reality, is that there is a great need to redefine protection and security for Human Rights Defenders (HRD). While traditional measures and protocols are still important, such as keeping offices secure, placing security cameras and panic buttons, and protecting those individuals that are most at risk, protection and security in the face of non-state actors require strategies that enhance the sustainability and resilience of communities, organizations and movements. This includes strategies for strengthening their capacities to conduct detailed analysis and to create networks for communication and protection that can prevent, not just react to, threats and attacks. Collective participation of all members should be promoted in these strategies, not just the participation of the leader or coordinator, so that everyone is responsible for the safety of the group.

It was made clear, during the meeting, that we must improve the coordination between actors and organizations, and that we must reorient protection strategies in order to strengthen organizational and territorial capacities for protection, from the community level to the international level.

This document collects the core aspects of the work carried out, not as a synthesis or memorandum, for there is documentary support for these purposes, but rather as a meta-analysis that is based on the discussion of the most outstanding issues and of those that generated a greater consensus. The final section also includes steps to take in the future, identified by each of the participating groups.

## **I. Context**

The scenario faced by defenders in their territories is critical for various reasons, especially the intense violence caused by disputes for territorial control, governance, financial resources, possibilities for production, the persons that transit, the narrative, etc.

Organized crime in general has become, together with other de-facto powers, a fundamental player in the construction of politics and society in countries throughout the region. Drug trafficking and other forms of organized crime have ceased to focus solely on drug trafficking and creating consumer markets for drugs. They are now linked to multinational economic actors that strive to control territory and natural resources, control trade in general and develop other criminal businesses such as extortion and human trafficking, and have infiltrated national and local governments. Their common focus on profit making makes the boundaries of traditional analysis between legal state actors and illicit non-state actors seem at times non-existent.

The very nature of States has been transformed by the increasingly visible presence and control exercised by non-state actors such as organized crime or transnational corporations embedded in public power structures which debilitate or, in some territories, eliminate the State as a guarantor of the rights and the protection of society. Non-state actors, which also include fundamentalist religious groups and political extremists, influence social and political perspectives, manipulate discontent and promote passivity among the general public. Through individual members, these non-state actors become deeply embedded in families and communities.

This is confirmed by a growing tendency to build alliances between state and non-state actors to attack and criminalize human rights defenders and their organizations for various purposes: to hamper their work, to deny human right defenders' allegations and to silence them, towards asserting control of the territories and their resources.

This is a fundamental change in the origin of the most serious and dangerous aggressions against human rights defenders and their organizations. Mexico, Guatemala, Honduras, El Salvador and Colombia have recorded the most visible cases of cooperation between police or army forces and organized crime.

Another serious problem is that state institutions, that are supposed to guarantee human rights defenders their rights, are not working, because they lack the capacity to do so, or even because they are afraid to intervene. In fact, judiciary and law enforcement authorities often become informants for criminal groups, and this causes a fear of denouncing criminal activities.

Defenders of the territory are particularly vulnerable, because they are opposed to the control and dispossession of territories and natural resources, and they propose an alternative model for development. Their work is carried out at a community level in a context marked by inequality, division and fragmentation caused in many cases by the disputes and violence provoked by non-state actors complicit with, or in the face of inaction by state actors. The attack and criminalization of defenders of the territory is used precisely for controlling, dividing and overcoming communities. Aggressions against defenders of the territory and the environment are accepted as the social cost of development, which basically implies that development will face a resistance that must be overcome. This position is even assumed by developed countries that protect the commercial interests of their corporations.

Women human rights defenders are another particularly vulnerable group. State and non-state actors both benefit from a social structure that uses discrimination against women to obtain privileges and access to those resources, both material and symbolic, that give and maintain power. Discrimination always generates violence, and gender-based violence is one of the most persistent threats in Latin America. According to the United Nations Development Programme (UNDP) El Salvador, Guatemala, Honduras and Mexico are among the 25 countries with the highest rates of femicide in the world. Women human rights defenders therefore face a double threat and a double risk: they are at risk because of the work they do and because of the patriarchal context they work in.

In summary, we are dealing with a context where States respond to a model that sustains and perpetuates discrimination while it prioritizes the private interests of non-state actors through violence, corruption, impunity and the closing of democratic spaces.

