



**TOURNONS LA PAGE**  
**Pour l'alternance démocratique  
en Afrique**

**PROTECTION PROJECT  
RISK PREVENTION AND  
MEMBER PROTECTION**

Training Session 2:

Develop a global protection strategy and react to  
a security incident



WELCOME





# OPENING CIRCLE

OF THE HUMAN RIGHTS LISTED BELOW, IF YOU HAD TO CHOOSE JUST ONE, WHICH WOULD IT BE? WHY OR WHY NOT?

Article 1 - Equality and freedom of individuals	Article 2 - Non-discrimination	Article 3 - Right to life, liberty and security	Article 4 - prohibition of slavery
Article 5 - Prohibition of torture, inhuman, cruel and degrading treatment	Articles 8 and 10 - Appeals to the courts, impartiality of justice	Article 9 - Prohibition of arbitrary arrest, detention and exile	Article 11 - Presumption of innocence and non-retroactivity of laws
Articles 12 and 16 - Right to privacy, to marry and to found a family	Articles 13 and 14 - Freedom of movement and right to asylum	Article 17 - Right to property	Article 18 - Freedom of thought, conscience and religion
Article 19 - Freedom of opinion and expression	Article 20 - Freedom of assembly and association	Article 21 - Electoral rights and participation in public life	Article 22 - Right to social security
Articles 23 and 24 - Right to work and rest		Article 25 - Right to health	Article 26 and 27 - Right to education and cultural life

# AGENDA

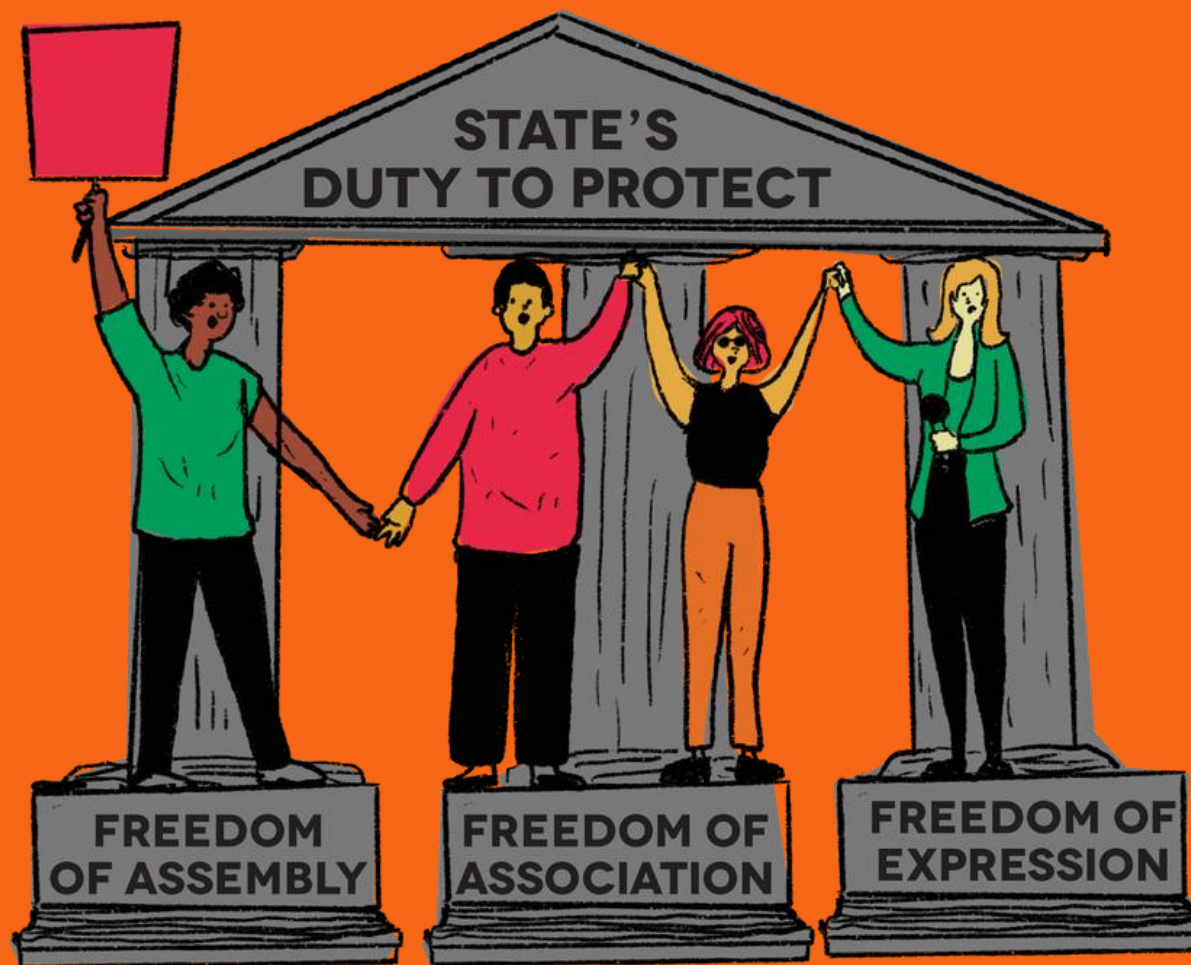
- **Civic Space**
  - What is it?
  - International laws
  - Institutions to protect civic space
- **Documentation**
  - How to document?
  - How to get support?
- **Advocacy**
  - Tools
  - Efficient communication
- **Focus : what to do immediately in case of an arrestation?**

