



# REALISING PROTECTION FOR HUMAN RIGHTS DEFENDERS AND CIVIL SOCIETY ORGANISATIONS IN EUROPE

**Mapping Paper**

**October 2024**

This paper was the initiative of an informal coalition of organisations that building on years of advocacy came together to develop this report and subsequent Pathways to Protection Paper:

**Coalition:** Civil Society Europe and European Civic Forum (hosts); Amnesty International – EU Institutions Office; Araminta, Business & Human Rights Resource Centre; Civil Liberties Union for Europe, Civil Rights Defenders; European Partnership for Democracy; International Federation for Human Rights; Front Line Defenders; Platform for International Cooperation on Undocumented Migrants (PICUM) and Protection International.

**And as associate members:** European Network of National Human Rights Institutions, the European Network Against Racism (ENAR) and the International Lesbian, Gay, Bisexual, Trans and Intersex Association (ILGA)-Europe.

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## TABLE OF CONTENTS

<b>1</b>	<b>INTRODUCTION</b>	<b>4</b>
<b>2</b>	<b>AIMS AND METHODOLOGY</b>	<b>5</b>
<b>3</b>	<b>HUMAN RIGHTS DEFENDERS, CIVIL SOCIETY AND PROTECTION</b>	<b>6</b>
<b>4</b>	<b>SITUATION FOR HRDs and CIVIL SOCIETY</b>	<b>8</b>
<b>5</b>	<b>EXISTING HUMAN RIGHTS/RULE OF LAW FRAMEWORK</b>	<b>10</b>
5.1	EUROPEAN UNION	10
5.1.1	EU RULE OF LAW FRAMEWORK	10
5.1.2	SPECIFIC EU LAWS	10
5.2	THE COUNCIL OF EUROPE	11
5.3	LINKS TO THE UN AND OTHER REGIONAL SYSTEMS	12
<b>6</b>	<b>EXISTING TOOLS FOR PROTECTION</b>	<b>13</b>
6.1	REGIONAL INSTITUTIONAL INITIATIVES	13
6.2	NATIONAL/LOCAL GOVERNMENT/CITY INITIATIVES	14
6.3	FUNDING	14
6.3.1	INSTITUTIONAL FUNDING TO CIVIL SOCIETY IN THE EU	14
6.3.2	INSTITUTIONAL FUNDING FOR HRDS IN EXILE	15
6.3.3	PRIVATE FUNDING	15
6.4	NATIONAL HUMAN RIGHTS INSTITUTIONS	16
6.5	CIVIL SOCIETY INITIATIVES	16
6.5.1	CIVIL SOCIETY SOLIDARITY	16
6.5.2	PROTECTION GRANTS AND OTHER INITIATIVES	17
6.5.3	TEMPORARY RELOCATION	18
6.6	EXAMPLES OUTSIDE EUROPE	18
<b>7</b>	<b>NEEDS AND GAPS</b>	<b>20</b>
7.1	NEEDS	20
7.2	GAPS	21
<b>ANNEX1</b>		<b>22</b>

# 1. INTRODUCTION

The last years have seen a marked deterioration in civic freedoms and an increased number of threats against civil society organizations (CSOs) and individual human rights defenders (HRDs). This initiative, to work towards a Protection Mechanism for Human Rights Defenders and Civil Society in Europe, builds on several years of advocacy by CSOs across Europe to improve civic space and ensure the protection of HRDs. It responds to the pervasive and increasingly diverse nature of attacks and the consequent need to focus on protection, while simultaneously advocating for a holistic approach to securing a broad and enabling civic space.

[EU Guidelines](#) to support the work of HRDs outside of the European Union (EU) were adopted in 2004 and in 2015 a protection mechanism, [Protect Defenders.eu](#), was set up to support the urgent protection, and in some cases temporary relocation, of HRDs from outside the EU. Nothing similar exists within the EU.

This mapping aims to document existing mechanisms and consequent gaps and to understand where HRDs and CSOs in Europe go if they experience threats or attacks and what support they would like to see in the future. It recognises the layers of challenges that HRDs face in building and sustaining their work and the reflex to double down on an ever-increasing and challenging workload.

In 2020 the Commission adopted a [new strategy on the Charter of Fundamental Rights of the EU](#), including a renewed commitment to strengthen the application of the Charter and empower civil society to use it. In [2022, the annual report on the application of the Charter](#) focused on civic space with a specific focus on the role of civil society and HRDs, how they are protected, funded and included in policy making. The report led to a [series of seminars on civic space](#) and a [final report](#) which drew several key recommendations relevant to the protection of HRDs:

- to develop an **EU-wide monitoring mechanism** based on a clear methodology, which should be alert to signs of restrictions on civic space; such a monitoring mechanism should also include easily accessible reporting tools;

- to provide for **protection laws and mechanisms** to prevent threats, which should be elaborated by involving CSOs and HRDs;
- to provide **multifaceted and targeted support** to CSOs and HRDs at risk, including political, legal, financial and psychosocial support, sheltering, longer term support, and flexible responses to crisis situations.

The 2022 Charter report was followed in March 2023 by [Council conclusions on civic space](#) which were significant as it was the first time that the Council considered conclusions on civic space within the EU. In particular, the conclusions encourage the Commission to “*protect CSOs and human rights defenders by continued efforts to foster and protect democracy, the rule of law, and fundamental rights across all relevant policy areas, including by ensuring coherence between the Union’s approach to protecting human rights defenders externally and internally.*” In September 2024 the mission letter from President von der Leyen to the Commissioner-designate for Democracy, Justice, and the Rule of Law requested the new Commissioner to “*work to strengthen protection of civil society, activists and human rights defenders in their work*”.

The calls have also been echoed by the European Parliament, for example on the need to ‘*ensure that human rights defenders are able to work free from hindrance and insecurity, as stated*’ in the [European Parliament’s report](#) on the Commission’s 2023 Rule of Law report, as well as references to the internal dimension of HRD protection in the [2023 Report on the EU Guidelines on Human Rights Defenders](#). Specifically looking at online protection, in May 2024 the EU and United States jointly adopted [Recommended Actions for Online Platforms on Protecting Human Rights Defenders Online](#). Actions include the creation of effective, accessible, secure, and responsive incident reporting channels.

At the UN and Council of Europe, several reports and decisions reaffirm the role of HRDs and address the broader challenges to civic space, for example the 2020 [UN Guidance Note on Civic Space](#). Most recently the need for a safe and enabling environment in which CSOs and HRDs can operate free from hindrance, insecurity and violence was recognised in the [Reykjavik Declaration](#).

Renewed focus also stems from the 75th and 25th anniversaries in 2023 of the Universal Declaration of Human Rights and the [UN Declaration on Human Rights Defenders](#) (Declaration) respectively. In celebration of the anniversary a group of organisations came together to analyse the contributions of the Declaration to HRDs' lives and work, as well as highlight progress in international human rights law on the protection of defenders. The initiative culminated in the [Declaration +25](#), which reflects the evolution of the right to defend rights over the last 25 years and aims to guide future work in this area.

However, while there are signs of commitment to improving protection for HRDs, the EU itself has also proposed certain measures that risk undermining civic space and creating a more unstable environment for HRDs. A core tenet of the recently proposed [Defence of Democracy package](#) includes legislation to address covert foreign interference, but takes an approach that is unlikely to uncover covert influence while in the process risks restricting the space for civil society.

## 2. AIMS AND METHODOLOGY

This mapping document aims to provide a concise overview of the existing protection landscape in Europe with the objective of informing a short paper and potential policy options due to be considered by the new European Commission and Parliament and the Council of Europe (CofE). It looks at:

- **What exists and what are the gaps** – within the EU and CofE;
- **Who is protected** – looking at both HRDs and CSOs from Europe and those in exile in Europe;
- **What are the main risks** – and do they result in differing protection needs; and
- **What HRDs and CSOs would like to see** – including what has worked and what challenges they have faced.

The mapping does not provide detailed analysis or a review of policies and legislation in all member states. It does aim to look at the main mechanisms, in particular those that exist for similar sectors, such as journalists, and includes examples from member states. It is based on desk research carried out from March to May 2024, a roundtable meeting held in Brussels on 18-19 April 2024, and a series of individual in-person and online meetings (see Page 23). The mapping feeds into paper which sets out different possibilities for the protection of HRDs and CSOs in Europe and will inform further work and advocacy later in the year.

