



HUMAN RIGHTS DEFENDERS ARE FACING INCREASING INTIMIDATION

– HOW SHOULD FINLAND’S SUPPORT FOR HUMAN RIGHTS DEFENDERS BE DEVELOPED?

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ACRONYMS

AR network	Artists at Risk network
BMO	Broad Consultation on Human Rights
CoE	Council of Europe
COHOM	Council of the EU Working Party on Human Rights
CP rights	Civil and political rights
DCHD	Democratic Commission for Human Development, an NGO in Pakistan
DFAT	Department of Foreign Affairs and Trade (Ireland)
EEAS	European Union External Action Service
EIDHR	European Instrument for Democracy and Human Rights
ESC rights	Economic, social and cultural rights
EU	European Union
FIDH	Fédération internationale des ligues des droits de l'Homme
FSIS	Finnish Security Intelligence Service
HIAP	Helsinki International Artist Programme
ICAR	International Corporate and Accountability Roundtable
ICJ	International Commission of Jurists
ICORN	International Cities of Refuge Network
INCA	International Network of Cities of Asylum
INGO	International Non-Governmental Organisation
IOM	International Organization for Migration
IONK	Finnish Ministry for Foreign Affairs' Advisory Board on Human Rights (kansainvälisten ihmisoikeusasiain neuvotte lukunta)
IPW	International Parliament of Writers
ISHR	International Service for Human Rights
KAVAKU	International affairs training programme (Kansainvälisten asioiden valmennuskurssi)
KIOS	KIOS Foundation
LCF project	project financed from Local Cooperation Funds
LGBTI	Acronym for sexual and gender minorities (lesbian, gay, bisexual, transgender and intersex)
NGO	Non-governmental organisation
ODIHR	OSCE's Office for Democratic Institutions and Human Rights

OHCHR	Office of the United Nations High Commissioner for Human Rights
OSCE	Organization for Security and Co-operation in Europe
SRHR	Sexual and reproductive health and rights
SWOT analysis	Analysis of strengths, weaknesses, opportunities and threats
Taike	Arts Promotion Centre Finland (Taiteen edistämiskeskus)
THTC	The Hague Training Course for Human Rights Defenders on Security
UNCAC	United Nations Convention against Corruption
UNFPA	United Nations Population Fund
UNHCR	Office of the United Nations High Commissioner for Refugees
UPR	Universal Periodic Review of the UN's Human Rights Council
VIKES	Finnish Foundation for Media and Development (Viestintä- ja kehityssäätiö)
UN	United Nations

A few words about realism and idealism

Years ago when I started my studies of international politics, the first question my professor put to us new students was, "Are you a realist or an idealist?" I can no longer remember how I responded to this unexpected query, but it came back to haunt me many times while I was writing this report.

The Finnish Foreign Service is a large organisation whose units and missions abroad are struggling with an increasing workload with dwindling resources. Human rights topics are often overshadowed by so-called heavy-weight political themes, including security policy issues or promoting Finland's economic relations.

Acknowledging the facts is a good idea. Indulging in idealistic visions is often the privilege of those outside the organisation.

After bowing to the facts, however, a tiny bit of idealism is always needed in development work; you must set the bar a little bit higher than you think you are going to reach, considering the various limitations.

Realism, in the meantime, is in the habit of taking care of itself.

I would like to extend my warmest thanks to all those who gave their time and shared their views for the writing of this report. Thank you for our productive discussions. My particular thanks go to everyone at the Ministry for Foreign Affairs' Unit for Human Rights Policy for being so cooperative.

Helsinki, 31 August 2017

Susan Villa

MAIN CONCLUSIONS AND RECOMMENDATIONS

1. Finland has drawn up guidelines on the implementation of the European Union Guidelines on Human Rights Defenders, which clearly demonstrates that Finland is committed to actively supporting human rights defenders in third countries. In addition to Finland, only a small number of other EU countries have prepared their own guidelines based on the EU document. Many Foreign Service employees and representatives of the civil society engaged with the theme were involved in the drafting of the guidelines. The activities are extensively discussed from different perspectives in the document and practical examples for planning further actions are also provided. The emphasis in the guidelines is, however, on the tasks of Finland's diplomatic missions while the role of the rest of the Foreign Service is not addressed. Moreover, the guidelines focus on states and do not deal with other parties threatening the activities of human rights defenders. There is still room for improvement in the practical implementation of the guidelines.

Recommendations: To ensure that the guidelines remain topical and can serve as a "dynamic instrument", they should be updated in the next few years taking into consideration the needs identified in the report (pp. 24–39). At least the following should be added to the document: (1) a list of the parties, other than governments, that threaten human rights defenders; these could include companies, armed groups and religious extremist movements; and (2), the role of relevant units and departments in the Foreign Service engaged in the support and protection of human rights defenders.

The practical implementation of the guidelines in the Foreign Service should also be on a more systematic basis. (3) All diplomatic missions should make the guidelines available on their websites if there are no constraints on this in their operating environment. The need for translations of the guidelines in other languages should be clarified. (4) The Ministry for Foreign Affairs should also provide the public with more information about the activities and issues concerning human rights.

2. Representatives of the Foreign Service hoped to have practical examples and instructions on how to support and protect human rights defenders and a model for sharing experience on good /failed practices with colleagues. (pp. 39–44)

Recommendations: The guidelines should be accompanied by a "toolbox" for internal use in the Foreign Service, containing practical instructions on such issues as contacting and meetings with human rights defenders. There should also be a list of events where representatives of the Foreign Service could share their experiences of supporting human rights defenders in a confidential setting. The annual meeting of heads of missions could be one such venue.

3. The security situation of human rights defenders has worsened in many countries and incidents such as cyber-attacks have become more common. It emerged that there is a clear need for additional guidelines on security issues and information and knowledge about security matters in the Foreign Service. Improvements

in competence help to consolidate the efforts and to minimise risks. (pp. 86-87)

Recommendations: Finland's diplomatic and consular missions operating in particularly demanding environments should be provided with training and instructions on security

issues concerning human rights defenders. The instructions should also be incorporated in the "toolbox" referred to in recommendation 2.

4. Finland supports human rights defenders primarily within the framework of EU cooperation. Even though the cooperation is a resource for Finland, there are also major impediments to joint action between the Member States. Despite the difficulties, the EU is still considered to be a key actor in the efforts to support and protect human rights defenders. (pp. 49-56)

Recommendations: Finland can put the support for human rights defenders on its agenda during its EU Presidency in 2019 and assume a more active role in the EU cooperation and, on the other hand, strengthen the EU's commitment to implementing its Guidelines on Human Rights Defenders. The issue of more effective monitoring of the implementation process and the need for evaluation should be regularly discussed in COHOM (Working Party on Human Rights).

5. The business community and human rights defenders are an emerging theme, which also involves export promotion, trade policy and development cooperation funding instruments designed for companies. Finland's missions abroad will play a stronger role in Team Finland activities in future, which means that business issues will figure more prominently on their agenda. The question of how human rights and human rights defenders will be considered in this sector in the future was a major cause for concern in the report. Furthermore, Finland's missions abroad/regional departments in the Ministry do not have enough up-to-date information on the private sector projects supported by Finland that are under way in the host countries. (pp. 66-71)

Recommendations: Human rights and human rights defenders should be incorporated more firmly in the trade policy/export promotion/private sector funding instruments when these activities are being planned. Finland's missions abroad/regional departments in the Ministry should be kept updated of all business projects supported by Finland in the countries concerned on a systematic basis. Options for creating a mediation mechanism/procedure for the resolution of conflicts between companies and human rights defenders should be examined (pp. 69-71).

6. Local Cooperation Funds (LCF) are considered a key instrument in the support for human rights defenders. However, the lack of resources and other problems have led to the suspension or termination of LCF funding in many countries. In addition to project funding, human rights defenders also need small-scale financial support that can be provided quickly and in a flexible manner in urgent situations (pp. 76-81).

Recommendations: When new LCF policy decisions are made and projects are launched, their role as instruments supporting human rights defenders should be considered. LCF projects should be continued especially in countries where human rights defenders are in a weak situation.

Consideration should be given to establishing a new funding instrument for the use of diplomatic missions so that they could assist human rights defenders in urgent situations.

7. Finland does not have any special mechanisms, such as emergency visas or residencies for helping human rights defenders at risk. In this respect, Finland differs from the other countries surveyed in the comparison (Ireland, Netherlands and Norway). In the EU Guidelines on Human Rights Defenders, the Member States are urged to develop protection mechanisms. The situation of human rights defenders has become considerably more difficult in recent years, which means that they need more protection.

Recommendation: The Ministry for Foreign Affairs should set up a working group to assess practical opportunities of developing safety mechanisms/safety havens. In addition to the representatives of the Ministry for Foreign Affairs, officials from at least the Ministry of the Interior (and the Finnish Immigration Service), Ministry of Justice, relevant non-governmental organisations and research institutions should be invited to the working group. The working group should take into account the views on the establishment of the safety haven put forward in the report (pp. 121–130) and the priority should be on safety issues and how the safety havens would relate to the existing residences intended for artists at risk.

8. Even though Finland has not made the support for human rights defenders a strategic priority in its international human rights policy, the theme has nevertheless figured prominently in the activities for many years. The Public Guidelines of the Foreign Ministry of Finland on the implementation of the European Union Guidelines on Human Rights Defenders, issued in 2014, helped to make the theme a higher-profile issue, provided the activities with more visibility and gave them a more distinctive identity. Even though the guidelines did not result in a more active approach, they helped the Foreign Service to consolidate its existing efforts. However, not all missions abroad have taken an equally active approach to human rights work and the differences have a negative impact on the activities in the long-term. It is inevitable that differing operating environments of the missions and changes in them also lead to varying performance. In the interviews conducted for the report, the resources and the ambassadors' areas of interest were highlighted as the most important internal factors affecting the work.

Recommendation: The most effective way to influence the quality and consistency of the activities from inside requires a decision from the ministry's top management, specifying that support for human rights defenders should be made a priority area in Finland's human rights policy in the next Government report on human rights policy and/or when the human rights strategy of the Foreign Service is updated.

9. Finland does not currently have any action plan for its international human rights policy, which means that it has not set any specific goals for supporting human rights defenders. Developing the activities requires clearer objectives and monitoring of the implementation process. A strategic approach requires set objectives. Even if the monitoring indicators would primarily measure the scope of the activities, they would also give a picture of the level of engagement, differences in performance and the operating practices used.

Recommendations: The Foreign Service should set upper-level objectives for developing the support of human rights defenders based on the recommendations laid out in the report. Finland's missions abroad should also be provided with indicators for annual monitoring. Monitoring should be obligatory at least in countries where human rights defenders are in a

particularly difficult situation. The monitoring should be made easy, for example by offering a template with a list of indicators.

The indicators could include the following: meetings with human rights defenders, organising events with themes associated with human rights defenders, highlighting the situation of human rights defenders in public, making keynote speeches on topics concerning human rights defenders, observing legal proceedings, issuing joint statements with other EU countries and other like-minded countries, projects supporting human rights defenders, helping human rights defenders in urgent situations and issuing recommendations on human rights defenders in the Universal Periodic Review (UPR) process.

Figure 1: Finland's actions for supporting and protecting human rights defenders

EU cooperation	UN	OSCE, Council of Europe	Bilateral, country-specific	Other
<ul style="list-style-type: none"> - participation in a working group on human rights or human rights defenders if one operates in the host country, rarely in a leading role - participation in joint field trips, no information about their regularity, sometimes necessary to cancel because of security situation, remote areas difficult to visit - observing trials on a burden sharing basis, level of activity is believed to have increased but no information on volume or regularity - participation in common public or non-public démarches as a rule - active participation in COHOM in discussions on human rights defenders - participation in human rights dialogues as far as possible, Member States currently only observers 	<ul style="list-style-type: none"> - supporting resolutions on human rights defenders or promoting wordings that support defenders in other resolutions - participating actively in common activities of the EU or likeminded countries, especially the Nordic countries - drawing attention to human rights defenders' situation in addresses, but addresses mainly common with EU countries, national work slightly more active as the campaign for election to the UN's Human Rights Council is drawing nearer - meeting human rights defenders regularly, especially in connection with UPR consultations and Human Rights Council sessions, meetings often bilateral and informal - promoting defenders' possibilities of participating in UN activities, also brought up at a high political level - calling attention to defenders' situation in UPR recommendations issued to other countries, no information on how systematically - recommending that countries extend a permanent invitation to the Special Rapporteur on the situation of human rights defenders 	<ul style="list-style-type: none"> - meeting human rights defenders at diplomatic missions or in connection with different events - organising events and side events on human rights defenders, for example in connection with the OSCE Human Dimension meeting - calling attention to human rights defenders' situation in addresses - disseminating information about Finland's national guidelines for supporting human rights defenders in different contexts - funding projects that indirectly support human rights defenders, especially in the context of women's rights and the rights of persons with disabilities 	<ul style="list-style-type: none"> - supporting projects, especially through LCFs, many projects support human rights defenders indirectly, in many countries LCF terminated/suspended - meeting human rights defenders at missions and in other connections, the numbers of meetings varies between missions - monitoring human rights defenders' situation and reporting on it to Helsinki as required during the year, volume varies between missions - if necessary, helping defenders get visas for Finland, especially when travelling to human rights events held in Finland, no information on numbers - in special cases, helping human rights defenders find temporary shelter in Finland or other countries, a few cases a year 	<ul style="list-style-type: none"> - calling attention to human rights defenders' situation in political level meetings, no information on regularity - assisting activities that support human rights defenders financially, development cooperation funding has been cut, other economic support remains more or less the same - meeting human rights defenders and organising events relevant to them at the Ministry for Foreign Affairs in Helsinki several times a year

Figure 2: A SWOT analysis of Finland’s role in supporting human rights defenders in third countries

I N T E R N A T I O N A L	Strengths	Potential	Opportunities	E X T E R N A L
	<ul style="list-style-type: none"> • tradition of supporting civil society/human rights defenders • good relations with civil society and human rights defenders • national guidelines on supporting human rights defenders • economic support for work with human rights defenders remains rather strong, especially through INGO support • a non-confrontational and mediating style • good general knowledge of human rights defenders’ situation 	<ul style="list-style-type: none"> • capitalising on the potential of the guidelines by implementing them more efficiently in practice and updating them • enhancing the EU’s work with human rights defenders can be put on the agenda during EU Presidency • making use of the Council of Europe Chairmanship and the campaign for election to UN’s Human Rights Council to draw attention to the theme • acting with more initiative in EU cooperation and with likeminded states • continuing to allocate INGO support to work for human rights defenders • developing a mediation mechanism between companies and defenders • building up the missions’ capabilities for and active approach to communication 	<ul style="list-style-type: none"> • opportunity to exert influence during EU Presidency • opportunity to give the theme prominence during Council of Europe Chairmanship and in the context of the campaign for election to the UN’s Human Rights Council • cooperation through the EU or with likeminded states • potential cooperation with companies and human rights defenders • fast and large-scale exertion of influence possible through the social media 	
	Weaknesses	To be improved	Threats	
	<ul style="list-style-type: none"> • competence and interest are personalised • dwindling personnel resources • reliance on information obtained from other countries • reduced economic support, especially in development cooperation (e.g. LCF) • difficulty of prioritisation, other issues on the agenda often more important • lack of coherence between different actions • excessively cautious approach • lack of clear objectives and systematic monitoring of Finland’s activities • no particular mechanisms for dealing with acute cases 	<ul style="list-style-type: none"> • prioritisation of human rights defenders politically and in practical activities • provision of more efficient security training in connection with human rights defenders • giving more prominence to human rights defenders and human rights in business/private sector funding instruments • building up capabilities for bilateral action if necessary • developing LCF projects and creating some other, more flexible funding instrument • selecting higher-level targets for the activities as well as a few indicators for monitoring them • assessing the possibilities of creating a specific protection mechanism (residencies, visas) 	<ul style="list-style-type: none"> • increasing tendency to question human rights and international institutions • human rights defenders’ deteriorating situation and e.g. legislation that restricts provision of support • increased importance of security, changing security issues (advancement of espionage technology etc.) • disunity of the EU and problems of internal rule of law development within the EU, Brexit • potential change in/uncertainty related to the US’ international role • human rights risks associated with Finnish companies/funding in third countries • human rights defenders’ poor capacity for project work etc. • knock-on effects of toughening attitudes in immigration debate and policy 	

Figure 3: Achievement of targets relevant to human rights defenders set in the Human Rights Action Plan of the Foreign Service of Finland 2013–2015

Action	Implementation	Status
1 Promoting the protection and support of human rights defenders	Many forms of action, level of activity varies by mission and period.	
2 Joining the Digital Defenders Partnership	Finland joined the Digital Defenders Partnership in 2015.	
3 Enhancing cooperation with organisations that promote the rights of women and girls as well as with women human rights defenders, paying due attention to their safety	No information about enhancing cooperation with women human rights defenders but strong support for women’s rights in general, and Finland has funded projects supporting the security of women defenders.	
4 Paying particular attention to the status and safety of human rights defenders working to advance economic, social and cultural rights, taking into account vulnerable groups in particular.	No information about paying particular attention to the status of defenders advancing ESC rights.	
5 Taking the situation of human rights defenders, in particular, into consideration in its reporting	Finland’s activities and human rights defenders’ situation is reported on round the year, but no specific monitoring report on the activities is produced.	
6 Preparing public guidelines on the practical implementation of the EU’s Guidelines on Human Rights Defenders for diplomatic missions	Guidelines published in 2014.	
7 Instructing visa officials to pay particular attention to human rights and the situation of human rights defenders	No information of systematic training or instructions for visa officials on human rights defenders’ situation.	
8 Using the means at its disposal to offer protection for human rights defenders also in urgent situations where the risk for human rights violations is evident	A few cases annually, especially when the human rights defender has a link with Finland, including relatives living here.	
9 Seeking to further enhance the EU Delegations’ cooperation with human rights defenders	No information of particular attention being paid to this area.	
10 Actively following regional human rights situations and their development, paying particular attention to the scope for action of non-governmental organisations and human rights defenders	Some monitoring, great variations between the mission, national access to and acquisition of information reduced by the lower number/termination of LCF projects and cuts in personnel resources.	

Figure 4: Main features of support provided for human rights defenders in reference countries and Finland

	Netherlands	Ireland	Norway	Finland
Status in international human rights policy	A priority, estimated to be the strongest human rights theme.	A strong priority, a key role in the preparation of EU Guidelines in 2004.	An important priority since the early 1990s, a key role in the creation of the UN declaration on human rights defenders.	Not designated as a particular priority in the Foreign Service's strategy but a strong part of international activities.
Priorities/goals	Emphasis on capacity building, innovations and security, organisation of international meetings on issues relevant to human rights defenders, support for Shelter Cities, an annual human rights award.	Aims for a leading role in supporting and protecting human rights defenders. Extensively supports human rights defenders in the context of a broad range of human rights themes, with special attention on emerging themes, including the activities of businesses and environmental issues.	Aims for a leading role in the UN, enhancing the implementation of resolutions on human rights defenders, increasing support for protecting defenders (particularly women) and dialogue with NGOs on how the mounting challenges can be responded to.	Particular attention is paid to women human rights defenders and defenders of the rights of those in the most vulnerable position. Action plan 2013–2015 has several goals related to human rights defenders.
Guidelines	Action plan published in 2012.	Issued to missions in 2011, not public.	Published in 2010, an updated version on the way.	Guidelines published in 2014.
Protection mechanisms	Shelter City programme, for which visa arrangements have been agreed in compliance with the Schengen rules.	A programme of humanitarian visas since 2005, practical arrangements together with the Front Line Defenders organisation.	Supports ICORN, a share of quota refugee intake reserved for human rights defenders.	No particular arrangements, action on a case-by-case basis. NGOs have residency activities for artists at risk.
Economic support	Mainly through a specific human rights fund, EUR 2.9 million reserved for 2017–2019.	Through the Irish Aid programme, important support for the Irish Front Line Defenders organisation.	Approximately EUR 5.3 million a year, also a significant donor for OHCHR.	Support is divided between several instruments, including LCF projects, INGO support.
Other actions	Human Rights Tulip award, Human Rights Ambassador tasked to support human rights defenders.	Action plan on companies and human rights addresses human rights defenders separately.	Particular emphasis on UN work, leads negotiations concerning resolutions on human rights defenders.	Human rights defenders are addressed separately in the Guidelines for Civil Society in Development Policy 2017.
Key differences	<ul style="list-style-type: none"> - In reference countries, supporting human rights defenders is a strong priority in international human rights policy. Finland is a relatively active agent but has not designated the theme a strategic priority. - Finland has currently not formulated particular goals for the activities (cf. action plan 2013–2015). - Unlike the reference countries, Finland does not have particular mechanisms for protecting individual human rights defenders. 			

Figure 5: Development of city of refuge/residency activities in Finland

What is the current situation?	Why should the activities be developed?	What should be taken into account?	How to go forward in the planning?
<ul style="list-style-type: none"> • Safe Haven Helsinki offers residency activities for artists, and the Saari Residence will also be launched in autumn 2017 • a residency for authors planned in Pietarsaari (as part of ICORN) • no specific visa or residence permit arrangements for participants • activities based on cities' role as a supporter; the Ministry for Foreign Affairs, missions or other ministries have no actual role (Ministry of Education and Culture has supported the activities financially) • no long-term financial assistance; supportive services (health care, legal services) procured separately on a case-by-case basis • no particular arrangements for safety issues • supported by a network of civil society actors 	<ul style="list-style-type: none"> • Finland has no mechanism for assisting individual human rights defenders • EU Guidelines on Human Rights Defenders strongly urge the states to offer protection • UN Special Rapporteur on the situation of human rights defenders has called for governments to develop particular protection mechanisms • human rights defenders' situation has deteriorated, and their need for protection has thus increased • good experiences of residency activities in other countries • the residencies currently operating in Finland only intended for artists 	<ul style="list-style-type: none"> • taking stock of current projects: how to avoid overlaps and utilise any synergies • who will lead/coordinate the project in practice: usually an NGO (or a university/research institute), the authorities in a more supportive role • what is the purpose of the activities: primarily to offer rest and empowerment, or a safe haven for those in a particularly great danger • for whom: all human rights defenders or a specific group; can families be received, or individuals only • how is the selection made: a specific body is needed to make the choices • for what period can residency be offered: the minimum time usually is three months, but a longer period is recommended, potential need for flexibility should be provided for in the scheduling of return • visas/residence permits: the permit issues of residency must be considered in good time, and potential cooperation with the Ministry of the Interior/Finnish Immigration Service must be negotiated on • location: must have services close by, good connections to NGOs, authorities and researchers among others • organisation of funding: a long-term funding plan is needed • addressing security issues: a security plan and cooperation between different authorities are needed 	<ul style="list-style-type: none"> • the Ministry for Foreign Affairs appoints a working group to discuss possibilities for establishing a residency • the working group addresses the perspectives highlighted in this report in its work, including current residency activities • the working group should have representatives from at least the Ministry for Foreign Affairs, Ministry of the Interior, key NGOs, universities/research institutes and the current residency projects

1 Background and the study process

The Public Guidelines of the Foreign Ministry of Finland on the implementation of the European Union Guidelines on Human Rights Defenders came out in 2014.¹ Their purpose was to encourage Finnish missions to support and protect human rights defenders in different ways. In many countries, the position of human rights defenders has deteriorated in recent years, which has resulted in an increased need for support and protection.

As the next step towards developing the support provided for human rights defenders, the Ministry for Foreign Affairs' Unit for Human Rights Policy commissioned an independent review aiming to

- map the current status of both political and economic support provided by Finland for human rights defenders
- investigate the actions and practices of a few like-minded countries for supporting human rights defenders (including the Netherlands, Norway, Ireland), and
- examine on-going or planned residency projects in Finland and similar projects in a few reference countries.

This report is also one of the actions included in Finland's second National Action Plan on Fundamental and Human Rights (2017–2019)², *"Supporting human rights defenders; conducting a baseline study for developing activities concerning human rights defenders in Finland"* (action 2.5.7).

In particular, the support provided by Finland for human rights defenders is discussed from the viewpoint of implementing the guidelines published in 2014. The objective is to examine the significance the guidelines have had, especially for the activities of missions in third countries and embassies accredited to several countries, and the impacts they may have had on the support and protection afforded to human rights defenders. Additionally, the report discusses questions associated with the preparation of the guidelines and their content and highlights issues that should be taken into consideration in the context of any update of the guidelines. As the report focuses on the activities of the missions abroad in keeping with the guidelines on supporting human rights defenders, the Ministry of Foreign Affairs' units located in Helsinki are partly excluded from its scope.

The report briefly examines activities in support of human rights defenders in the Netherlands, Norway and Ireland and the guidelines on supporting human rights defenders issued by such countries as Switzerland and Canada. In particular, the activities and policies of other countries are discussed from the viewpoint

1 Public Guidelines of the Foreign Ministry of Finland on the implementation of the European Union Guidelines on Human Rights Defenders (2014) Ministry for Foreign Affairs, Jyväskylä: Grano Oy. <http://www.formin.fi/public/default.aspx?contentid=323943>

2 National Action Plan on Fundamental and Human Rights 2017–2019, Publication of the Ministry of Justice 9/2017. <http://julkaisut.valtioneuvosto.fi/handle/10024/79277>

of good practices that could also be applied in Finland's activities in the future. Rather than being one of the tasks assigned to this report, however, assessing and analysing activities in reference countries would require in-depth further investigation.

Specific protection mechanisms for human rights defenders have been created in different countries, including residencies and city of refuge programmes. The report gives a general introduction to different protection mechanisms and their operating principles and takes a closer look at the Shelter City programme in the Netherlands and the International Cities of Refuge Network (ICORN) based in Norway. In addition, past, current and planned residency projects in Finland are discussed. Based on the experiences gained in other countries, the report analyses Finland's capabilities for developing residency activities in the future.

The term human rights defender is used in this report in the sense of the definition given in the United Nation's Declaration on human rights defenders (see p. 15). Activities classified as supporting and protecting human rights defenders are not easy to define, and due to the cross-cutting nature of this theme, some of the interviewees found it difficult to separate them from other human rights work. Many of the Ministry for Foreign Affairs' actions promoting rule of law and democratic development have obvious impacts on supporting human rights defenders, but due to the large scope of the theme, they were excluded from this report. Above all, the report strives to focus on such areas as activities or funding intended to build the capacity of human rights defenders, to improve their security or to protect human rights defenders who are at risk. Among other things, various events, meetings, declarations, speeches and addresses that highlight defenders' situation or show support for them are regarded as advocacy for human rights defenders. It should be noted, however, that in practice the interviewees' personal ideas of the contents and delimitations, and especially the volume, of these activities influenced their assessments to some extent.

The activities associated with supporting and protecting human rights defenders are mainly assessed on the basis of a qualitative analysis. Obtaining accurate data on the volume of these activities proved impossible, as the Foreign Service does not systematically collect it. Consequently, the information to a great extent relies on the interviewees' recollections or personal notes. The information an interviewee could provide on the activities of a certain mission, for instance, was essentially influenced by the period in which he or she had worked there.

The sets of questions used in the interviews and their focus varied somewhat depending on the interviewees' roles and expertise. In general, the interviews about Finland's activities covered the following topics:

- Finland's strengths and challenges in supporting human rights defenders
- Contents and significance of the Finnish guidelines on human rights defenders and any views of improving them
- Concrete actions of the mission/unit in question aiming to support human

rights defenders, especially since the guidelines were published

- Finland's activities in EU cooperation or collaboration with like-minded countries in questions relevant to the theme
- Needs of and ideas for developing Finland's activities related to human rights defenders; and
- The operating environment's impacts on supporting human rights defenders.

The report is first and foremost based on information collected through interviews with actors within the Foreign Service and external stakeholders. The interviews were confidential, and the report only refers to individual interviewees by their names if they have given their permission to do so. Especially in the case of the missions, particular care must be taken due to the sensitive nature of the topic and the information. Most of the interviews were conducted via a secure video link or face to face. Some interviewees were contacted by telephone or e-mail. The quotations with no citations in the report are excerpts from the interviews.