# 1. PROTECTIVE STANDARDS FOR CIVIC SPACE

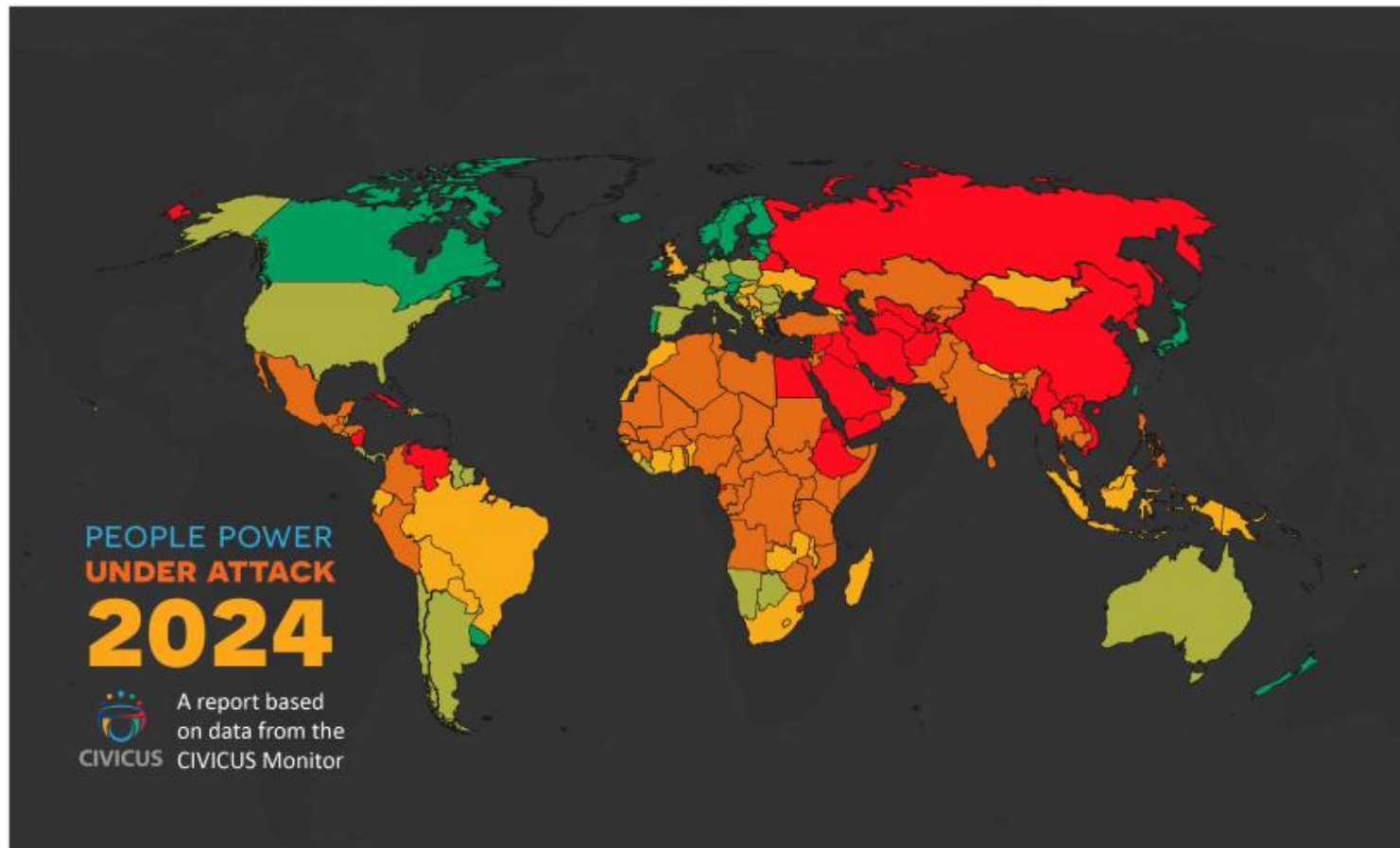


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# 1. WHAT IS CIVIC SPACE?



# IN YOUR COUNTRY, HOW CLOSED IS THE CIVIC SPACE?



- Cambodia: Repressed
- Ghana: Obstructed
- Indonesia: Obstructed
- Kenya: Repressed
- Nigeria: Repressed
- Palestine: Closed
- Uganda : Repressed

## 1.1. THE DIFFERENT PROTECTIVE STANDARDS

Which texts/standards/conventions that protect civic space and HRDs do you know?