The mapping and options paper has been developed and funded by a coalition of organisations and associate members hosted by the Civic Space Working Group of Civil Society Europe and the European Civic Forum (see Page 23).

### 3. HUMAN RIGHTS DEFENDERS, CIVIL SOCIETY AND PROTECTION

This section provides a brief overview of three definitions key to this initiative, which aims to ensure greater protection for those who either **individually or collectively defend rights**.<sup>1</sup> It responds to the growing and increasingly diverse nature of attacks, and the need for comprehensive and effective responses. The definition as set out in the HRD Declaration states that:

*“Everyone has the right, individually and in association with others, to promote and to strive for the protection and realization of human rights and fundamental freedoms at the national and international levels.”*

It includes among others, people working in a professional capacity, volunteers, community organisers and people who find themselves compelled to act when, for example, rights violations are perpetrated in their local environments. As Mary Lawlor, the current UN Special Rapporteur on the situation of HRDs, said:

*“Human rights defenders are ordinary people who do extraordinary things. They work peacefully for the rights of others and help build civil and just societies based on the rule of law.”*

Importantly, working for the defence of rights triggers a range of international human rights standards aimed at safeguarding the protection of HRDs.

However, while the definition is intended to be broad, as detailed in a [UN Fact Sheet](#), in practice some HRDs find themselves excluded from protection, even if unintentionally. Definitional challenges were reflected upon during the roundtable meeting in Brussels in April 2024, echoing similar challenges elaborated in a 2018 report [‘Rethinking the Protection of Human Rights Defenders’](#). Any future Protection Mechanism needs to build in a process that ensures the protection of HRDs who might initially appear to fall out of the definition – based on:

- a **broad understanding of the definition of an HRD**, considering different perspectives, and the reality that many either don’t self-identify as HRDs, or locally/regionally the term HRD is not commonly used;<sup>2</sup>
- intersectionality and multiple systems of oppression, recognising the factors that may compound and worsen attacks;<sup>3</sup>
- the **defence of the defenders**. Recognising that while it is imperative to protect rights more broadly and ensure individuals can exercise their rights – this initiative focuses on the protection of those who, in varied capacities, defend rights; and
- the importance of **collective protection**. HRDs generally come together to defend rights – whether within civil society organisations, coalitions or social movements. The definition should recognise that defenders can act individually and collectively and so protection strategies should take this into consideration. Thus, while defending civic space is a much broader endeavour, as illustrated in the diagram below – ensuring a safe and protective space for HRDs and civil society is a critical element.

Figure 1 - FRA (2023) How to support civil society under pressure



1 Understood as the full range of rights set out in international and regional human rights instruments including the Universal Declaration of Human Rights, the European Convention on Human Rights and the Charter of Fundamental Rights.  
 2 The term 'activist' or 'human rights activist' isn't used as a basis for the mapping, even though many HRDs identify as activists, as there is less clarity around the definition. However, anyone working as a human rights activist is likely to also be considered a human rights defender.  
 3 Intersectionality is defined as the complex, cumulative way in which the effects of multiple forms of discrimination (such as racism, sexism, and classism) combine, overlap, or intersect especially in the experiences of marginalized individuals or groups. See [https://www.cjr.org/language\\_corner/intersectionality.php](https://www.cjr.org/language_corner/intersectionality.php)



HRDs need a safe and enabling space to thrive. Over the years, experts and CSOs have elaborated what this means in practice. For example in 2013, the [Special Rapporteur on HRDs](#) elaborated these essential elements: a conducive legal, institutional and administrative framework; access to justice and an end to impunity for violations against defenders; strong and independent national human rights institutions; effective protection policies and mechanisms paying attention to groups at risk; specific attention given to women human rights defenders; non-state actors that respect and support the work of human rights defenders; safe and open access to international human rights bodies; and a strong and dynamic community of human rights defenders. Some of these elements are aimed at the broader context in which HRDs operate (e.g. a conducive legal framework), while other elements are more specifically aimed at protecting them from specific targeting (e.g. effective protection policies and access to justice).

FRA identifies five pillars that impact the existence of a thriving civic space:

- **Regulatory environment:** (changes in) legislation that affect civil society organisations' work;
- **Finance and funding:** availability and accessibility of resources;
- **Right to participation:** difficulties in accessing decision-makers and providing input into law- and policymaking;
- **Ensuring a safe space:** attacks on, and harassment of, human rights defenders, including negative discourse aimed at delegitimising and stigmatising civil society organisations; and
- The **capacity and resilience** of HRDs and civil society to continue working on the above four pillars.

This initiative falls primarily on the fourth pillar – ensuring a safe space – while recognising that the other three also contribute to the protection of HRDs but require broader strategies for successful realisation. For example, stable and flexible funding enables HRDs to better consider and plan for their safety, whereas a precarious funding environment puts HRDs in a situation where forward planning is difficult and they might be forced to take additional risks.

Defenders at the April Roundtable reflected on their own **understanding of protection** as illustrated in

Figure 2. A wide range of different elements were raised, informing a holistic approach to protection with a strong element around the ability to *'be yourself'* and continue your work. Further discussions focused on *"supporting HRDs as agents of change"* and countering the chilling effect that attacks are intended to have.

Protection International shared their experience of working on protection globally and on the development of national protection mechanisms. They highlighted their work on collective protection which is elaborated in ['The Collective Protection of HRDs'](#) and can be defined as:

*"a set of strategies, measures and actions that aim at protecting both a collective actor (an organisation, a community, a group) and the individuals who are part of it, and that are or may be at risk due to their human rights defence activities. Thus, collective protection goes beyond the protection of community or group leaders who may be, in principle, the main target of attacks. It also goes beyond granting individual security measures to each member of a group or community".*

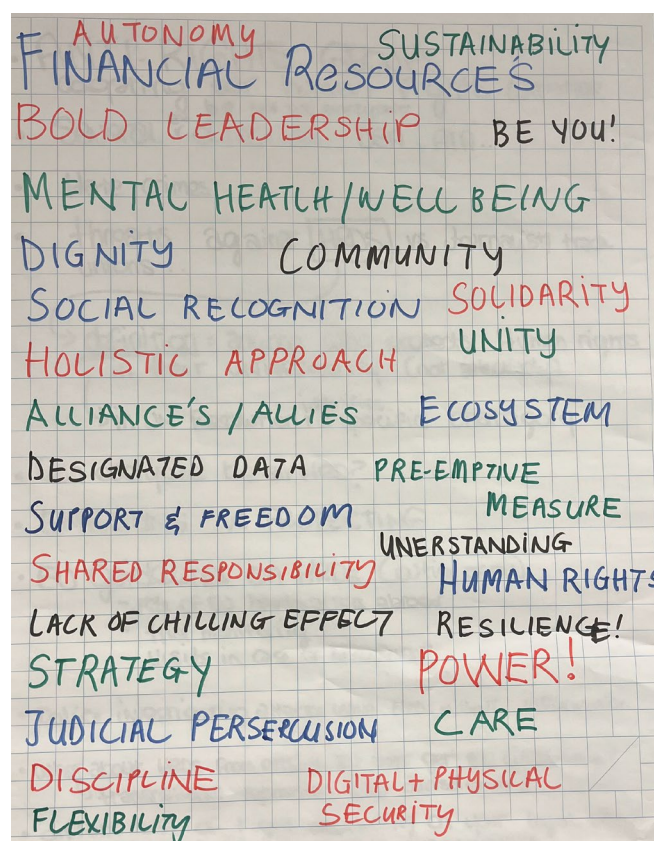


Figure 2 – Brainstorming on holistic protection during the April Roundtable Meeting in Brussels

## 4. SITUATION FOR HRDs and CIVIL SOCIETY

The last years have seen a concerning trend across Europe evidenced by increased rights violations and diminished respect for the rule of law. According to the [CIVICUS monitor](#), only 12 EU member states are now open, 12 narrowed and three obstructed, a worse situation than in previous years. <sup>4</sup>

Against this backdrop HRDs and civil society organisations, have faced increasing threats from smear campaigns and criminalisation, to legal and physical attacks. Since 2018, following the first EU report on civic space carried out by the EU Fundamental Rights Agency (FRA), the agency has carried out an [annual survey](#) to document the trends faced by HRDs. In [2023](#), of nearly 300 EU-based organisations surveyed, 62% reported online threats and attacks, 55% were the subject of negative media reports or campaigns, 17% suspected surveillance by law enforcement, 17% were subject to criminalisation. 15% suffered vandalism of premises or property and 9% experienced physical attacks against an employee or volunteer. (see Figure 3).