The following persons were interviewed between October 2016 and May 2017:

- 35 representatives of the Foreign Service
- 5 representatives of other ministries or authorities
- 18 Finnish experts or human rights defenders, and
- 12 foreign experts or human rights defenders.

The rapporteur talked to some interviewees on several occasions, for example in order to update the information, and some interviews were conducted with several persons at a time.

Public officials from 14 Finnish missions abroad with an extensive coverage of different continents were interviewed for the report. As agreed with the Ministry for Foreign Affairs, however, the report has the policy of not discussing the results by mission or by country. The objective of the report is to provide a general picture of Finland's activities in support of human rights defenders rather than to evaluate the activities in individual missions or countries. References to specific countries or cases have been removed from the quotations used in the report. As an exception, the report briefly discusses a widely reported case in which a Finnish mission, human rights defenders and a Finnish company worked together in connection with a human rights defender's trial in Thailand (see section 6.2.6).

For the section on economic support for human rights defenders, a written survey was addressed to the Local Cooperation Funds (LCF) coordinators working in Finnish missions abroad in January-February 2017. The questionnaire was e-mailed to the coordinators in a centralised manner by the Ministry for Foreign Affairs, with a request to send the responses directly to the rapporteur. Responses were received from 13 LCF coordinators.

The rapporteur also had access to material collected for an assessment of the Human Rights Action Plan of the Foreign Service of Finland (2013–2015) published in 2015³, including responses to a questionnaire sent to the missions and other background data.

Other sources included the international sections of the Finnish Government's human rights reports, statements of parliamentary committees and NGOs on the human rights reports, key policy documents of the Ministry for Foreign Affairs as well as other documents and publications relevant to the theme. Policies, reports and evaluations of international human rights policy in the Netherlands, Ireland and Norway were also used as background material.

2 UN Declaration on Human Rights Defenders

In December 1998, the United Nations (UN) General Assembly adopted *the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms*⁴, often known as *the Declaration on Human Rights Defenders*.

The preparation of this declaration had already started in 1984 – all in all, the states worked on its wording for 14 years⁵. This drawn-out and multi-phase process is symptomatic of how difficult it was to reconcile governments' highly conflicting views of human rights defenders and their activities.

In this declaration, human rights defenders mean individuals, groups and organs of society that, individually or in association with others, strive to promote and protect universally recognized human rights through peaceful and non-violent means. Rather than creating new rights, the Declaration calls attention to rights already enshrined in other human rights conventions with a particular association with human rights defenders' activities. The underlying idea is that human rights defenders need particular attention and support due to the challenges arising from their work.

To support the implementation of the Declaration on Human Rights Defenders and to monitor human rights defenders' situation, the United Nations' Commission on Human Rights (since 2006, the Human Rights Council) created the mandate of the *Special Rapporteur on the situation of human rights defenders* in

3 Villa, Susan (2015) Ulkoasiainhallinnon ihmisoikeuspoliittisen toimintaohjelman (2013–2015) arviointi, Ministry for Foreign Affairs. <http://formin.finland.fi/public/download.aspx?ID=140619&GUID=%7B8EA16078-101F-49C2-AA2E-DB497FEB3B2A%7D>

4 Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms (1998), A/RES/53/144, United Nations. <http://www.ohchr.org/EN/Issues/SRHRDefenders/Pages/Translation.aspx>

5 The working party drafting the text of the declaration consisted of government representatives, in addition to which non-intergovernmental organisations had the possibility of participating in the work as observers.

2000⁶. Over the years, the UN Human Rights Council and General Assembly have adopted a number of resolutions on strengthening the support for human rights defenders⁷. In 2013, for example, the UN General Assembly adopted a specific resolution on women human rights defenders.⁸

While the use of the term human rights defender is well-established in such forums as the UN and the EU, many states continue to reject it. In negotiations concerning resolutions on human rights defenders, countries having proposed the removal of this term to the UN Human Rights Council include Russia, China and Egypt. The states opposing to this term would prefer references to individual agents working to promote human rights over defining a specific group of actors as human rights defenders. China, for example, has claimed that the definition of a human rights defender and the rights associated with the term are used as an excuse to interfere in the country's internal affairs.

Some human rights defenders would also prefer not to use this term because of its political connotations and the difficulties its use may cause for them. The broad definition of the term is also sometimes considered a problem, as it covers many types of actors and activities. At the same time, the term is said to have suffered from an inflation as it is used too freely in all types of situations, or to refer to actors who are incompatible with it.

The UN Special Rapporteur on the situation of human rights defenders has released a publication to accompany the declaration in which the definition is discussed in greater detail.⁹ The Special Rapporteur has noted that human rights defenders cannot be effectively protected unless they are perceived, and they perceive themselves, as specifically human rights defenders.

*"Without being perceived by others or perceiving themselves as such, they may not be aware of their rights as defenders, not seek support from peer or support networks and may not receive protection from the State, civil society and the international community."*¹⁰

6 In March 2017, the UN Human Rights Council extended the mandate of the Special Rapporteur on the situation of human rights defenders until March 2020. For more information more about the Special Rapporteur's activities, visit: <http://www.ohchr.org/EN/Issues/SRHRDefenders/Pages/SRHR-DefendersIndex.aspx>

7 <http://www.ohchr.org/EN/Issues/SRHRDefenders/Pages/Resolutions.aspx>

8 Promotion of the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms: protecting women human rights defenders (2013) A/RES/68/181, United Nations. http://www.un.org/en/ga/search/view_doc.asp?symbol=A/RES/68/181

9 Fact Sheet 29 - Human Rights Defenders: Protecting the Right to Defend Human Rights: <http://www.ohchr.org/Documents/Publications/FactSheet29en.pdf>. See also <http://www.ohchr.org/EN/Issues/SRHRDefenders/Pages/Defender.aspx>

10 Report of the Special Rapporteur on the situation of human rights defenders (2016) A/HRC/31/55, Human Rights Council, United Nations. <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G16/015/56/PDF/G1601556.pdf?OpenElement>

Regional instruments for supporting human rights defenders

Different regional instruments and guidelines on human rights defenders underpinned by the UN declaration have been produced.¹¹ European Union Guidelines on Human Rights Defenders were adopted in 2004.¹² Since 2007, the Office for Democratic Institutions and Human Rights (ODIHR) of the Organization for Security and Co-operation in Europe (OSCE) in Warsaw has hosted a Focal Point for Human Rights Defenders, which reports on human rights defenders' situation in the OSCE area.¹³ The OSCE also published Guidelines on the Protection of Human Rights Defenders in June 2014.¹⁴

In 2008, the Committee of Ministers of the Council of Europe adopted a declaration seeking to strengthen the Council's role in protecting human rights defenders and promoting their work. The declaration gave the Council of Europe's Commissioner for Human Rights a specific mandate to support human rights defenders. Additionally, the Member States were called upon to support human rights defenders in danger in third countries, for example by issuing emergency visas.¹⁵ The Council of Europe also intends to launch a special mechanism for protecting human rights defenders who have faced difficulties after collaborating with the Council.¹⁶

In 2001, the Inter-American Commission on Human Rights established a Unit for Human Rights Defenders, and in 2011, it also set up the role of the Rapporteur on the Situation of Human Rights Defenders.¹⁷ The Special Rapporteur on Human Rights Defenders of the African Commission on Human and People's Rights was inaugurated in 2004.¹⁸ In addition to regional mechanisms, some countries have adopted national laws and instruments for safeguarding the activities of human rights defenders, including Brazil, Columbia, the Ivory Coast and Mexico.¹⁹

11 See for example <http://www.ohchr.org/EN/Issues/SRHRDefenders/Pages/RegionalMechanisms.aspx>

12 Ensuring protection – European Union Guidelines on Human Rights Defenders (2008) Council of the EU. https://eeas.europa.eu/sites/eeas/files/eu_guidelines_hrd_en.pdf

13 Strengthening OSCE engagement with human rights defenders and national human rights institutions, OSCE Parliamentary Assembly Resolution 10 July 2007.

14 Guidelines on the Protection of Human Rights Defenders (2014) the OSCE Office for Democratic Institutions and Human Rights (ODIHR). <http://www.osce.org/odihr/guidelines-on-the-protection-of-human-rights-defenders>

15 Declaration of the Committee of Ministers on Council of Europe action to improve the protection of human rights defenders and promote their activities, Adopted by the Committee of Ministers on 6 February 2008 at the 1017th meeting of the Ministers' Deputies. https://search.coe.int/cm/Pages/result_details.aspx?ObjectID=09000016805d3e52

16 This mechanism has partly been inspired by the Council of Europe's Platform for the Protection of Journalism and Safety of Journalists intended to improve the safety of journalists in Council of Europe member states. At present, however, it appears that the mechanism for supporting human rights defenders will be a more limited instrument than this platform. <http://www.coe.int/en/web/media-freedom/the-platform>

17 <http://www.oas.org/en/iachr/defenders/default.asp>

18 <http://www.achpr.org/mechanisms/human-rights-defenders/>

19 For more information about the national mechanism in Mexico, for example, visit: http://www.cndh.org.mx/Agravio_Defensores. Passing national acts to protect human rights defenders is seen as one way of improving their situation. For example, the International Service for Human Rights has made an initiative on developing a Model Law to assist states in passing acts on recognising and protecting human rights defenders. <http://www.ishr.ch/news/groundbreaking-model-law-recognise-and-protect-human-rights-defenders>

In addition to intergovernmental or national instruments and mechanisms, a broad front of national, regional and international NGOs campaign and provide training on issues related to human rights defenders and offer them protection. NGOs have an important and central role in reporting on the status of human rights defenders and appealing to governments and intergovernmental organisations for improving the support and protection afforded to defenders.

3 Constant deterioration in human rights defenders' situation

"How many human tragedies, how many imprisoned, tortured and murdered defenders must there be before the world realizes that such people are the lifeblood that our democracies need in order to flourish and survive over time?"²⁰

The deteriorating situation of the civil society and human rights defenders around the world has been a talking point for a number of years. As one of the milestones is highlighted the events that started in late spring in the aftermath of the so-called Arab Spring, when many governments took draconian measures to limit the civil society's ability to operate following the uprisings in North African and Middle East countries. Rather than being limited to a handful of countries, however, this phenomenon is deplorably widespread on all continents. It is commonly known as the *shrinking space for civil society*.

CIVICUS, an organisation monitoring the status of the civil society, reports that the most frequently violated civic and political right was the freedom of association: violations of this right were observed in 85% of the 109 countries under scrutiny. These countries also had an almost equally high level of problems associated with realising the freedom of speech.²¹

When we talk about the status of civil society, we usually mean the public space and room for manoeuvre in which citizens can engage in open societal discussion and in which NGOs and civil society activists can operate. Civil society actors may vary from individuals and groups that are activated momentarily to established organisations or associations. Civil society differs from other societal activities in that it is not within the scope of either the public or the private sector.²² Human rights defenders are a part of civil society. The concepts of civil society and human rights defender are frequently used in parallel or in overlapping senses, leaving it unclear what the word refers to in each context.

The popular concept of the shrinking space for civil society used in many different contexts is partly misleading. Civil society in a broad sense has, in fact,

20 Report of the Special Rapporteur on the situation of human rights defenders (2017) A/HRC/34/55, Human Rights Council, United Nations. <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G17/011/75/PDF/G1701175.pdf?OpenElement>

21 Civil Society Watch, Report 2016, CIVICUS. http://www.civicus.org/images/CSW_Report.pdf

22 For more information on the definition of the concept civil society and the challenges associated with it, see e.g. Kansalaisyhteiskuntaselvitys, Raportti ulkoasiainministeriön kehityspoliittisen osaston kansalaisyhteiskuntayksikölle (2017), University of Jyväskylä. <http://formin.finland.fi/public/download.aspx?ID=166472&GUID=%7BB8C7C613-0195-4BDC-84C6-2E2CFB449E31%7D>

grown in most countries, and it operates more actively than before. According to an article published by the Transnational Institute in April 2017, the restrictions usually apply to certain types of activities and actors, not the entire field of civil society, or at least not with equal strength. CIVICUS²³ has also highlighted the fact that the most powerful attempts to restrict civil society activities are made when they are associated with promoting democracy, good governance or human rights.²⁴ A similar viewpoint comes up in a study of NGO activities by Chris van der Borg and Carolijn Terwindt.²⁵ When looking at the status of civil society, different actors and their specific problems within it should be identified in order to find correct means for responding to these problems.

Diverse attempts at gagging human rights defenders

Fabricated charges, unfair trials, extended detention periods, harassment, threats, freezing of funds, surveillance, attacks against family members, public humiliation and stigmatisation, false information spread on the media, loss of work, travel bans, torture, violent attacks, murders.

The list of hardships faced by human rights defenders is inexhaustible. In addition to direct harassment, governments have also passed laws that restrict citizens' civic activities and thus hamper the work of human rights defenders. Anti-terrorism activities, for instance, have been used as an excuse for different government actions restricting civil society's ability to operate while condemning human rights defenders' work as unlawful. Impunity has been highlighted by human rights organisations as a particularly alarming phenomena: violent assaults and other attacks against human rights defenders are not investigated, and there is no prosecution. Impunity strengthens and facilitates actions against human rights defenders.

What makes the situation of human rights defenders worse in many countries is the media's participation in stigmatising their work as unlawful or suspicious – or, on the other hand, systematic suppression of information about human rights violations. In many countries, human rights defenders' work lacks the support of public opinion, and people have little or no awareness of human rights or idea of the significance of human rights defenders' work. It should also be remembered that in authoritarian societies, fear of pressure and a wish to be part of the majority often influence the opinions people express publicly.²⁶

Human rights defenders are often presented as a threat to the country's stability, security and economic development. Harsher language on human rights

23 On "shrinking space": a framing paper (2017) Transnational Institute. https://www.tni.org/files/publication-downloads/on_shrinking_space_2.pdf

24 Civil Society Watch, Report 2016, CIVICUS. http://www.civicus.org/images/EENA_Report_English.pdf, s. 2

25 Van der Borg, C. & Terwindt, C. (2014) NGOs under Pressure in Partial Democracies. UK: Palgrave McMillan.

26 As an example, see Laine, Veera and Silvan, Kristiina, Otteet Valko-Venäjällä ja Venäjällä voivat koventua, Helsingin Sanomat 1 April 2017.

and their defenders is also linked to the rise of populism in different countries. Populist leaders appeal to citizens by claiming that human rights violations are necessary for such aims as securing jobs, preventing the mixing of cultures or protection against terrorism.

“Instead of accepting rights as protecting everyone, they privilege the declared interests of the majority, encouraging people to adopt the dangerous belief that they will never themselves need to assert rights against an overreaching government claiming to act in their name.”²⁷

The UN Declaration on Human Rights Defenders or such documents as the EU Guidelines do not mention other parties besides states and governments as posing a threat to human rights defenders’ activities. The primary duty of and responsibility for safeguarding and promoting human rights and protecting human rights defenders belong to the state. However, the activities of human rights defenders also come under threat from many other quarters, including terrorist organisations, various extremist organisations in society, religious communities or companies. Different human rights instruments validate the interpretation that the states’ duty to protect human rights defenders also extends to protecting them from violations by other actors besides governmental stakeholders.²⁸

An alarming increase in attacks against human rights defenders

While estimating the exact numbers of murdered human rights defenders is almost impossible, the UN Special Rapporteur on the situation of human rights defenders notes that this figure is constantly increasing.²⁹ According to data collected by an organisation called *Front Line Defenders*, 156 human rights defenders were killed in 2015.³⁰ In 2016, the number of reported cases went up to 281. Almost one half of the human rights defenders who lost their lives were working for land rights, environmental rights or the rights of indigenous peoples.³¹ It is estimated that these defenders also increasingly face different types of threats and harassment. Stakeholders monitoring the situation of human rights defenders have also designated women human rights defenders and those promoting LGBTI rights³² as being in a particularly difficult position.

27 The Dangerous Rise of Populism, Global Attacks on Human Rights Values, World Report 2017, Human Rights Watch. <https://www.hrw.org/world-report/2017/country-chapters/dangerous-rise-of-populism>

28 Donders, Yvonne (2016) Defending the Human Rights Defenders, *Netherlands Quarterly of Human Rights*, Vol. 34/4, 282–288, the Netherlands.

29 Report of the Special Rapporteur on the situation of human rights defenders (2017) A/HRC/34/55, Human Rights Council, United Nations. <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G17/011/75/PDF/G1701175.pdf?OpenElement>

30 Annual Report 2016, Front Line Defenders. <https://www.frontlinedefenders.org/en/resource-publication/2016-annual-report>

31 Annual Report on Human Rights Defenders at Risk 2016, (2017) Front Line Defenders. <https://www.frontlinedefenders.org/en/resource-publication/annual-report-human-rights-defenders-risk-2016>

32 LGBTI stands for lesbian, gay, bisexual, transgender and intersex people.

According to data collected by the EU's mechanism for protecting human rights defenders on the website [Protectdefenders.eu](http://protectdefenders.eu), between early 2017 and mid-May of that year, 64 human rights defenders had been killed and 75 arrested, and in total 342 human rights violations inflicted on human rights defenders had been reported in third countries. In most cases, human rights defenders had faced judicial harassment (192), and the person in question had worked in an NGO (117) to promote land and environmental rights (90). Of these cases, men accounted for 76.3% and women for 23.7%.³³

In recent years, bloggers and YouTubers who defend human rights have increasingly faced harassment and threats. While online activism has opened up new channels for human rights work and animated new actors, it has also exposed human rights defenders to more extensive surveillance and harassment.³⁴ An increasing number of acts and statutes that restrict the social media and Internet use in general have cropped up in many countries, limiting the freedom of speech.³⁵

Uncertainty and unpredictability as challenges in international politics

Systematic attempts to silence human rights defenders by different means is not only about silencing critical voices. The backdrop is a desire to call the entire human rights system and the very idea of human rights into question. Such actors as the UN Special Rapporteur on the situation of human rights defenders has stressed that rather than isolated and random attacks against human rights, this is about continuous activity pursued by many parties.³⁶ It is manifested in all international forums and intergovernmental organisations.

Human rights and the activities of human rights defenders are called into question in such forums as the UN. The number of proposals for so-called hostile amendments to resolutions on human rights has increased considerably.³⁷ In 2015, it was for the first time necessary to vote on a resolution on human rights defenders in the UN General Assembly's Third Committee.³⁸ Countries traditionally critical of human rights, including China and Russia, have joined forces with

33 <https://protectdefenders.eu/en/stats.ph>.

34 Civil Society Watch, Report 2016, CIVICUS. http://www.civicus.org/images/CSW_Report.pdf

35 In recent years, various laws that restrict Internet and ICT use have been passed or proposed in such countries as Bangladesh, Belarus, Brazil, China, Ethiopia, Russian Federation, Pakistan, the United Kingdom and Zimbabwe. Annual Report on Human Rights Defenders at Risk 2016, (2017) Front Line Defenders. <https://www.frontlinedefenders.org/en/resource-publication/annual-report-human-rights-defenders-risk-2016>

36 Report of the Special Rapporteur on the situation of human rights defenders (2017) A/HRC/34/55, Human Rights Council, United Nations. <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G17/011/75/PDF/G1701175.pdf?OpenElement>

37 When the sponsors of a resolution, or some of them, decline to support the proposal and a vote must be organised, this is referred to as a hostile amendment. The proposer of the amendment must be supported by the requisite number of signatories (usually 20% of committee members), before the proposal can be processed.

38 General Assembly adopts important resolution on human rights defenders in face of opposition from China and Russia, 25.11.2015, International Service for Human Rights. <http://www.ishr.ch/news/general-assembly-adopts-important-resolution-human-rights-defenders-face-opposition-china-and>

such countries as South Africa and India. Some governments prevent human rights organisations' representatives from participating in UN meetings and, on the other hand, NGOs collaborating with the UN are threatened and harassed.³⁹ For example, filming at the Human Rights Council had to be banned as the members of certain countries' delegations recorded NGO representatives' speeches with a view to harassing or threatening them.⁴⁰

In October 2016, the UN Secretary-General announced the appointment of Assistant Secretary-General Andrew Gilmore as a contact person for reprisals against human rights defenders as a response to a situation where human rights defenders who collaborate with UN bodies increasingly face reprisals by their governments. The work of the UN Special Rapporteur on the situation of human rights defenders has also been extremely challenging, as he has not been admitted to all countries, or stringent conditions have been set for his visits. In 2015, the Special Rapporteur was unable to make a single country visit.⁴¹

In early 2017, the new US administration also gave cause for concern by announcing significant cuts in its support for UN bodies and programmes. The United States is a significant finance provider for the UN. In April 2017, the United States announced its intention to cut funding for such bodies as the United Nations Population Fund (UNFPA).⁴² The support of such an influential country for human rights work around the world is vital, and the current and expected policy changes regarding human rights issues are considered extremely alarming. While the role and future policies of the United States emerged as a general cause for concern in the interviews conducted for this report, in early 2017 the country's policies remained so unclear that more accurate assessments could not be given. So far, the change of government and new policies have not been significantly reflected in such areas as missions' joint activities. However, the newly emerging unpredictability of the United States' politics as such suffices to create uncertainty in the international human rights policy. Due to the changing role of the United States, the activities of the EU and other like-minded countries in human rights issues were expected to grow in significance.

“Expect a more hawkish – and a much less predictable – US foreign policy. Allies, especially in Europe and Asia, will hedge. Rivals like Russia and China will test. US-led institutions will lose more of their international clout.”⁴³

39 Between December 2014 and July 2016, the Special Rapporteur reported 55 cases of reprisal against human rights defenders who had collaborated with the UN or other international organisations. <http://reliefweb.int/sites/reliefweb.int/files/resources/G1701175.pdf>

40 Russian Diplomat Is Accused of Threatening Rights Activist on Twitter, 11.8.2016, The New York Times.

41 Special Rapporteur on the situation of human rights defenders, (2015) 70th Session of the General Assembly, Third Committee. <http://statements.unmeetings.org/media2/7653591/michel-forst.pdf>

42 For example: Trump Cuts Off Funding for U.N. Agency That Supports Contraception, 3.4.2017, The New York Times. https://www.nytimes.com/2017/04/03/world/asia/rex-tillerson-north-korea-nikki-haley.html?_r=0

43 <http://www.eurasiagroup.net/media/eurasia-group-publishes-top-risks-for-2017-announces-world-entering-geopolitical-recession>

In March 2017, Finland announced it would contribute an additional amount of EUR 20 million to support the promotion of sexual and reproductive health and rights in developing countries. This funding is associated with the #SheDecides initiative launched by the Netherlands, through which other states are striving to make up for the shortfall caused by cuts in the United States' support for the activities of such bodies as the UNFPA.⁴⁴

Support and protection for human rights defenders must be improved

The overall situation of human rights defenders is very grim. Positive news can naturally also be reported: individual human rights defenders have been released from prison, or the charges against them have been dropped. These cases are often hard-won triumphs for international human rights actors.⁴⁵

Paradoxically, the growing opposition to human rights defenders can also be interpreted as a sign of the growing influence of their work. *"We sometimes say that the efforts to silence human rights defenders, which often are a response to the effectiveness of their work, are a measure of impact."*⁴⁶ The thinking that underlies these views is that the Arab Spring uprisings and progress made in women's or LGBTI rights in recent years have put conservative forces' backs up.

Human rights have always been subject to conflicting views, and it is said that continuous debate is part of their nature. We must also remember that while some governments experience human rights defenders as a threat and shrink from nothing to prevent their activities, others strive to give them stronger support and protection around the world. Studies indicate that the contrast between these two trends has become sharper in recent years.⁴⁷

As different types of threats, harassment and legislative restrictions take on new and more advanced forms, however, human rights defenders must constantly come up with new strategies and means for carrying on their work. At the same time, the need for supporting and protecting human rights defenders has increased all the time, and the effectiveness of the mechanisms used to do so must be reflected on the current situation. Do they respond to today's needs, and how should they be developed in the future?

44 <https://shedecides.com>

45 See e.g. the Front Line Defenders' annual report for 2016, which also contains positive news about human rights defenders' situation. Annual Report on Human Rights Defenders at Risk 2016, (2017) Front Line Defenders. <https://www.frontlinedefenders.org/en/resource-publication/annual-report-human-rights-defenders-risk-2016>

46 The anonymous quotations are extracts from the interviews conducted for the report. For information on the principles of writing this report, see Chapter 1.

47 Bennett, Karen; Ingleton, Danna; Nah, Alice M. & Savage, James (2015) Critical perspectives on the security and protection of human rights defenders, *The International Journal of Human Rights*, 19:7, 883-895.

4 European Union Guidelines on Human Rights Defenders

Ensuring Protection – European Union Guidelines on Human Rights Defenders were adopted in 2004.⁴⁸ In particular, the guidelines provide guidance for the EU's and Member States' missions in third countries on supporting and protecting human rights defenders in practice.

Council of the European Union's Working Party on Human Rights (COHOM) is tasked to monitor and promote compliance with the guidelines. In particular, *the European Instrument for Democracy and Human Rights* (EIDHR) is used to fund the Union's human rights activities in third countries. The budget of this instrument for 2014–2020 is approximately EUR 1.3 billion, and it is estimated that some 20% to 25% of this amount will be spent on supporting human rights defenders.⁴⁹ EIDHR support is mainly channelled through NGOs. In addition, EIDHR funds emergency assistance for human rights defenders at risk managed by the European Commission. The maximum sum of these minor aid amounts is EUR 10,000.⁵⁰ In 2015, the Commission launched a new mechanism for supporting human rights defenders at risk, for which EUR 15 million of EIDHR funds were earmarked for 2015–2018.⁵¹

The EU currently has eleven different human rights guidelines in total.⁵² While the guidelines are not legally binding documents, they have a strong role in directing Union activities. The Guidelines on Human Rights Defenders can thus be considered a key instrument of the EU's international human rights activities. However, the actual significance of the guidelines will ultimately be shaped by their practical implementation.