Responses from participants :



**A distinction must be made between:**

- International standards
- Regional standards
- National standards
- Binding standards
- Non-binding standards

**International standards**: standards adopted multilaterally, by several member states of the international community (at UN level). They can be binding on all States that are party to them, i.e. if they ratify the treaty.

Examples:

- The Universal Declaration of Human Rights (1948)
- International Covenant on Civil and Political Rights (1966)



**Regional standards**: standards adopted multilaterally by several member states of a regional organisation (African Union, European Union, Organisation of American States, etc.). They can bind all the member states of this organisation that are parties to them.

**Examples:**

- African Charter on Human and Peoples' Rights (1981)
- European Convention for the Protection of Human Rights (1951)



**National standards**: standards adopted at the national level, by the parliament of a State. They are only binding on the State in which they were adopted.

Examples:

- Constitutions
- In Mali, Law No. 2018-003 of 12 January 2018 on human rights defenders.
- In Côte d'Ivoire, Law No. 2014-388 of 20 June 2014 on the promotion and protection of human rights defenders.
- In Burkina Faso, law n° 039-2017 of 27 June 2017 on the protection of human rights defenders in Burkina Faso



**Binding norms:** *Hard law rules*, i.e. international/regional standards that are legally binding on states that have voluntarily become parties. Their violation engages the responsibility of the State Party.




Example: The International Convention on Civil and Political Rights (1966), the Convention on the Elimination of Racial Discrimination (1965)



**Non-binding norms:** *Soft law rules*, i.e. international/regional standards that are not binding on States. Their violation cannot directly engage the responsibility of the State because these standards do not formulate obligations but only recommendations.

Example: The Universal Declaration of Human Rights (1948), the United Nations Declaration on Human Rights Defenders...



## 1.2. FOCUS ON 5 FUNDAMENTAL FREEDOMS

Freedom	Definition	Limits
<b>Freedom of expression</b> 	<p>The right to seek, receive and impart information and ideas of all kinds.</p>	<p>Hate speech Anti-Semitism Insult Defamation, damaging imputation False information? Information likely to disturb public order?</p>
<b>Freedom of assembly</b> 	<p>The right to form a temporary, non-violent assembly in a public or private place and for a specific purpose. Demonstrations, strikes, processions, rallies or symbolic occupations fall into this category.</p>	<p>National Security Serious disturbance of the peace</p>
<b>Freedom of association</b> 	<p>The right to form an association to express, promote, pursue and defend common interests collectively.</p>	<p>Serious risk to public safety</p>

Freedom	Definition	Limits
<p data-bbox="104 325 384 486">The right to participate in public life</p> 	<p data-bbox="471 382 1437 601">The right to participate in the exercise of political power (legislative, executive and administrative) either directly or by freely choosing representatives.</p>	<p data-bbox="1880 496 2091 539">Conviction</p>
<p data-bbox="84 743 402 905">The principle of non-discrimination</p> 	<p data-bbox="443 829 1462 1048">All rights are guaranteed to all individuals without distinction as to race, colour, sex, language, religion, <u>political opinion</u>, etc. These rights apply even to associations, including unregistered groups.</p>	<p data-bbox="1972 915 1989 958">/</p>

TEXT	INTERNATIONAL STANDARDS	REGIONAL STANDARD
Freedom of expression	Article 19 of the International Covenant on Civil and Political Rights (ICCPR)	Article 9 African Charter on Human and Peoples' Rights (ACHPR)
	Article 19 of the Universal Declaration of Human Rights (UDHR)	
Freedom of association	Article 22 of the ICCPR	Article 10 Ch.ADHP
	Article 20 of the UDHR	
Freedom of assembly	Article 21 of the ICCPR	Article 11 Ch.ADHP
	Article 20 of the UDHR	
Right to participate in public affairs	Article 25 of the ICCPR	Article 13 Ch.ADHP
	Article 21 of the UDHR	
Principle of non-discrimination	Article 26 of the ICCPR	Article 2 Ch.ADHP
	Article 2 of the UDHR	



The UDHR (1948) is not a binding text.

## 1.3. FOCUS: THE UN DECLARATION ON HUMAN RIGHTS DEFENDERS (1998)

The "**Declaration on Human Rights Defenders**" (UN General Assembly resolution A/RES/53/144) is a non-binding international instrument that specifically protects human rights defenders.