While the percentage of organisations which experience physical attacks remained stable between 2018 and 2022 at 5% increasing to 9%, in 2023, the percentage which experienced online threats and negative media reports rose from 37% to 62%. Politically motivated funding cuts have also increased to 33% in 2023.

The same organisations cited the impact of these attacks on the sector. 72% of organisations noted psychological stress or trauma, 53% of organisations experienced financial problems as a result of attacks, and 57% reported discontinuing or reducing activities – the latter a significant increase from 2022. 45% of organisations reported employees or volunteers leaving the organisation, again a significant increase. 11% of organisations relocated to another country or region.

Nearly a third of organisations identified a state/public actor as the main perpetrator, followed by right-wing/extremist/racist groups and non-state/private actors. Around 87% (in 2022) believed the attacks were linked to the issues the organisations worked on and 30% thought it was linked to their specific funding sources.

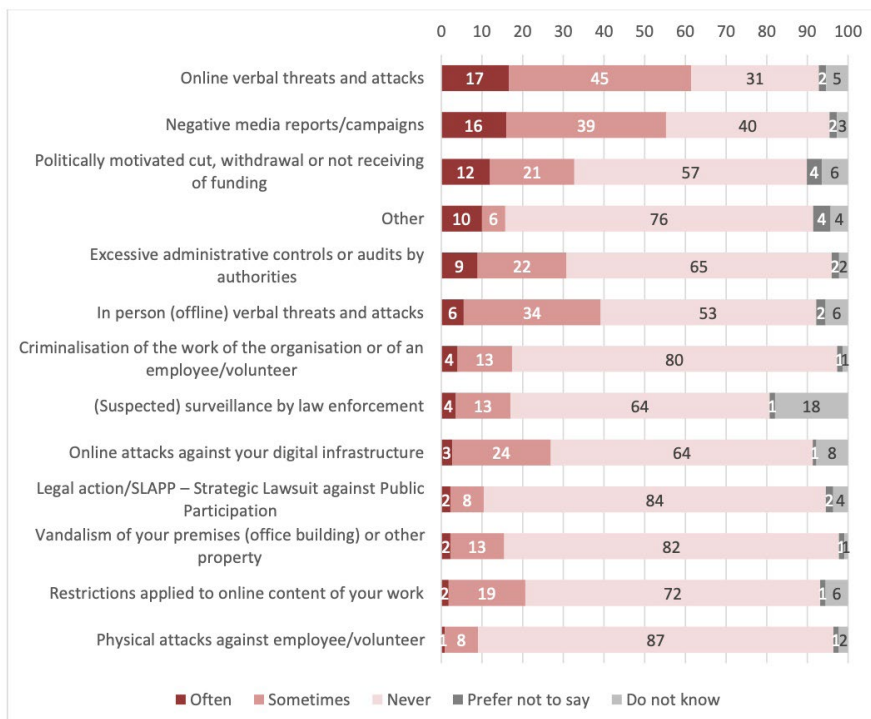


Figure 3 - Frequency of incidents faced in 2023 (%) (FRA 2023)

Question: "In the past 12 months, how often did you or any of your employees/volunteers face the following?" (N=70-224)

<sup>4</sup> The CIVICUS Monitor, which began in 2017, tracks the state of freedom of association, peaceful assembly and expression in 198 countries and territories. The data from different quantitative and qualitative sources are combined to assign each country a rating as either, open, narrowed, obstructed, repressed or closed.



Organisations working in specific sectors, notably working on digital rights, hate crime and LGBTQI+ rights, experienced higher levels of attacks.

Only 55% of CSOs that experienced threats or attacks reported incidents or made a complaint. Reports or complaints were most frequently made to media (30%), the police (28%), national equality bodies, human rights institutions or ombudspersons (24%) and legal services or lawyers (23%). Less than 15% of organisations reported complaints to a regional or international body. The most frequently cited reason for not reporting an incident was the belief that nothing would happen or change.

While the FRA data is not exhaustive and only reflects the experiences of the respondents, it does reflect other surveys. For example, a study carried out in 2022 by the Federal Institute for Human Rights in Belgium (see Box 1) found a similar percentage reporting attacks.

#### **Box 1: Study - [Space for HRDs in Belgium](#)**

Most respondents favourably rated the quality of Belgium's civic space however:

- 55% stated they had been subjected to intimidation or aggression at least once in 2020-2022.
- Respondents report facing mainly legal intimidation (24%), negative media campaigns (22%), cyber-attacks (19%) and political sanctions (17%).
- 25% of the respondents stated they had faced difficulties in funding their operations, 17% in participating in the political process and 15% had been subjected to political pressure.

However, when compared with court cases, the numbers are much higher, possibly because many of those who experience attacks and criminalization do not see themselves as HRDs and are not in contact with regional organisations. According to the Platform for Cooperation with Undocumented Migrants (PICUM), in 2023 at least 117 individuals faced criminal or administrative proceedings for acting in solidarity with migrants in the EU, with the highest number of cases documented in Italy and Greece (74 and 31 respectively). In Spain, the Defender a quien Defiende platform reported at least 60 active cases against climate activists.<sup>5</sup>

Another indicator is those facing Strategic Lawsuits Against Public Participation (SLAPPs). Between 2010 and 2023, [CASE - the Coalition against SLAPPs in Europe](#) recorded 820 cases and is aware of multiple cases that they haven't been able to verify. In 2023, 161 cases were recorded, the highest number to date.

Civil society reports on the rule of law and civic space, including the [2024 Liberties Rule of Law Report](#) and 2024 European Civic Forum [Civic Space Report](#), identify a number of areas where HRDs and CSOs experience particular and increasing threats. The scapegoating of excluded groups, seeding an atmosphere of fear, is particularly prevalent in the run up to elections. Depending on the country and varying over time, LGBTQI+ defenders, those supporting refugees and migrants and environmental defenders are among the most targeted. In 2023, climate protesters were subject to systematic attacks stemming from increasingly restrictive laws and harsh penalties. In the past months, organisations and individuals showing solidarity with the Palestinian people have been singled out by governments, with over half of EU member states taking disproportionate measures to ban protests and single out individual HRDs. A 2024 report by Amnesty International, [Under Protected and Over Restricted: the state of the right to protest in 21 European countries](#), found that instead of respecting, protecting and facilitating people's right to peacefully assemble, authorities across Europe are deliberately stigmatising, impeding, deterring and punishing people who protest, with human rights defenders often particularly targeted for their role as organisers. The element of transnational repression, where governments outside the EU are targeting their nationals exiled in the EU, is also an increasing concern, as documented by [Freedom House](#).

This shows a complex picture resulting in very different protection needs, from online attacks, to the criminalisation of individual HRDs, the targeting of specific groups, and a clamp down on the right to protest.

5 Figures from the European Civic Forum 2024 Civic Space Report pages 11 and 16.

# 5. EXISTING HUMAN RIGHTS/RULE OF LAW FRAMEWORK

## 5.1 EUROPEAN UNION

### 5.1.1 EU Rule of Law framework

The work on the rule of law and civic space within the EU has increased exponentially over the last years, from a largely sectoral approach on specific rights to a wider recognition of systemic problems. The first formal articulation of the challenges to civic space within the EU was from the FRA in 2018. The FRA report [Challenges Facing Civil Society Organisations working on Human Rights in the EU](#) was an important recognition of the problem and a springboard for further action. The report looked at five key areas: the regulatory environment, finance and funding, participation, safe spaces, and dialogue and exchange. There has also been an increasing focus on the implementation of the Charter of Fundamental Rights, including a 2022 report on [civic space](#) which led to recommendations on the need to ensure better protection of HRDs.

The deterioration of civic space and the continued threats to the rule of law led to an expansion of the EU toolbox designed to provide differing responses tailored to the evolving situation. While the toolbox is the most expansive in any region, it hasn't always been deployed with the [necessary speed and rigour](#). The main tools comprise:

[The EU Rule of Law Mechanism](#) is designed to address systemic violations of EU law. It allows for a period of dialogue with the member state and the threat of Article 7 proceedings if no improvements are made. The mechanism was activated for the first time in 2016 against Poland.