The implementation of the EU Guidelines on Human Rights Defenders was evaluated for the first time in 2006.⁵³ According to the conclusions issued by the Council following this evaluation, the Guidelines have generally helped many countries coordinate the EU's common approach better in issues related to human rights defenders.⁵⁴

48 Ensuring protection – European Union Guidelines on Human Rights Defenders (2008) Council of the EU. https://eeas.europa.eu/sites/eeas/files/eu_guidelines_hrd_en.pdf

49 https://ec.europa.eu/europeaid/how/finance/eidhr_en.htm_en

50 https://ec.europa.eu/europeaid/sectors/human-rights-and-governance/democracy-and-human-rights/human-rights-defenders_en

51 EU launches innovative new mechanism to help human rights defenders, 9.12.2015, European Commission, Press release. http://europa.eu/rapid/press-release_IP-15-6278_en.htm

52 https://eeas.europa.eu/headquarters/headquarters-homepage/8441/human-rights-guidelines_en

53 First Evaluation of the EU Human Rights Defenders Guidelines 'Promoting HRDs Best Interest' (2006) Observatory for the Protection of Human Rights Defenders, International Federation for Human Rights and the World Organization against Torture. http://www.omct.org/files/2006/06/3516/observatory_euhrd_guidelines_eval_eng.pdf

54 Draft Council conclusions on the first review of the implementation of the EU Guidelines on Human Rights Defenders, 7 June 2006, Council of the European Union <http://data.consilium.europa.eu/doc/document/ST-10111-2006-INIT/en/pdf>

Implementation has been the stumbling block of the Guidelines on Human Rights Defenders, however, as the evaluation notes that their implementation has been unsystematic, and the degree of their introduction in the missions has been highly variable.⁵⁵ Few Member States had integrated the Guidelines in their activities or produced their national guidelines based on them. However, the missions that had introduced the guidelines noticed an improvement in the quality of their work and an increase in the activities. The evaluation also noted that the activities related to human rights defenders in the missions continued to be mainly based on the EU's strong human rights profile and the employees' personal interest in human rights, rather than the Guidelines.⁵⁶

Measures aiming to improve Guideline implementation proposed by the 2006 evaluation included more training and information activities on the Guidelines, preparation of local strategies for their implementation, and a joint EU database on the situation of human rights defenders. While the establishment of a database has since come up in different contexts, so far it has been deemed to carry too many serious risks to human rights defenders' security in case the information was leaked to outsiders. In particular, the evaluation called on the Member States to consider the creation of various concrete protection measures, including issuing emergency visas. The Member States were also urged to prepare goal-oriented operating models adjusted to the conditions in the host country for their missions for supporting human rights defenders.⁵⁷

Amnesty International published its evaluation of EU Guideline implementation in 2007. The picture painted by the organisation is very similar to the conclusions of the 2006 evaluation. The report criticises the Member States for a passive approach to implementing the guidelines and for inconsistent practices. Not a single diplomatic mission that was scrutinised provided a link to the Guidelines on its website. In some host countries, the EU's joint activities were hampered by a lack of consensus, as the Member States' views of the requisite measures diverged, or supporting human rights defenders was not first and foremost in their interests. To ensure more effective implementation, clearer targets and more concrete guidelines for practical activities were proposed.⁵⁸

55 First Evaluation of the EU Human Rights Defenders Guidelines 'Promoting HRDs Best Interest' (2006) Observatory for the Protection of Human Rights Defenders, International Federation for Human Rights and the World Organization against Torture. http://www.omct.org/files/2006/06/3516/observatory_euhrd_guidelines_eval_eng.pdf

56 First Evaluation of the EU Human Rights Defenders Guidelines 'Promoting HRDs Best Interest' (2006) Observatory for the Protection of Human Rights Defenders, International Federation for Human Rights and the World Organization against Torture. http://www.omct.org/files/2006/06/3516/observatory_euhrd_guidelines_eval_eng.pdf

57 First Evaluation of the EU Human Rights Defenders Guidelines 'Promoting HRDs Best Interest' (2006) Observatory for the Protection of Human Rights Defenders, International Federation for Human Rights and the World Organization against Torture. http://www.omct.org/files/2006/06/3516/observatory_euhrd_guidelines_eval_eng.pdf

58 Ensuring Protection? The European Union and Human Rights Defenders (2007) Amnesty International Publications, International Secretariat, London. <https://www.amnesty.org/download/.../64000/eur010072007en.pdf>

To promote Guideline implementation, EU missions were tasked to prepare specific country strategies that also included the protection of human rights defenders in 2007. Country strategies have indeed been considered good instruments for stepping up Guideline implementation. The country strategies are prepared by the missions, from bottom up, and their contents and emphases are formulated by the missions' staff. This brings the activities closer to those expected to implement them and strengthens the staff's ownership of the strategies. According to the interviews conducted for this report, the EU's strategy on human rights defenders is being developed in a more goal-oriented direction in some countries, and indicators are being prepared for reporting on Guideline implementation. Comprehensive information on the number of countries for which an EU country strategy exists is not available. Additionally, not all country strategies are public, whereas the strategies for such countries as Afghanistan and Nepal can be found online.⁵⁹

In a survey addressed to Finnish missions located in non-EU countries in 2011, 12 out of 50 missions that responded said that a country-specific implementation strategy for the EU Guidelines had already been produced in the host country in question, while most respondents reported that a strategy was being drafted, or that it should be produced in the future.⁶⁰

The EU's Guidelines on Human Rights Defenders were updated in late 2008. Acting on a recommendation coming from NGOs, in particular, an entreaty to issue emergency visas and, where appropriate, facilitate temporary shelter for human rights defenders was added to the updated Guidelines.⁶¹ The policy on temporary shelter in EU Member States is associated with the Shelter City initiative, which is discussed in detail in section 8.1.

Neither the Council of the European Union or COHOM have commissioned further evaluations of Guideline implementation, but the evaluations produced by many NGOs, researchers and the European Parliament also in recent years have continued to come to the same conclusion as those produced in the early years of the Guidelines. The impression they give is that no significant improvement has been made in Guideline implementation over the last ten years or so.⁶²

An evaluation of projects aiming to support human rights defenders financed through EIDHR was carried out in 2010. All in all, the projects were found highly efficient and effective. According to the report, however, the projects lacked diversity, and a more strategic selection of projects was recommended in the future, avoiding duplication. In addition, the report advocated more cooperation

⁵⁹ https://eeas.europa.eu/sites/eeas/files/170115_final_eu_local_strategy_for_hrds_in_afghanistan.pdf; <https://np.ambafrance.org/European-Union-EU-Guidelines-on>

⁶⁰ Kysely Suomen edustustoilte EU:n ihmisoikeuspuolustajia koskevista suuntaviivoista, Ihmisoikeusraportti 1/2011.

⁶¹ Ensuring protection – European Union Guidelines on Human Rights Defenders (2008) Council of the EU. https://eeas.europa.eu/sites/eeas/files/eu_guidelines_hrd_en.pdf

⁶² See e.g. Assessing the Implementation of the European Union Guidelines on Human Rights Defenders (2013) Policy Department DG External Policies, European Parliament.

between the beneficiaries, with more open and clear-cut sharing of the project outcomes.⁶³

A key problem associated with the implementation of all human rights guidelines has been a lack of awareness of the guidelines in general, or mainly considering them something that is ‘a concern for Brussels’. Additionally, human rights guidelines are often overshadowed by other objectives, and the missions operate in line with other priorities set by their heads. One of the human challenges to their implementation has been “guideline fatigue” among mission staff. The number of different guidelines is quite simply excessive. The impacts of the problems associated with guideline implementation are seen as a contributing factor to the absence of proposals for new guidelines in the EU Action Plan on Human Rights for 2015–2019.⁶⁴

In a survey addressed to the Finnish missions in 2011, 33 out of the 50 respondents said that they were quite or sufficiently familiar with the EU Guidelines on Human Rights Defenders. Fourteen of the missions reported that they were only superficially familiar, or not very familiar, with the guidelines.⁶⁵

On the tenth anniversary of the Guidelines in 2014, the EU renewed its undertaking to support human rights defenders and pledged to intensify its political and material support for this work. In particular, the EU promised to intensify its outreach to human rights defenders operating in remote areas and women defenders and step up efforts to raise awareness of the EU Guidelines and train EU representatives.⁶⁶

The EU Action Plan on Human Rights and Democracy 2015–2019 addresses support for the civil society and human rights defenders in actions 7 to 10. For the part of human rights defenders, the actions itemise defenders of the rights of women and girls, LGBTI rights, and those advocating for the rights and inclusion of persons belonging to marginalised groups as well as human rights defenders in rural areas. In particular, the actions stress strengthening the implementation of the relevant EU Guidelines and the EU HRD Mechanism launched under the EIDHR (action 10.a).⁶⁷ A mid-term review of Action Plan implementation will be undertaken in 2017.

63 Evaluation and recommendations on EIDHR support to Human Rights Defenders (2010) FWC Contract 2009/226296 BENF 2009, Governance and Home Affairs, The European Union’s EIDHR Programme. https://ec.europa.eu/europeaid/sites/devco/files/study-evaluation-eidhr-support-hrds-201005_en_1.pdf

64 Wouters, Jan and Hermez, Marta (2016) EU Guidelines on Human Rights as a Foreign Policy Instrument: An Assessment, Working Paper No. 170, Leuven Centre for Global Governance Studies, Belgium. https://ghum.kuleuven.be/ggs/publications/working_papers/new_series/wp161-170/wp-170-wouters-hermez-web.pdf

65 Kysely Suomen edustustoiille EU:n ihmisoikeuspuolustajia koskevasta suuntaviivoista, Ihmisoikeusraportti 1/2011.

66 Council conclusions on the 10th Anniversary of the EU Guidelines on Human Rights Defenders Foreign Affairs Council meeting, Luxembourg, 23 June 2014.

67 Council Conclusions on the Action Plan on Human Rights and Democracy 2015–2019, Foreign Affairs Council, 20 July 2015, Council of the European Union. https://ec.europa.eu/anti-trafficking/sites/antitrafficking/files/council_conclusions_on_the_action_plan_on_human_rights_and_democracy_2015_-_2019.pdf

According to studies on the implementation of the EU Guidelines on Human Rights Defenders, good practices of the missions include:

- field trips undertaken to become acquainted with the human rights situation and to meet human rights defenders in different parts of the country
- calling attention to individual cases in public
- observing trials
- non-public contacts with local authorities in individual cases
- awards presented to human rights defenders
- exerting influence on the preparation and practices of national protection mechanisms, and
- EU working groups on human rights.

Challenges, on the other hand, have included:

- fast staff turnover and thus a lack of continuity in the activities
- divergent practices in the missions of different EU Member States
- a lack of coherence between different EU bodies (the Parliament, the Commission, the EEAS)
- the difficulty of reaching agreement among Member States; a single country or a group of like-minded countries can often act faster
- human rights defenders' situation is no longer monitored once an acute situation is over
- reactive rather than proactive action by only responding to emergencies
- slow decision-making
- the missions are not familiar with the Guidelines, human rights defenders are not aware of them, the Guidelines are very remote, some missions have published the Guidelines but others have not
- human rights defenders are rarely included in training provided for mission staff
- human rights defenders do not know whom to contact at the missions
- acting publicly is avoided, for instance to safeguard economic relations
- track record for reaching human rights defenders in rural areas or in the most difficult situation is poor
- lack of transparency; for example, the country strategies are not public, and it is also difficult to obtain information about the EU delegation's activities in other respects
- human rights defenders have little access to information about completed actions
- no criteria exist for which cases to take up and which to ignore, and
- visa practices (for protecting human rights defenders) vary in different EU Member States.

5 Finland's guidelines on human rights defenders for the missions

*"They are intended to encourage Finnish diplomatic missions to take an active role in promoting an enabling environment and the capacity of human rights defenders as well as to promote human rights."*⁶⁸

One of the objectives of the Human Rights Action Plan of the Foreign Service of Finland (2013–2015) was to prepare public guidelines for the practical implementation of the European Union Guidelines on Human Rights Defenders.⁶⁹ The EU Guidelines and, on the other hand, human rights defenders' deteriorating situation, had given more prominence to actions supporting defenders on international agendas. This was also one of the factors giving impetus to the preparation of the national guidelines. The civil society and especially NGOs serving on the Finnish Ministry of Foreign Affairs' Advisory Board on Human Rights (IONK)⁷⁰ had also strongly called attention to the need for national guidelines.

Various evaluations have found that the Member States' failure to implement the EU Guidelines adequately in the missions and to prepare national guidelines for their implementation was one of the key problems associated with the Guidelines. Finland thus joined a very small company as it published *the Public Guidelines of the Foreign Ministry of Finland on the implementation of the European Union Guidelines on Human Rights Defenders* in November 2014.⁷¹

In addition to Finland, the Netherlands (2012)⁷² and Ireland (2011)⁷³ are the only EU Member States to have produced national guidelines on supporting and protecting human rights defenders. In February 2017, the Italian Parliament adopted a resolution in which it urged the government to implement the EU Guidelines on Human Rights Defenders and to set up a unit for human rights defenders in the Italian Ministry of Foreign Affairs.⁷⁴ Non-EU countries having produced guidelines on supporting human rights defenders include Norway

68 Public Guidelines of the Foreign Ministry of Finland on the implementation of the European Union Guidelines on Human Rights Defenders, publications of the Ministry for Foreign Affairs 5/2014, p. 9. <http://www.formin.fi/public/default.aspx?contentid=323943>

69 The Human Rights Action Plan of the Foreign Service of Finland 2013–2015, publications of the Ministry for Foreign Affairs 10/2013, Kopijyvä Oy, Joensuu, p. 18. <http://formin.finland.fi/public/download.aspx?ID=119775&GUID=%7B20DFCEE6-A2F5-4E38-9710-0A6501746FB9%7D>

70 The Ministry for Foreign Affairs' Advisory Board on Human Rights (IONK) had operated as the ministry's advisory body on international human rights issues from 1988. Its final term of office ended on 31 March 2015. The members of the Board included representatives from political parties and NGOs. The Network on Human Rights in Foreign Policy took over from the IONK in April 2016 <http://formin.finland.fi/public/default.aspx?contentId=345262&nodeId=49150&contentlan=1&culture=fi-FI>

71 Public Guidelines of the Foreign Ministry of Finland on the implementation of the European Union Guidelines on Human Rights Defenders, publications of the Ministry for Foreign Affairs 5/2014. <http://www.formin.fi/public/default.aspx?contentid=323943>

72 Action Plan for Human Rights Defenders. <https://www.government.nl/documents/reports/2012/06/15/action-plan-for-human-rights-defenders>

73 The Irish guidelines on the implementation of the EU's HRD Guidelines are not public.

74 Italy approves a resolution on HRDS, 3.2.2017, Front Line Defenders

(2010),⁷⁵ Switzerland (2013),⁷⁶ the United States (2013)⁷⁷ and Canada (2016).⁷⁸

An extensive round of consultations

As a first step to preparing national guidelines in Finland, the Ministry for Foreign Affairs' Unit for Human Rights Policy mapped Finnish missions' wishes and needs related to supporting human rights defenders in early 2014. While EU policies are only applicable to missions in third countries, this survey was sent to all missions to build as comprehensive a picture as possible.

The missions' highly divergent operating environments were reflected in the great diversity of the responses. As a rough division, those facing difficult environments hoped for as detailed instructions as possible, whereas those operating in less challenging conditions did not wish to have the same expectations placed on them as on missions facing difficult conditions. In other words, the respondents generally hoped that the great differences between the missions' situations could be addressed in questions concerning human rights defenders.

When the guidelines were being prepared, one of the key issues was whether more specific priorities were needed for Finland's actions – for example, a focus on human rights defenders promoting certain rights. The conclusion was that imposing strict general limitations did not make sense as human rights defenders' situations in different countries vary, and case-by-case assessment of the groups in need of support is needed. However, Finland's general political priorities regarding human rights also affected the guidelines on human rights defenders, including special consideration for those in the most vulnerable position and the defenders promoting their rights.

In addition to the missions, the rapporteurs preparing the guidelines also talked to representatives of the regional departments, which direct the missions' activities. The draft guidelines were also circulated for comments to both the missions and the regional departments. The comments advocated reporting practices that would be as effortless as possible and pointed out that many missions' activities are hampered by their dwindling resources. In countries of a non-resident ambassador, for instance, the missions were not felt to have realistic possibilities of monitoring human rights defenders' situation. The significance of cooperation, for example between EU or Nordic countries, should thus be emphasised in the guidelines.

75 Norway's efforts to support human rights defenders, Guide for the foreign service (2010), Norwegian Ministry of Foreign Affairs. <https://www.regjeringen.no/globalassets/upload/UD/Vedlegg/Menneskerettigheter/Menneskerettighetsforkjaempere/VeiledningMRforkjengelskFIN.pdf>

76 Swiss Guidelines on the Protection of Human Rights Defenders (2013) Federal Department of Foreign Affairs FDFA, Bern. https://www.eda.admin.ch/dam/eda/en/documents/publications/MenschenrechtehumanitaerePolitikundMigration/Leitlinien-zum-Schutz-von-HRD_en

77 U.S. Support for Human Rights Defenders (2013) U.S. Department of State.

78 Voices at risk: Canada's guidelines on supporting human rights defenders (2016) Government of Canada. http://international.gc.ca/world-monde/issues_development-enjeux_developpement/human_rights-droits_homme/rights_defenders_guide_defenseurs_droits.aspx?lang=eng

In addition to the Foreign Service, comments on the guidelines were also requested from civil society representatives. The Ministry for Foreign Affairs organised a discussion event on supporting human rights defenders with the members of the Advisory Board on Human Rights and requested the Board to submit its comments on the draft guidelines in writing. NGOs commented that the guidelines should include more detailed instructions on how to act in acute situations, an instruction to prepare public reports on the human rights defenders' situation, and a policy on systematic and mandatory training on issues associated with human rights defenders within the Foreign Service.⁷⁹

The Foreign Service successfully involved stakeholders across a broad spectrum in preparing the guidelines, and none of the interviewees brought up problems related to this process. The interviewees also felt that a large share of the comments was incorporated in the guidelines. While consulting Finnish human rights organisations was considered a good practice, a comparison between the final guideline contents and the NGOs' written comments reveals that the NGOs' comments made little impact.

Prioritising women and the most vulnerable groups

The Finnish guidelines prioritise the most vulnerable groups and human rights defenders promoting their rights. In keeping with the policies of the Human Rights Strategy of the Foreign Service, the guidelines highlight especially women, children, minorities, indigenous people and persons with disabilities as the most vulnerable groups. The guidelines also make reference to human rights defenders who promote LGBTI rights and land rights and note that those working in fragile states and conflict situations often also are in a particularly vulnerable position. In compliance with the EU Guidelines, the Finnish guidelines also stress separately the multiple challenges faced by women human rights defenders because of their gender.

The guidelines discuss examples of different ways in which human rights defenders can be supported and give prominence to work carried out through the EU as well as action within the framework of the OSCE, UN and the Council of Europe. The guideline document has dedicated chapters on financial support and protecting human rights defenders at risk. Monitoring and reporting as well as support for diplomatic missions are addressed separately. In addition, the guidelines contain a list of useful links, cooperation partners and information sources as well as an attachment with sample questions to guide monitoring and reporting.

The guidelines aptly sum up the different dimensions of supporting human rights defenders from the perspective of Finnish diplomatic missions. In particular, examples of different activities and lists of links and questions at the end of the guidelines are useful and provide mission staff with practical assistance. The guidelines also send out a clear message of support for human rights defenders being an important theme for Finland in international human rights politics. The

⁷⁹ IONK representatives' written comments on the draft guideline 25 June 2014, not public.

guideline contents take into consideration the key priorities of the EU Guidelines from a Member State's perspective.

Serious concerns over meagre resources

The comments, especially those received from within the Foreign Service, were taken into consideration in the final version of the Finnish guidelines by not imposing overly specific obligations on the missions and accounting for the great variations in the missions' operating environments and resources. The draft guidelines were more detailed, but they were modified in keeping with the missions' wishes. The process in which the guidelines were prepared was sound and involved a wide range of Foreign Service employees, but the need to take a variety of views into consideration is reflected in the cautiousness of the end result: it is rather circumspect in style and mainly contains general-level descriptions. The style employed in the guidelines was criticised in the interviews, especially by NGOs.

"We would have liked a clearer wording in the Finnish guidelines, as they now merely encourage and recommend, using very mild language."

The Foreign Service's resources have been cut in recent years, and many missions depend on a skeleton crew to carry out their work. The lack of resources within the organisations is reflected very clearly in the guidelines; the guideline text notes that the available resources have an impact on the operating capacity of the diplomatic missions.

"The availability of financial and human resources has an impact on the operating capacity of the diplomatic missions. Another important consideration is how Finland is represented in the state in question (in particular whether Finland has a diplomatic mission in the state or representation is realised through side accreditation)."⁸⁰

While this is a realistic statement and a comment intended to placate the missions amidst mounting pressure, it also gives them the possibility of using the lack of resources as a get-out clause. In order for the guidelines to have any real influence, they should contain some element of obligation or a minimum standard. Rather than actually setting any mandatory targets, the guidelines mainly give recommendations. The guidelines state: "The annual target-setting process of diplomatic missions should take into account the assessment of the operating environment of human rights defenders as well as networking and cooperation opportunities with human rights defenders." The great differences between the missions' operating environments and potentially fast-paced changes associated with supporting human rights defenders in them make setting minimum requirements difficult. In practical terms, the obligation should thus be very generalised.

80 Public Guidelines of the Foreign Ministry of Finland on the implementation of the European Union Guidelines on Human Rights Defenders, publications of the Ministry for Foreign Affairs 5/2014. <http://www.formin.fi/public/default.aspx?contentid=323943>

“The guidelines cannot cover every situation, but maybe the missions could be obliged to chart the situation in the country and consider actions.”

NGOs’ wishes for public reporting or mandatory training did not make it to the final guidelines. The suggestions of providing more detailed instructions on how to act in acute situations received from actors both within and outside the Foreign Service were also ignored, as including them in public guidelines was not considered possible.

Work needs to be supported by practical examples

The contents of the guidelines did not solicit passionate comments from the interviewees as such, but almost all interviewees who worked in the missions would like to see more concrete guidelines containing practical hints based on different missions’ actual experiences for how to support human rights defenders.

“The work [supporting human rights defenders] is often left to the second-in-command in the missions, and any concrete ideas that could be used would be really helpful.”

“They could contain more practical tips. Organise a breakfast with such and such actors, bring this and that stakeholder together, print a certain EU statement when you go off to talk to ministers. Everybody struggles to find enough time, and getting more low-threshold help for taking action would be really useful.”

“Important viewpoints could be found by collecting various cases. I have resolved the issues that I have encountered, but presumably if I could read about other people’s experiences and solutions, I could learn something and use this knowledge myself in the future.”

Adding more detailed examples to the actual instructions would be challenging, and because the guidelines are public, descriptions of actual events could not be included in them, but a compilation of good practices accompanied by concrete instructions could be considered, especially for the use of diplomatic missions to support the guidelines. There appears to be a genuine demand and need for an additional tool of this type. Sharing practical experiences was also suggested, for example in connection with the ambassadors’ annual meetings.

In addition to adding practical examples to the guidelines, the interviewees wished for a clearer layout and a more succinct style of communication, allowing the reader to pick up the essential points quickly. An easy-to-read format is important for the guidelines’ usability.

“The guidelines could be more functional, and important points could be put in first. The guidelines now begin with a long background description. The missions are always short of time, and a good level of usability is thus important.”

Comparison with other countries' guidelines

Comparing the Finnish guidelines with the public national guidelines on human rights defenders issued by the Netherlands, Norway, Switzerland and Canada is an interesting exercise. While the Dutch guidelines are the only ones underpinned by the EU Guidelines on Human Rights Defenders, all national guidelines are rather similar in their main features.

The features that the Finnish and other countries' national guidelines have in common include stressing the particular problems faced by women human rights defenders and emphasising the importance of international organisations and instruments in supporting defenders. All guidelines also highlight supporting human rights defenders at risk.

While the contents of the guidelines thus are relatively similar, they also have some differences.

Other countries' national guidelines on human rights defenders differ from the Finnish ones in that their style is more direct and compelling. They also provide more detailed instructions for various situations intended for different Foreign Service actors. The Finnish guidelines are more clearly targeted at diplomatic missions, whereas the Norwegian, Swiss and Canadian documents also address the role of the ministry operating in the capital city. The guidelines issued by Norway also describe each unit's role and responsibilities related to supporting human rights defenders. The Swiss guidelines note that both the capital and the missions must publicly undertake to comply with the guidelines.

The Finnish guidelines do not discuss the roles and responsibilities of the different Foreign Service units associated with supporting human rights defenders. While the missions are the primary implementers of the guidelines, such actors as the regional departments play a key role in directing the activities. Addressing the capital as well as the diplomatic missions in the guidelines would stress the significance of cooperation within the Foreign Service. It would also express the Foreign Service's commitment to implementing the guidelines.

The other countries' guidelines take into account the possibility of human rights defenders being threatened and harassed by other actors besides governments, including companies, armed groups, religious groups and different communities as well as the media. The Finnish guidelines only refer to governments. If the Finnish guidelines were updated, this broader range of actors should be accounted for. The Canadian guidelines also call particular attention to interfaces between the activities of companies and human rights defenders and stress Canadian companies' corporate social responsibility.

In addition to human rights defenders, the Norwegian and Swiss guidelines bring up the defenders' families, who also often face threats and harassment. The

Norwegian guidelines state that a human rights defenders' family must also be informed if Norway intends to take action in the defender's case. The Canadian guidelines, on the other hand, point out that a human rights defender may also be a minor. The Canadian guidelines additionally differ from the other documents in that they also address situations where a Canadian human rights defender is at risk abroad.

The guidelines issued by the Netherlands differ from the Finnish document in that they have a strong emphasis on supporting human rights defenders through the EU. They set such goals as enhancing the implementation of EU guidelines, preparing country strategies on human rights defenders, and taking human rights defenders into account in the EU's human rights dialogues with third countries. As the Finnish guidelines, too, are specifically about implementing the EU Guidelines in practice, they could have had closer links to the EU document and the goals set in it from Finland's perspective.

While all guidelines bring up supporting human rights defenders who are at risk, there are differences between them. The Finnish document underlines case-by-case assessment and EU cooperation. The missions can help human rights defenders find shelter within the country or in another country. If a human rights defender hopes to come to Finland, the mission must consult the Ministry's different departments and leadership and the Finnish Immigration Service.

The Norwegian and Canadian guidelines refer to the UN Refugee Agency UNHCR as the first port of call for asylum, while Norway and Switzerland provide the most detailed instructions for acting in dangerous situations and isolated cases. The Norwegian guidelines additionally contain a risk assessment and a check list for action in acute situations. The Swiss guidelines also provide advice for action in isolated cases and note that a diplomatic mission may accommodate human rights defenders on its premises in emergencies. The mission's staff may also meet a human rights defender at the airport, or collect a defender from there if he or she is under threat. The Finnish guidelines only refer to visas in the context of inviting human rights defenders to a human rights event held in Finland. The Swiss document has a dedicated chapter on visas which, among other things, explains that special visas may be issued to NGO representatives for attending UN events in Geneva.

The formats of the guidelines are also different: the Finnish, Swiss and Norwegian guidelines come as booklets with a number of pages, whereas the Dutch document has been reduced to five text pages, and the Canadian one has its own website. In terms of accessibility, a website is better and more usable than providing links to pdf files on websites.

Practical implementation of the Finnish guidelines

The Ministry for Foreign Affairs announced the guidelines on protecting and supporting human rights defenders about to be published on its website in October

2014,⁸¹ and the guidelines were released at a seminar held in November 2014.⁸² The guidelines also took pride of place at an event organised in February 2015 on the evaluation of the Human Rights Action Plan and Strategy of the Foreign Service of Finland.⁸³

The Unit for Human Rights Policy sent the completed guidelines out to the missions, and in this context, the missions were urged and encouraged to report on the situation of human rights defenders in their countries and good practices for supporting human rights defenders. Short presentations on the guidelines were also given at regional meetings, which were attended by not only the public officials working in Helsinki but also ambassadors from the Finnish diplomatic missions in the area in question. In autumn 2016, the Unit for Human Rights Policy organised a training event on human rights defenders. Ministry staff members and NGO representatives were invited to it, and missions participated via a video link.

More extensive systematic training or information on the guidelines have not been provided, but video conferences have been held separately with certain missions to discuss the guidelines and human rights defenders' situation. Most of the public officials interviewed for this report were not particularly well familiar with the contents of the guidelines, either because they had not read them at all or because they had only familiarised themselves with the guidelines at the time of their preparation and/or publication.

Since the guidelines were published, human rights defenders have been one of the topics of human rights training in the international affairs training programme (KAVAKU) organised for future diplomats. The participants have focused on issues related to human rights defenders through practically oriented team assignments, in which they have resolved various situations associated with human rights defenders that may be encountered at the missions.