### This text recommends:

- Adoption by States of measures to ensure effectively the right of everyone, individually and in association with others, to promote the protection and realization of human rights;
- Adoption by States of measures for the promotion and education of human rights
- Recognition of the rights of HRDs (peaceful assembly, association, expression, participation in public life, seeking and obtaining information, bringing complaints to national and international bodies about State human rights violations)



## **2. INSTITUTIONS AND MECHANISMS FOR THE PROTECTION OF HUMAN RIGHTS AND CIVIC SPACE**

## 2. INSTITUTIONS AND MECHANISMS FOR THE PROTECTION OF DDH AND CIVIC SPACE



**A distinction must be made between:**

- Jurisdictional mechanisms
- Quasi-jurisdictional mechanisms
- Associative mechanisms

**What jurisdictional / quasi-jurisdictional / associative mechanisms for the protection of HRDs do you know?**

**Who has already used one or more of these mechanisms?**




**Responses from participants :**

# BREAK

Back in 15 min

## 2.1. JURISDICTIONAL MECHANISMS

These are the bodies created by international/regional treaties that have the competence to ensure the effective implementation of treaties and the respect of their obligations by States parties. Jurisdictional bodies issue binding decisions. They can be referred to either by other States Parties or by citizens of a State Party.

INTERNATIONAL	REGIONAL AFRICANS	AFRICAN SUB-REGIONS
 <p>There is no jurisdictional mechanism at the international level for human rights violations.</p>	<p>African Court on Human and Peoples' Rights (ACHPR, Arusha, Tanzania)</p>  <p>Only for nationals of States that have accepted the jurisdiction of the Court for individual complaints, i.e. nationals of Gambia, Burkina Faso, Tunisia, Ghana, Mali, Malawi.</p>	<p>The Court of Justice of the Economic Community of West African States (ECOWAS)</p> <p>The Court of Justice of the Economic Community of Central African States (ECCAS)</p>  <p>When it comes into force</p>

## 2.2. QUASI-JUDICIAL MECHANISMS

These are bodies created by international/regional treaties or decisions of other bodies, with competence to verify the effective implementation of an instrument or to monitor a specific situation. Often referred to as "*special procedures*", these non-judicial bodies issue non-binding decisions that States Parties may choose to ignore.

INTERNATIONAL	REGIONAL AFRICANS (ACHPR Commission, Banjul, The Gambia)
Human Rights Committee	Special Rapporteur on human rights defenders and focal point on reprisals
Other treaty bodies (CAT, CEDAW, CED...)	
Special Rapporteur on the situation of human rights defenders	
Special Rapporteur on the right to peaceful assembly and freedom of association	Working Group on Extractive Industries, Environment and Human Rights Violations
Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression	
Working Group on the issue of human rights and transnational corporations and other business enterprises	Special Rapporteur on freedom of expression and access to information

<https://spinternet.ohchr.org/ViewAllCountryMandates.aspx?Type=TM&lang=fr>

[https://www.achpr.org/fr\\_specialmechanisms](https://www.achpr.org/fr_specialmechanisms)

## 2.3. ASSOCIATIVE MECHANISMS

**Associative protection mechanisms:** These are programmes/networks of organisations set up to assist HRDs at risk. They do not aim at sanctioning the State for human rights violations like the jurisdictional/quasi-jurisdictional mechanisms, but at protecting HRDs at risk by :

- **Material assistance**
- **Temporary relocation**
- **Medical assistance**
- **Psychological assistance**
- **Legal / court assistance**
- **Securing the home / premises**

**FINANCIAL ASSISTANCE**

**TEMPORARY INTERNATIONAL  
RELOCATION**

Defend defenders

Protectdefenders.eu

Frontline defenders

Protection International

EITI

Freedom House

Emergency Fund Working Together for Human  
Rights

Shelter City

RSF

**Case study 1: With two weeks to go before the presidential elections in Congo, access to the Internet and social networks has been cut off by the local authorities on the grounds that foreign forces are trying to disrupt the vote.**

1) In doing so, is the state violating a freedom? If so, which one?

Freedom of expression

2) Are the reasons put forward by the State admissible?

No, limited by the prohibition of incitement/appeal to hatred, anti-Semitism/racism, insults, defamation/damaging reputation... See prohibition of false information or information likely to disturb the public order.

3) What texts/standards/instruments can be invoked?

Article 19 of the International Covenant on Civil and Political Rights (ICCPR)

Article 9 African Charter on Human and Peoples' Rights (ACHPR)

National constitution, national laws protecting freedom of expression

4) What bodies/mechanisms can be used?

UN Human Rights Committee

UN Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression

Special Rapporteur on Freedom of Expression and Access to Information of the ADHP Committee

National judicial system (Constitutional Court, Council of State, others)

**Case study 2: Since 2018, in Niger, around 30 demonstrations have been banned on the grounds of "risks of disturbing public order".**

1) In doing so, is the state violating a freedom? If so, which one?

Freedom of assembly

2) Are the grounds invoked by the State admissible?

No, may be limited for reasons of national security and/or in case of serious disturbance of public order.

3) What texts/standards/instruments can be invoked?

Article 11 Ch.ADHP

Article 21 ICCPR

Constitution and national laws protecting freedom of assembly and even the right to demonstrate

4) What bodies/mechanisms can be used?