## **II. Context analysis**

### **1. The context and its impact on human rights defenders**

During the analysis of context an important fact was made evident: participants in the meeting expressed an interest in undertaking more in-depth analysis, as they consider that concepts, theories and current data fall short of explaining reality. A thorough and comprehensive analysis of the political economy that shapes violence and restrictions against human rights defenders as well as the wider attack on civic space is needed. We need to better understand how power dynamics within social structures (as much in organizations and communities) increase risks and vulnerability.

It is important to note that certain social phenomena have become more complex. For example, communities are organizing self-defense strategies against drug traffickers and corporations that control justice in the region. This “positive” take on a process that can also

entail risks, because certain communities, out of frustration, are becoming allied with opposing criminal groups, sometimes referred to as “good narcos”, in their self-defense efforts. Phenomena then arise that require particular attention, such as the justification of these acts from the perspective of “narco morality.”

On the other hand, the transnationalization of criminality increases the threats to human rights defenders, through networks of state and non-state actors, and can encourage and be the cause of local impunity. Phenomena are not isolated; it is necessary to analyze geopolitical changes such as the swing to the right of the political world and how it impacts, for example, financing choices, attacks against vulnerable groups and the militarization of public security.

Phenomena are not isolated, and neither are struggles. What human rights defenders suffer in Latin America also happens in other parts of the world. This reflects a transnationalization of the struggles and challenges faced by human rights defenders, and a need to establish mechanisms for the exchange of knowledge, lessons learned, strategies and actions.

Defenders must be aware that they are facing a capitalist, patriarchal and racist system that strives to seize all natural resources necessary for life while excluding and violating women, communities and peoples for their origin and identity. The great economic powers linked to “development” seek to de-legitimize the defense of human rights and are capable of normalizing violence. This dynamic of violence is experienced also within communities and movements fostering division, isolation, the defamation, demobilization and silencing of human rights defenders and their organizations.

The lack of reflection has led to little attention being paid to organizational dynamics and practices, to the ways in which we build leadership and power in our own movements, and to understanding the impact that attacks have on particular groups of human rights defenders. Attacks against women defenders, for example, may contribute to the weakening of social and family networks that are key to the resilience of human rights defenders, movements and communities. Other problems are the paternalistic view of the State and even of organizations. Or the lack of depth in the analysis of power. Power is not monolithic, and there are differences not only in invisible and shadow powers; vulnerabilities also arise due to a lack of understanding of solidarity relationships with power.

A superficial or careless approach to analyzing risks can contribute to generating a mistaken image with respect to the work of human rights defenders, one that does not contribute to their protection and exalts risk as a value and a means to recognition and to resources that they could not otherwise have access to. Raising the profile of the risks that human defenders face, together with a lack of support from their communities and organizations, can isolate a defender - increasing their vulnerability- weaken their organizations and communities and generate tensions within them.

## **2. The context: analysis of violence and power**

Given the context, there is a need to address the issue of state and non-state actors from a much broader methodological perspective, and to strategically reflect on possible alternatives. The analysis of shadow and invisible powers can help to respond to questions such as why it is difficult for international organizations and donors to campaign against, or at least to file complaints against predatory companies in the region.

This makes it important to carry out other exercises to analyze power structures. First, we must work on defining our own power. We must answer what we know and how we measure significant transformations in the field of human rights. Then we must study how to face this great overwhelming power, a power that is against human rights, by using our capacities. This power is so encompassing that we must know where we are in relation to it, so as not to be let down by frustration or by premature defeats.

Human rights defenders face important challenges in explaining the constitution of invisible power from a definition of power. Over the years, there has been very limited analysis of context and risks, with several deficiencies and a lack of follow up. This has impacted on the effectiveness of risk mitigation strategies and has led to strategies that are more defensive than preventive. It has also led to hasty measures being taken, which are not necessarily the best.

Mistakes may arise when there is not an adequate reading of power, such as an excessive trust in the media and in strategies such as solidarity networks for virtual pressures that have little impact locally. Although these strategies are important, when virtual pressures are not linked to real solidarity, networks can turn out to be ineffective.