[Article 7](#) of the TEU was never envisioned to be used when included in the Treaty of Amsterdam and was thought to have more of a symbolic value. Once adopted by the Council, the process involves a series of hearings with the member state involved, followed either by a series of recommendations or a vote to suspend its membership. Article 7 proceedings were initiated in Poland and Hungary in 2017 and 2018 respectively, but while there have been more than

a dozen hearings no recommendations have been made and no decision taken to proceed to a vote. In May 2024, the procedure was closed for Poland.

[The Annual Rule of Law Reports](#) were a partial response to the failure of the above mechanisms. The Commission decided that a more holistic approach was needed, targeting all member states and documenting trends. The first report was launched in 2020 and recommendations were included for the first time in 2023. The call from civil society for a stand-alone chapter on civic space has not materialised. The reports comprise four chapters:

- Justice systems - independence, quality and efficiency.
- Anti-corruption frameworks.
- Media freedom and pluralism - independence of regulatory authorities, transparency of media ownership, transparency and fairness of state advertising, the safety of journalists and access to information.
- Checks and balances - national legislative process, the role of Constitutional Courts, independent institutions (such as NHRIs) and the role of civil society organisations in safeguarding the rule of law.

[The Rule of Law Conditionality Regulation](#) was adopted in 2021 and first utilised against Hungary in 2022. The Regulation allows for the suspension or reduction of EU funding if a member state's actions pose a serious risk to the rule of law. A series of milestones need to be achieved before the funds are released. Funds to Poland under the Recovery Resilience Facility were also suspended, with their release also based on the achievement of a series of milestones.

[Rights Based Cases before the Court of Justice of the European Union](#) (CJEU) have started to emerge. The first so-called 'rights-based infringement proceedings', where the Commission launched a case with strong reference to rights under the Charter of Fundamental Rights, was the case in 2017 on the [Hungarian NGO law](#). Several rights-based cases have followed, including the [LGBTQI case](#), also against Hungary.

### 5.1.2 Specific EU laws

There are several EU laws, including a number that have just been adopted, that while not specifically

focused on the protection of HRDs and CSOs, have some important interlinkages:

The [Victims' Rights Directive](#) establishes minimum standards on the rights, support and protection of victims of crime, regardless of nationality or residence status. While there is no specific reference to the specific challenges faced by HRDs, those who are victims of a crime could seek support. Similarly, for HRDs accused of a crime, they should be afforded the protections available to all defendants under the [Procedural Rights Directives](#).

The [Directive on Combating Violence against Women and Domestic Violence](#) was adopted in May 2024 and for the first time provides EU wide protection for women who are victims of violence. The recitals specifically note the additional risks faced by human rights defenders including in relation to cyber violence.

The [European Cross-Border Association Directive \(ECBA\)](#) will be finalised under the new Parliament and introduces a new national legal form designed to reduce the legal and administrative burden of non-profit organisations working across borders.

The [Anti-SLAPP Directive](#) is an important piece of legislation that was adopted in May 2024 and will come into force in 2026. It will provide protection for journalists and human rights defenders who are engaged in cross-border public interest reporting – through procedural safeguards, support in court proceedings and early dismissal of unfounded cases. The Directive is supported by a 2022 [Recommendation](#) and at the same time the Council of Europe also adopted a [Recommendation on countering the use of SLAPPs](#). The [CASE coalition](#) is a key site of advocacy and support around SLAPPs.

The [European Media Freedom Act](#) was also just adopted and aims to protect editorial independence, media pluralism, ensure transparency and fairness.

The [Corporate Sustainable Due Diligence Directive \(CSDDD\)](#) was adopted in May 2024 and requires large companies to carry out mandatory human rights due diligence throughout their supply chains. It will be important for HRDs working to protect rights in the context of business operations.

Some laws also pose potential risks for HRDs:

The [Artificial Intelligence Act](#) was adopted in May 2024 is the first of its kind globally. However, far from being a gold standard, the many loopholes mean it fails to adequately protect human rights and provides more limited protections to non-EU citizens, especially refugees and people on the move, creating a two-tiered system of protection.

The Facilitators' Package (comprising [Facilitation Directive 2002/90 and Framework Decision 2002/946](#)) is the main EU legislative instrument that defines the criminal offence of facilitation of unauthorised entry, transit or residence and sets out the related criminal sanctions. The Facilitation Directive leaves it up to the EU Member States whether to exempt or criminalise civil society organisations and individuals who provide assistance to migrants who entered or transited a country irregularly.

## 5.2 THE COUNCIL OF EUROPE

The Council of Europe, and in particular the [European Court of Human Rights](#) (ECHR), has been the primary site for the enforcement of rights in Europe. However, challenges, particularly around the length time to reach judgement and the implementation of judgments, are significant and have sparked new approaches, both to follow up on implementation (see the work of the [European Implementation Network](#)) and other mechanisms (see below). Several recent judgments specifically focus on the protection of HRDs, including the 2019 judgement in the case of [Aliyev v. Azerbaijan](#), where the court acknowledged the integral role HRDs play in protecting human rights and that the attacks against Mr Aliyev were part of *"a troubling pattern of arbitrary arrest and detention of critics of the Government, civil society activists and human rights defenders through retaliatory prosecutions and misuse of criminal law"*.

Several recent reports and decisions also highlight the need for a greater focus on the protection of HRDs and CSOs, and an older [2007 Recommendation](#) on the legal status of NGOs will also be subject to an update later this year:

- A Recommendation of the Committee of Ministers [CM/Rec\(2018\)11](#) on the need to strengthen the protection and promotion of civil society space in Europe, which is currently subject to an implementation review;
- A Decision by the Committee of Ministers in the 2019 [129th Session – A Shared Responsibility for Democratic Security in Europe](#) that reiterates the commitment of the CoFE to the protection of HRDs and the need to strengthen existing mechanisms; and
- A [report of the Office of the Council of Europe Commissioner for Human Rights](#) that addresses the situation of HRDs and makes a number of recommendations.

The Commissioner's office plays a central role in the protection of human rights and can make statements and send letter to governments on individual cases. However, the office is unable to provide concrete protection and doesn't have the capacity to take up all individual cases.

## 5.3 LINKS TO THE UN AND OTHER REGIONAL SYSTEMS

The UN and OSCE/ODIHR have several important mechanisms that are particularly relevant for this initiative through their ability to intersect and bolster work at the EU and CoFE. For example, when the European Parliament initiated a report on the [Rule of Law in Hungary](#) with a view to triggering the Article 7 process, the report relied on documentation and analysis from the UN treaty bodies, special rapporteurs and other regional mechanisms.

The [UN Special Rapporteurs on the situation of Human Rights Defenders](#) and on [Freedom of Peaceful Assembly and of Association](#) can play a key role in taking up individual cases and providing thematic analysis through their Human Rights Council and General Assembly reports. These mandates also have the possibility to carry out country visits. For a global mandate with limited resources, country visits are infrequent but can be useful and timely, as in the visit of the UNSR on HRDs to [Greece](#) in 2022.

Of particular relevance for the region is the newly appointed [Special Rapporteur on Environmental Defenders under the Aarhus Convention](#). The Special Rapporteur's role is to take measures to protect any person experiencing or at imminent threat of penalization, persecution, or harassment for seeking to exercise their rights under the Aarhus Convention. The EU and its 27 Member States are all Parties to the Aarhus Convention as well as most CoFE member states. The UNSR recently published an important paper on [state repression of environmental protest and civil disobedience](#), highlighting the threat to human rights and democracy and the contours of the definition of civil disobedience. Article 9 of the Aarhus Convention also provides certain obligations to remove financial or other barriers to access justice.

The OSCE also has a set of [Guidelines on the Protection of Human Rights Defenders](#) that build on key international instruments and are in the process of being updated. At the end of 2022, for the first time the OECD carried out a review of civic space which provides guidance on strengthening alignment with international and regional standards and associated measures to safeguard civic space.

**Cumulatively, the above mechanisms provide a broad framework for the protection of human rights but without a specific focus on HRD protection and without any practical tools for implementation. As several instruments are updated and there is increasing recognition and understanding of the challenges facing HRDs and civil society, there is momentum to work towards greater protection for HRDs and CSOs and elaborate what will work most effectively in Europe.**

## 6. EXISTING TOOLS FOR PROTECTION

There are several existing mechanisms for the protection of specific groups such as journalists, lawyers and HRDs from outside Europe both at the regional and national levels. While some HRDs may, for example, also work as journalists or lawyers, many would not fall under the protection of these mechanisms. The below intends to provide a short overview, to draw lessons from what exists and identify gaps and opportunities.