National judicial system (Constitutional Court, Council of State...)

Court of Justice of the Economic Community of West African States (ECOWAS)

UN Human Rights Committee

UN Special Rapporteur on the right to peaceful assembly and freedom of association

**Case study 3:** In Guinea, Mr. Oumar was arrested for "disseminating false information" after participating in the radio program *Grandes Gueules* in which he denounced arbitrary arrests and abuses. During his detention, he was not allowed to see a lawyer.

1) In doing so, is the state violating a freedom? If so, which one?

Freedom of expression

Right of defence (prohibition of arbitrary detention, access to a lawyer, etc.)

2) Are the grounds invoked by the State admissible?

No, freedom of expression limited by the prohibition of incitement/hate speech, anti-Semitism/racism, insults, defamation/damaging imputation... See prohibition of false information or information likely to disturb public order.

3) What texts/standards/instruments can be invoked?

Articles 9, 14 and 19 of the International Covenant on Civil and Political Rights (ICCPR)

Articles 6, 7, 9 African Charter on Human and Peoples' Rights (ACHPR)

Constitutions and national laws protecting the rights of the defence and freedom of expression

4) What bodies/mechanisms can be used?

Human Rights Committee

Special Rapporteur on Human Rights Defenders and Focal Point on Reprisals of the Com.ADHP

UN Special Rapporteur on the situation of human rights defenders

UN Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression

Special Rapporteur on Freedom of Expression and Access to Information of the ADHP Committee

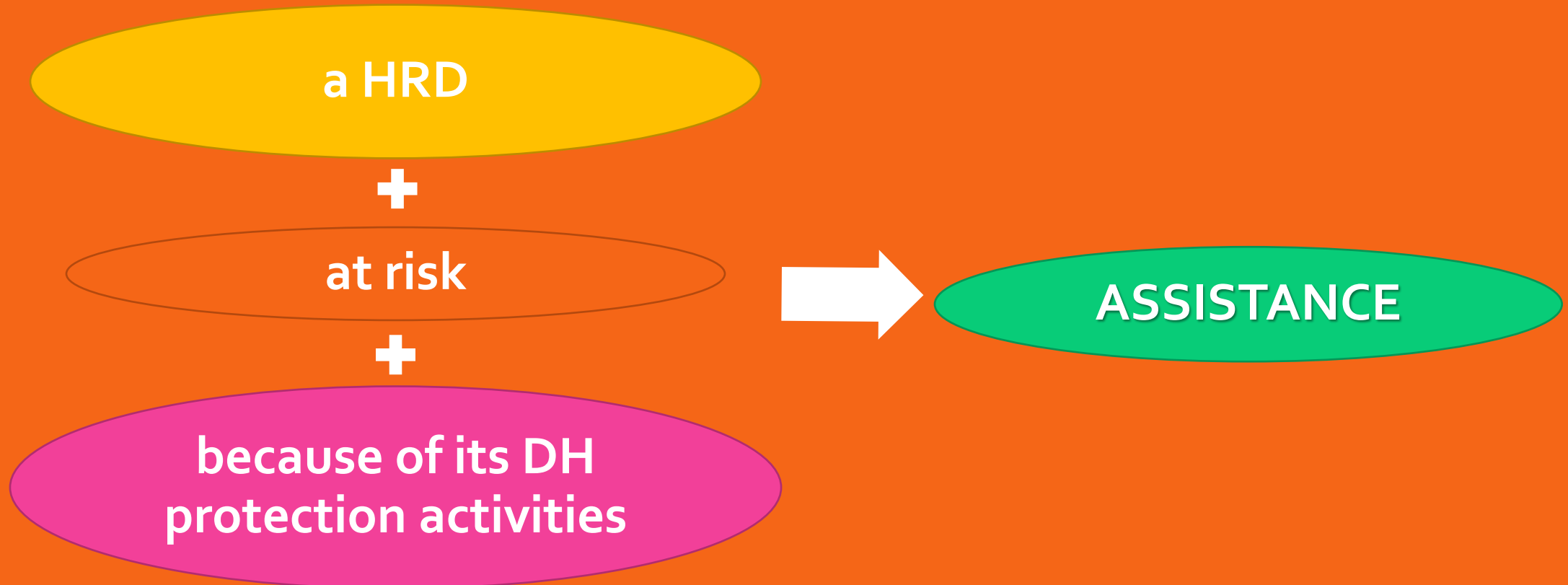
UN Working Group on Arbitrary Detention

LUNCH BREAK

### **3. DOCUMENTATION OF PERSONAL PROTECTION ALERTS**

## 3.1 DOCUMENTATION OF PERSONAL PROTECTION ALERTS

Purpose of case documentation: to verify that the person making the request is :



## GENERAL PRINCIPLES TO FOLLOW WHEN YOU HAVE AN APPLICATION FOR PROTECTION :

- Verify that the intervention criteria are met
- Act diligently and methodically and do not make decisions based on emotion; avoid giving in to pressure;
- Act without conflict of interest: Do not be related to the HRD or have a close friendship with him/her so as not to be accused of bias.  
In case of conflict of interest, involve the coordinator or your partner.
- Investigate the case using direct and indirect sources and cross-reference these sources of information to determine the reality of the hazard (ask for references)
- Verify that the HRD at risk has complied with the safety rules and the safety plan
- Not to expose oneself to danger (especially in case of refusal of assistance)  
In case of refusal the decision is not notified by the instructor.