Violence and the resurgence of attacks and threats requires that we also think about power relationships and leadership, and that we generate self-critical analysis that aims to ensure that communities and organizations review the quality of their leadership, are wary of risky and discriminatory practices reproduced by its members, and develop a new model to expand collective leaderships.

Spaces for context analysis must be considered tools for protection in themselves, as they allow participants to address in a preventive way the changes in power dynamics, review and reorient strategies, etc. Analysis of risks, threats and repression must be specific to each given context, relationships and complicity between state and non-state actors must be examined carefully, and there must be an understanding of how they manipulate social norms and beliefs to discredit and isolate human rights defenders and movements.

A more complex analysis of the context makes it possible to analyze the scope and effectiveness of the strategies and actions of international organizations. Certain global strategies may unintentionally create additional risks for local actors. Many international campaigns and actions are not impacting at a local level, which is where the attacks materialize, because they are often focused on individuals rather than the collective situation of risk. At the global level, the question was raised of how international intervention will materialize in the era of Brexit and Trump, and whether it will be possible to influence global policies in a context where spaces for participation of civil society are being closed, there is greater activism of ultra-right-wing citizen groups, and there is a weakening of human rights mechanisms.

A more complex analysis can also refocus the agendas of development cooperation agencies. Financing from development cooperation agencies has been dispersed, responding more to specific organizations than to the broad realities of countries and regions. This has created useless skills and dispersion of local responses to threats, has accentuated more personal than collective leadership strategies, and generated support for “security models” that do not consider the complexity of the current context, and do not provide timely or flexible responses. This has also favored what is perceived as a “decrease in funding for organizations to do their work while increasing the funding for protective measures and campaigns”.

### **III. Strategies and courses of action (What can be done?)**

As has been said, many of the responses in terms of security and protection of human rights defenders have limitations. A central aspect of the complex situation faced by human rights defenders regionally is the generalized disenchantment with institutional protection mechanisms. The limits of traditional measures (or so-called hard security measures) appear to be evident in the context of intense breakdown described above. The mechanisms highlight the limitations of national security systems and the lack of access to justice because of structural impunity and corruption in institutional structures. This does not, of course, mean that they are completely inapplicable or unnecessary. The approach is that the local context requires other approaches to dealing with insecurity, risks and attacks.

That is why it is necessary to critically analyze the strategies currently being implemented and to develop alternatives. But it is also important to use concrete knowledge of reality and experience to inform these analyses and alternatives. From this point of view, it is key to place the defender, his or her community and territory at the center, and to analyze the dynamics and relationships established between them. One of the main conclusions of the meeting is that to address non-state actors and the complexity of local contexts, strategies for protection and security must be based on the realities of communities and territories, and have a collective approach. It is essential to back strategies that generate collective processes, to break the inertia of protection strategies centered on individuals and the more visible leaders. Strategies that generate collective processes have usually been successful, and they could be a solution for the future. Collective processes can benefit from mechanisms of protection at certain specific times, but they must also generate capacities and processes for self-protection.

For example, it is important to develop communication networks between communities, to identify and map actors locally and develop strategies case by case, and to analyze particular situations and open spaces for communication and exchange between affected groups.

Self-protection also involves regaining the strength and wisdom generated by communities, including indigenous spaces for spirituality and healing in local communities, and breaking the isolated state in which many human rights defenders in Latin America currently find themselves. In the struggle for territory, indigenous ancestors play a decisive role in the protection and resistance of human rights defenders, and can help rebuild the social fabric that is necessary for recovering territories from organized crime and other powers. Community intelligence must be restored so that they can better protect themselves.

Self-protection also requires strong movements, so it is important to work on the resilience of human rights movements and organizations. This requires an organizational fabric for defense. This is not accomplished with a single workshop or with small individual interventions; it is a process and must be accomplished together. There is an evident need to coordinate processes of security with processes of resilience.

And this requires organizations to practice new forms of collaboration and overcome the tendency not to ask for help, or the resistance to asking for help. Defenders themselves must change the narrative. And as for the State, it is indispensable to break free from paternalistic practices, since intervention must be given according to the needs and following the guidance of the victims themselves.