The analysis is clustered under five headings – i) regional institutional initiatives, ii) local government initiatives, iii) funding programmes, and initiatives led by iv) NHRIs and v) civil society.

### 6.1 REGIONAL INSTITUTIONAL INITIATIVES

In 2018 the Parliamentary Assembly of the Council of Europe (PACE) put forward a [resolution](#) affirming support for HRDs and recommending the creation of a platform for the protection of HRDs, or another mechanism for monitoring and reacting to reprisals.

What emerged was the [Private Office procedure on human rights defenders interacting with the Council of Europe](#). It was established in 2018 and revised in 2019 and allows HRDs who have faced reprisals as a consequence of their interaction with the CofE to report them and seek investigation. The procedure allows for direct reporting by HRDs and CSOs. Cases are reviewed and followed up by an appointed focal point and reports submitted to the Secretary General. It is unclear what concrete follow up or support is available to HRDs and discussions with CSOs indicate that the mechanism is not well known and as a consequence perceived as not particularly active or effective.

It is important to note that there is no similar mechanism at EU level for HRDs who experience reprisals following engagement with the EU institutions.

The [Platform to promote the protection of journalism and the safety of journalists](#) (Platform) was created by the Council of Europe in 2015 and based on discussions with CSOs and journalists is seen overall as a useful tool which should be promoted and maintained. It was created in part, as a response to the lack of implementation of ECHR judgments to follow up on cases involving journalists. To date it has received over 1700 alerts of which over 300 are now closed.

Nearing the ten-year anniversary of the platform several lessons have been drawn by those involved:

- Creating the platform through a PACE resolution ensured the essential **support of member states** – other models might have been easier to establish but would have lacked political backing;
- The **right partners** are crucial, with different expertise and wide geographic coverage;
- **Clear roles and responsibilities** are key, as well as a degree of flexibility to find different avenues for follow up; and
- There need to be **different levels of assessment** – which led to the creation of two levels of threats in the alerts: 1) the most severe and damaging violations and 2) all other serious threats.

#### Box 2 - How the Platform works?

The Platform comprises [15 partner NGOs/media organisations](#) who work together with a small CofE secretariat.

The procedure to report a case includes:

- The partner organisations submit cases which must be agreed by a minimum of three partners.
- The secretariat reviews and posts the case on the platform, with an accompanying letter to the relevant member state via their permanent representation in Strasbourg.
- States have three months to respond to the case.
- Various forms of follow up exist including meetings before the different bodies of the CofE, bilateral meetings and formal reporting.

According to the secretariat, the effectiveness of the Platform and cooperation among partners has gone beyond expectations. Further work is required to follow up on the increasing number of cases, including



older unresolved cases, to build capacity and funding and expand work on the more structural threats to the media.

The Platform is now sufficiently established to share lessons with other stakeholders. The on-balance positive reflection means that a similar model could be considered for HRDs and CSOs. With a new in-coming Secretary General and a new Human Rights Commissioner, this presents a good moment for renewed advocacy building, also on the [Roadmap to implement the Reykjavik Declaration](#).

The same 2018 PACE [resolution](#) also called for a mechanism to protect lawyers. After a period of consultation, in 2022 the Committee of Ministers of the Council of Europe established a [Committee of experts on the protection of lawyers](#). The Committee is tasked with the elaboration of a binding legal instrument, aimed at strengthening the protection of the profession of lawyer and the right to practice the profession without prejudice or restraint under the authority of the Committee of Ministers and the European Committee on Legal Co-operation (CDCJ).

## 6.2 NATIONAL/LOCAL GOVERNMENT/CITY INITIATIVES

The mapping was not able to research or document potential national level initiatives, including laws that recognise the role of HRDs, specific protection programmes or initiatives in collaboration with NHRIs or civil society. One example includes the recent adoption of a law in Moldova on Child Rights that [explicitly recognises the protection of Child Human Rights Defenders](#).

There are several regional initiatives specifically targeted towards HRDs in exile who have travelled to the EU for temporary or permanent relocation. A primary challenge for HRDs at risk from outside the EU is obtaining a visa. CSOs have come together over the last years to advocate visas as a tool for the protection of HRDs and for the first time obtained amendments to the EU Visa Handbook, specifying the risks that HRDs face. In June 2023, the FRA published the report [Protecting human rights defenders at risk](#):

[EU entry, stay and support](#) and later in the year the European Parliament commissioned a follow up study [Enhancing the protection of human rights defenders \(HRDs\): Facilitating access to the EU and supporting HRDs from third countries](#). The study proposes the adoption of a Directive on the conditions of entry and residence of HRDs in the EU.

The FRA report details all the existing programmes to support HRDs in exile covering national programmes for temporary relocation in 12 EU member states, including long-standing programmes such as those in Spain and the Netherlands, newer initiatives in Finland and Germany, as well as two regional programmes namely [ProtectDefenders.eu](#) and the [EU Temporary Relocation Platform](#).

Several local government/city initiatives also exist:

[ICORN – the International Cities of Rescue Network](#) is based in Norway and comprises 83 member cities and regions, over half of which are in Europe. They offer temporary residencies to writers, artists and journalists at risk. ICORN works together with many arts organisations and HRD protection organisations alongside a network of local coordinators. Through this network they have developed protocols for how to engage with local authorities, including the police when attacks persist in the country of refuge, due to increasing trans-national repression. Without this network they noted the difficulties in getting the police to understand, and take seriously, the risks faced by HRDs.

The [Shelter City Programme](#) started in the Netherlands and supports HRDs from across the globe with visa applications and temporary protection for 3-6 months in the Netherlands. Beyond the Netherlands, there are also shelter cities in several countries including Benin, Costa Rica, Georgia, Nepal, Tanzania, Italy and the United Kingdom.

## 6.3 FUNDING

### 6.3.1 Institutional funding to civil society in the EU

One attempt to address the breakdown of the rule of law within the EU is through the [Citizens, Rights and](#)

[Values \(CERV\) programme](#) launched for the period 2021 to 2027 and designed, in particular, to provide greater support to organisations working at the local level to promote and protect union values with a [dedicated call on civic space](#).

In the latest call for proposals there are specific calls for projects that protect HRDs. This is a good starting point to pilot initiatives but a long-term, comprehensive mechanism that will ensure all HRDs across the EU are able to seek protection is needed. In addition, while improvements have been made to the mechanics of the CERV funding, further work is required to ensure flexible and accessible funding that responds to existing needs.

The EEA and Norway Grants is coming to the end of the [Active Citizens Fund](#), which will continue support civil society in 14 EU member states until the end of 2024. For the [new Financial Mechanism](#) of the Grants it will be replaced by the EEA Civil Society Fund, with first calls for proposals expected in the second half of 2025. The Fund is managed by the Financial Mechanism Office with the help of independent fund operators in each country.

The above programmes are broadly focused on support to civil society and not specifically on protection. Under both programmes it would be impossible to directly support individual HRDs at risk, but protection could be considered through a partner or based on a specific request.

### 6.3.2 Institutional funding for HRDs in exile

[ProtectDefenders.eu](#) was created in 2015 and is an EU programme led by a consortium of 12 human rights organisations. It has a budget of approximately €6 million per year and provides a number of programmes to support the protection of HRDs from outside the EU:

- A rapid response mechanism for urgent practical support such as physical or digital security measures;
- A temporary relocation programme either within the HRDs country, region or further afield;
- Support for the creation of shelters for HRDs at risk;
- Training, accompaniment, and capacity building for HRDs.

A small amount of funding is available to continue supporting HRDs once they reach the EU to set up, continue their work and ensure continued security.

ProtectDefenders.eu also coordinates the [EU Temporary Relocation Platform](#), which was created in 2014. The members include hosting organisations, donors, policy makers and referral entities who facilitate collaboration between entities involved in temporary relocation.

In June 2024, ProtectDefenders.eu published a study on [The Landscape of Public International Funding for Human Rights Defenders](#). The study finds that just 0.11% of Overseas Development Assistance supports HRDs and that over the last years funding has stagnated resulting in a growing disconnect from the on-the-ground needs.

### 6.3.3 Private funding

A small number of private donors focus on civic space as a core component of their funding and some private funders enable co-funding of institutional grants under the CERV funding (see 6.1.2 above).