After their publication, some efforts have been made to call attention to the guidelines, but sufficiently systematic and comprehensive training has not been organised within the Foreign Service. The interviews brought up a need for additional training and discussions on the guidelines and their implementation. Training related to human rights defenders also came up in the assessment of the Human Rights Action Plan of the Foreign Service of Finland.⁸⁴

81 Finland supports human rights defenders, 30 October 2014, Ministry for Foreign Affairs. <http://formin.finland.fi/public/default.aspx?contentid=315142&nodeid=49150&contentlan=2&culture=en-US>

82 Ministry for Foreign Affairs' press release on the publication event: <http://formin.finland.fi/public/default.aspx?contentid=316774&nodeid=49150&contentlan=2&culture=en-US>

83 Press release on the event on the international action plan on human rights and human rights strategy: <http://formin.finland.fi/public/default.aspx?contentid=321896&nodeid=49150&contentlan=2&culture=en-US>

84 Villa, Susan (2015) Ulkoasiainhallinnon ihmisoikeuspoliittisen toimintaohjelman (2013–2015) arviointi, Ministry for Foreign Affairs. <http://formin.finland.fi/public/download.aspx?ID=140619&GUID={8EA16078-101F-49C2-AA2E-DB497FEB3B2A}>

Organising video conferences on issues related to human rights defenders with the missions and including a practically oriented introduction to the guidelines in the international affairs training programme are good practices that should by all means be continued. More attention should be paid to having the guidelines translated and providing information and training on them in the future, however, to ensure that they are implemented at the practical level. Because the Unit for Human Rights Policy may not have sufficient resources for organising such training, alternative methods should be considered. For example, some type of web-based training material could be a flexible solution that would put less strain on the resources. This material could be further supported with individual events and trainings.⁸⁵

More communication about the guidelines and human rights activities is needed

While Finland's guidelines are available in Finnish and English, text versions of the document also exist in French, Russian, Arabic and Spanish (as unofficial translations). The guidelines can be found on the websites of the Ministry and also some of the missions. However, no obligation to post them on their websites has been imposed on the missions, as in some countries the human rights defenders' situation is so sensitive that allowing public access to the guidelines is not considered advisable. Interviewees' comments on the sensitivity of the guideline contents mainly concerned a photograph that shows rainbow flags flying for LGBTI rights.

"The guidelines on human rights defenders do not work here because of the photo showing rainbow flags. They are not suitable for a country that has a difficult human rights situation and a very conservative mentality. We cannot hand out the guidelines or post them on our website."

In some host countries, the guidelines were felt to be too provocative as a whole in an atmosphere adverse to human rights.

"The guidelines are a very westernised document, and in the worst case we could expect to go backwards if we displayed it here."

In a random sample of the missions' websites (both Finnish and English ones), the guidelines were only posted on the site of the Embassy of Finland in Nepal (March 2017).⁸⁶ The website of the Embassy of Finland in Iran, on the other hand, gave prominence to different EU human rights guidelines, including the Guidelines on Human Rights Defenders.⁸⁷

85 Extensive online training material on fundamental and human rights is already available on the website of the Human Rights Centre. It can be used both for independent study and as support material for training sessions. <http://www.ihmisoikeuskeskus.fi/ihmisoikeuskoulutus/>

86 <http://www.finland.org.np/public/default.aspx?nodeid=35067&contentlan=2&culture=en-US>

87 <http://www.finland.org.ir/public/default.aspx?nodeid=41845&contentlan=2&culture=en-US>

Not all missions can post the guidelines online or display them in their current format, but as the guideline text points out, it is important that the missions actively inform human rights defenders of Finland's actions in their support.

Outside the Foreign Service, the Finnish guidelines have been presented in different international contexts, including the OSCE's Human Dimension Implementing Meeting⁸⁸ of spring 2015, Secretary of State Peter Stenlund's statement to the UN Human Rights Council in 2015⁸⁹ and his address to the OSCE Human Dimension Committee in autumn 2016 as Finland held the Committee Presidency.⁹⁰ The UN's Special Rapporteur on the situation of human rights defenders referred to Finland's guidelines in his report to the Human Rights Council in spring 2017.⁹¹ International Service for Human Rights spread information about the Finnish guidelines on its website in early 2015,⁹² and the guidelines can also be found on the websites of FORUM-ASIA and Protection International.⁹³ Of Finnish NGOs, at least the KIOS Foundation has called attention to the guidelines and provided a link to them on their website.

Although the interviews conducted for this report focused on human rights defenders and Finland's guidelines for the missions, the Ministry for Foreign Affairs' communications about human rights in general also came up in this context.⁹⁴ Parties outside the Foreign Service, in particular, would like to see information about Finland's human rights actions being disseminated more openly. Finding up-to-date information about funding granted by Finland in such sources as the Ministry's website should also be possible more easily and systematically.

Especially in communications related to human rights defenders, it is essential to carefully consider the security aspects to ensure that the good intentions are not turned against the human rights defender. Many interviewees outside the Foreign Service felt, however, that the authorities are too cautious in their communications.

88 Suomi tuo Etyjissä aktiivisesti esille ihmisoikeuspuolustajien merkitystä, 17 April 2015. <http://www.finland.at/public/default.aspx?contentid=325118&culture=fi-FI>

89 Statement by Mr. Peter Stenlund, Secretary of State, Ministry for Foreign Affairs of Finland, Human Rights Council, High-Level Segment, 28th session, 3 March 2015. http://vnk.fi/en/article/-/asset_publisher/10184/statement-by-secretary-of-state-at-the-human-rights-council

90 Address by Mr. Peter Stenlund, Secretary of State Ministry for Foreign Affairs of Finland, OSCE Human Dimension Committee, Vienna, 6 September 2016. <http://www.finland.at/public/download.aspx?ID=160999&GUID={FD9F2DDC-9738-4BEF-95E5-AC54347C3866}>

91 Report of the Special Rapporteur on the situation of human rights defenders (2017) A/HRC/34/55, Human Rights Council, United Nations. <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G17/011/75/PDF/G1701175.pdf?OpenElement>

92 <http://www.ishr.ch/news/finland-new-guidelines-will-strengthen-protection-human-rights-defenders>

93 https://asianhrds.forum-asia.org/?page_id=19278; <http://focus.protectionline.org/2015/03/07/protecting-supporting-human-rights-defenders-new-publication-finnish-government/>

94 This topic was prominent in such connections as the assessment of the Human Rights Action Plan of the Foreign Service of Finland (2013–2015). Villa, Susan (2015) Ulkoasiainhallinnon ihmisoikeuspoliittisen toimintaohjelman (2013–2015) arviointi, Ministry for Foreign Affairs. <http://www.formin.fi/public/download.aspx?ID=140619&GUID={8EA16078-101F-49C2-AA2E-DB497FEB32A}>

“Deciding what part of the work should be made visible is always a balancing act. Quite often the response [from the missions] is that we do all sorts of things but we cannot tell you about it. This is understandable, of course, and there are genuine security concerns, but it is obviously difficult to evaluate the activities or engage in cooperation when we have no access to information.”

“NGOs and politicians demand publicity, but it would not necessarily promote the actual cause.”

“Having publicity is not essential for us, but when we take care of things through silent diplomacy, everybody does not always know what we have done before.”

6 Finland’s support for human rights defenders

A short overview of Finland’s past and present activities related to human rights defenders gives a good starting point for examining the state of play of this work. No earlier evaluations of the activities are available, but such documents as reports on Finland’s international human rights policy give some idea of the extent to which human rights defenders have been on the agenda.

The first report by Minister for Foreign Affairs Tarja Halonen from 1998 makes no reference to human rights defenders. However, the report stresses the significance of civil society and sets the policy of striving to promote NGOs’ possibilities for acting and participating in international forums.⁹⁵ While Minister for Foreign Affairs Erkki Tuomioja’s report from 2000 also makes no mention of human rights defenders, it joins its predecessor in giving a lot of prominence to acknowledging and supporting the role of civil society.⁹⁶

A Government Report from 2004 contains two references to Finland’s activities related to human rights defenders. This report notes that during the session of 2003, Finland monitored on behalf of the EU a resolution implementing the UN Declaration on Human Rights Defenders. “Finland finds the resolution to be of utmost importance. The human rights defenders play an active role in the initiation of reforms but are often themselves the first victims of human rights violations. The networks of human rights activists and organisations extend across national borders and are very efficient.”⁹⁷

The 2009 report mentions human rights defenders a number of times. Since the previous report was issued, the EU Guidelines on Human Rights Defenders had

95 Ulkoasiainministeri Tarja Halosen eduskunnan ulkoasiainvaliokunnalle antama selonteko Suomen hallituksen ihmisoikeuspolitiikasta 11 November 1998.

96 Ihmisoikeudet ja Suomen ulkopolitiikka, ulkoasiainministeri Erkki Tuomiojan eduskunnan ulkoasiainvaliokunnalle antama selvitys Suomen hallituksen ihmisoikeuspolitiikasta 29 November 2000, Publications of the Ministry for Foreign Affairs 9/2000. <http://formin.finland.fi/public/download.aspx?ID=69318&GUID={D55FCB6B-9EE3-41CF-A01D-D03944E12F29}>

97 Government report on Finland’s human rights policy 2004, Ministry for Foreign Affairs, Helsinki: Edita Prima Oy. <http://formin.finland.fi/public/download.aspx?ID=69315&GUID={A4EDB3C3-1FF2-4C68-90D8-2B937828D80C}>

been published in 2004 with an updated version in late 2008. Finland's approach to human rights defenders, which is clearly more active in this period, can also partly be explained by the fact that the publication of the report was preceded by Finland's EU Presidency. During its Presidency in 2006, Finland highlighted the position of human rights defenders as a key theme and campaigned extensively for supporting the position of women human rights defenders. The European Instrument on Democracy and Human Rights (EIDHR) was also adopted during Finland's Presidency. "Finland aims to ensure that the support channelled through EDIHR is focused on supporting human rights defenders and on strengthening the rights of the most vulnerable groups, such as indigenous peoples."⁹⁸

The 2009 report notes that Finland will additionally strengthen the operating possibilities of human rights defenders promoting women's rights and support human rights defenders in developing countries. Within the OSCE, Finland would continue the work started during its Chairmanship in 2008 to strengthen civil society participation and the status of human rights defenders.⁹⁹

The report goes on to state that in the UN, Finland would be active in promoting the implementation of the UN Convention against Corruption (UNCAC), for example, by supporting the protection of human rights defenders assisting in the uncovering and investigation of corruption crimes. Finland's bilateral development cooperation would contain direct support for human rights defenders, "taking the form of direct support for the most threatened human rights defenders". Finland would also give direct support to local and international human rights organisations and human rights defenders, and Finland's bilateral development cooperation agreements would cover the protection of human rights defenders. In 2008, the priority area of support for the Commissioner for Human Rights of the Council of Europe was promoting the status of human rights defenders in the Member States of the Council of Europe, and this support also continued in 2009.¹⁰⁰ A report on the implementation of the 2009 report was published in 2014, but activities related to supporting human rights defenders were not evaluated separately in it.¹⁰¹

In the Government's human rights report of 2014, human rights defenders are referred to a few times. The report brings up Finland's national guidelines on

98 Government report on Finland's human rights policy 2009, Ministry for Foreign Affairs. <http://formin.finland.fi/public/download.aspx?ID=69310&GUID={0AFC392E-12BD-41C4-927C-257A392DB382}>

99 Government report on Finland's human rights policy 2009, Ministry for Foreign Affairs. <http://formin.finland.fi/public/download.aspx?ID=69310&GUID={0AFC392E-12BD-41C4-927C-257A392DB382}>

100 Government report on Finland's human rights policy 2009, Ministry for Foreign Affairs. <http://formin.finland.fi/public/download.aspx?ID=69310&GUID={0AFC392E-12BD-41C4-927C-257A392DB382}>

101 Seppänen, Maaria ja Siitonen, Lauri (2014) *Arviointiselvitys valtioneuvoston vuoden 2009 ihmisoikeusselonteon kansainvälisen osuuden toimeenpanosta*, University of Helsinki, Department of Political and Economic Studies. <http://formin.finland.fi/public/download.aspx?ID=136130&GUID={70B11F55-5420-4AA8-A5B8-DEDA6BE8185B}>

supporting human rights defenders, in which the significance of human rights defenders promoting women's and girls' rights is taken into account separately. The report also notes that the need for protecting human rights defenders has increased and that supporting them is important, especially in issues related to the freedom of speech. Dialogue with the civil society and improving the possibilities for civil society participation come up strongly in the report. One of the policy guidelines in the report notes that Finland acts with initiative to promote the efficient implementation of human rights policies relevant to the EU's external relations (policy guideline 16).¹⁰²

In a report of the Parliament's Foreign Affairs Committee on the 2014 report issued in March 2015, support for human rights defenders is mentioned specifically. According to this report "Finland, together with other EU countries, should see to the dissemination of information on the EU's Guidelines on Human Rights Defenders." The report also proposes that the Foreign Service establish how it could support NGOs' human rights work in different countries. As some of the possible approaches are listed "the missions' economic support for and practical cooperation with human rights defenders, increasing other economic support for human rights defenders' work, and stressing the civil society's possibilities of exerting influence in the UN and similar forums."¹⁰³

The Human Rights Strategy and the goals of international human rights policy

The Human Rights Strategy of the Foreign Service of Finland, which was published in 2013 and which remains valid today, only mentions human rights defenders a few times without highlighting them as a particular priority:

*"The role of traditional media, the Internet and social media has grown significantly. These developments open up new opportunities for human rights defenders and non-governmental organisations."*¹⁰⁴

*"Moreover, development policy can be used to support the human rights work of civil society by supporting human rights defenders in particular, including whistle-blowers who bring corruption cases forward or disclose them to the public."*¹⁰⁵

Greater openness and inclusion is one of the two cross-cutting themes of the Human Rights Policy, however, which contains the objective of enhancing the in-

102 Government of Finland Human Rights Report 2014, Ministry for Foreign Affairs, Jyväskylä: Grano Oy. <http://formin.finland.fi/public/download.aspx?ID=136941&GUID={7E6D-44FB-6F31-4BFA-A521-F5CCAC509B24}>

103 Report of the Foreign Affairs Committee 24/2014 vp. https://www.eduskunta.fi/FI/vaski/Mietinto/Documents/uavm_24+2014_vp.pdf

104 Human Rights Strategy of the Foreign Service of Finland (2013), Ministry for Foreign Affairs, Jyväskylä: Kopijyvä Oy. <http://formin.finland.fi/public/download.aspx?ID=115729&GUID=%7B-DD6BF865-D308-4C5B-B7F7-959D0AD65DD0%7D>, s. 10.

105 Human Rights Strategy of the Foreign Service of Finland (2013), Ministry for Foreign Affairs, Jyväskylä: Kopijyvä Oy. <http://formin.finland.fi/public/download.aspx?ID=115729&GUID=%7B-DD6BF865-D308-4C5B-B7F7-959D0AD65DD0%7D>, pp. 22–23.

fluence of civil society and thus indirectly links supporting human rights defenders to Finland's key objectives in international human rights policy. The Human Rights Action Plan of the Foreign Service of Finland 2013–2015, which was prepared as an attachment to the strategy, contains ten actions related to human rights defenders:

1. promoting the protection and support for human rights defenders
2. joining the Digital Defenders Partnership, which supports the human rights defenders' right to freedom of expression on the Internet, for instance, by offering secure network connections to replace, for example, those cut off or controlled by dictatorships
3. enhancing cooperation with organisations that promote the rights of women and girls as well as with women human rights defenders, paying due attention to their safety
4. paying particular attention to the status and safety of human rights defenders working to advance economic, social and cultural rights, taking into account vulnerable groups in particular.
5. taking the situation of human rights defenders, in particular, into consideration in its reporting
6. preparing public guidelines on the practical implementation of the EU's Guidelines on Human Rights Defenders for diplomatic missions
7. instructing visa officials to pay particular attention to human rights and the situation of human rights defenders
8. using the means at its disposal to offer protection for human rights defenders also in urgent situations where the risk for human rights violations is evident
9. seeking to further enhance the EU Delegations' cooperation with human rights defenders
10. actively following regional human rights situations and their development, paying particular attention to the scope for action of non-governmental organisations and human rights defenders.

While these objectives were formulated under the previous Government, they have close links with the guidelines on human rights defenders, making their examination meaningful. No new Human Rights Action Plan of the Foreign Service of Finland has been prepared, and this is the most recent document which lists slightly more clear-cut objectives. The action plan also remained valid after the guidelines on human rights defenders were published, and it is thus relevant to the target period of this report. (See the summary of action plan objective implementation on page 10, Figure 3.)

Clear goals needed for supporting human rights defenders

The second National Action Plan on Fundamental and Human Rights 2017–2019 adopted by the current Government in April 2017 lists as one of its goals "Sup-

porting human rights defenders; conducting a baseline study for developing activities concerning human rights defenders in Finland” – in other words, preparing this report. Including this project in the action plan indicates that the topic is considered important and that there is a willingness to develop the activities.¹⁰⁶ No other policies on human rights defenders have been issued since the new Government took over in 2015, and no human rights report is due to be prepared during the current electoral period.¹⁰⁷

The current ministers have not placed particular emphasis on human rights defenders or guidelines concerning them in their speeches. However, Foreign Minister Timo Soini has drawn attention to the increasingly difficult situation of human rights defenders in many countries. In his speech delivered on the international Human Rights Day in 2015, Minister Soini drew attention to the difficult position of human rights defenders in Burundi,¹⁰⁸ and in their joint article in spring 2016, Mr Soini and Ms Margot Wallström, Swedish Minister for Foreign Affairs, noted that human rights defenders and journalists face various attempts at silencing them.¹⁰⁹

Senior public servants in the Foreign Service have brought up defenders and, in particular, Finland’s guidelines on human rights defenders, in different contexts (see pp. 36–37). In her speech at a Constitutional Law Committee seminar held to mark the centenary of Finland’s independence in March 2017, Under-Secretary of State Anne Sipiläinen noted that supporting human rights defenders is a priority for Finland.

“Realising human rights and securing human rights defenders’ ability to operate is a high priority for the European Union and Finland. The Ministry for Foreign Affairs has prepared guidelines on human rights defenders, the key message of which is encouraging active cooperation with defenders. Particular attention is focused on the situation of vulnerable groups and the activities of human rights defenders promoting their rights.”¹¹⁰

Based on reports and policies, supporting human rights defenders has been part of Finland’s international human rights policy for an extended period, especially

106 National Action Plan on Fundamental and Human Rights 2017–2019, Publication of the Ministry of Justice 9/2017. <http://julkaisut.valtioneuvosto.fi/handle/10024/79277>

107 In the future, Government reports on human rights are to be prepared at longer intervals, and their objective will be to set the general policy outlines of fundamental and human rights activities over a longer term than before. National Action Plan on Fundamental and Human Rights 2017–2019, Publication of the Ministry of Justice 9/2017, p. 18. <http://julkaisut.valtioneuvosto.fi/handle/10024/79277>

108 Minister for Foreign Affairs Soini’s speech at the international Human Rights Day event, 10 December 2015. <http://formin.finland.fi/public/default.aspx?contentId=338908&nodeId=49150&contentlan=1&culture=fi-FI>

109 A Freedom at Stake, 3 May 2016. <http://formin.finland.fi/public/default.aspx?contentId=345785&nodeId=49150&contentlan=2&culture=en-US>

110 Speech by Under-Secretary of State Anne Sipiläinen, “Toimivan oikeudenhoidon merkitys ennen, nyt ja tulevaisuudessa” at the Finland 100 seminar of the Parliament’s Constitutional Law Committee, 9 March 2017. <http://formin.finland.fi/public/default.aspx?contentId=359084&nodeId=49150&contentlan=1&culture=fi-FI>

as part of other work focused on civil society, however not as a clearly structured separate theme. While it has assumed a larger role at times, it has often been incorporated in other activities and human rights themes.

Finland's national guidelines on supporting human rights defenders can thus be considered a type of milestone at which to pause and consider the status of human rights defenders in proportion to other activities. Rather than containing clear-cut individual goals, the guidelines describe possibilities of taking action and aspects that must be accounted for. The theme of human rights defenders is fundamentally of a cross-cutting nature, but from the perspective of developing the activities, it is still essential to ask what the specific areas in need of development and objectives of this theme are in Finland's activities.

6.1 Guidelines make support for human rights defenders visible

The status of Finland's national guidelines on implementing the EU Guidelines on Human Rights Defenders is that of a document directing the Foreign Service's work. They are a Minister for Foreign Affairs policy document that defines a common intent but does not impose direct obligations or contain clearly specified goals.

The interviewees found that the Finnish guidelines had their greatest value as a document that makes the theme of human rights defenders visible by collecting work related to it into a single source. The guidelines and the discussion around them have in general given more visibility to using the term human rights defender and called attention to dealing with issues associated with this theme in different contexts. At the same time, the guidelines are a political message stressing the importance of the theme and a tool to which reference can be made if necessary. The publication of the guidelines has raised Finland's profile in supporting human rights defenders, as few countries currently have specific guidelines. Additionally, assigning the theme of human defenders to a specific person at the Ministry for Foreign Affairs Unit for Human Rights Policy was something that the interviewees stressed as significant progress.

"The guidelines are useful in general as a political instrument that raises awareness of the issue. I have spread information about the Finnish and the EU guidelines here."

"The guidelines are like a backbone. There is no need to ask if we can become one of the leading countries in this issue."

"The term human rights defender is now talked about more, and it is clearly being used more frequently. Previously we mainly talked about civil society and NGOs."

Human rights organisations and human rights defenders who were interviewed also said that a state's public guidelines on supporting human rights defenders

sends a strong signal of that state's commitment to supporting and protecting their work.¹¹¹ Such actors as NGOs can make appeal to the guidelines and demand that Finland acts in accordance with them.

As Finland's general strength in supporting human rights defenders is regarded the fact that human rights and cooperation with NGOs have had a role in the Foreign Service's activities for a long period. EU cooperation also brings Finland added value. Stylistically, the Finnish approach is also considered good, as the Finns do not "shake their fingers at others and tell them how things should be done".

"Finland's strengths also include a listening approach and trustworthiness. A low profile is also useful. Our long traditions of cooperation with civil society are another strength."

"Finland may be seen as a good, constructive partner with good relations with everybody."

"Finland's advantages include showing a good example and cooperation with [Finnish] human rights defenders. This is quite widely known and it creates credibility, also internationally."

The cautious approach was also clearly associated with the idea of not making excessive promises, for example to human rights defenders, and not raising unrealistic hopes of how the missions could help them in practice.

"We have also been quite cautious because the expectations are immense. When we went on a field trip, for example, some of the human rights defenders placed enormous expectations on the EU delegation, with a long list of wishes. It is not possible for individual missions to do anything about these things."

While Finland's moderate approach is considered a strength, the flip side is excessive cautiousness and keeping a low profile among other countries. Some of the interviewees would like to see bolder action in support of human rights defenders. Finnish and foreign human rights defenders would also like Finland to act more boldly.

"Perhaps there has been a slight increase in silent diplomacy, but we do take part in our likeminded country group. I wouldn't say we are the first ones to bring up issues, as we are rather inclined to let some other country bring it up and then support it. We clearly go around in a group of this type, as a group member."

"Finland has not been quite in the forefront, and we have understood that this is a good policy."

111 Finland: New guidelines will strengthen protection of human rights defenders, 7 February 2015. <http://www.ishr.ch/news/finland-new-guidelines-will-strengthen-protection-human-rights-defenders>

“It may be a bit harder for us to get involved in more troublesome situations. Perhaps we are rather careful. The cautious approach is our tradition. We think that we cannot be the drivers of activities.”

“We could be a lot bolder, the way we do things could be more daring. Of course we are a small country and our status is what it is, but we have also led peace negotiations, in which we have built a good reputation. Why could we not take an equally bold stance on human rights defenders?”

“Some improvement has been achieved in the missions’ balance between protesting and discrete action. Things have got better, but not enough. I don’t know if we are expecting too much of them, but we expect more.”

6.2 Practices and priorities

A very wide range of methods for supporting human rights defenders, both politically and economically, is available. Human rights defenders’ situation and ability to operate can also be essentially influenced by such means as promoting general development towards rule of law and democracy in states. This report mainly focuses on direct support for human rights defenders and activities associated with it. Approaches to supporting human rights defenders include:

- economic support, for instance funding projects that improve human rights defenders’ safety or build capacity for continuing their activities
- silent diplomacy
- official démarches, for instance through the EU or with likeminded countries
- bringing up human rights defenders’ situation on the media/social media
- meeting human rights defenders in different contexts
- organising various events that highlight issues associated with human rights defenders’ situation
- so-called field trips where the participants familiarise themselves with human rights defenders’ situation in different areas of the relevant country
- observing human rights defenders’ trials
- visiting human rights defenders who are in prison/under a house arrest
- calling attention to human rights defenders’ situation in the UN’s UPR procedure¹¹² and other relevant international contexts.

For a list of key approaches used by Finland to support human rights defenders that came up in the report, see Figure 1 on page 9.

¹¹² For more information about the UPR procedure, see the Ministry for Foreign Affairs website: <http://www.formin.fi/public/default.aspx?contentid=247767&nodeid=49583&contentlan=2&culture=en-US>

Naturally, the interviewees highlighted EU cooperation as the most important channel for supporting human rights defenders. It is also stressed in Finland's guidelines on human rights defenders. As the best practices regarding the cooperation between EU Member States' missions and EU delegations were mentioned especially participation in the activities of human rights groups and observing trials. Exerting influence with likeminded countries both at country level and within international organisations, or the UN, OSCE and Council of Europe, was also seen as a key channel. However, the UN was clearly considered the most important one of these.

Of the diplomatic missions' own activities, as good practices were cited meeting human rights defenders and inviting them to events organised by the missions. These meetings do not require separate funding, they are relatively easy to organise and, above all, they constitute a significant show of support for the human rights defenders. The use of media, and social media in particular, was highlighted in the interviews significantly more than in the evaluation of Finland's international human rights policy implementation in 2015. The importance of concrete project work was considered great in terms of both effectiveness, access to information and networking with human rights defenders. In this context, the Local Cooperation Funds (LCF) were found to be particularly significant.

Regarding the content of the work, Finland stresses supporting women human rights defenders and those otherwise in the most vulnerable position. Defenders of LGBTI rights and the rights of persons with disabilities, in particular, are supported both politically and economically. For example, Finland belongs to the Equal Rights Coalition established by Uruguay and the Netherlands, through which the 30 participating likeminded states wish to promote LGBTI rights and support the work of actors defending them. Finland joined the Equal Rights Coalition in 2016. Those who defend the rights of persons with disabilities are, among other things, supported through LCF projects and by giving this theme prominence in international forums, such as the OSCE. The rights of the Roma (especially in the Council of Europe) and indigenous peoples (especially in the UN) are themes that Finland has traditionally promoted in its international human rights policy, and they are thus also highlighted in the activities related to supporting human rights defenders.

Women's and girls' rights have a strong role in all human rights work and development cooperation carried out by Finland, and this theme thus has links to human rights defenders, especially through promoting women's general participation in society. Women human rights defenders' particularly difficult situation was highlighted in different contexts, including EU activities. The third Finnish National Action Plan 1325 to be published in 2017 (national implementation of the UN Security Council's resolution 1325 "Women, peace and security") will contain a section on women human rights defenders, and the action plan will thus be linked to the guidelines on human rights defenders. The goal is that those working in crisis management tasks, for example, will be aware of issues related to human rights defenders.

The Human Rights Action Plan of the Foreign Service of Finland 2013–2015 set the goal of enhancing cooperation with women human rights defenders, paying due attention to their safety. The Democratic Commission for Human Development (DCHD), a human rights organisation in Pakistan, published a report on the safety situation of women human rights defenders in Pakistan in 2017. The Finnish KIOS Foundation, which is funded by the Ministry for Foreign Affairs, has supported DCHD's human rights work in Pakistan since 2009. The funding granted by the KIOS Foundation to the organisation in Pakistan has come with security training for women human rights defenders.¹¹³ KIOS has also funded activities in support of women human rights defenders in such countries as Bangladesh, Nepal and Sri Lanka.