## ➤ What is a HRD?

### Answers provided:

Human rights defender: any person who, individually or in association with others, works for the promotion or protection of human rights in a peaceful manner. HRDs are primarily identified by what they do (actions) and some of the contexts in which they work (environment).



## ➤ What is an immediate danger?

### Answers provided:

Danger: risk against someone or something.

HRDs can be victims of executions, torture, brutality, arbitrary arrest and detention, death threats, harassment and defamation, restrictions on freedom of movement, expression, association and assembly, false accusations and irregular trials and convictions, intimidation or reprisals.



➤ **What is the causal link between the hazard and the HRD activity?**

**Answers provided:**

Causal link: link of cause and effect between the event giving rise to liability and the damage for which compensation is sought. Only those risks/threats that the applicant faces as a result of his or her HRD activities can be assisted by the Emergency Fund.



- **Exercise 1:** A farmer in Burma receives threatening phone calls because he was quoted in an Italian newspaper article denouncing the impact on local populations of the construction of an oil pipeline. Can he receive assistance from one of the HRD protection mechanisms?

**Yes,** the person protects the rights of local populations against multinationals building polluting infrastructures (= **HRD**). She receives threats (= **danger**) because of this denunciation (= **causal link**).

- **Exercise 2:** Can the same person who receives threats from his neighbour because he parties a lot and disturbs his sleep receive assistance from one of the HRD protection mechanisms?

**No.** Even if the person is an HRD and is in danger, the threats received are due to neighbourhood conflicts and are therefore not related to HRD activities (**NO CAUSAL LINK**).

- **Exercise 3:** A person whose phone and computer were stolen after a break-in by the local mafia at the premises of the human rights association where she works. The association was documenting the abuses committed by the mafia. Can she receive assistance from one of the HRD protection mechanisms?

**Yes**, the person works in a human rights organization (=HRO). She was the victim of a burglary (=danger). The robbery appears to be an attempt to intimidate or hinder the documentation of mafia abuses (=causal link).

- **Exercise 4:** Can a person whose phone and computer have been stolen from the beach while swimming receive assistance from one of the HRD protection mechanisms?

**No**. The person doesn't seem to be particularly HRD, she was the victim of a robbery that had nothing to do with her professional activity.

## 3.2 Procedures for case verification

### GOAL:

Verify that the three criteria are met and that the person is eligible for assistance from an Emergency Fund.



### SURVEY

- Recover as much evidence as possible (photos, videos, documents)

#### **ON THE GROUND**

- Dialogue with the person who made the request to better understand their profile and situation
- Meet with relatives, local authorities etc. to get their opinion on the situation

#### **A DISTANCE**

- Rely on partner networks
- Contacting the references proposed by the person requesting protection
- Verify the alleged facts, especially if they have been reported in the press, on social networks or on certain websites specialising in documenting insecurity/human rights violations



## **4. ADVOCACY ACTIVITIES RELATED TO PERSONAL PROTECTION ALERTS**

## 4 ADVOCACY ACTIVITIES RELATED TO PERSONAL PROTECTION ALERTS



If possible, obtain the person's consent prior to advocacy activities. Ask for consent from potential arrestees beforehand.

Advocacy on behalf of a HRD at risk should never aggravate his or her situation (in some cases discretion is required).

➤ What do you think advocacy is?

**Suggested answers:**

**Advocacy**: arguing to defend or recommend an idea to others. Advocacy refers to the set of activities designed to build support for a policy, proposal or action. Advocacy can have several objectives (e.g., to change systems, to advocate in court/community for a person whose rights are being violated, etc.).

# It is therefore necessary to :



## 4.1 Communication activities

Advocacy relies heavily on communication activities. It aims to raise awareness of a human rights injustice/violation in order to mobilize a targeted community and bring about change.

➤ What advocacy activities do you know of/have you already conducted?

Answers provided:

## URGENT CALL

Appeal to show support for a cause/action, sent to the international community in general and invitation to show this disapproval to the authorities at the origin of the situation by any means (letter, email, petition, attached to the urgent appeal).



## PRESS RELEASE

Writing of a short document, sent to journalists with the aim of informing them of a situation / case. The idea is to get the press to take an interest in a case/phenomenon and to relay it massively in their publication in order to raise awareness and highlight the abuses.