Two civic space collaboratives emerged a few years ago: the [Funders Initiative for Civil Society \(FICS\)](#), which has a global remit; and [Civitates](#) a small, pooled fund focused on Europe. At the time, some discussions envisioned Civitates as a rapid-response fund however, as it emerged, it works primarily through annual calls for proposals on a rotating cycle of themes – one of which is civic space.

In April 2024, Civitates published a useful mapping of funding of civic space in the EU [Investing in Change: Understanding and Enhancing Support for Civic Space in Europe](#), which fed into the new Civitates strategy for 2024 and beyond. The mapping identifies support to protect the safety and security of front-line pro-democracy players as one of the main gaps in funding.

There is a narrow pool of private foundations supporting civic space but there is no organisation with a core focus providing leadership and convening power.

## 6.4 NATIONAL HUMAN RIGHTS INSTITUTIONS

National Human Rights Institutions (NHRIs) have a unique position both in terms of their protection mandate for HRDs as well as being considered as HRDs themselves due to the nature of the human rights work and the risks they face. As state-mandated bodies, independent of government, they can play an important bridging role between national authorities and civil society.

Globally in 2018, NHRIs adopted the [Marrakesh Declaration](#) on the role of NHRIs in expanding civil space and promoting and protecting HRDs – leading to a [Regional Action Plan](#) for Europe adopted by the European Network of National Human Rights Institutions (ENNHRI). ENNHRI also launched an [Online Resource on HRDs](#), collecting best practices of NHRIs working to protect HRDs.

At national level through their broad mandate, NHRIs already take action to protect HRDs in Europe. This includes through research, monitoring and reporting on the rights of HRDs, providing advice and recommendations to national authorities; complaints handling, strategic litigation and individual support to and on behalf of HRDs; and public statements and solidarity with HRDs. In addition, some NHRIs have specific mandates relevant to HRD protection, such as under the Whistleblower Directive, Anti-SLAPP directive, and/or acting as the National Preventive Mechanism.

Further information on NHRIs' existing practices is available through ENNHRI's HRD resources, as well as this [report](#) which highlights the needs of HRDs and potential strengthened role for NHRIs in national and regional HRD protection frameworks.

## 6.5 CIVIL SOCIETY INITIATIVES

There are quite a wide range of civil society initiatives, some operating regionally and others at the national level. Some emerged out of long-term support to HRDs across the globe and others as responses to closing civic space in Europe.

### 6.5.1 Civil Society Solidarity

Civil society itself has sought different and innovative ways to counter the challenges to civic space, many of which contribute to the protection of HRDs and CSOs:

- **Resources** – organisations have developed a range of tools and materials to equip themselves and colleagues with locally grounded approaches for support. These include for example a [Psychosocial Resilience Training Manual: Sustaining Migrant Solidarity Responses](#) developed by Ulex in Spain and a [Holistic Security Strategy Manual](#) developed by the Centre for Victims of Torture, the Tactical Technology Security Collective and Front Line Defenders. Several new initiatives are also emerging. [The Oxygen Consortium](#) is developing as a space where activists, practitioners, and founders can co-operate to pilot, test and learn – looking in particular at community self-healing and the implementation of safety mechanisms across the civil society sector. Another new project is [Burnout Aid](#), an unprecedented international activity aimed at preventing burnout among employees and volunteers in the NGO sector. [Front Line Defenders](#) and [Protection International](#) also have a range of protection tools available on their websites.
- **Monitoring** – there are several initiatives to monitor civic space and attacks against HRDs. The [CIVICUS monitor](#) tracks attacks on civic freedoms working with CSOs in each region, and the [Civic Space Watch](#) tracks developments on civic space in Europe. The [Observatory for the Protection of HRDs](#) documents attacks and sends alert letters to relevant governments and institutional actors. The [Business and Human Rights Resource Centre](#) has a database that has been tracking attacks against defenders focused on business activities since 2015. The database helps understand the scope of the problem, identify higher risk business sectors and help tailor responses. The [FOCUS Observatory on Public Policies for the Protection of Human Rights Defenders](#) is an online platform that provides a global overview of regulations and protection mechanisms for HRDs aimed at monitoring, analysing and promoting good practices. A [new project](#) funded under the CERV programme is piloting early warning system to alert EU institutions on threats to civic space.

- **Coalition Building** – governments have often sought to fragment and exploit divisions between civil society organisations and so many organisations have come together to revive or build new coalitions. In Hungary, the [Civilizáció](#) (Civilization) coalition came together around the 2017 NGO law and brings together a wide spectrum of organisations, from human rights advocacy groups to those working at the community level. The [Defender a quien Defiende](#) (Defending the Defenders) collective in Spain, brings together human rights defenders, journalists, psychologists, legal experts and social movements, and was created to oppose highly restrictive gag laws that were introduced in 2015. The network now monitors human rights violations in the context of protests. Several years ago, Italian organisations came together to form the In Difesa Di network, initially focused on Italy's foreign policy towards HRDs but evolving to support HRDs working to support migrants and refugees and now climate defenders in the country including through a new collaborative report on [criminalisation and repression of climate and environmental movements in Italy](#).
- **Regional Advocacy** – linking coalitions up with regional actors brings another form of solidarity and protection. The creation of [Civil Society Europe](#) as a trans-sector coordination body for CSO networks across Europe is one important development, ensuring a voice in EU decision-making processes. Another interesting example is the [Recharging Advocacy for Rights in Europe \(RARE\)](#) project, designed as an alliance for solidarity that brings together a group of HRDs and civil society advocacy to learn and strategize together around common challenges.

See this [link](#) for a list of further projects and resources and a 2020 article on [How European Civil Society Is Pushing Back Against Democratic Erosion](#).

## 6.5.2 Protection grants and other initiatives

Protection of HRDs is the central mandate of several CSOs, whose global work has expanded in recent years to include the protection of HRDs in Europe. The majority of support however remains dedicated to HRDs outside the EU. [Civil Rights Defenders](#), [Front Line Defenders](#), [International Service for Human Rights](#), the [Observatory for the Protection of HRDs](#)

and [Protection International](#) all provide different and complimentary types of support. Some of these organisations are also part of the consortium of organisations leading [ProtectDefenders.eu](#).

Front Line Defenders has a [Protection Grants](#) programme, which provides grants of up to €7,500 to allow organisations and individuals pay for things such as physical security measures, legal fees, medical fees and other short term protection needs.

Civil Rights Defenders also has an [Emergency Fund for HRDs](#) for rapid assistance. In 2021, 2% of the emergency funding went to HRDs in Europe. Protection International works on the [preventative protection](#) of HRDs focusing on: public policies, collective protection, criminalisation, business & human rights and positive narratives.

In 2023 a new platform was created [Building Responses Together](#) to act as a referral system among organisations providing emergency protection grants.

Looking to the experience of similar sectors, the media and digital rights organisations have funds dedicated to supporting colleagues in Europe. In 2023, media organisations came together to create a [Legal Network for Journalists at Risk](#) (LNJAR) that acts as a referral platform for journalists in need of legal assistance, and the [European Centre for the Protection of Media Freedom](#) (ECPMF) provides practical and legal assistance for journalists and media workers across Europe. These initiatives compliment Journalists in Distress (JiD), an informal forum for information and joint responses formed in 2006. [Reporters Shield](#) is a new membership program that defends investigative reporting around the world from legal threats meant to silence critical voices.

Protection International offers expert security and protection management services. The team of protection experts supports communities, organisations and HRDs to analyse their risks, and to develop and implement comprehensive protection plans that respond to their security needs.

## 6.5.3 Temporary relocation

Several civil society programmes also provide temporary relocation, either independently or in collaboration with the visa programmes implemented by member states. In 2023, the International Partnership for Human Rights (IPHR) published a detailed report, [A Life in Exile: A comprehensive investigation of the challenges facing and support provided to human rights defenders in long-term relocation](#).

Civil society has been central to the advocacy calling for visas as a tool for the protection of HRDs, including through the [coalition](#) housed by ProtectDefenders.eu.