The interviews indicate that the priorities selected by Finland, or supporting women human rights defenders and those defending the rights of the most vulnerable groups, generally also appear to be implemented in practice in Finland's activities. More detailed information on and an analysis of specific themes would be needed, however, to estimate the actual volume or quality of these activities. By and large, Finland's priorities coincide with the information obtained from human rights organisations and international organisations about the groups of human rights defenders that encounter the greatest problems in their work. The Finnish guidelines also leave room for manoeuvre for different emphases in individual countries, as the human rights defenders' situations naturally vary to some extent by country and by period. From time to time it should also be checked that the priorities match the actual situation. The status of human rights defenders promoting land and environmental rights, for example, has deteriorated in recent years (see pp. 20–21)

While the Human Rights Action Plan of the Foreign Service of Finland 2013–2015 brought up supporting human rights defenders who promote economic, social and cultural rights (ESC rights) as a special theme, there is no special emphasis on ESC rights in the Finnish guidelines on human rights defenders. According to the guidelines, the efforts of human rights defenders working with ESC rights and CP rights (civil and political rights) are equally important, and the emphasis placed on them depends on the operating environment. ESC rights did not come up specifically in the context of human rights defenders in the interviews, but some international discussion was sparked around this theme as Norway included the promotion of ESC rights in the UN Resolution on human rights defenders in 2016.¹¹⁴

In general, the missions are well familiar with human rights defenders' situation in their country and recognize those in a particularly difficult position, even if they

113 First report assessing risks faced by women human rights defenders published in Pakistan, 11 November 2016. <http://www.kios.fi/en/2016/11/ensimmainen-naispuolisiin-ihmisoikeuspuolustajiin-kohdistuvia-uhkia-kartoittava-selvitys-julkaistu-pakistanissa/>

114 On 24 March 2016, the UN's Human Rights Council adopted a resolution on protecting human rights defenders who promote ESC rights. Protecting human rights defenders, whether individuals, groups or organs of society, addressing economic, social and cultural rights, Resolution adopted by the Human Rights Council on 24 March 2016 - 31/32, A/HRC/RES/31/32. http://ap.ohchr.org/documents/dpage_e.aspx?si=A/HRC/RES/31/32

frequently lack resources for active information acquisition of their own. This is how interviewees from outside the Foreign Service also saw the situation. As a challenge was considered the fact that many human rights defenders in a vulnerable position operate in extremely remote regions, which makes reaching them difficult and often even impossible with the resources available for the missions. Field trips, for example, are not embarked on very often, although some are undertaken together with likeminded countries or as part of EU cooperation, in particular. In places, less information on human rights defenders is available, for instance as LCF projects are fewer in number or have been dropped.

Particular successes in or impacts on supporting and protecting human rights defenders were difficult to itemise based on the interviews. Some of the interviewees cited individual cases where Finland's actions had directly or indirectly contributed to improving a human rights defender's situation, for example prompted their release from prison. Assessing more extensive impacts is difficult, as they often only become apparent with a delay of years or even decades, but several interviewees noted that small acts that appeared insignificant at the time have had an impact on the situation, at least over the short term. An invitation to a mission extended to human rights defenders or, for example, statements on a country's human rights situation issued by Finland together with other EU or likeminded countries, may have a major impact from human rights defenders' perspective. Small displays of support may have crucial psychological effects.

Failures in activities related to human rights defenders were even more difficult to itemise based on the interviews, or they were difficult to talk about, as this is not the done thing. As the greatest failure was experienced a lack of improvement in human rights defenders' status in general in the country in question, and the fact that even hard work does not seem to change the administration's attitudes.

"You often feel you have failed when you have tried to talk to the local authorities and think that your ideas have been reciprocated, and yet the situation keeps on getting worse."

"It would be important to also share failures. You cannot always succeed, and sometimes you have setbacks. You just have to bear the criticism. Not everything is fun and positive, and this work is terribly difficult. For instance, we are dealing with military dictatorships or otherwise troublesome governments."

6.2.1 Supporting human rights defenders in EU cooperation

Finland's international human rights policy is primarily implemented within the framework of the EU, and the Finnish guidelines on human rights defenders also put a strong emphasis on EU cooperation. The manner in which Finland participates in EU Member States' joint activities and the effectiveness of the cooperation between the states is thus highly significant for supporting human rights defenders.

“Finland is certainly quite active whenever we have the resources for participating in EU human rights work. The number of countries that are active is quite small, anyway.”

The general view of Finland’s efforts to support human rights defenders through the EU is mainly positive. As usual in international human rights policy, rather than taking a leading position in EU activities, Finland is “at least an active and faithful rank and file member”. This view was quite consistent both within the Foreign Service and among NGO representatives.

Both in an extensive survey addressed to the missions in 2014 and in the interviews conducted for this report, participation in EU working parties on human rights and observing human rights defenders’ trials were stressed particularly in the missions’ activities.

The interviews indicate that the persons responsible for human rights issues in the missions actively participate in EU working parties on human rights and human rights defenders if one of these exists in the country in question.

“Country level cooperation is even closer than before. As an example, thematic working groups on human rights issues were established in [name of the country removed] in autumn 2016. One of the thematic parties focuses on the situation of and protection mechanisms for human rights defenders and journalists. The activities of these parties will be launched in early 2017.”

For example, the working groups on human rights are currently preparing country-specific strategies, and their activities can at best have significant impacts on the implementation of the Guidelines on Human Rights Defenders.

“In the summer, an EU strategy on human rights defenders was circulated for comments here and it is now a bit different from before as it also discusses objectives. The working group on [...] is now led by Germany, which is highly active. The group has been using the Finnish guidelines ever since they were published, and they have also been used now for preparing a specific programme for [name of the country removed].”

“Last spring, the EU managed to produce new Guidelines on supporting human rights defenders at the working group level, with civil society representatives also involved in the work. Finland was very active in these efforts and some of our wordings were adopted, as other countries may not have been quite as passionate about it as us.”

In addition to working groups, Finnish missions also participate in observation of human rights defenders’ trials organised by the EU delegation. Attending trials is mainly possible when they take place in the capital area, however, and less often in other parts of the country. The EU applies the burden sharing principle in observing trials, meaning that each Member State assumes responsibility for it in turn.

“Observing trials is important, it sends out a clear signal to the authorities that we are keeping an eye on things.”

“Finland is unquestionably one of the most active EU Member States, especially in observing trials. Some countries do not wish to take part in these activities in any way.”

The EU delegation and the Member States’ diplomatic missions also frequently collaborate in the area of monitoring and reporting on human rights defenders’ situation, go on field trips and organise events on this theme. From the perspective of Finnish missions, joint information exchanges and reporting are particularly useful as the missions say that their resources frequently do not stretch to acquiring their own information. The EU’s silent diplomacy, and particularly *démarches* (expressions of opinions behind the scenes) in favour of human rights defenders are important. Such joint positions are particularly significant for Finland, as they give the message weight and impact that a small country would find it almost impossible to achieve otherwise.

While the general assessment is that Finnish missions’ participation in EU work is active, there naturally are variations between different countries and periods. The cutbacks in the missions’ resources have meant that it has been necessary to reduce the activities in some countries, in particular because of a lack of personnel. The interviewees thus hoped that *“a review of our future participation in the EU’s human rights activities would be carried out for the missions whose resources are being cut. How we will be involved and what we will have resources for.”* In addition to resources, the priorities in the missions’ activities depend on the ambassador; when a new ambassador takes office, this affects the extent to which the mission participates in EU activities related to human rights defenders, among other things.

Significance and challenges of EU cooperation

“The EU has influence. It may not be as significant as we think here in Europe, with China and India having increased their power especially in Africa, but the EU is still a serious partner. [name of the country removed] is an important trade partner for the EU, and this gives the EU influence.”

The EU is generally seen as having a lot or some influence in human rights issues, but issues that undermine or prevent the EU’s activities were the most prominent in the interviews. The greatest problem is the Member States’ differing views of policies on human rights issues and supporting human rights defenders in the relevant countries. The problems are summed up well by these comments extracted from the interviews:

“You could say that EU cooperation is paralysed, and cooperation in Brussels is affected by the same problem, so no help can be expected from there, either, in this situation.”

"In its early days, the working group on human rights was tasked to prepare a report on the human rights situation in [name of the country removed], but whenever it was sent to the ambassadors, it got sent back."

"As the situation in the entire region is difficult, we must have this country 'on our side'. The stability of the country is more important than anything else, and a lot of understanding is shown for the government."

"Criticism from the EU will not work. The EU is toothless. Although it is said to be the most important trade partner to [name of the country removed], in fact this is all about Germany and France. These countries are important, not the EU."

"EU cooperation has not become more difficult here, but the countries prioritise different actions. For example, many of them do not wish to meet certain actors if they are working on a big trade deal, but they do not tell the others not to meet civil society actors."

"It is almost impossible for the EU to issue joint statements, as some of the countries strongly support [name of the country removed], and for them it is more important that [name of the country removed] remains a stable state. They see it as stability if demonstrations cannot be organised and no-one is acting against the government. This prevents all types of joint activities. At times, likeminded countries request the EEAS [European External Action Service] to issue at least a démarche to the Foreign Ministry in the name of the EU delegation, but unfortunately this is all we can do over there."

"We are now working on partnership priorities to find issues in which the countries would like to make progress with the EU [...] but the talks have pretty much stalled. One group is not prepared to move into the direction to which the EEAS is going, and the likeminded EU countries would not like to give up and adopt wordings that remain 'doubtful'."

"We have to lock horns among the EU countries every time. Those of us who are likeminded coordinate our positions strictly, whereas Visegrad group countries, especially Poland, Hungary and the Czech Republic, are considerably more reserved and do not wish to criticise the government for human rights violations in the same way as the rest of us."

In many countries, the missions have to find a balance between acting together with other EU countries and proceeding bilaterally with the host country administration.

"For example, we attempted to meet the opposition leaders at the ambassador level, but as no agreement could be reached on this, the EU Ambassador did not invite them at all. Many countries, including the Finnish mission, then started bilateral work."

In addition to problems associated with cooperation between EU Member States, bilateral activity is often also encouraged by the host country administration's attitudes towards multilateral interaction and discussing issues in international forums. It may be in the government's interest to undermine the EU's influence by stressing bilateral work and, on the other hand, it is easier to discuss difficult topics bilaterally than in a "one against EU countries" setting. However, favouring bilateral activity results in a balancing act regarding to what extent we are prepared to bypass EU cooperation to make at least some progress in issues related to human rights defenders.

"The EU is a bit of a red flag at the moment, so actions under the EU umbrella are not the most effective. In other words, it is sometimes better for Finland to act alone, or EU countries to act individually."

"Although they are prepared to talk about these issues in private, they do not wish to have them discussed in international forums. They have no time for having these questions brought up at the EU level, but they are prepared to talk to individual Member States."

"This is inconsistent, as this is exactly what [name of the country removed] wants, or divide the EU and persuade us to act as individual countries. But the flip side is that if we hold on to the EU, we get no information, and all meetings are jettisoned. If we wish to stay in touch in some way, it is easier to operate as an individual country."

In the interviews and many other contexts, it was stressed that emphasising EU activities in support of human rights defenders is a way of overcoming the shortage of resources, and on the other hand, it does not make sense to double the efforts both at the EU level and as part of Finland's national activities. However, it has been stressed in interviews with human rights defenders and, for example, an evaluation of the Dutch human rights activities that the efforts of such bodies as EU delegations can rarely make up for the Member States' national actions. When Member States close down their missions and reduce their bilateral support for human rights defenders, significant gaps are created, which it has not been possible to bridge by EU action.¹¹⁵

As a significant change in terms of EU human rights activities' future, the interviewees mentioned Brexit, or the United Kingdom's plan to leave the EU. The United Kingdom has traditionally been one of the leading countries upholding human rights, and its resources are significant compared to other states. Several interviewees said that the British do vast amounts of invisible work in the EU, including drafting documents, which has benefited the entire Union. In the future, we must thus prepare for dwindling resources and influence at the EU level, also in human rights work.

115 Navigating a sea of interests: Policy evaluation of Dutch foreign human rights policy 2008-2013. <https://www.government.nl/ministries/ministry-of-foreign-affairs/documents/reports/2014/12/01/iob-navigating-a-sea-of-interests-policy-evaluation-of-dutch-foreign-human-rights-policy-2008-2013>

"Brexit is likely to reduce further the EU's ability to act in human rights issues."

"The delegations [of EU Member States] have certainly been quite shocked about Brexit. It will definitely take them a little while to recover and think about what the best way forward is now."

"The British do a lot of lobbying in the EU's name and are very active in EU working groups. They have excellent capabilities and resources. The British have been active in the burden sharing within the EU, and Brexit will certainly be felt."

Finland's EU Presidency will offer opportunities for exerting influence

One of the goals set in the Human Rights Action Plan of the Foreign Service of Finland 2013–2015 was to further enhance the EU Delegations' cooperation with human rights defenders. It is not possible to assess within the context of this report if efforts have been made to reach this objective or how well this has succeeded during the action plan's period of validity. In general, the interviewees found it important that the EU actively supports human rights defenders and that the Member States could act as unanimously as possible. Regardless of the internal dissension, Brexit and other challenges, almost all interviewees stressed the continued importance of EU cooperation.

"The UN gives a lot of prominence to human rights issues, but if we talk about human rights defenders, the EU and its human rights group are more or less the only organisation that can and will bring these issues up."

"If the EU does not draw attention to these matters, who will?"

An individual Member State may well influence the level of activity in the EU's human rights work, for example by leading working groups on human rights or being otherwise active as a working group member and highlighting human rights issues. While Finland was not considered a front line country in supporting human rights defenders, a resolute willingness to act upon the human rights principles came through strongly in the interviews.

"What can we do? For our part, we can uphold EU principles and work actively with likeminded EU countries and many other states, including the US, Canada and Switzerland."

In addition to acting through its missions, a Member State can influence the support the EU lends to human rights defenders through the Council's working party on human rights, COHOM. The interviewees said that Finland has had a higher profile in the working party regarding human rights defenders in recent years. In practice, this means that Finland takes the floor every time the party discusses the theme of human rights defenders. The topics taken up by Finland in its addresses have included the status of women human rights defenders and the situ-

ation of those defending LGBTI rights. The policy disagreements in issues related to human rights defenders between the Member States, which are reflected on country level activities, are not equally visible in the COHOM's work. Differences of opinion may occur in individual questions, but otherwise dissenting views are not actively promoted.

As the COHOM's task is to monitor and promote the implementation of the EU Guidelines on Human Rights Defenders, it is vital for Finland to be active in this working party. In the future, Finland could call particular attention to EU Guideline implementation. A new evaluation of their implementation is needed, as the most recent one was conducted in 2006. Additionally, Member States could be urged to follow the example set by Finland and the other Member States that have prepared national guidelines on supporting human rights defenders.

Finland will next hold the Presidency of the EU in 2019, which will offer an outstanding opportunity to exert more wide-reaching influence on the EU's activities related to human rights defenders. During its previous Presidency in 2006, Finland campaigned for women human rights defenders, which was considered a good initiative related to this theme. At the same time, however, the campaign brought up both the EU Guidelines and the status of human rights defenders in general. As part of this campaign, Finland organised a seminar on women human rights defenders in Indonesia together with local NGOs. In a more negative sense, Finland's activities during the Presidency came up in Amnesty International's report on the implementation of the EU Guidelines on Human Rights Defenders in 2007. During Finland's Presidency, the EU only delivered four démarches on human rights defenders' situation, whereas during Austria's presidency in the previous period, 26 démarches were issued.¹¹⁶ The undertakings of the Presidency are the object of a particularly close scrutiny.

The situation is now different than during Finland's previous Presidency, however. The role of the Presidency changed in 2009, as the High Representative of the Union for Foreign Affairs and Security Policy started their work under the Lisbon Treaty. The High Representative heads the EU's External Action Service (EEAS), which was launched in 2011. EU delegations in third countries, on the other hand, are subordinate to the EEAS. The role of the Presidency thus is less significant today outside the EU, as external relations no longer are part of the job description. The EU's human rights consultations and dialogues with third countries are now included in the External Action Service's duties. The Member States may comment on draft proposals associated with them, but they may only participate in the discussions as observers.

The Presidency still plays a key role in the work within the EU, as it directs the Council's efforts both in working parties and at ministerial meetings. Consequently, Finland will still be able to influence the questions brought up and dis-

116 Ensuring Protection? The European Union and Human Rights Defenders (2007) Amnesty International Publications, International Secretariat, London. <https://www.amnesty.org/download/.../64000/eur010072007en.pdf>

cussed during its forthcoming Presidency. Putting the situation of human rights defenders and support provided for them on the agenda within the Union may also strengthen the joint activities of the Union and its Member States on human rights defenders in external relations

6.2.2 Supporting human rights defenders in the UN

Finland's missions to the UN in Geneva and New York have an important role in providing political support for human rights defenders. Issues related to human rights defenders are an elemental part of each mission's work. The activities mainly comprise protecting human rights defenders' work, room for manoeuvre and right to talk in the UN and supporting resolutions on the defenders. The missions also routinely meet NGOs and organise events at which attention can be called to the theme of human rights defenders. The missions do not have access to dedicated funding for supporting human rights defenders. (For more information about Finland's funding in the UN, see section 6.3.)

“Human rights defenders are actively taken into consideration in all possible addresses, and we keep it in mind to highlight their position more than before. We have become aware of how few advocates they have and the need to be active in this issue.”

Issues related to human rights defenders have more prominence each autumn during the sessions of the UN's Third Committee in New York. All resolutions on human rights defenders are then up for discussion, and "attempts are made to include the protection of human rights defenders in all resolutions to which it is in any way relevant". Every two years, the Third Committee discusses an actual resolution on human rights defenders, most recently in autumn 2017. In Geneva, the theme of human rights defenders is also on the agenda during the Human Rights Council's sessions. NGO representatives are met in Geneva, especially in the period leading up to the UN's Universal periodic reviews (UPRs). At that time, information on human rights defenders' situation in the state under review is obtained, and if necessary, Finland will bring up improving civil society's ability to operate in its recommendations to this state.

“Perhaps we have now been more active about taking the floor in the UN, brought up issues related to the freedom of speech and human rights defenders, and after a long interval, also addressed the General Assembly about the freedom of speech and human rights defenders, but no dramatic change has taken place during this government period.”

The interviewees found that while Finland has not been especially active regarding human rights defenders in recent years, this theme has met with such a degree of opposition within the UN that the EU and countries supporting human rights defenders have been obliged to call more attention to it. (For more information on human rights defenders in the UN, see pp. 19–21.)

“Many countries’ attitudes have become more conservative in general. They have much stricter views of how civil society can participate and express its opinions and what freedoms states wish to allow for their internal stakeholders. And this is reflected in the talks about resolutions.”

“This is part of a larger trend. In earlier years, for example, there were very few hostile amendments, but in June there were already fifty. In other words, the change has been dramatic, and there is a kind mass production of amendments to resolutions going on, which is an indication of organised resistance.”

“Those who cooperate with the UN’s human rights bodies become targets for reprisals. This also comes up continuously in the Human Rights Council where, led by the EU, NGOs’ rights to participate in the actual sessions and the talks on resolutions are being defended. It is vital that [the NGOs] can also participate in the negotiations on resolutions and take the floor in them. Some countries question this possibility, and [the right to participate] is now quite concretely being defended in the negotiations.”

“We have also seen in concrete terms that some of the NGOs are not allowed to travel to participate in these discussions, in which case larger organisations represent them.”

Finland has supported the participation of indigenous peoples, in particular, in UN activities over the long term. For example, Kai Sauer, Finland’s permanent representative to the UN, has served as an adviser to the chairman in the 70th and 71st sessions of the General Assembly in a process aiming to promote the participation of indigenous peoples’ representatives and institutions in UN meetings on indigenous peoples. Finland is also a long-term funding provider for the Voluntary Fund for Indigenous Peoples (VFIP),¹¹⁷ which supports the participation of indigenous peoples’ representatives in UN meetings.

Finland mainly operates in the UN as part of the EU, which means that EU Member States’ positions, and exerting influence on them, are of key importance. The EU countries usually present an extremely united front in issues related to human rights defenders in the UN, as the freedom of speech and the freedom of assembly are particular priorities for a number of EU countries. The generally dialogical approach of the Union’s activities is considered as an advantage for the EU in UN work. “We like to negotiate, we don’t go in for playing games with the votes.”

“Fortunately, the EU has been very strong in this [theme of human rights defenders], and we have received good support from the Union and also provided support [for the EU].”

117 <http://www.ohchr.org/EN/Issues/IPeoples/IPeoplesFund/Pages/IPeoplesFundIndex.aspx>

As the questions associated with human rights defenders are currently particularly difficult in the UN, efforts to improve the effectiveness and efficiency of the activities have also been initiated within the EU. In the field of EU cooperation, the goals include improving know-how of the Human Rights Council's rules of procedure to give the Union better possibilities for defending resolutions on such issues as human rights defenders. The efforts to upskill the diplomatic corps aim at maintaining a constant preparedness to act, facilitating a more streamlined response to different situations.

“Expressing an opinion, rather than remaining silent, sends an important signal to the human rights defenders who are observing the meetings.”

In addition to the EU, the Nordic countries are also an important reference group for Finland in the UN. Nordic cooperation in issues related to human rights defenders is described as smooth and close. The Nordic countries' active approach to this theme is underlined by Norway's role in leading the debate on a resolution on human rights defenders every two years in New York and every three years in the Human Rights Council in Geneva (including renewal of the mandate of the Special Rapporteur on the situation of human rights defenders).

While there is a willingness to develop the EU's activities in the UN, especially when it comes to human rights defenders, efforts have also been initiated to improve the strategic quality of Finland's activities and the effectiveness of the practices. More attention has been paid to such areas as internal coordination and advance preparation. While the efforts to develop the activities are partly about using the relatively meagre resources to the maximum effect, the forthcoming campaign promoting Finland's election to the Human Rights Council in 2022 also plays a role in any work carried out to raise Finland's profile. While this report was being prepared, Finland's campaign was only in the planning stage, but the idea was to increase Finland's visibility in human rights issues in the UN further. The campaign related to Finland's election to the Human Rights Council also offers an opportunity to give more prominence to human rights defenders' situation.

6.2.3 Supporting human rights defenders in the Council of Europe

Finland has lent strong support to the work of the Commissioner for Human Rights in the Council of Europe, and the priorities of human rights work have included strengthening civil society's role and participation in the Council's activities. Questions relevant to human rights defenders can, for example, be brought up in the Committee of Ministers and different thematic discussions within the Council of Europe. In recent times, Finland has not had specific projects related to human rights defenders, but the Permanent Representation has organised discussions on related themes, including the freedom of expression. (For more information about Finland's economic support channelled through the Council of Europe, see section 6.3.)

From 2016, a representative of the Finnish Ministry for Foreign Affairs has been chairing the Council of Europe Steering Committee for Human Rights' working party on civil society. The main theme of the working party is the shrinking space for civil society, which is mainly approached through the European Court of Human Rights case-law. The working party had its first meeting in October 2016, at which it discussed an extensive report on the impacts of national practices and policies on NGOs and human rights defenders as well as national human rights institutions. Questions related to human rights defenders did not cause particular friction at this session.

While similar clashes concerning human rights defenders have not arisen as in the UN, the civil society's participation is much more limited in the Council's activities than in the UN. Finland thus feels that cooperation and dialogue with NGOs should be stepped up considerably.

The interviewees reported that cooperation between the Council of Europe and the EU has improved recently, and human rights defenders might be an area where this cooperation could be intensified further. Rather than carrying out its internal work through the EU, however, the Council of Europe's member states rely on their national capacity, which is more likely to bring to the fore any differences between them regarding human rights questions. Harsher attitudes towards immigration, for example, have also been reflected in all work conducted in the Council. Consequently, many interviewees have particular concerns over the way in which the system and agreements are called into question in the Council of Europe. Policy differences have also been seen between the Nordic countries, which is a major change to their previous unity in human rights issues. Finnish representatives are increasingly forced to seek for partners on a case-by-case basis, as the group of likeminded countries varies depending on the issue at hand.

As the democratisation process is also a cause for concern in Europe, however, the Council of Europe's role is seen as more important than before. Finland will have an opportunity to exert a stronger influence in the Council while chairing the Committee of Ministers from November 2018 till May 2019. During the Chairmanship period, issues important for Finland can be brought up. While this report was being written, Finland's priorities had not yet been specified, but preliminary information indicates that there will be no major deviations from the traditional themes, including women's rights and the right to participate. It currently looks unlikely that human rights defenders will be a priority during the Finland's Chairmanship.

"Personally, I believe that discussions on European values and their significance in external relations will come to a head both in the EU and in the Member States. Finland should be prepared for the Chairmanship of the Council of Europe, which we will take on in 2018, being more challenging than expected."¹¹⁸

118 Opening speech of State Secretary Peter Stenlund at the Ambassador's conference on 22 August 2016. http://valtioneuvosto.fi/artikkeli/-/asset_publisher/valtiosihteerin-peter-stenlundin-avauspuheenvuoro-suurlahettilaspaivilla

6.2.4 Supporting human rights defenders in the OSCE

Finland has focused on the status of civil society and human rights defenders in the OSCE for many years. Finland chaired the OSCE's Human Dimension Committee in 2016. In September 2016, Finland organised a seminar on human rights defenders' situation to give this theme more visibility in the OSCE. During its Chairmanship, Finland's priority was promoting the rights of persons with disabilities and, in particular, their right to participate in societal decision-making and activities.¹¹⁹ In connection with the Human Dimension, Finland's goal is enhancing the implementation of the human dimension commitments and promoting NGOs' significance and participation in the human dimensions work. Particular priorities include women's rights and participation, the rights of persons with disabilities, respect for fundamental rights and non-discrimination.

In addition to exerting political influence, Finland supports the OSCE through project funding. While no specific projects related to human rights defenders have been under way in recent times, other projects have had indirect links to supporting human rights defenders, including those aiming to strengthen the status of civil society. The geographic focus of Finland's project cooperation in the OSCE is on the poorest countries of Central Asia and Ukraine. (For more information about Finland's economic support channelled through the OSCE, see section 6.3.

The weekly session of the OSCE Permanent Council discusses individual topical cases, including the situations of journalists and human rights defenders. These cases are usually brought up by the United States, and the OSCE countries are thus also wondering if the United States' policies will change under the current administration. The theme of human rights defenders is highly political in the OSCE, as it is in the UN.

All OSCE decisions are made by consensus, and when addressing particularly difficult topics, correct tactics and procedures must be carefully considered. Different side events, in the organisation of which no consensus is required, are useful for promoting human rights themes. For this reason side events can be organised even on a fast schedule, making it possible to tackle highly topical issues. In addition, the OSCE Office for Democratic Institutions and Human Rights (ODIHR)¹²⁰ can be influential in issues that would be difficult to get onto the OSCE countries' joint agenda. Human rights defenders have a strong role in ODIHR activities. For instance, the Office organises trainings for human rights defenders on security issues, and published guidelines on supporting human rights defenders in

119 OSCE Office for Democratic Institutions and Human Rights (ODIHR) press release on the side event on the Participation of Persons with Disabilities in Political and Public Life organised by Finland together with Russia, the United States and ODIHR in Warsaw, 20 September 2016. <http://www.osce.org/odihr/265851>

120 <http://www.osce.org/odihr>

2014.¹²¹ Finland has been one of the most important providers of voluntary funding for the ODIHR for years

6.2.5 Case-by-case action in acute situations

A human rights defender may occasionally face such a dangerous or threatening situation that he or she needs support and protection without delay. Action in these situations is discussed specifically in the Finnish guidelines. The Finnish human rights action plan 2013–2015 also contains the objective of “using the means at Finland’s disposal to offer protection for human rights defenders, also in urgent situations where the risk of a human rights violation is evident”.

The guidelines stress that the first step should always be attempting to influence the administration of the country in question. In some cases, however, international attention may afford additional protection for a human rights defender. The guidelines state that in all cases, the human rights defender’s personal assessment of the situation and the best way to act – silent diplomacy or public action – should be taken into consideration.

Fleeing their country usually is the final option for human rights defenders. They prefer to find safety within their own country or in its neighbouring regions. They usually do not wish to leave their home countries, as they prefer to continue their work for as long as possible, and operating from outside the country is challenging. Parting from their families and loved ones naturally also is difficult. Additionally, leaving the country is not their preferred option because their possibilities of returning are often uncertain. For this reason, human rights defenders usually do not wish to apply for asylum, even if they often meet the criteria for being granted international protection and asylum.