## PRESS CONFERENCE

Organization of a physical event with the local press to denounce a specific situation. The idea is to get the press to take an interest in a case/phenomenon and to relay it massively in their publication to raise awareness and highlight the abuses.



## SMS MARMITES

A sample SMS template is shared with a large network of people and organizations along with the recipient's phone number. The idea is to *spam the* advocacy target's phone with the same message, as much as possible by sending the same message en masse through advocacy relays.



## 4.2 Local and citizen mobilization

Mobilize local/national actors as "advocacy relays" so that advocacy action is more visible, more "embarrassing" for the advocacy targets.

**Which local advocacy relays can be mobilized?**

**Answers provided:**

## At the local level, advocacy relays can be :

- International organizations with a local presence
- Embassies
- NGOs present locally (FIDH, Amnesty International, DefendDefenders, AfricanDefenders, Oxfam, Protection International...)
- NHRC
- Religious organizations



## 4.3 Regional and international mobilization

<b>INTERNATIONAL</b> <a href="https://spinternet.ohchr.org/ViewAllCountryMandates.aspx?Type=TM&amp;lang=fr">https://spinternet.ohchr.org/ViewAllCountryMandates.aspx?Type=TM&amp;lang=fr</a>	<b>REGIONAL</b> <a href="https://www.achpr.org/fr_specialmechanisms">https://www.achpr.org/fr_specialmechanisms</a>
Human Rights Committee	Special Rapporteur on human rights defenders and focal point on reprisals
Other treaty bodies (CAT, CEDAW, CED...)	
Special Rapporteur on the situation of human rights defenders	
Special Rapporteur on the right to peaceful assembly and freedom of association	Working Group on Extractive Industries, Environment and Human Rights Violations
Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression	
Working Group on the issue of human rights and transnational corporations and other business enterprises	Special Rapporteur on freedom of expression and access to information

# BREAK

Back in 15 min

## 5. FOCUS: What to do in case of arrest and/or detention?

**CASE STUDY:** Mr. Alex, coordinator of a Congolese platform of human rights and democracy NGOs, was abducted by several people in civilian clothes and taken against his will to the premises of the Central Intelligence and Documentation Office. He was not allowed to see or speak to his lawyer, nor was he told the reasons for his arrest. Alex is elderly and in poor health, and his situation is incompatible with detention. Alex's organisation is "shocked" and wishes to react to this serious incident.

**Instructions:** In groups, in 15 minutes, you will reflect on the following points:

1. What immediate actions are you taking to address this situation? List the actions and their order.
2. Is an advocacy and/or communication campaign relevant in this case? If so, what can be considered and in what order? If not, why not?

**In each group, appoint a discussion leader and a reporter. An oral presentation of 5 minutes to all the participants is planned.**

# ARREST/DETENTION OF A DEFENDER : WHAT SHOULD THE ORGANIZATION DO?

## First reaction:

- ⇒ Geographically locate the HRD by calling the authorities and actors on the ground etc.
- ⇒ Determine who is holding the person, why and for what purpose?
- ⇒ Mandate a lawyer if necessary (if arrested by the authorities)
- ⇒ Keep the defender's family regularly informed of the situation



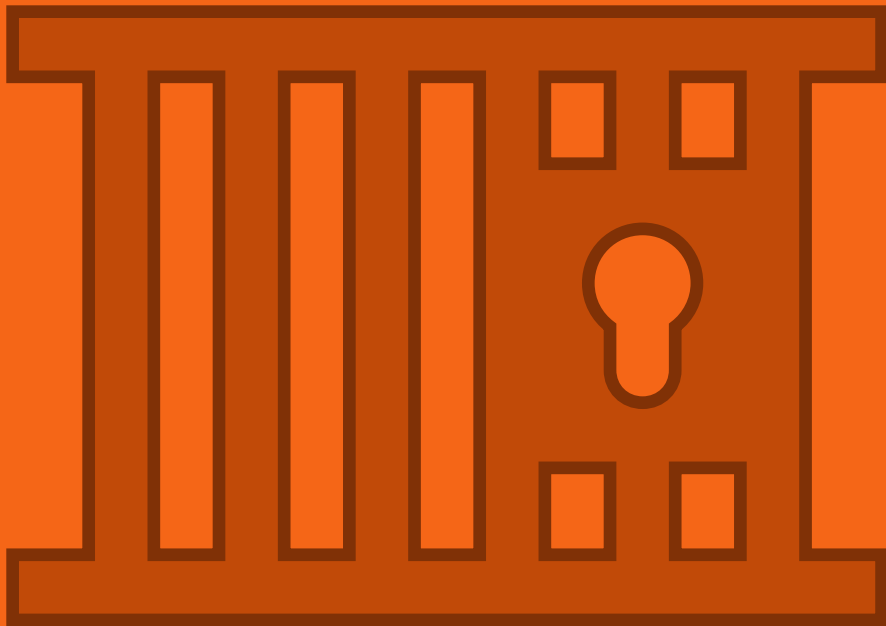
## Medium and long-term reactions :