Different initiatives exist often supporting distinct groups, whether scholars, artists or defenders including:

- [Artists at Risk](#), an initiative run by the Finnish NGO Perpetuum Mobile, providing a local network of artistic institutions for artists at risk – and [ARC, Artists at Risk Connection](#), which provides emergency funds, legal assistance, temporary relocation programs, and fellowships through a network of partner organisations.
- [Scholars at Risk](#), an international network of institutions that protects scholars at risk through advisory services and hosting arrangements at member universities. The [Human Rights Defender Hub](#) at The Human Rights Centre at the University of York has played a leading role, both by providing temporary protection for HRDs at the university as well as developing academic and practical tools to protect HRDs, including [The Barcelona Guidelines on Wellbeing and Temporary International Relocation of Human Rights Defenders at Risk](#). An interesting collaboration is also created through York being a Human Rights City.
- Several organisations provide support for the HRDs they work with. IPHR recently converted a 'one-euro' house in rural Sicily to create small centre where HRDs can come to receive individual coaching and capacity building aimed at helping continue their work in safety, and at the same time have a chance to rest and decompress in a calm and beautiful space. [Araminta](#) supports a number of initiatives including the newly created Nest for Ukrainian Human Rights Defenders (UANest). [Human Rights House Foundation](#), together with five of their human rights

houses, are part of a Network Protection Programme to support HRDs at risk.

This [short article](#) also highlights some initiatives in Europe to build engagement between civil society and government – a step necessary for any future protection mechanism.

**What emerges from the above is a rich but scattered ecosystem of protection support. Ensuring tailored approaches to support different communities and needs is essential, but it could be difficult for HRDs to navigate the current environment, especially when under high pressure and if not well connected. Thus, finding the most appropriate support in a short time might be difficult. A very limited number of practical, emergency support is available for HRDs from the EU, and this is also identified as a gap in the funding landscape.**

**From an institutional perspective, the EU's regional protection initiatives only support HRDs and CSOs from outside the EU, and while funding exists to support CSO projects there is nothing to support urgent protection needs.**

## 6.6 EXAMPLES OUTSIDE EUROPE

Protection mechanisms exist in several countries outside Europe and analysis is available on the [FOCUS Observatory](#) on Public Policies for the Protection of Human Rights Defenders. Besides an interactive map that depicts the state of play of the adoption of laws and mechanisms for the protection of HRDs around the world, this platform provides access to relevant information, updates in terms of policy developments and references on good practices from countries that have adopted national policies.

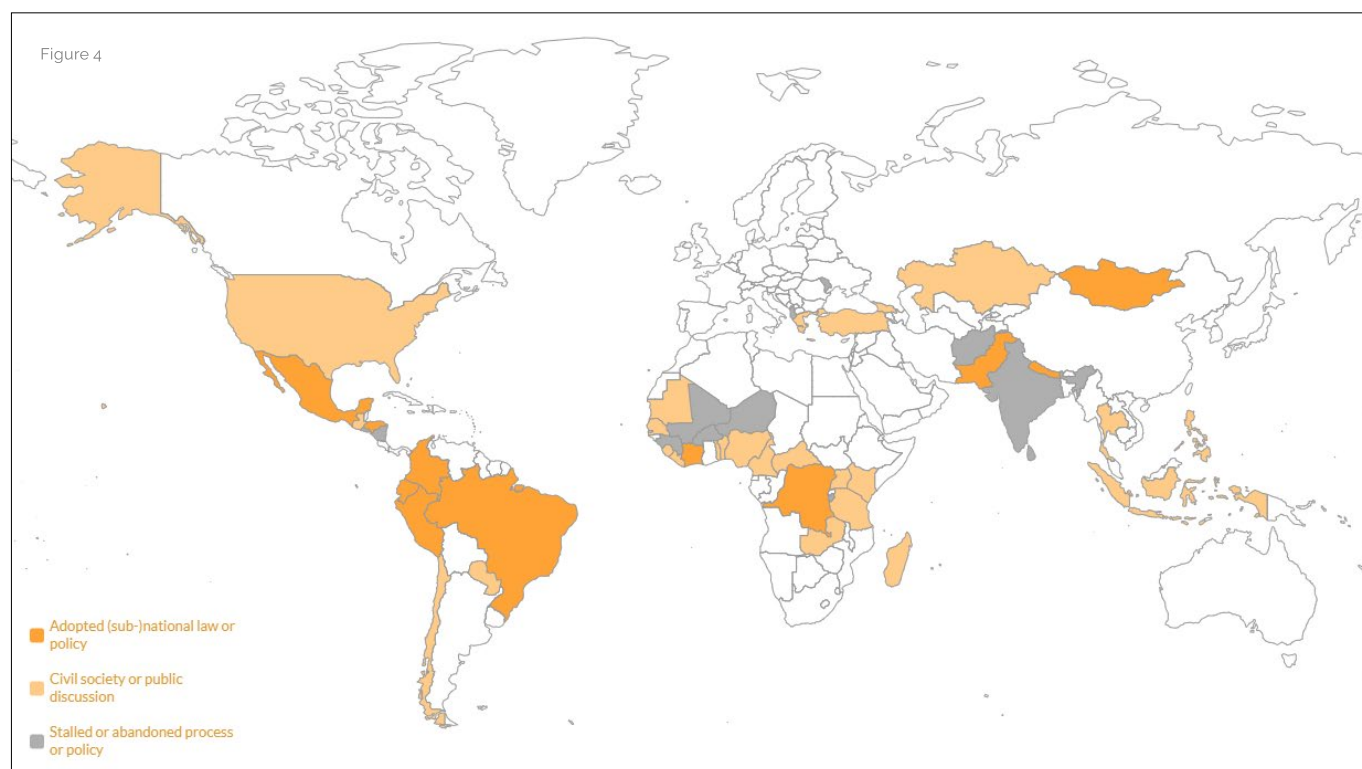
As shown in Figure 4, multiple countries have adopted national and/or sub-national policies for the protection of HRDs. By 2022, 45 countries (almost a quarter of the UN member states) had debated or enacted public policies. In some countries, a [Model Law](#) developed by the ISHR in collaboration with over 500 HRDs served as a base for the creation of national policies on HRDs. A few create a specific mechanism



for the protection of HRDs, which is the case for the Brazilian policy for HRDs, and in some cases, national protection mechanisms are linked to the ability of the [Inter-American Commission for Human Rights](#) to grant precautionary measures.

Europe is the region with the [lowest](#) number of public policies for the protection of HRDs. No country has its own law or mechanism for the protection of HRDs but multiple countries have adopted [foreign policy guidelines on HRDs](#), which aim to standardise measures for diplomatic missions to apply on protection of HRDs (see also section 6.2).

Lessons drawn from the experience of different protection laws and policies can be further explored in the report, the [The Time is Now](#), published by Protection International and the Centre for Justice and International Law (CEJIL) in 2018, and 10 key elements for the success of effective protection mechanisms compiled by ISHR (see annex 1).



## 7. NEEDS AND GAPS

### 7.1 NEEDS

The above provides a short but hopefully instructive analysis of the protection landscape in Europe and allows us to pinpoint what exists and where there are gaps.

Based on the roundtable meeting in Brussels in April and discussions with different HRDs and civil society organisations, several specific needs emerge in addition to the overarching need and genesis of the project, for better protection for HRDs in Europe. As one HRD said:

*“when our colleagues and offices were attacked we were directed to an MEP, who directed us to someone else, who directed us to someone else. We ended up in an endless circle. What we needed was someone, who, in a moment of crisis, could guide us in the right direction.”*

During a stressful time following an attack, it is more difficult to navigate multiple, disparate options, often to find that there is no tangible support available. It's particularly hard for small organisations or individual HRDs who might not have, or be able to access, the necessary contacts to secure support. Even for those with contacts it can be difficult, as this HRD recalled:

*“even though the activist's prominence gave her some advantages in terms of access, the support and tools provided were still very weak.”*

Another interlocutor cited the “*collective helplessness*” of institutional actors when a serious attack against an HRD is reported. While there may be willingness to act, because there are no standard procedures, checklists or possibilities for action, institutions scramble for options but end up taking no action or referring the case to civil society for support.

Many HRDs also raised the specific risks that some defenders face and the overlapping systems of oppression that place some groups and individuals at heightened risk and vulnerability. For example, HRDs who are undocumented, or are awaiting the renewal of a visa or other document, are particularly

vulnerable and consequently may find it difficult to access support or fear going to the authorities to report violations.

Others may be at risk because of threats based on their real or perceived identity. According to Front Line Defender's 2023 Global Analysis, LGBTQI+ defenders, women HRDs and indigenous HRDs are among the five most targeted sectors, noting also that for a variety of reasons including social stigma, attacks are often under-reported. HRDs noted that the different risks raise different protection needs and that attacks may also vary across time frames, with spikes coinciding with elections or other campaigns where particular groups may be scapegoated for political or other gain. Risks may also be heightened by the ease with which perpetrators can engage in online attacks.