According to the Finnish guidelines, EU cooperation should mainly be relied on in extreme cases, for example when a human rights defender’s life is at risk. Secure channels should also be used to inform Helsinki of the situation. The long-term policy has been that if a human rights defender has ties to Finland, such as relatives already living in the country, national action and possibly help with entering Finland is a possibility. However, case-by-case discretion and broad-based consultation within the Foreign Service and with such actors as the Finnish Immigration Service are strongly underlined in these situations. The guidelines stress that asylum must always be applied for from within Finnish territory rather than from a Finnish mission.

“If the person had links to Finland, we were prepared to undertake an enormous amount of work, but if not, we would find out which country would be the best choice for handling the matter and supporting the person.”

121 Guidelines on the Protection of Human Rights Defenders (2014) the OSCE Office for Democratic Institutions and Human Rights (ODIHR). <http://www.osce.org/odihr/guidelines-on-the-protection-of-human-rights-defenders>

“Typically, if somebody comes to Finland for help, they have links to our country. They have family members in Finland, or a relative has a permanent residence permit there. In a way, it is not up to us. There have always been a few cases like this, but their number has perhaps increased slightly in recent years, coming up maybe a couple of times a year.”

“Sometimes people ask for refuge in Finland. These cases are examined individually. The decision is made based on the information available in each individual case. NGOs can often provide information that we do not have access to. And of course, the EU delegation may have a view of what action should be taken in the matter if we do not have a clear idea of what we should and could do. Partner countries may also help us if they have had similar cases.”

Visas are only mentioned in the section on inviting human rights defenders to human rights events organised in Finland. The guidelines recommend that in this case, the ministry and the mission should be contacted in good time about visas to ensure that they can be processed smoothly. One of the goals of the Human Rights Action Plan of the Foreign Service of Finland 2013–2015 was that visa officials are instructed to pay particular attention to human rights and the situation of human rights defenders. So far, issues related to human rights defenders have not been addressed separately in the training of such employees as visa officials.

Finland does not have particular mechanisms in place for hazardous situations affecting human rights defenders. Neither do the guidelines make any reference to issuing emergency visas. Finland does not have particular rules applicable to human rights defenders for issuing visas or granting residence permits or asylum. In individual cases, however, visas are issued to human rights defenders free of charge or in a fast-track process, for example when defenders intend to participate in events held in Finland.

According to the interviewees, a few persons defined as human rights defenders are helped with entering Finland every year, at least to find temporary shelter. Cooperation with Finnish NGOs is typical in these cases, and the request for help may be received specifically through Finnish or foreign NGOs.

“When someone is in need of protection in an acute situation, if it only is technically possible and we receive the visa application and know what it is all about, we can work very quickly if necessary, and at least when it comes to the visa, make sure that the person can flee the country for Finland within two or three days.”

“If we know the person and are aware of their background, we attempt to ensure that they have a valid visa and can leave the country if necessary. This has happened quite often in recent years; people find it best to leave the country on a very short notice.”

“If necessary, we have procedures for protecting a person deemed a human rights defender if they can no longer return to their home country. In other words, we will protect them if needed. We also have had individual cases over the years where temporary shelter has been offered.”

In practice, these activities have been possible within the limits of the current statutes in individual cases. The interviews indicate that in acute situations, the willingness to act and capabilities of the mission staff, especially the ambassador, also play a role. Managing individual cases may sometimes require creativity and resourcefulness, and on the other hand, they take up a lot of resources in proportion, especially in small missions.

Acting silently and behind the scenes is often desirable, especially in acute and extreme individual cases. There are several reasons for remaining silent. The desire to protect a human rights defender is a key justification. In some cases, publicity may put a human rights defender in a worse position than ever and jeopardise any plans to protect him or her. Silence may sometimes also be a way of safeguarding Finland’s relationship with a country whose citizen the human rights defender is.

The third reason for keeping the cases and actions out of the public eye is a fear that publicity would encourage a considerably higher number of human rights defenders to turn to Finland for support. Many interviewees expressed their concern over this, noting that Finland would not have the capacity for taking more extended action in emergencies associated with human rights defenders. If a specific public policy were created for helping human rights defenders at risk, the criteria for selecting those to be supported also emerged as a worry.

“If we are informed of a person who needs concrete protection, we see what we can do. Finland as an individual country cannot often do very much, but we can be part of a group of likeminded countries, in which everyone can have their own role. A precondition for this type of action is that the Ministry for Foreign Affairs is familiar with the agreements and that people have a real possibility of taking action.”

“The ministry leadership and foreign policy leaders should have enough understanding and wisdom to perceive that if you base your work on universal values, sometimes you must act to protect individual people and take risks. This would require an awful lot more capabilities and competence and bravery and determination than what we currently have readily available among public officials and politicians.”

“If we for some reason received a high number of very similar requests for help, how on earth could we select the cases that should be helped? In practice, we have not had such a situation, and we receive very few requests. But if this practice became public, somebody who had not thought of asking for help would experience the situation as very unfair if another person had received help. I don’t know how you could justify helping one person and declining to help another. This is an addi-

tional reason for keeping a low profile, as it is impossible to have a specific policy on an issue like this."

"The incidents in [name of the country removed] are such high-profile and demanding cases that they have nothing in common with basic situations. They require an understanding of a whole different level, and we do not have the capacity for this."

The EU Guidelines on Human Rights Defenders urge the Member States to issue human rights defenders special visas or to consider creating other protection mechanisms. The EU Action Plan on Human Rights and Democracy 2015–2019 calls for the Member States to share best practices, among other things concerning temporary shelter mechanism and emergency visas for human rights defenders.¹²²

Finnish human rights organisations, on the other hand, have for several years suggested that Finland should issue visas to human rights defenders in a fast-track procedure or, as a basic rule, multiple entry visas that would enable a flexible exit from the country when the threat becomes overbearing.¹²³ Issuing humanitarian visas to human rights defenders has also often been brought up as a good possibility for offering shelter.¹²⁴

The Schengen visa regulations and the criteria for granting asylum and subsidiary protection applicable to Finland are laid down by EU Directives, but national procedures can also be adopted in addition to them. The actual practices of both issuing visas and granting asylum vary from one Member State to another. Based on the interviews, few authorities see a need for changing these practices, as the current rules and practices already include the possibility of supporting human rights defenders where necessary. For example, the visa processes are considered flexible and fast enough to render a separate process or visa for human rights defenders unnecessary. The asylum regulations currently also contain criteria on which a human rights defender can be granted asylum in Finland if required.

The message of the EU Guidelines and Action Plan on Human Rights to the Member States is that each state should examine the need for separate visa

122 EU Action Plan on Human Rights and Democracy (2015) Council of European Union. https://eeas.europa.eu/sites/eeas/files/eu_action_plan_on_human_rights_and_democracy_en_2.pdf

123 International Human Rights Advisory Board's position on renewing visa practices for human rights defenders, 7 May 2014. <http://formin.fi/public/default.aspx?contentid=305739&contentlan=1&culture=fi-FI>

124 A humanitarian visa may be issued to a person who does not meet the criteria for a visa but who needs protection for humanitarian reasons. Under the valid visa regulations (Article 19), an EU Member State may currently already issue a humanitarian visa. Applying this rule is a national decision, however, and the Member States have no obligation to issue humanitarian visas. According to a report from 2014, 16 Member States issued humanitarian visas, or had issued them on a previous occasion. The grounds for issuing humanitarian visas have varied in different countries. Some have applied visa types specified in the Schengen rules, while others have issued national visas (so-called D visas). [http://www.europarl.europa.eu/RegData/etudes/BRIE/2016/556950/IPOL_BRI\(2016\)556950_EN.pdf](http://www.europarl.europa.eu/RegData/etudes/BRIE/2016/556950/IPOL_BRI(2016)556950_EN.pdf); <http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex:32009R0810>

procedures and protection mechanisms for human rights defenders. This is also stressed by NGOs working to support human rights defenders. The need for specific mechanisms is justified by the fact that the situation of human rights defenders has deteriorated everywhere, and the need for protection has thus grown. At the same time, NGOs argue that access to EU territory has become more difficult due to the refugee situation in recent years. The more stringent asylum policy unavoidably also has impacts on the protection afforded to human rights defenders.

Finland is rarely a first-choice destination for human rights defenders seeking for shelter, and the number of cases is currently very low. This situation may change somewhat as Finland embarks on its following term of EU Presidency in 2019. The interviewees believe that the Presidency always gets so much more publicity that the number of requests for support may grow. This situation is difficult to predict, but we should at least be aware of the potential change and, if necessary, prepare to receive more requests.

The interviews with actors within the Foreign Service also brought up a wish for clearer, harmonised and more specific practices of protecting human rights defenders. Especially those who had managed acute cases would welcome additional instructions. Situations where a human rights defender did not have a link to Finland as referred to in the guidelines were experienced as ambiguous. The lack of clarity in the guidelines has in some situations caused uncertainty and anxiety among mission staff, as they did not know how to help a person who was at a great risk.

“Some sort of clear instructions would be needed. If the person has some association with Finland, it is easier to act, and we know whom to contact and how to proceed. When we receive requests for help that are not related to Finland, it is unclear when and how Finland could help, as there are no clear instructions for these situations.”

Clearer instructions are often associated with the idea that support would automatically be provided. A clearer operating model would not on its own remove the requirement of case-by-case discretion, but at best, it could help the missions and other relevant ministerial staff to act in difficult situations. Each case is certain to be very different and always require an individual assessment. The missions already called for more detailed instructions on protecting human rights defenders when the Finnish guidelines were being prepared, but incorporating them in public guidelines was not possible. Perhaps more specific instructions could be provided within the Foreign Service.

This topic appears to be rather sensitive, as it is easily confused with the discussion on asylum policy and demands for more stringent policies on entering the country. However, we should remember that these cases only come up a few times a year, and not all of them are about the relevant persons' intention to stay in Finland permanently. Many of those who contact Finland for help may already

have links or ties to the country, which prompt them to turn to Finland specifically. For more information on this topic, see Chapter 8, which discusses the protection mechanisms offered for human rights defenders in detail.

6.2.6 Business and human rights defenders as an emerging theme

The Finnish guidelines on supporting human rights defenders make no reference to companies and their role in the context of human rights defenders' activities. However, companies and Finland's trade policy came up in almost all of the interviews. In development cooperation, some general progress has been made in developing a human rights based approach. The extent to which human rights are taken into account in funding instruments for development cooperation targeted at the private sector and in Finland's trade policy and export promotion, however, remains a greater question mark.

Business has a number of links with human rights defenders' activities and situation. In a positive sense, cooperation between companies and human rights defenders may improve a company's track record in human rights questions and, for example, help resolve disputes between the local population and companies. The importance of cooperation is today strongly underlined in development cooperation and civil society activities in general. The Finnish Ministry for Foreign Affairs urges NGOs to step up their cooperation with the business community, and in the UN, for example, the advantages of collaboration with companies are increasingly stressed. It is also now hoped that companies could make up for NGOs' funding shortfall as many governments have cut their support to them considerably. It is also the aim of the Finnish Ministry for Foreign Affairs to reduce civil society actors' dependence on central government funding in the future. While companies' resources thus offer many NGOs an opportunity to continue their work as other support is dwindling, careful consideration of the nature of this cooperation is necessary, especially when it comes to human rights defenders.

Unfortunately, companies often also are among those who threaten human rights defenders. Especially defenders of land and environmental rights and workers' rights have been subjected to harassment by companies in many countries.¹²⁵ In recent years, suing human rights defenders, making appeal to such offences as defamation or sabotaging business, has become a more common form of harassment. Whereas the trial costs are insignificant for major companies, they often are almost impossible for human rights defenders to meet. Such stakeholders as the UN Special Rapporteur on the situation of human rights defenders have expressed particular concern over companies' actions against human rights defenders, and he intends to publish a report on threats and attacks coming from

125 Annual Report on Human Rights Defenders at Risk 2016, (2017) Front Line Defenders. <https://www.frontlinedefenders.org/en/resource-publication/annual-report-human-rights-defenders-risk-2016>

companies in the next few years.¹²⁶ In 2016, the UN Human Rights Council adopted a resolution on protecting human rights defenders addressing economic, social and cultural rights. It stresses not only states' responsibility to protect them but also companies' duty to respect their work. Rather than hindering human rights defenders' activities, companies should have meaningful consultations with the defenders on human rights issues relevant to their business or development cooperation projects.¹²⁷

Finland's trade policy and support for human rights defenders prompted a lot of reflection and even serious concerns in interviews with both Foreign Service representatives and external actors. Most of the interviewees found that the work is still being carried out in silos: while human rights defenders are supported in some countries, trade policy is prioritised at the cost of human rights in others.

"Only when something bad happens, such as the murder of Berta Cáceres, trade promoters wake up to these issues."

"Trade interests silence voices."

"Finnish export promotion is completely two-faced, it has no logic, we have not noticed that human rights would be a priority for Finland in any way."

"I was recently part of a trade mission, but these issues [human rights and the situation of human rights defenders] did not come up at all."

"In Team Finland work, human rights do not really come up. We do continue to mention them in the background documents, but it is rare for them to be brought up in the end. The party we are in talks with is naturally not always the right one to deal with these issues, as the meetings focus on ministries of trade and industry, but of course the message should always be made clear at the level of political leadership. And certainly the Minister of Trade and Industries in any country can take the matter further to the rest of the government."

The Team Finland network promotes Finnish companies' international activities and provides a framework for central government funded actors and services promoting the globalisation of companies, foreign investment directed to Finland and Finland's country brand. Finland's National Action Plan for the implementation of the UN Guiding Principles on Business and Human Rights (2014) notes that "the Team Finland network should also be more effectively developed to assist companies in understanding, taking notice of and managing human rights

126 Report of the Special Rapporteur on the situation of human rights defenders (2017) A/HRC/34/55, Human Rights Council, United Nations, s. 5. <https://documents-dds-ny.un.org/doc/UN-DOC/GEN/G17/011/75/PDF/G1701175.pdf?OpenElement>

127 Protecting human rights defenders, whether individuals, groups or organs of society, addressing economic, social and cultural rights, Resolution adopted by the Human Rights Council on 24 March 2016 - 31/32, A/HRC/RES/31/32. http://ap.ohchr.org/documents/dpage_e.aspx?si=A/HRC/RES/31/32

issues, particularly in areas where human rights risks are considerably high.”¹²⁸ Finnish diplomatic missions play a key role in Team Finland activities, as they produce country information for the companies and are involved in organising trade missions among other things.

Issues relevant to corporate social responsibility and the role of human rights in trade policy will be increasingly important in the missions’ activities in the future. In April 2017, the Ministry for Foreign Affairs announced that the heads of missions will carry more responsibility for companies’ export promotion and internationalisation in the future. The importance of export promotion in the embassies’ work will be increased by such steps as strengthening the ambassadors’ role as country managers of the entire Team Finland efforts. This change is part of the Team Finland reform initiated in autumn 2016.¹²⁹

Increasing emphasis on trade policy in the missions’ role was also discussed in State Secretary Peter Stenlund’s speech at the ambassadors’ annual meeting in August 2016:

“EU issues and trade policy: two priorities both old and new. In earlier years we, along with many countries in our reference group, have found that economic diplomacy is rising and gathering momentum at the cost of traditional diplomacy. Economic diplomacy, or promoting Finland’s economic interests especially outside Europe, has indeed strengthened gradually and step by step, for example within the framework of Team Finland cooperation.”¹³⁰

In the face of this change, it is increasingly important to consider what role human rights and human rights defenders will play in relation to trade policy and export promotion and how this will be reflected in the missions’ activities. Currently, some missions have addressed human rights issues in such connections as information packs intended for companies, but based on information obtained for this report, these activities do not yet appear to be particularly extensive and systematic. However, the interviewees felt that better inclusion of human rights aspects in the country information was very important.

“We have exerted ourselves to provide country information for companies on the Finnpartnership website, and in this context, we have also attempted to highlight human rights issues.”

128 National Action Plan for the implementation of the UN Guiding Principles on Business and Human Rights, publications of the Ministry of Economic Affairs and Employment 44/2014. <https://www.google.ie/url?sa=t&rct=j&q=&esrc=s&source=web&cd=1&ved=0ahUKEwi8haaFmfjZAhUIWsAKHWbkCYMQFggmMAA&url=https%3A%2F%2Ftem.fi%2Fdocuments%2F1410877%2F3437254%2FNational%2BAction%2BPlan%2Bfor%2Bthe%2Bimplementation%2Bof%2Bthe%2BUN%2Bguiding%2Bprinciples%2B21102014.pdf&usg=AOvVaw3LApVeGiK1tZXS-jwES2Ds>

129 Tekes ja Finpro yhdistetään, ulkoministeriön rooli vienninedistämisessä vahvistuu, 28 March 2017. http://team.finland.fi/artikkeli/-/asset_publisher/1410877/tekes-ja-finpro-yhdistetaan-ulkoministerion-rooli-vienninedistamisessa-vahvistuu

130 Opening speech of State Secretary Peter Stenlund at the Ambassador’s conference on 22 August 2016. http://valtioneuvosto.fi/artikkeli/-/asset_publisher/valtiosihiteeri-peter-stenlundin-avauspuheenvuoro-suurlahettilaspaivilla

The Finnpartnership, which is funded by the Ministry for Foreign Affairs and administrated by Finnfund, supports and advises companies in issues related to doing business in developing countries.¹³¹ The Finnpartnership website contains information on corporate social responsibility in general and in the specific context of certain countries.¹³² Finnfund, which finances business activities in developing countries, also addresses corporate social responsibility and human rights issues on its website. In recent years, serious incidents associated with human rights defenders have been linked to its activities, including the murder of human rights defender Berta Cáceres in Honduras in 2016.¹³³ Foreign Service actors would like to have more information about business projects supported by Finnfund, for example, to be aware of any problems associated with its activities in an early stage.

"I still don't know what projects are supported, for instance through Finnfund, in our regions. However, we end up tidying up the mess if the activities supported by it result in any problems."

"I would like to see more information exchanged about development funding activities. The missions should be able to obtain more information about development investment projects in [name of the country removed] from Finnfund, for example, preferably already before the project has been initiated, but at the latest once it has been launched. This way, the mission could make its local knowledge available and also prepare for any bad publicity if the project ends up having negative impacts on human rights. Highly complex questions may be associated with major energy and mining projects, for instance."

A mediation mechanism to support conflict resolution between defenders and companies

Companies are increasingly interested in questions related to corporate social responsibility and human rights, as their activities are monitored more closely and, on the other hand, responsible enterprising is more frequently seen as a factor that supports business. The status of civil society is one of the criteria based on which the business environment in a country is assessed.

In 2016, the International Service for Human Rights' (ISHR) International Corporate and Accountability Roundtable (ICAR) published a guide on how human rights defenders can be taken into account in national action plans on business and human rights.¹³⁴ ISHR has also produced a toolkit to help human rights de-

131 Finnfund and Finnpartnership are part of the Team Finland network.

132 <https://finnpartnership.fi/fi/finnpartnership/kehitysvaikutus/>

133 See e.g. Finnfund keskeyttää rahoituksen Hondurasin patohankkeelle, Helsingin Sanomat 16 March 2016. <http://www.hs.fi/ulkomaat/art-200002891584.html>

134 Human Rights Defenders in National Action Plans (NAPs) on Business and Human Rights (2016) International Service for Human Rights, International Corporate Accountability Roundtable. https://www.ishr.ch/sites/default/files/documents/ishr_icar_hrds_in_naps_guidance_eng.pdf

fenders working together with companies.¹³⁵ The Business & Human Rights Resource Center, on the other hand, collects information on human rights defenders who have been exposed to various threats or lost their lives in connection with cases associated with companies on its website. The website also publishes good news about companies that have promoted human rights in their activities.¹³⁶

One of the objectives of Finland's National Action Plan on Fundamental and Human Rights 2017–2019 is strengthening a human rights-based approach in Finland's public funding instruments for the private sector. For this purpose, the Ministry for Foreign Affairs "will carry out a project where tailored training is offered on the implementation of the human rights-based approach in connection with 3 to 6 public funding instruments with development impacts." The aim is to strengthen the realisation of the UN Principles on Business and Human Rights in funding instruments for the private sector. Efforts have already been made to pay more attention to human rights issues, for example in Finnfund activities. In 2016, Finnfund developed a separate tool implementing the UN Principles on Business and Human Rights for assessing human rights impacts.¹³⁷

The Canadian guidelines on human rights defenders address companies' activities and corporate social responsibility as part of supporting human rights defenders. Canada also has an adviser in corporate social responsibility issues who can serve as a mediator in conflicts between companies and local communities.¹³⁸ Some mandate or mediation mechanism of this type has also been considered in Finland in different contexts. The Finnish NGO Finnwatch has proposed the creation of a process for human rights defenders, companies and other stakeholders in a dispute, which could be used to solve problems before they escalate and may become serious. These cases would mainly involve situations where one party is a Finnish company operating in a third country and/or a Finnish human rights defender. In these situations, the missions abroad could have a role in convening and, as far as possible, facilitating the meeting. This proposal appears worth considering, as Finland already has strong expertise in conflict resolution which could also be relied on to resolve conflicts between companies and human rights defenders. This idea needs to be developed further, however.

Experiences of good cooperation between human rights defenders, a Finnish mission and a Finnish company were gained in Thailand, where British migration rights activist Andy Hall, who reported serious human rights problems in a Thai company to the Finnish Finnwatch organisation, was sued because of his activities. Since 2013, the company has initiated a number of proceedings against Mr Hall. In September 2016, Mr Hall was sentenced to a two years' suspended

135 A Human Rights Defender Toolkit for Promoting Business Respect Human Rights (2015) International Service for Human Rights. http://www.ishr.ch/sites/default/files/article/files/ishr_hrd_toolkit_english_web.pdf

136 <https://www.business-humanrights.org/en/bizhrds>

137 Annual report 2016, Finnfund. <https://annualreport.finnfund.fi/2016/vastuullisuus/ihmi-soikeudet>

138 Voices at risk: Canada's guidelines on supporting human rights defenders (2016) Government of Canada. http://international.gc.ca/world-monde/issues_development-enjeux_developpement/human_rights-droits_homme/rights_defenders_guide_defenseurs_droits.aspx?lang=eng

prison sentence and fines, among other things for defamation of the company and a computer crime. In addition to Finnwatch, a representative of the Finnish S Group gave evidence in favour of Mr Hall in court. The S Group had procured pineapple juice from the Thai company and, due to the problems brought to their attention, proposed an external audit to the company. As far as is known, this was the first time a company gave evidence in a trial against a human rights defender.¹³⁹

The Finnish mission in Thailand has supported Mr Hall, for instance by observing his trials and drawing attention to the case in different contexts. The cooperation between Finnwatch, the S Group and the mission has been widely praised and considered an extremely good practice. While Finland has not commented on the case politically, the European Parliament issued a resolution on Mr Hall's situation in October 2016.¹⁴⁰ The case has attracted a lot of international interest, and it has been cited both as a sad example of human rights defenders' judicial harassment and a good example of collaboration between a company and other actors in support of a human rights defender.¹⁴¹

6.3 Economic support for human rights defenders

The Finnish guidelines refer to funding instruments for development cooperation, the Local Cooperation Funds (LCF), and funding for the human rights and democracy work of international non-governmental organisations (INGO) in the context of economic support for human rights defenders.¹⁴² Finland has no funding allocated specifically to supporting human rights defenders, but funding for this theme is included in one way or another in a number of different support forms, or it has been selected as a priority in the calls for applications of certain funding instruments.

As the funding for human rights defenders is scattered between several different instruments and partly "hidden" in projects that derive their names from other themes, getting a full picture of it is difficult. Additionally, different types of funding are administrated by different units of the Ministry for Foreign Affairs. Based on information obtained for this report, the amount of economic support for development cooperation has declined, especially since the development budget was cut by about 40% in 2015, but other funding available for supporting human rights defenders has remained more or less unchanged in recent years or increased somewhat. In the government budget session of autumn 2017, an increase of EUR 9.5 million was promised in the funding for development coop-

139 For more information about the case, see e.g. *Suomalaistodistajat selvittivät ananasmehukohua thaimaalaisessa oikeudessa*, Yle 12 July 2016. <https://yle.fi/uutiset/3-9020876>

140 European Parliament resolution of 6 October 2016 on Thailand, notably the situation of Andy Hall (2016/2912(RSP)).

141 For more information on the case, see e.g. <https://business-humanrights.org/en/andy-hall's-case-shows-the-best-and-worst-of-corporate-behaviour-on-civic-freedoms>

142 Public Guidelines of the Foreign Ministry of Finland on the implementation of the European Union Guidelines on Human Rights Defenders (2014) Ministry for Foreign Affairs, Jyväskylä: Grano Oy. <http://www.formin.fi/public/default.aspx?contentid=323943>

eration in 2018, of which amount EUR 5 million would be channelled to Middle East and African countries, especially for improving the status of women and girls.¹⁴³ However, more accurate and comprehensive information than what it was possible to obtain for the purposes of this report would be needed to assess the changes in the funding reserved specifically for supporting human rights defenders.

Support channelled through international organisations

Issues related to human rights defenders play a major role in the activities of the UN, Council of Europe and OSCE. Finland's Permanent Missions to the UN in New York and Geneva have no funding instruments for supporting human rights defenders at their disposal. Funding for the UN in general, and especially support for the Office of the High Commissioner for Human Rights and thus the Special Rapporteur on the situation of human rights defenders, can be regarded as indirect support for human rights defenders. In 2016, Finland's support for the Office of the High Commissioner for Human Rights amounted to EUR 2,220,000. This amount went up slightly in 2017, and in total, EUR 2,550,000 of support was directed to the Office. In 2016–2017, EUR 50,000 of this support was allocated to the Voluntary Fund for Indigenous Peoples (VFIP), which supports the right of indigenous peoples' representatives to participate in the UN.

While Finland also provides significant support for different projects related to human rights defenders in the Council of Europe, Finland's Permanent Representation does not have separate funding for supporting human rights defenders, and in recent years, there have been no projects directly related to defenders. However, such projects as Finland's support for democracy training provided for Ukrainians and Russians can be regarded as support for human rights defenders.

Finland finances OSCE activities through voluntary and project funding, supporting the organisation's Human Dimension work and various projects related to human rights. In recent years, there has been no funding with direct relevance to human rights defenders, but many projects are linked to civil society's general ability to operate and, for example, the possibilities of minorities and women to participate in political and societal debate. Finland is also one of the largest voluntary donors to the OSCE's Office for Democratic Institutions and Human Rights (ODIHR).¹⁴⁴ Supporting human rights defenders is one of the priorities of ODIHR's activities.

Support for international non-governmental organisations (INGO)

Finland also supports human rights defenders by funding international non-governmental organisations (INGOs). INGO support is handled by several units of the Ministry for Foreign Affairs, especially the Unit for Human Rights Policy and the Department for Development Policy's Unit for Civil Society.

¹⁴³ <http://formin.finland.fi/Public/default.aspx?contentid=365862&contentlan=1&culture=fi-FI>

¹⁴⁴ <http://www.osce.org/odihr>

In 2016, the themes of the call for applications for INGO support administrated by the Unit for Human Rights Policy were impunity and human rights defenders. Rather than featuring as a specific theme, support for human rights defenders has previously been integrated in other themes of INGO support. The emphasis on human rights defenders partly represented a desire to implement Finland's guidelines on human rights defenders while also responding to increasing international concerns over defenders' situation. The application criteria were underpinned by the policies of Finland's Development Policy Programme on the one hand, but the goals also responded to human rights policy objectives on the other. The objective was finding NGOs which could operate as strategic partners for the Ministry for Foreign Affairs and whose activities would cover both the grass-roots and international level. In recent years, attempts have been made to centralise the INGO support to fewer organisations, making it possible to increase the support amounts and project durations. This is believed to improve the sustainability of project outcomes.