- ⇒ Send a message of support to the defender;
- ⇒ Mobilize local stakeholders, if relevant, through an advocacy campaign
- ⇒ Carry out a communication campaign if necessary
- ⇒ If the defender's detention continues, try to provide for their personal needs



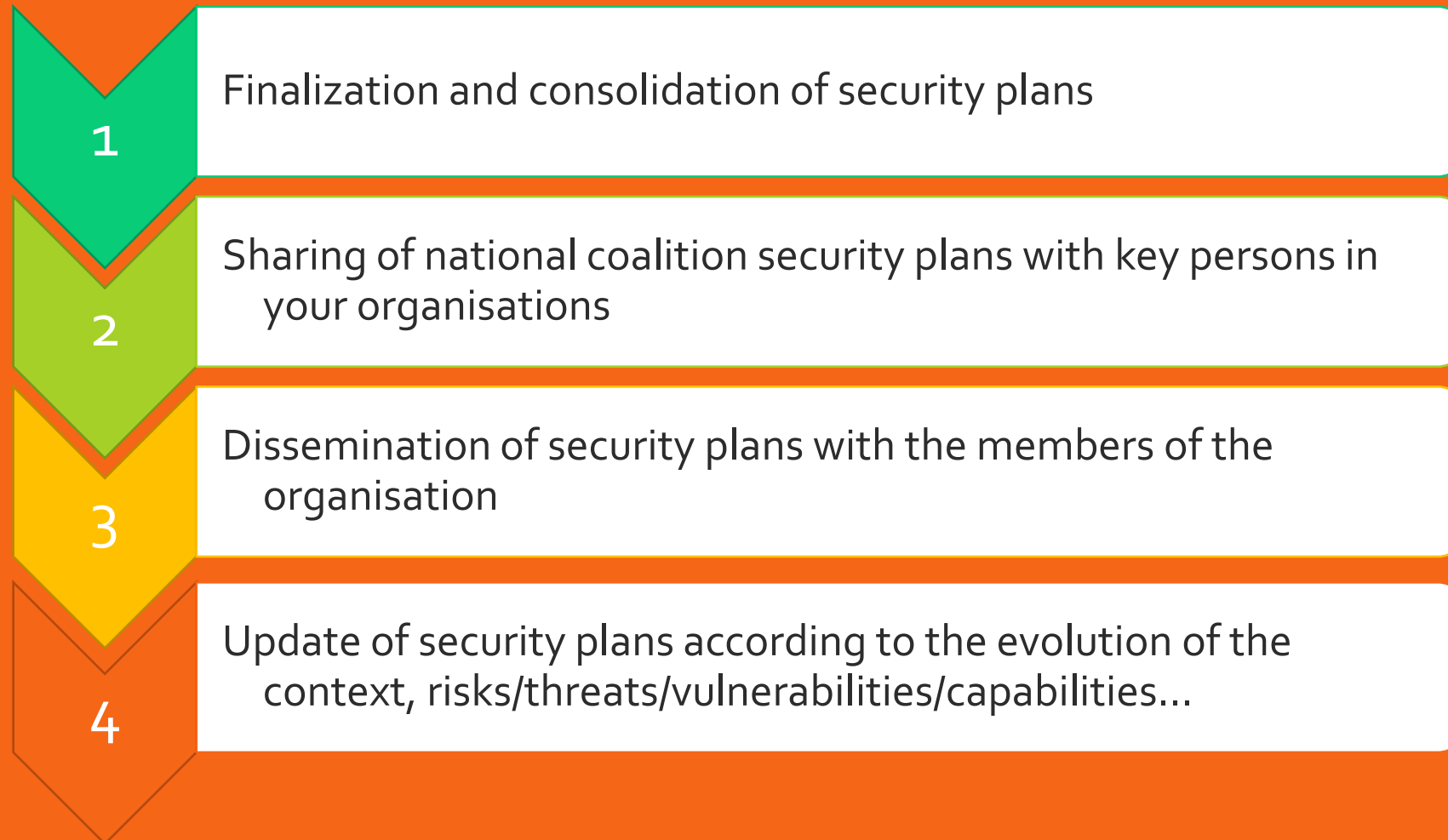
## ARREST/DETENTION OF A DEFENDER : WHAT SHOULD THE DETAINED DDH DO?



- ⇒ Try to get permission to inform your family or the organization of your situation;
- ⇒ Stay calm. As a HRD, you know that the organization has a response protocol and what actions will be taken;
- ⇒ Remember the measures and plans prepared in advance for such situations.
- ⇒ If possible, consider remaining silent until your counsel arrives;

**NEXT STEPS**

## FINALIZATION OF SECURITY PLANS



# CLOSING CIRCLE

Were your expectations of this training course met?