Specific challenges raised by HRDs included:

- Concerns **engaging with authorities**, in particular the police – either HRDs don't trust the police, or if they go to the police their concerns are dismissed, because of a lack of knowledge and understanding of the real threats HRDs face. HRDs also cited an increase in police violence during protests and an excessive use of force against protesters.
- Threats against **family members** – attacks are not limited to HRDs themselves but also include the HRD's family, friends and neighbours to intimidate them and damage their reputation.
- Sense of **isolation** – either because of threats intended to isolate HRDs from their communities and support structures or because of pressure within civil society. Others raised the threat from GONGOs (Government Organised NGOs), who sap resources, undermine human rights organisations and provide a counterargument that civil society is not really under attack.
- **Decreasing trust in institutions** – including EU institutions that may have previously been seen as trusted partners.
- **Insecure funding** – organisations shared experiences where funding was reviewed following criticism of government positions and the additional difficulties securing funds for strategic litigation. Service provision is generally favoured over advocacy and, including at EU level, the space for constructive criticism has diminished.

- **Access to legal aid** – HRDs found it difficult to access legal aid even where national legal aid programmes or pro bono support exists. Especially at the critical, early stage of a case it can be very difficult to quickly find a lawyer, especially one with relevant expertise.
- Access to a **pool of experts** – echoing the difficulty of finding the right sources of help, HRDs expressed the need for a place to easily identify relevant experts as well as build solidarity and support networks.
- **Cumulative online threats** – HRDs noted that an isolated online attack may not appear to merit attention, but the cumulative effect needs to be recognised and taken into consideration. Others noted how online attacks often translate into physical threats as well as the silence from social media platforms when informed of attacks.
- **Transnational repression** – was also raised noting the lack of knowledge of the phenomenon, limited data, and the need for exchange among member states. Any protection mechanism for HRDs within the EU should adequately take into account the specific needs of those from outside the EU facing transnational repression within the EU. See, for example, recommendations to the EU and its member states on this matter, including by [Amnesty International](#) and [Human Rights Watch](#).

HRDs cautioned against new approaches with limited teeth and the need to avoid simply collecting and centralising data collection with no follow up action.

## 7.2 GAPS

There are a lot of innovative initiatives and CSOs have taken a proactive approach, pivoting to a changing environment and deploying new strategies. In general, the systems focused on Europe are more highly developed for journalists: including the Platform at the CofE, and several dedicated networks/referral mechanisms. As anticipated, there are a lot of lessons to draw from work to support HRDs outside Europe, including practices adopted by EU and EU member states as documented in Amnesty International's 2019 report [Defending Defenders, an assessment of EU action on Human Rights Defenders](#).

- There is **no regional protection mechanism** for HRDs and CSOs. If an HRD experiences a threat, there is no place to record that threat and consequently any process for specific action to be taken. Violations are documented anonymously/collectively through the annual Rule of Law reports and the FRA civic space surveys, but there is nothing on individual threats. Whilst HRDs estimate that around 50% of threats come from the state, the documentation is limited and currently HRDs are seeking recourse in a variety of locations or simply self-protecting. Safe reporting mechanisms for undocumented migrants are specifically absent.
- **Follow up on reprisals is limited and incomplete.** The EU has no mechanism to report and follow up on reprisals when they engage with the EU institutions. The five-year old mechanism at the Council of Europe is relatively unknown and thus under-utilised and ineffective.
- There is **no Europe focused rapid response funding** for HRDs and CSOs at risk. HRDs would either have to use funds from other projects or apply for the limited protection grants available from civil society organisations, such as Front Line Defenders or Civil Rights Defenders. This would however, unlikely cover legal fees in Europe or other ongoing expenses. This was identified as a gap in the 2023 Civitates study.
- There is **no hub or focal point for information** around different forms of support from legal, to financial and psycho-social support. The ability to access support is very dependent on individual networks and connections.
- There is **no connection between reporting**, primarily under the annual Rule of Law reports, **and concrete action to support individual cases.** If cases emerge through the reporting process there is no mechanism for direct follow up – beyond a very broad discussion in the Council and follow up workshops in a select number of member states, organised in collaboration with FRA.

As discussed in the Introduction it is difficult to totally separate the needs of rapid response protection from broader efforts to ensure an enabling environment for HRDs and civil society organisations. The above needs and gaps point to the necessity of some targeted interventions – as part of continued broader efforts to strengthen civil space and preserve vibrant and plural democracies. It is for this reason that it will

be key to consider that a future mechanism for the protection of HRDs in the EU should also include a broader approach to protection, benefiting not only individual defenders at risk, but also the protection of their CSOs and collectives in their legitimate exercise of defending and promoting human rights.

## ANNEX 1

10 key elements for the success of effective protection mechanisms compiled by the International Service for Human Rights (ISHR):

1. Developed and implemented in safe and meaningful **consultation** with HRDs.
2. **Underpinned by law** which recognises and protects the right to defend rights.
3. Adequately resourced.
4. Provided with necessary **political support**.
5. Adopt a holistic or **comprehensive approach to protection** – safeguarding not only HRDs' physical safety but also attending to their overall well-being, encompassing their health, legal rights, and socio-economic well-being.
6. Address both **individual needs and underlying systemic and structural causes** and contributors – including racism, sexism, patriarchy, heteronormativity and other layers of oppression.
7. Pay particular regard to the particular protection needs of **defenders at increased risk** whether because of their identities or the issues on which they work, including WHRDs.
8. Extend protection and **support to relatives and associates of HRDs** targeted because of their association with or support for HRDs.
9. Recognise the **relationship between prevention and protection** and develop and disseminate narratives and messages which promote public awareness and support for the invaluable work and contribution of HRDs and which counter stigmatisation and defamation of HRDs.
10. Recognise the **relationship between protection and accountability** and the fact that impunity for threats and attacks against HRDs licences further threats and attacks – promote investigation and accountability.

**Coalition:** Civil Society Europe and European Civic Forum (hosts); Amnesty International – EU Institutions Office; Araminta, Business & Human Rights Resource Centre; Civil Liberties Union for Europe, Civil Rights Defenders; European Partnership for Democracy; International Federation for Human Rights; Front Line Defenders; Platform for International Cooperation on Undocumented Migrants (PICUM) and Protection International.

**And as associate members:** European Network of National Human Rights Institutions, the European Network Against Racism (ENAR) and the International Lesbian, Gay, Bisexual, Trans and Intersex Association (ILGA)-Europe.

The coalition supported and guided the work which was further informed by a series of interviews and discussions during the April Roundtable Meeting in Brussels incorporating perspectives and insights from across the region and from different groups including:

ACCEPT (Romania), Bilitis Foundation (Bulgaria), Bulgarian Helsinki Committee, Campaign to Uphold Rights in Europe (CURE), Center for Legal Resources (Romania), Ecologistas en Acción (Spain), European Legal Support Centre, European Sex Workers' Rights Alliance, Federal Institute for the protection and promotion of Human Rights (Belgium), Forum of European Muslim Youth and Student Organisations, Helsinki Foundation for Human Rights Poland, Institute NOVACT of Nonviolence, Nyt Europe (Denmark), Promote Ukraine, Sienos Grupė (Lithuania), Supporting Abortions for Everyone (SAFE), Unrepresented Nations and Peoples Organisations (UNPO), VOCIFY, and the World Uyghur Congress – covering diverse perspectives from anti-racism organisations, business and human rights organisations, environmental rights organisations, LGBTQI+ organisations, faith-based organisations, multi-disciplinary human rights organisations, national human rights institutions, organisations supporting HRDs in exile, peace-building organisations, refugee, migrant-led and undocumented migrant organisations and sexual and reproductive rights organisations.

The April meeting was held at EFTA House and organised in collaboration with CNVOS Slovenia, Stefan Batory Foundation Poland, FDSC Romania in the scope of the Active Citizens Fund's Community

for Action initiative and several HRDs were supported to come to Brussels for a roundtable meeting by the Green/European Free Alliance in the European Parliament. The Belgian Presidency of the EU also hosted a breakfast briefing.

It was also informed by several interviews and meetings with institutional actors, other civil society organisations and individual human rights defenders.

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