The Geneva-based International Service for Human Rights (ISHR),¹⁴⁵ which Finland has also funded in earlier years, was selected as one of the beneficiaries for support related to human rights defenders. EUR 750,000 of general support over three years was granted to this organisation. ISHR prioritises protecting human rights defenders and especially security issues in its work. Among other things, ISHR supports the activities of other NGOs, invites their representatives to visit Geneva and provides training for diplomats working in Geneva. The organisation also provides support and training for NGOs in developing countries.

Another NGO selected under the theme of human rights defenders is Defend Defenders,¹⁴⁶ which works to support human rights defenders in several African countries. While this NGO is a new beneficiary, it has previously been supported by the KIOS Foundation, which is funded by the Ministry for Foreign Affairs. Defend Defenders was granted the amount of EUR 400,000 over three years.

While funding related to supporting human rights defenders was only granted to two organisations, the work of other beneficiaries of INGO support also has strong links with defenders. Fédération internationale des ligues des droits de l'Homme (FIDH),¹⁴⁷ for instance, was granted EUR 630,000 over two years for activities associated with impunity, but the organisation strongly supports human rights defenders around the world. In earlier years, Finland has funded FIDH's activities aiming to support human rights defenders. INGO support is also granted to fund such organisations as the International Commission of Jurists (ICJ), which supports human rights defenders by promoting fair trials among other things.

145 <http://www.ishr.ch>

146 <https://www.defenddefenders.org>

147 <https://www.fidh.org/en>

The Human Rights Action Plan of the Foreign Service of Finland 2013–2015 set the goal of Finland joining the Digital Defenders Partnership,¹⁴⁸ which supports human rights defenders' right to freedom of speech on the Internet. Finland did indeed start funding the Digital Defenders Partnership through INGO support in 2015 with the amount of EUR 300,000. The background organisation of the Digital Defenders Partnership is the Freedom Online Coalition¹⁴⁹ composed of the governments of 30 countries. The objective of this coalition is to promote the freedom of the Internet. Finland supports the activities of the Freedom Online Coalition by contributing EUR 10,000 to fund its annual general meeting.

Finland supports the Global Equality Fund established by the United States in 2011. The Fund finances projects promoting LGBTI rights globally. It is administered by the US Department of State together with a network of NGOs and states that provide funding for it. The Fund's Dignity for All mechanism, for example, is specifically intended for providing emergency help for human rights defenders who promote LGBTI rights. In 2014–2016, Finland supported the Fund by EUR 500,000 a year, with 25% of this amount earmarked for Dignity for All activities.

CIVICUS, an organisation monitoring civil society's ability to operate in different countries, has received support from Finland for several years. The latest funding decision concerned a total of EUR 200,000 for 2017–2018. This support was granted for a project titled *World Alliance for Citizen Participation/DataShift 3.0: Using citizen-generated data to drive people-powered accountability*, whose aims include building up civil society's ability to operate.

Strengthening civil society is at the centre of development cooperation support

The development cooperation funded by Finland comprises several projects that have direct or indirect links with supporting human rights defenders. Development cooperation funds are used to support civil society's ability to operate and rule of law development in different ways. The Finnish guidelines on human rights defenders thus highlight development cooperation funding instruments as a key channel of economic support for human rights defenders. The EU Guidelines on Human Rights Defenders also urge Member States to use development cooperation instruments to support human rights defenders.¹⁵⁰

The criteria for support granted by the Unit for Civil Society at the Ministry for Foreign Affairs' Department for Development Policy for Finnish NGOs and municipalities stress strengthening local civil society. Of the unit's funding, 70% to 80% is disbursed as programme support aiming to "support the status of civil societies and their different actors as channels for free civic activity in developing

148 <https://www.digitaldefenders.org>

149 <https://www.freedomonlinecoalition.com>

150 Ensuring protection – European Union Guidelines on Human Rights Defenders (2008) Council of the EU. https://eeas.europa.eu/sites/eeas/files/eu_guidelines_hrd_en.pdf

countries”.¹⁵¹ The call for applications launched in spring 2017 (for 2018–2021) included “the programme’s approach to building up civil society capacity”¹⁵² as one of its assessment criteria. In August 2017, the Ministry for Foreign Affairs published new Guidelines for Civil Society in Development Policy, the starting point of which is the strengthening of civil societies both as a development policy goal and as a tool for achieving other goals of Finland’s development policy.¹⁵³ The guidelines also specifically call attention to Finland’s commitment to defending human rights defenders.¹⁵⁴

The missions play an important role in the selection of projects, as they issue statements on funding applications to the Department for Development Policy on request. The missions’ views thus influence the selections. The missions naturally have a better idea of the local situation and actors, but they also face the problem of not having full knowledge of all projects funded by Finland in the relevant country, as many aspects of the information systems are still undergoing development. Additionally, the different units of the Ministry for Foreign Affairs do not always know which units provide funding for whom, and some of them may even finance the same NGOs or projects. The need to develop information management in the Ministry for Foreign Affairs’ development cooperation has been noted in different contexts, including the performance audit report of the National Audit Office in 2017.¹⁵⁵

The development cooperation projects that were granted support in the latest call for applications (2017–2020) contained no projects related to human rights defenders. While the projects must be human rights based, their emphasis on human rights generally remains rather slight or superficial. However, the Finnish Foundation for Media and Development’s projects promoting freedom of speech and democracy, for instance, have goals that indirectly support human rights defenders.

Of the beneficiaries of programme support, the KIOS Foundation has the clearest emphasis on supporting human rights defenders and disseminating information about their situation in its work. Some of the projects funded by KIOS have direct links with supporting human rights defenders. The other Finnish foundations receiving programme support, or Siemenpuu and Abilis, engage in work related to human rights defenders, at least indirectly, while they do not have specific projects on this theme. Additionally, the work of a large number of other NGOs receiving programme support from the Ministry for Foreign Affairs has interfaces with supporting human rights defenders.

151 Description of programme support instruments: <http://formin.finland.fi/public/download.aspx?ID=167341&GUID={300D5824-8A5E-41E6-988A-65D492A0A242}>

152 Programme support call for applications materials: <http://formin.finland.fi/public/default.aspx?nodeid=50068&contentlan=1&culture=fi-FI>

153 Guidelines for Civil Society in Development Policy 2017, Ministry for Foreign Affairs, Unit for Civil Society. <http://formin.finland.fi/public/download.aspx?ID=170421&GUID={CF20A519-1B3E-4C48-BDE4-1096D7B17BFB}>

154 Guidelines for Civil Society in Development Policy 2017, Ministry for Foreign Affairs, Unit for Civil Society, p. 9. <http://formin.finland.fi/public/download.aspx?ID=170421&GUID={CF20A519-1B3E-4C48-BDE4-1096D7B17BFB}>

155 Tuloksellisuustarkastuskertomus, Monenkeskinen kehitysyhteistyö (2017) Valtiontalouden tarkastusviraston tarkastuskertomukset 6/2017. https://www.vtv.fi/files/5637/6_2017_Monenkeskinen_kehitysyhteistyö.pdf

The funding for development cooperation, in particular, has been cut drastically in recent years, while its focus has shifted from traditional NGO work to supporting business activities. The funding is also increasingly performance-based, and NGOs are expected to collaborate more, both with each other and with companies. Over the long term, the Ministry for Foreign Affairs would like to see the NGOs' dependence on ministry funding reduced, for example through business cooperation. Funding for development cooperation is going through a transition, as the ministry is reforming its policies while the NGOs are attempting to modify and update their activities under increasing funding pressure.

Local Cooperation Funds (LCF)

The Local Cooperation Funds are a development cooperation instrument introduced in 1996 that the Finnish diplomatic missions and Roving Ambassadors can use to support local civil societies or cooperation between Finnish and local private sector actors.

The importance of LCF projects for supporting human rights defenders was stressed in almost every interview. In a survey addressed to the missions in 2014, LCF projects were also cited in all responses in the context of human rights defenders.¹⁵⁶ The importance of the LCF instrument has also emerged in many other connections, including country evaluations of development cooperation and generally when discussing support for civil society. At the Ministry for Foreign Affairs' development policy days in March 2017, the representatives of the Embassies in Ethiopia and Tanzania commended the LCF as a significant instrument for supporting the local civil society.¹⁵⁷

"It is an excellent support form and a powerful instrument for the mission. The LCF is a good channel for exerting influence. Small amounts achieve great results, and it can also be used for sensitive topics. The LCF is quite a creative and flexible instrument, and we have managed to use it boldly."

"The LCF has been a good tool in that it self-evidently forces us to have contacts with human rights defenders in the field. If we only depended on active political dialogue, we would not necessarily get it done, as there is so much other work to do."

The LCF gives the missions a possibility of supporting human rights defenders in the host country through concrete projects. Rather than an obligation, using the LCF is based on the interests and resources of each individual mission. The ambassadors choose the thematic priorities of the LCF at the beginning of their terms of office. While their priorities must be in line with Finland's development policy, their themes can vary according to the situation of each host country and the ambassador's assessment of it.

¹⁵⁶ Villa, Susan (2015) Ulkoasiainhallinnon ihmisoikeuspoliittisen toimintaohjelman (2013–2015) arviointi, Ministry for Foreign Affairs. <http://formin.finland.fi/public/download.aspx?ID=140619&GUID=%7B8EA16078-101F-49C2-AA2E-DB497FEB3B2A%7D>

¹⁵⁷ Pelastetaan kansalaisyhteiskunta, 20 March 2017. <https://www.kepa.fi/uutiset-media/artikkelit/pelastetaan-kansalaisyhteiskunta>

According to an evaluation of the LCF projects carried out in 2008, the funds can be used to support civil society in countries where a difficult operating environment prevents and hampers the use of other types of development instruments. The LCF is thus a particularly good instrument for funding projects related to sensitive themes, including human rights, democracy and good governance.¹⁵⁸ For example, persons interviewed for this report said that the missions have been able to channel support for human rights defenders through a Finnish mission in another country when receiving support in the country in question was too risky. According to the evaluation, the LCF serves the missions' access to information and contacts with civil society organisations extremely well.¹⁵⁹

However, the evaluation notes that the "LCF is a valid instrument for development cooperation when both technical and administrative expertise exists in country missions for using and administering it." The report also criticises the missions for supporting too many individual projects and an excessive variety of themes. In addition to reducing the number of projects, it was recommended that the strategic aspects of the LCF be improved.¹⁶⁰

The conclusions and recommendations of this evaluation were taken into consideration in an LCF Project Coordinator's Manual published in 2016. Investigating the local human rights situation and adopting a human rights based approach have quite a strong role in this manual. The manual refers to civil society in general, with no specific mention of such actors as human rights defenders.¹⁶¹

To get a better idea of LCF projects' role in supporting human rights defenders, a short survey on these projects was e-mailed to all LCF coordinators in the missions. They were asked if the mission has used the LCF instrument to support projects related to human rights defenders in recent years, what priorities the supported projects have had, and how the priorities and amounts may have varied over the years. The survey also contained general questions about the advantages and any problems related to the LCF. Responses were received from 13 LCF coordinators. Some of the diplomatic missions are accredited to several countries, and the responses are thus relevant to the situation in 20 countries. The LCF was also evaluated in greater detail in several interviews, complementing the picture of how the instrument is used in support of human rights defenders.

Five of the missions that responded use the LCF currently, or have used it in recent years, to support projects that are directly associated with supporting or

158 Local Cooperation Funds, Role in Institution Building of Civil Society Organizations, Evaluation Report 2008:2, Ministry for Foreign Affairs of Finland. <http://www.utrikesministeriet.fi/public/download.aspx?ID=35442&GUID={37EE128A-C286-4093-BA14-98B8380FF6B1}>

159 Local Cooperation Funds, Role in Institution Building of Civil Society Organizations, Evaluation Report 2008:2, Ministry for Foreign Affairs of Finland. <http://www.utrikesministeriet.fi/public/download.aspx?ID=35442&GUID={37EE128A-C286-4093-BA14-98B8380FF6B1}>

160 Local Cooperation Funds, Role in Institution Building of Civil Society Organizations, Evaluation Report 2008:2, Ministry for Foreign Affairs of Finland. <http://www.utrikesministeriet.fi/public/download.aspx?ID=35442&GUID={37EE128A-C286-4093-BA14-98B8380FF6B1}>

161 FLC Coordinator's Manual: Recommended Good Practices, Unit for Sectoral Policy, Department for Development Policy, Ministry for Foreign Affairs of Finland, 25.1.2016.

protecting human rights defenders. However, in almost all missions (12), LCF projects had close links with supporting human rights and civil society in general. In particular, women and girls' rights and their participation in society, the rights of persons with disabilities and rule of law emerged as project themes.

As the advantages of the LCF, the respondents considered the following:

- a natural way of liaising with civil society actors
- an opportunity to obtain information from NGOs
- the funds can be used flexibly and they enable fast responses
- visibility obtained for Finland through the projects
- complementing other development cooperation activities
- lighter administrative burden than in other development cooperation projects, and
- supporting civil society and giving it visibility.

Challenges of the LCF included:

- difficulty of finding good NGO partners
- NGOs' poor capacity for project work
- a restrictive operating environment (e.g. laws that restrict or prohibit accepting overseas funding by the NGOs)
- immense amounts of applications compared to the number of selected projects (for example, one mission received more than 2,200 applications in response to a single call, of which 8 could be selected), and
- cutbacks in or suspension of the funds in recent years.

Six respondents reported that the mission no longer has access to LCF. Some missions have indeed had their LCF terminated, and the Department for the Americas and Asia made a decision not to grant LCF funds for the moment in connection with cuts in development cooperation appropriations for 2015. The Department for Africa and Middle East decided that, due to the tight budget framework of appropriations for 2018, no LCF funds will be available in that year, and no LCF applications will be received by the missions in this region. In addition, the appropriations of all missions that responded had been reduced slightly or considerably in the last few years. The cuts in LCF were also cited in several interviews.

“Cutbacks in the LCF funds have partly been due to the large workload but also to a policy change, or a wish to direct all development cooperation funds to the poorest sub-Saharan and Asian countries, but in my opinion, the LCF has been an important instrument in human rights work.”

“Since the beginning of 2016, the mission does not have LCF appropriations, which adds to the challenges of supporting and protecting human rights defenders.”

“A decision to no longer have LCF projects was made at the end of 2014, which deprived us of a mechanism for supporting human rights projects. We no longer had any instruments for it.”

“When the Finnish guidelines [on supporting human rights defenders] were produced, we stressed the importance of LCF support. What are missions that do not have these projects supposed to do about meetings, for example?”

However, the total amount of the appropriation has not declined significantly in recent years. In 2010–2015, its amount varied between approximately EUR 11.5 million and EUR 9.7 million, whereas in 2016, the total LCF amount was EUR 10,435,000. However, the support has been strongly centralised to certain countries. In 2016, the greatest amount of support went to Ethiopia (approx. EUR 3.7 million), Namibia (approx. EUR 1 million), Kenya (approx. EUR 0.6 million) and Zambia (approx. EUR 0.5 million). The total amount allocated to these countries accounts for over one half of the total appropriation.

According to the ministry, the underlying reasons for terminating or suspending the LCF instrument have included not only funding cuts but also the fact that the coordination of LCF projects imposes a heavy workload on the missions and thus ties up a great deal of the staff’s time.

“LCF is a highly labour-intensive support form. The projects are small but numerous, and the amount of money does not affect the administrative burden as such. A local actor’s capacities for administrating a project may also be poor, in which case the mission, which always bears the ultimate responsibility for sorting out problems, must shoulder a higher share of the work.”

The workload caused by project administration was not, however, referred to in particular in the LCF coordinators’ responses. In four responses, the idea of a high administrative workload was disputed or it was not considered a significant factor, and in others, administration was not mentioned at all. Three coordinators found it one of the advantages of LCF projects that their administrative burden was lighter than in other development cooperation projects. The situations naturally vary greatly in different missions depending on how much staff they have and whether they can recruit a specific person who focuses on LCF projects.

In addition to the impacts of funding cuts and lack of resources, the outlook for the LCF is influenced by a strive for a more strategic use of this appropriation in the future. Until recently, the ambassadors have had a great deal of say regarding the priorities of using this appropriation, but according to preliminary discussions, the goal now is to set ministry-led priorities. The ministry would like to see more consistency between the LCF and other funding instruments for devel-

opment cooperation in the future. Based on the interviews, human rights continue to be a high priority in LCF projects, but the current outlook is that there will be no particular emphasis on human rights defenders.

While none of the interviewees suggested that the LCF should be abolished altogether, many contemplated the possibility of developing new types of funding instruments designated for supporting human rights and human rights defenders. This support could be similar to the LCF as an instrument available for the missions, but the interviewees would like to see a more flexible funding method with a lighter administrative burden. Funding that would provide more possibilities for also supporting sensitive projects and human rights defenders in difficult circumstances should be considered. Regarding the funding, the ministry has additionally discussed the use of humanitarian assistance to support defenders, for example in acute cases when a human rights defender needs protection without delay.

“Supporting certain human rights activities could even be dangerous for the actor in question. We have thus wondered in recent times if a more flexible funding mechanism than the LCF could be set up. LCF projects are directly undersigned by the ambassador, and they thus have an immediate link to Finland. Could we find a more streamlined support form for human rights projects?”

A more flexible funding instrument with a lighter administrative burden on the wish list

The LCF is going through a transition, and no information about future policies on it was available at the time of writing this report. As the LCF is considered an extremely good and significant tool for supporting human rights defenders, it will hopefully continue to be used in as many countries as possible. At the same time, however, the potential problems associated with administering LCF projects should be tackled. Would it be possible to lighten or simplify project administration? Another aspect that should be considered in this context is that if human rights defenders are seen as a key priority in human rights policy, could the LCF be more clearly designated for use in support of human rights defenders, especially in countries where their situation is difficult?

The number of beneficiary NGOs or projects has been reduced in recent years, both in the field of INGO support and LCF projects. While this may have an impact on performance and facilitate the coordination of funding, concerns have also been raised over whether the support is excessively concentrated to these large and well-known organisations that already have a solid funding base. Several reports have found that less well-known human rights defenders and NGOs in remote areas, in particular, are often excluded from funding. A more detailed analysis of what type of support has the greatest impact on human rights defenders' situation over the long term should be produced to assess this question.

“When the economic situation in Finland took a turn for the worse, there was a big change. Where small NGOs used to be supported with small amounts, we now give large ones big sums. This change was quickly seen at Finland’s contact points when NGO representatives came in to ask if we will continue to support them. In [name of location removed], the situation was drastic as many organisations depended on a single donor for their funding. When Finland and Sweden started cutting their support, some of the NGOs had to lay off their workers or close their doors.”

Of all stakeholders, especially the missions would like to see a lighter and more flexible funding instrument for supporting human rights defenders in addition to the LCF, which could be used to support defenders in particularly difficult operating environments and acute situations. The amounts spent on this type of support would not need to be particularly large; the possibility of using it flexibly and rapidly would be more important. This instrument could be compared to the small-scale and rapid support for human rights defenders granted through EIDHR. In acute situations, the ministry and the missions have faced the problem that a correct budget heading for support does not exist, even if the amount were rather small and a willingness to grant it existed.

Having access to more flexible mechanisms in addition to long-term funding for supporting human rights defenders would be strategically important. Flexible funding amounting to small sums could, for instance, be needed in situations where a human rights defender has been sued because of their work and translations of trial documents are needed. Human rights defenders who have ended up in prison also need rapid financial assistance.

“Human rights defenders keep telling us that fast and practical support when they are threatened or under attack would be crucial. [...] the most important thing would be to provide money for human rights defenders’ families to keep them alive while the defender is in prison.”

As a new civil society policy is implemented and funding forms for development cooperation are developed, this offers a good opportunity for examining how helping human rights defenders could have a more prominent role in supporting civil society, bolstering the idea that human rights defenders are a particular group in need of additional support at the moment.

6.4 Activities associated with defenders are characterised by inconsistency

The Finnish guidelines on supporting human rights defenders have drawn attention to human rights defenders as a clearer theme in its own right. The goals of this report include examining how the guidelines have influenced practical activities, especially in missions abroad. Have the activities been stepped up, or has their quality improved? Have the activities changed at all since the guidelines were launched?

Many interviewees found it quite challenging to assess the support given to human rights defenders, as separating work targeting human rights defenders specifically from general human rights activities is difficult. The vagueness of the term human rights defender also sparked some discussion. Due to job rotation, few interviewees had a very long history in the role they held at the time of the interview, and they thus could not provide information on the earlier activities of the mission or unit in question over a particularly long term.

Only some interviewees found that the guidelines had increased the volume of activities. In these cases, the staff and head of the mission clearly had a personal interest in the issue and, on the other hand, the mission operated in an environment where human rights defenders' situation was challenging but not especially volatile.

"I believe that the guidelines have had an impact [...]. We were wondering what we could do better here, and the theme was also highlighted in those areas of our duties where it [supporting human rights defenders] has normally not been thought about very much. It took on a larger role in all our work, and that was a significant change."

"We are now planning a human rights day with a slightly higher visibility than before. Human rights defenders feel that they are not seen or heard. This was expressed quite nicely in the guidelines, and the guidelines also contributed many other things to this discussion, showing how issues could be raised."

The majority of the interviewees found that the guidelines had little impact on their activities as such. Supporting human rights defenders either already played a major part in the activities, or issues related to them did not figure largely on the mission's agenda. Some also found that human rights and supporting human rights defenders have been "built-in" in Finland's activities for such a long time that, rather than essentially changing anything, the guidelines merely described the prevailing situation.

"I do feel that it has been part of our policy for a long time, while the guidelines of course made it more visible."

"The guidelines are a good policy-level tool in that we can showcase them and say we have produced them, but they have no practical use. They were not intended for missions such as us who mainly operate in a likeminded environment."

"We have used the guidelines a bit to refresh our memories, but our activities go much further than the guidelines, as meeting human rights defenders is an elemental part of our basic work."

"They changed little or nothing, as we already had all sorts of activities which were in keeping with the guidelines, so they contained nothing new for us."

“The guidelines have not been particularly useful, as the outlines of our own activities were pretty clear to us.”

Some of the missions have also experienced setbacks in supporting and protecting human rights defenders. Reasons for reduced activities include a new ambassador who has brought along a change in the priorities of the work, reduced personnel resources, and cuts in or suspension of Local Cooperation Funds (LCF) and other potential project funding. In addition, the greater emphasis on trade policy and Team Finland activities in Finnish foreign policy has in recent years changed the priorities of the work in some missions, reducing support for human rights defenders.

As the most important factor external to the Foreign Service were cited an essential deterioration in the mission’s operating environment in terms of human rights defenders’ work and support given to them. Legislation that prohibits foreign funding, for example, has forced the missions to reduce especially direct and visible support in some countries. The poor capacity and remote location of local human rights defenders also hamper cooperation with them. Different security issues arising from the operating environment have similarly emerged as an increasing cause for concern in recent years regarding the activities of both the missions and human rights defenders.

As a general assessment, we can thus say that there are great variations in the support provided by the Ministry for Foreign Affairs and the missions for human rights defenders in different locations. In other words, the quality and quantity of support provided for defenders is very inconsistent. It is natural that the volume of support and activities is higher in environments where human rights defenders face a difficult situation, while the other end of the scale is an environment where there is no actual need for supporting human rights defenders. Apart from natural variations, however, some factors resulting in inconsistencies could be influenced by Foreign Service policies.

The inconsistency of support for human rights defenders was also commented on by experts external to the Foreign Service. Many of them pointed out that individual mission staff members, for example, may have extremely high levels of motivation and competence and make a significant positive impact on the activities of their missions in issues related to human rights defenders.

Figure 2 (p. 10) shows a SWOT analysis of Finland’s role in supporting human rights defenders in third countries based on external threats and opportunities as well as internal weaknesses and strengths.

6.4.1 Lack of resources as the greatest challenge

Almost all interviewees within the Foreign Service considered meagre resources as the most significant challenge to supporting human rights defenders. Their

comments were very similar to those contained in the assessment of the Ministry for Foreign Affairs' Human Rights Action Plan published in 2015. Several units of the ministry and some missions have been struck by personnel cuts in recent years. The persons responsible for human rights and human rights defenders usually also have other duties, which leaves them little time to spend on supporting human rights defenders.

The interviewees' greatest wish thus was having more working hours available for issues related to human rights defenders. This is to a great extent about work arrangements and prioritisation of different themes. Unfortunately, in many missions human rights issues still appear to be handled in the time left over from other work, or in the employee's own time.

The missions have little or no possibility of spending money on promoting human rights defenders outside different types of project funding, which narrows the range of available approaches. Many interviewees pointed out that even a very small increase in the resources can have significant impacts in human rights work.

"Our target levels in this, as in many other things, are in the same range with other Nordic countries, while our resources are less than a half of what other Nordic countries have at their disposal. We must be realistic about what we actually can do. It seems that the ministry has kind of forgotten about this at times. We have the same resources here as Eastern European countries, which do not usually keep a terribly high profile in these questions."

"It is easy to see that we have less resources than other EU countries, and we are forced to trust reports compiled by others [on human rights defenders]. We can't do any of that ourselves, so we are forced to rely on information produced by others."

"Finland rarely shows much initiative, as we do not have resources for active information gathering. We may perhaps have first-hand information if the case has some connection with Finland."

6.4.2 Ambassadors have a major impact on priorities

The highly personalised nature of human rights policy implementation emerged clearly in almost all discussions and other material. In the assessment of the Ministry for Foreign Affairs' Human Rights Action Plan in 2015, this issue came up at a general level, and in the round of interviews conducted for the present report, it was again highlighted in the context of supporting human rights defenders. Similar observations have also been made in all reports assessing the EU Guidelines.

The person to whom human rights issues have been assigned in the mission is in key role, but especially in small missions, the ambassador's interests and competence have a strong influence on the activities.

“The ambassador’s role is very important. It has an immense influence on how human rights issues are approached by the missions. The ambassador is the person who visits Helsinki, gets updated and talks to different regional experts.”

“If human rights defenders are a priority for the ambassador, it is easier to find time for this work. And if the ambassador is personally interested in meeting NGOs, this clearly promotes dialogue with the organisations.”

“My job description has changed a lot in recent years, and support for human rights defenders has been reduced a good bit. Before, we had quite a lot of activities. We had a terribly active ambassador, who was a human rights expert and very interested in these issues.”

The ambassadors are forced to give a lot of thought to the boundaries of their work when supporting human rights defenders. In the most difficult countries, they run the risk of becoming a target for the country’s administration, and in extreme cases, they may have had to leave the country. Interviews with experienced diplomats, in particular, conveyed a strong impression that many of them were even prepared to take personal risks when acting in different situations. They were willing to work quite tenaciously to help individual human rights defenders. The advantage that Finnish diplomats have in these situations is that they enjoy a great deal of freedom to act based on their personal assessment of the situation. Few of them reported that they were criticised or reprimanded afterwards. Many also found that their foreign colleagues appreciated Finnish diplomats’ bold action in these cases.

“It definitely also was about daring. I did wonder many times if they were going to kick me out of the country.”

“Your stake is that you might get kicked out. You do not know where the boundary is, you can only find it by trial and error. Then you move on, balancing on the boundary line, thinking that you can venture this far but not a bit further.”

In the best case, a well-informed and interested ambassador may significantly step up the mission’s activities in issues related to human rights defenders. Similarly, the activities may suffer if the ambassador is less enthusiastic. Personality differences are unavoidably reflected on the work, but if the mission’s priorities change significantly every few years, this does not bode well for long-term advocacy.

The ambassadors’ commitment to supporting human rights defenders also has a great impact outside the mission, as in many countries an ambassador enjoys a high level of appreciation and their opinions carry weight. An active ambassador may also inspire and encourage their colleagues to take action in human rights issues. It transpired from the interviews that EU cooperation and collaboration between likeminded countries, for example, were greatly influenced not only by national policies but also the ambassadors of the relevant countries.