This process must entail the recognition of the specific needs of different groups of human rights defenders. For example, women human rights defenders and women's organizations do not have the resources or space they need to set out and implement their own concepts of security and protection. How many organizations and articulations of women defenders and feminists have access to existing resources for developing their processes and mechanisms for protection? How many of them participate in national and international spaces where protection strategies and policies are defined? Do they have the funding, resources and political recognition necessary to carry out their work and not just to defend themselves?

It is also essential to think about how these organizational processes and strategies for defense of human rights defenders are financed. While it is true that it is extremely important to change and adjust financing plans and models, to develop faster and more flexible mechanisms, not everything goes through them. Lack of time and resources, difficulties in building networks of solidarity or developing operational networks at a community level make it necessary to identify other alternatives.

Finally, the reason why protection and security is necessary also must be analyzed and changed. At the end of the day, security is a right. Defenders have a right to security.

#### **IV. Next steps**

##### **As donors:**

- Regarding flexible or emergency funding, it is not easy to implement, but the commitment is to analyze the issue.
- There must be a greater and more effective coordination between donors and organizations. Informal conversations, for example, are an advantage that must be seized for communication.
- A greater use must be made of existing spaces for communication and exchange between donors and organizations.
- This type of in-depth analysis of the risks to defenders facing non-state actors must be carried out at a national level as well. The commitment is to hold this meeting in at least one country of those represented, probably Honduras.
- Create a "task force" to design measures that raise the political cost not only to states, but also to non-state actors, so that they can better deal with shadow powers.

##### **As grassroots organizations:**

- Build autonomous protection that recognizes and strengthens existing measures of self-protection of communities and territories.
- Create networks between communities and nearby organizations that work in territories and can protect them and strengthen their organizational abilities. Strengthen alliances between neighbors, small community groups and other organizations, in order to build stronger bonds of solidarity and mutual support. That way we can more clearly define our needs at a local level, and help focus the help and funding from international organizations and foundations more precisely.
- Build a new culture of activism. Focus on recognizing and working more thoroughly on eliminating discriminatory and sexist dynamics within organizations and in territories that have an impact particularly on women defenders. Revise certain harmful and risky practices such as the sacrificial culture and the "cult of the great leader", and change the perception that the human rights defender that is most at risk is the most important and the most committed, etc. Strengthen practices and spaces for raising awareness and

avoiding wear and tear, and design new forms of activism that make struggles and organizations more sustainable.

- Address the practice of reacting to emergencies only, and give more strategic and protective value to the analysis of local and regional context.
- Discuss how to make the most of institutional protection mechanisms while being clear about their limitations.
- Commit to long-term follow-up processes that highlight the specific role that each actor can play based on their specific needs and capabilities while also using context analysis to act more strategically and less reactively.
- Strengthen alliances for a better coordination and a more efficient use of resources, promoting complementarity above all else.
- Rescue the values, spirituality and worldviews of ancestral peoples. This is very useful in understanding complex local realities and coping with them creatively and with unity.
- Generate new narratives that address the increase in hate speech, and that promote solidarity and support for human rights defenders and organizations, so that the message reaches more communities and sectors of the population.
- Design protection mechanisms for human rights defenders who do not have the support of organizations.

#### **As international non-governmental organizations:**

- Recognize the importance of the visibility of cases.
- Conduct comprehensive risk analysis.
- Avoid forcing the agendas of international organizations on local, grassroots organizations.
- Support new leadership roles in organizations, under new values of collaboration and complementarity.
- Recognize the role they can play in facilitating links, building bridges between advocates and the international community, and facilitating spaces for mutual learning.
- Create and facilitate more spaces for human rights defenders to carry out advocacy at the international level.
- Be conscious when working on the same cases of human rights defenders or on the same topics, understand that each entity brings different things to the table according to their mandate and can offer different things to defenders. It would be very useful for human rights defenders to know clearly what is the particular role of each organization, what they can support them with, and what each international organization can offer.
- Build new alliances and collaborations to incorporate different perspectives and open new doors.
- Can play an important role in expanding the way protection is understood, which at an international level can be very limited and technical.
- Join forces with other organizations, work in a more coordinated manner, and find opportunities to collaborate with others to more effectively face risks and challenges.
- Promote a greater dialogue between international organizations and donors; more work must be done together.