The personalisation of human rights issues indicates that in the big picture, human rights continue to be less important than other tasks waiting on the diplomat's desk. While human rights are a major part of Finland's policies and partly also activities, they still usually only get the time left over from other work. The more the country prioritises a certain theme and the more prominence the Foreign Service leadership gives to it, the more likely it is that the issues are acted on, even if they were not among the ambassador's favourite topics. In addition, strategic steering of the Foreign Service's activities from the capital may contribute to creating consistent policies. The national guidelines on human rights defenders are also a step in the right direction in this respect.

6.4.3 Safety and security as an increasing challenge

As the risks faced by human rights defenders are mounting, various safety issues are also more topical. They include both physical safety and, for example, the security of communications. Advanced technology makes surveillance and spying on people easier than ever before.

Secure communication and meetings with human rights defenders are highly important for the missions, and this came up strongly in the interviews. Communication between a mission and a human rights defender may be a way of improving the defender's safety and supporting them psychologically, but it may also exacerbate the risk. The missions thus need a good understanding of their operating environment to assess the risks. Fundamentally, however, it is up to human rights defenders themselves to assess the risk as they are best placed to analyse the situation and, on the other hand, they must themselves decide what they wish to do.

"There were also cases in which we had to be really active to make the meeting happen. Sometimes we had to be rather imaginative to lose the followers."

"Human rights defenders can visit the residence, but meeting them in a public place is unthinkable. Security issues are a big thing here."

"We are extra careful these days and listen carefully to human rights defenders' views".

It should be remembered, however, that not all human rights defenders have the competence required to assess the safety situation, or means of communicating through secure channels. The need to provide security training for human rights actors has thus increased continuously. If necessary, the missions can advise them on security issues whenever possible, but understandably they are unable to offer actual training. However, Finland supports human rights organisations that provide training for human rights defenders. The OSCE's ODIHR, for which Finland provides funding, also organises security training. One of the challenges for security training is that different types of cyber attacks are increasing in number, and their forms change so rapidly that the safeguards against them must also be updated constantly. In addition, it is necessary to identify any cyber

attacks in time.¹⁶²

Security issues also concern mission staff, and when supporting and protecting human rights defenders, it must be ensured that the staff are not exposed to a threat. In some countries, for example, the name of the employee responsible for human rights issues is not posted on the mission's website, as this person may end up under surveillance. The interviewees reported being exposed to some threat or pressure, or a threatening atmosphere, in situations associated with human rights defenders. In some countries mission employees who have dealings with human rights defenders are known to have been followed.

"When I came out of the lift at work and went to my car, I kept looking over my shoulder, wondering if someone would grab me. This is difficult to understand for anyone in Finland. The situation over there is so paranoid. I felt threatened, whether the threat was real or not."

"The security of communications is a problem today and also hampers cooperation within the Ministry for Foreign Affairs in human rights issues. You need to be creative, especially if you wish to have an informal conversation."

The interviewees reported that they felt especially unsure about secure communication with or about human rights defenders, as they found their own skills inadequate. Different aspects of safety and security issues related to human rights defenders should thus be added to the Foreign Service training programme, especially for missions operating in countries where human rights defenders face the most difficult conditions.

7 Support for human rights defenders in reference countries

Supporting human rights defenders is a high priority in the international human rights policies of the Netherlands, Ireland and Norway. As these countries have strong expertise in the theme of defenders, this chapter is dedicated to their good practices and policies related to supporting human rights defenders. The information is not fully comparable as the available material varied depending on the country and topic. In the area of economic support, in particular, only the most important instruments are discussed. Rather than analysing or assessing different support forms used by the countries, however, this report merely provides an introduction to them.

See Figure 4 (p. 11) for the main features of support for human rights defenders in the reference countries and in Finland.

¹⁶² In the United Arab Emirates, blogger Ahmed Mansoor received a text message offering a web link that was supposed to provide information about human rights defenders imprisoned in that country. Mansoor identified the link as an attempted attack and brought his phone to be examined. The examination revealed the use of spyware developed by an Israeli technology company, the price of which was estimated at one million US dollars. <https://www.frontlinedefenders.org/en/news/million-dollar-dissident-magnet-government-spyware>

7.1 The Netherlands

The Netherlands has made protecting and defending human rights defenders one of the priorities of the country's human rights policy, and it wishes to assume an active and central role in issues related to this theme both in the UN and the EU. Political and public support for helping human rights defenders is traditionally very strong in the Netherlands. This theme is said to be the strongest priority in the Netherlands' human rights policy in practical terms. The theme is also underscored by its cross-cutting nature in relation to other human rights issues. Human rights defenders play a key role in such activities as those associated with LGBTI rights, which are another priority for the Netherlands.

The Dutch Ministry of Foreign Affairs publishes an annual human rights report, which discusses the country's human rights activities during the previous year. The report contains a dedicated section on supporting human rights defenders. The report for 2015, for example, lists the countries in which the Netherlands has observed human rights defenders' trials and the projects the missions have funded in their host countries.¹⁶³ According to an evaluation report on the Netherlands' international human rights policy in 2008–2013, human rights defenders were primarily supported through EU cooperation, in which the Netherlands plays a key role in many countries.¹⁶⁴

The Netherlands has thus clearly taken on the mission of promoting the theme of human rights defenders in the EU, in particular calling attention to the EU Guidelines on Human Rights Defenders. The Netherlands held the Presidency of the EU in the year 2004 which marked the publication of the EU Guidelines, and one of the main goals of its Presidency was promoting the implementation of the Guidelines. For example, a handbook directed at EU missions, which contained practical advice on supporting human rights defenders, was produced on the Netherlands' initiative. Issues related to human rights defenders were also put on the agenda, for example in the context of business operations, during the country's latest EU Presidency in 2016.¹⁶⁵

Policies and guidelines

Human rights defenders are specified as the priority of the Dutch human rights policy at least in the policy documents from 2007, 2011 and 2013.

163 Human Rights Report 2015 (2016), AVT16/BZ120616, Ministry for Foreign Affairs, The Netherlands. <https://www.government.nl/topics/human-rights/documents/reports/2016/12/01/human-rights-report-2015>

164 Navigating a sea of interests, Policy evaluation of Dutch foreign human rights policy (2008–2013), Policy and Operations Evaluation Department (IOB), Ministry of Foreign Affairs, the Netherlands, pp. 49–57. <https://www.oecd.org/derec/netherlands/Navigating-sea-interests-Policy-Dutch-foreign-human-rights-2008-13.pdf>

165 <https://english.eu2016.nl/latest/news/2016/05/11/business-and-human-rights---an-eu-roadmap>

The document from 2007 notes that the Netherlands has a particular responsibility and should play a major role in the implementation of the EU guidelines. To show that the Netherlands is serious about protecting these individuals, the document states that the Minister of Foreign Affairs and the Minister for Development Cooperation will where relevant meet with human rights defenders during visits abroad. Meetings with human rights defenders are also a key element of the work of the Dutch Human Rights Ambassador.¹⁶⁶

The latest policy document published by the Dutch Ministry of Foreign Affairs dates back to 2013. It confirms that the Netherlands' support for human rights defenders is based on the EU Guidelines and the Netherlands Action Plan for Human Rights Defenders. The Netherlands published national guidelines on implementing the EU Guidelines on Human Rights Defenders in 2012.¹⁶⁷ (For more information on the Dutch guidelines on implementing the EU Guidelines, see pp. 34–36.)

The policy document of 2013 emphasises the crucial role of concerted EU action in the work with human rights defenders. The goal is to make human rights defenders and their work more visible, as greater visibility gives more protection. Four particular goals are set for the country's activities: 1) the Netherlands will actively support the work of human rights defenders with an emphasis on capacity building, innovation and safety, 2) the Netherlands will organise high-level international meetings with and about human rights defenders, 3) the Netherlands aspires to support ten human rights defenders each year by expanding the Shelter City programme to include other cities, and 4) the Netherlands presents an annual human rights award to an innovative human rights initiative.¹⁶⁸

Economic support¹⁶⁹

The most important funding channel for Dutch human rights work is the Human Rights Fund. In 2017–2020, the Human Rights Fund will have a total of EUR 19 million at its disposal, of which sum a total of EUR 2.9 million has been earmarked for projects supporting human rights defenders.¹⁷⁰ In addition, missions are allocated financing for country-specific projects from this fund.

According to an evaluation of human rights projects funded by the Netherlands, 15% of project funding in 2008–2010 was granted to projects that support hu-

166 Human dignity for all, a human rights strategy for foreign policy (2010) Ministry for Foreign Affairs of the Netherlands.

167 Action Plan for Human Rights Defenders 2012. <https://www.government.nl/documents/reports/2012/06/15/action-plan-for-human-rights-defenders>

168 Justice and Respect for All, Parliamentary Papers, House of Representatives, 2012–2013, 32 735, no. 78, the Netherlands. <https://www.government.nl/documents/policy-notes/2013/06/14/justice-and-respect-for-all>

169 Only some of the key funding instruments are included in this examination, and the amount of support channelled through such international organisations as the UN is excluded.

170 Human Rights Fund Grant Policy Framework 2017–2020 (2017) The Netherlands. <https://www.government.nl/topics/grant-programmes/documents/publications/2017/01/23/grant-policy-framework>

man rights defenders. Only projects related to women's rights had a hire share of the funding (17%).¹⁷¹

The Dutch Ministry of Foreign Affairs reports that it also funds a broad range of projects supporting civil society in general, which indirectly improve human rights defenders' situation. No figures describing the amount of funding for civil society were available.

Human Rights Award

The Dutch Ministry for Foreign Affairs presents an annual Human Rights Tulip award, which is considered an important way of giving prominence to human rights defenders in different countries and drawing attention to defenders' situation in general.¹⁷² The award was presented for the first time in 2008, and the winner is always declared on the International Human Rights Day on 10 December. The amount of the award is EUR 100,000, of which EUR 25,000 is intended for training and EUR 75,000 for developing the winner's work. In 2013, the criteria for granting the award were modified, and it is now presented for particularly innovative or creative work for promoting human rights.

In 2016, the Human Rights Tulip went to Nighat Dad, a Pakistani human rights defender who defends especially digital rights and women and girls' rights in the social media. In some years, the winner has not been able to attend the award ceremony in the Netherlands due to the opposition of his or her country's government. China and India, for example, have expressed their dissent when the award has been given to one of their citizens, and the human rights defender in question has not been allowed to leave the country.¹⁷³

Human Rights Ambassador and consultations with human rights defenders

The key task of the Dutch Human Rights Ambassador is to promote issues related to human rights defenders. For example, the Ambassador meets local human rights defenders on his or her country visits.¹⁷⁴ These meetings are considered highly important, for instance in order to obtain information, while they can also help give human rights defenders in the relevant country visibility and protection if necessary.¹⁷⁵

171 Evaluation of Dutch support to human rights projects 2008–2011, Ministry for Foreign Affairs of the Netherlands. <http://www.humanconsultancy.com/downloads/308-evaluation-of-dutch-support-to-human-rights-projects-2008-2011>

172 <https://www.humanrightstulip.nl>

173 Navigating a sea of interests, Policy evaluation of Dutch foreign human rights policy (2008–2013), Policy and Operations Evaluation Department (IOB), Ministry of Foreign Affairs, the Netherlands, s. 110. <https://www.oecd.org/derec/netherlands/Navigating-sea-interests-Policy-Dutch-foreign-human-rights-2008-13.pdf>

174 Navigating a sea of interests, Policy evaluation of Dutch foreign human rights policy (2008–2013), Policy and Operations Evaluation Department (IOB), Ministry of Foreign Affairs, the Netherlands. <https://www.oecd.org/derec/netherlands/Navigating-sea-interests-Policy-Dutch-foreign-human-rights-2008-13.pdf>

175 Action Plan for Human Rights Defenders 2012. <https://www.government.nl/documents/reports/2012/06/15/action-plan-for-human-rights-defenders>

Since 1979, the Dutch Ministry of Foreign Affairs has organised a Broad Consultation on Human Rights (BMO) with Dutch NGOs. Many of the organisations participating in the consultation work to support human rights defenders in third countries. The BMO meets the Minister of Foreign Affairs once or twice a year and ministry officials three or four times a year. The discussions deal with topical themes, sometimes focusing on the situation in a certain region or country.¹⁷⁶

The Netherlands has additionally organised a number of international conferences on issues related to human rights defenders. The theme of the conference held in 2010, for example, was using social media to promote the freedom of speech. The conference organised in 2014 dealt with the EU Guidelines on Human Rights Defenders and safe houses. Experiences of The Hague's Shelter City programme were also presented at this event.¹⁷⁷

Particular protection mechanisms

The Dutch Human Rights Fund supports the Shelter City programme coordinated by the NGO Justice and Peace. The programme offers human rights defenders temporary shelter in Dutch cities. The Dutch Ministry of Foreign Affairs has a strong role in the Shelter City activities launched in 2012 both as a funding provider and a political supporter. The country's missions also participate in the activities, for example by proposing human rights defenders to be selected for the programme. Rather than having specific visa or residence permit procedures for human rights defenders, the Netherlands grants visas to those coming to a shelter city in accordance with the Schengen rules but in a fast-track process if necessary. (For more information about the Shelter City programme, see section 8.1.)

The initiative for Shelter City activities came up during the Czech Republic's EU Presidency in 2009, and the EU Guidelines on Human Rights Defenders also refer to providing temporary shelter. The Netherlands is committed to actively promoting the Shelter Cities, and its aim is inspiring other EU countries and cities to initiate similar activities. The goal is to maintain awareness of the idea and share experiences of good practices, also in the UN.¹⁷⁸

Outlook

Supporting human rights defenders is believed to remain a priority for the Netherlands. At the time of writing this report, a parliamentary election was being

176 Action Plan for Human Rights Defenders and information provided by the Ministry for Foreign Affairs.

177 Navigating a sea of interests, Policy evaluation of Dutch foreign human rights policy (2008–2013), Policy and Operations Evaluation Department (IOB), Ministry of Foreign Affairs, the Netherlands, p. 54. <https://www.oecd.org/derec/netherlands/Navigating-sea-interests-Policy-Dutch-foreign-human-rights-2008-13.pdf>

178 Justice and Respect for All, Parliamentary Papers, House of Representatives, 2012–2013, 32 735, no. 78, the Netherlands. <https://www.government.nl/documents/policy-notes/2013/06/14/justice-and-respect-for-all>

held in the country, which added an element of uncertainty to the outlook. The populist and Eurosceptic Party for Freedom was expected to do well in the elections, which could have brought about significant changes in the country's policy. Ultimately, the People's Party for Freedom and Democracy won the elections, while the Party for Freedom became the second largest party in the parliament. No information on the new government's potential international human rights policies was available as this report was being written.

7.2 Ireland

Supporting and protecting human rights defenders have been at the centre of Ireland's international human rights policy for years. The theme was put on the agenda in 2004, in particular, as Ireland held the EU Presidency and the Union adopted its common Guidelines on Human Rights Defenders. Ireland played a leading role in the preparation of the Guidelines and also set in motion the development of OSCE guidelines on human rights defenders during its Chairmanship of this organisation in 2012.¹⁷⁹ The OSCE guidelines were published in 2014.

In the UN, Ireland has actively participated in EU burden sharing in negotiations on human rights defenders and given prominence to issues related to the status of civil society. In September 2013, Ireland led the negotiations in the UN Human Rights Council¹⁸⁰ on a resolution titled *Civil society space: creating and maintaining, in law and in practice, a safe and enabling environment*.¹⁸¹ Work on this theme continued in 2014, when Ireland was in charge of negotiations on another resolution on the status of civil society in the Human Rights Council. In these resolutions, the status of the civil society is for the first time defined as a human rights question, and they stress a state's responsibility for creating a safe and enabling environment for civil society.¹⁸²

The UN Special Rapporteur on the situation of human rights defenders came to Ireland on her first monitoring visit directed to EU countries in 2012. In the report, the Special Rapporteur gave Ireland particular praise for the work carried out on the EU Guidelines and the visa arrangements offered for third-country human rights defenders (see the section on Particular protection mechanisms, pp. 94–95).¹⁸³

179 Working Outline of Ireland's National Plan on Business and Human Rights 2016–2019, The Department of Foreign Affairs and Trade. <https://www.dfa.ie/media/dfa/alldfaweb-sitemedia/our-rolesandpolicies/int-priorities/humanrights/Working-Outline-of-Irelands-National-Plan-on-Business-and-Human-Rights-2016---2019.pdf>

180 Ireland became a member of the UN Human Rights Council in 2012.

181 <https://documents-dds-ny.un.org/doc/UNDOC/LTD/G13/173/19/PDF/G1317319.pdf?OpenElement>

182 The Global Island, Ireland's Foreign Policy for a Changing World (2015) Government of Ireland, s. 35. <https://www.dfa.ie/media/dfa/alldfaweb-sitemedia/ourrolesandpolicies/ourwork/global-island/the-global-island-irelands-foreign-policy.pdf> <https://www.dfa.ie/media/dfa/alldfaweb-sitemedia/ourrolesandpolicies/int-priorities/humanrights/Working-Outline-of-Irelands-National-Plan-on-Business-and-Human-Rights-2016---2019.pdf>

183 Report of the Special Rapporteur on the situation of human rights defenders, Margaret Sekagya, Mission to Ireland (2012), A/HRC/22/47/Add.3, Human Rights Council, United Nations, s. 10–11. <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G13/115/33/PDF/G1311533.pdf?OpenElement>

Policies and guidelines

The priorities of Ireland's international human rights policy are outlined in the Department of Foreign Affairs and Trade's (DFAT) report published in 2015, *The Global Island: Ireland's Foreign Policy for a Changing World*.¹⁸⁴

This document notes that Ireland has played a leading role in promoting and protecting human rights defenders. Ireland supports human rights defenders in the context of a broad range of human rights themes, and the policy outline highlights especially newer themes, including corporate abuses and the environment. According to this report, Ireland provides strong support for the Irish NGO Front Line Defenders, who perform critical work to protect and support human rights defenders worldwide.¹⁸⁵

The report also stresses freedom of expression and of peaceful assembly and association in the context of the Internet and notes that some governments are using the Internet to limit the freedoms of their citizens. Ireland has promoted the development of international norms for the cyberspace, and the country's engagement led to the first international norms on cyberspace, adopted by the OSCE in 2013. Ireland has also advocated issues related to cybersecurity and Internet accessibility in the EU. The country is one of the founders of the Freedom Online Coalition,¹⁸⁶ which promotes the realisation of human rights on the Internet and other communication technologies.

In 2011, the DFAT prepared guidelines on human rights defenders for Irish diplomatic missions, instructing the missions to support defenders in their daily work and providing advice on what to do when a human rights defender is at a particular risk. The guidelines are not publically available.

A report titled *One World, One Future from 2013*, which outlines the priorities of Ireland's development cooperation, also cites supporting human rights defenders and civil society as a key goal of development cooperation.¹⁸⁷ The DFAT strategy for 2015–2017 emphasises the importance of the civil society, especially in promoting human rights, but makes no specific reference to human rights defenders.¹⁸⁸

184 The Global Island, Ireland's Foreign Policy for a Changing World (2015) Government of Ireland. <https://www.dfa.ie/media/dfa/alldfawebsitemedia/ourrolesandpolicies/ourwork/global-island/the-global-island-irelands-foreign-policy.pdf>, s. 35.

185 The Global Island, Ireland's Foreign Policy for a Changing World (2015) Government of Ireland. <https://www.dfa.ie/media/dfa/alldfawebsitemedia/ourrolesandpolicies/ourwork/global-island/the-global-island-irelands-foreign-policy.pdf>, s. 35.

186 <https://www.freedomonlinecoalition.com>

187 One World, One Future, Ireland's Policy for International Development (2013) Government of Ireland, s. 25. <http://developmenteducation.ie/media/documents/one-world-one-future-irelands-new-policy.pdf>

188 Department of Foreign Affairs and Trade: Statement of Strategy 2015–2017. <https://www.dfa.ie/media/dfa/alldfawebsitemedia/aboutus/Department-of-Foreign-Affairs-and-Trade-Statement-of-Strategy-2015-17.pdf>

Human rights defenders are one of the main themes of Ireland's National Plan on Business and Human Rights 2016–2019. The plan sets out two objectives concerning human rights defenders: 1) Irish companies operating abroad will be encouraged to adopt good practice with regards to consultation with human rights defenders and civil society in local communities, particularly on environmental and labour conditions; and 2) the Human Rights Defenders Guidelines prepared by the Department of Foreign Affairs and Trade will provide up to date guidance to embassies on the protection of Human Rights Defenders working in relation to business and human rights.¹⁸⁹

Economic support

Ireland's human rights activities and support for human rights defenders in third countries are funded through the Irish Aid programme. Support for protecting human rights defenders has been selected as one of the programme's priorities.¹⁹⁰ For example, Irish Aid funding is used to support Front Line Defenders, an organisation working for human rights defenders, whose funding amounted to EUR 483,690 in 2016.¹⁹¹ No detailed information on any other funding channelled to human rights defenders was available.

Dialogue with human rights defenders

The Irish government is committed to engaging in open and constructive dialogue on human rights with the civil society. As forums for this dialogue have been established the NGO Standing Committee on Human Rights and the annual NGO Forum on Human Rights.¹⁹² A human rights forum held in Dublin in March 2017 focused on the role of women human rights defenders in promoting human rights.¹⁹³

Particular protection mechanisms

The Irish Ministry of Justice and the DTFA worked together to set up a special humanitarian visa scheme for human rights defenders in 2004. The pilot stage of the visa scheme was launched in 2005. Human rights defenders can be issued a three-month visa in a fast-track procedure, allowing them to travel to Ireland to rest or avail of temporary protection in an acutely hazardous situation. However, a temporary humanitarian visa may only be issued in a special procedure

189 Working Outline of Ireland's National Plan on Business and Human Rights 2016–2019, The Department of Foreign Affairs and Trade. <https://www.dfa.ie/media/dfa/alldfawebsitemedia/our-rolesandpolicies/int-priorities/humanrights/Working-Outline-of-Irelands-National-Plan-on-Business-and-Human-Rights-2016---2019.pdf>

190 <https://www.irishaid.ie/what-we-do/our-priority-areas/governance/human-rights/>

191 <https://www.frontlinedefenders.org/en/irish-aid>

192 The Global Island, Ireland's Foreign Policy for a Changing World (2015) Government of Ireland, s. 36. <https://www.dfa.ie/media/dfa/alldfawebsitemedia/ourrolesandpolicies/ourwork/global-island/the-global-island-irelands-foreign-policy.pdf>

193 <https://www.dfa.ie/our-role-policies/international-priorities/human-rights/ngo-forum-human-rights/>

in exceptional cases. The visa arrangements are taken care of by the Ministry of Justice and the visa officials working under it, and the applications are submitted to an Irish mission or consulate. Front Line Defenders handles the practical arrangements of the visits in Ireland and is involved in the applicants' background checks.¹⁹⁴

Between 2005 and December 2016, a visa had been granted to a total of 32 human rights defenders in this procedure (six of whom arrived with family members). According to experts, the necessary political support for this arrangement has been found over the years, facilitated by the fact that it has proven effective in practice and no abuses have been uncovered. Additionally, only one of the human rights defenders who came to Ireland on a humanitarian visa has applied for asylum in that country. (For more information on different visa arrangements and other protection mechanisms, see Chapter 8.)

Outlook

Supporting human rights defenders will remain one of the priorities of Ireland's international human rights policy in the EU and the UN for the foreseeable future. According to the Irish organisation Front Line Defenders, the future challenge faced by Ireland and also the other EU Member States is continuing to support human rights defenders in third countries in the face of the EU's growing internal problems. The organisation argues that Ireland and the other Member States will have to step up their bilateral activities, especially if it is not always possible to make headway in EU cooperation as desirable.

7.3 Norway

Norway has been committed to supporting human rights defenders internationally for many years. Norway played a key role in negotiations on the UN Declaration on Human Rights Defenders in the 1990s, and since this declaration was adopted, defenders have been the main priority of Norway's international human rights policy. The country also had a central part in establishing the mandate of the UN Special Rapporteur on the situation of human rights defenders.

According to an extensive evaluation of Norway's human rights policy (2011), supporting human rights defenders is the highest priority of the country's international human rights policy: helping human rights defenders has enjoyed extremely strong political support for a long period, and a considerable part of Norway's funding allocated to promoting human rights is channelled to work for human rights defenders.¹⁹⁵

¹⁹⁴ Facilitated visa procedures for Human Rights Defenders for the purpose of temporary visits to Ireland, not public.

¹⁹⁵ Evaluation of Norwegian Development Cooperation to Promote Human Rights, Report 7/2011, Norwegian Agency for Development Cooperation. <https://www.oecd.org/derec/49034367.pdf>

The UN continues to be an important channel for supporting human rights defenders for Norway. Norway sponsors resolutions on human rights defenders in the UN General Assembly's Third Committee and the Human Rights Council. Resolutions are key instruments of its policy, as they offer possibilities for exerting influence on human rights defenders' situation across a broad front. A resolution related to human rights defenders is discussed at the General Assembly every second year; the latest one was debated at the Council's 72nd session in autumn 2017. Norway proposes a resolution on protecting human rights defenders in the Human Rights Council every third year. The most recent resolution on renewing the mandate of the Special Rapporteur on the situation of human rights defenders was debated in the Council in March 2017.¹⁹⁶

Economic support

Norway's direct funding for work in support of human rights defenders amounts to approximately NOK 50 million a year, or approximately EUR 5.3 million (exchange rate on 10 May 2017) annually. About NOK 10 million, or EUR 1 million (exchange rate on 10 May 2017) of this amount is channelled to different projects related to human rights defenders through the missions in their host countries.¹⁹⁷

The Ministry of Foreign Affairs also funds the Norwegian Human Rights Fund coordinated by Norwegian NGOs, which supports the work and safety of human rights defenders around the world.¹⁹⁸ In general, some 57% of the funds reserved for human rights activities by Norway go to either Norwegian or international NGOs.¹⁹⁹

Another demonstration of Norway's strong role in the UN's human rights work is that the country is one of the main supporters of the Office of the High Commissioner for Human Rights. In 2016, Norway's voluntary funding amounted to approx. USD 21 million (about EUR 19 million, exchange rate on 10 May 2017), which was the second largest amount of support for the Office provided by any country after the United States.²⁰⁰ Some of this amount is used to support the duties of the Special Rapporteur on the situation of human rights defenders.

Policies and guidelines

The most recent report on Norway's human rights activities dates back to 2005. On the theme of human rights defenders, it notes that Norway intends to, in

196 Q&A with Geir Sjøberg of Norway on the new UNGA resolution on human rights defenders, 3.12.2015, International Service for Human Rights. <http://www.ishr.ch/news/qa-geir-sjoberg-norway-new-unga-resolution-human-rights-defenders>

197 Information obtained from the Norwegian Ministry of Foreign Affairs.

198 <http://www.nhrf.no/en>

199 Evaluation of Norwegian Development Cooperation to Promote Human Rights, Report 7/2011, Norwegian Agency for Development Cooperation. <https://www.oecd.org/derec/49034367.pdf>

200 <http://www.ohchr.org/Documents/AboutUs/FundingBudget/VoluntaryContributions2016.pdf>

particular, strengthen the role of its diplomatic missions in supporting human rights defenders. The objective is to systematise these activities further, and specific guidelines to this effect were issued to the missions in December 2005.²⁰¹ The latest guidelines on supporting human rights defenders were published in 2010.²⁰² (For more information on the contents of these guidelines, see the section on the Finnish guidelines, pp. 34–36.)

The Norwegian government issued a ‘white paper’ on the priorities and goals of its human rights policy in 2014.²⁰³ This document designates protecting human rights defenders as one of the main themes of the country’s human rights policy. It also sets three main goals for the activities: 1) playing a leading role in UN negotiations on protection of human rights defenders, and seeking to intensify efforts to implement the resolutions adopted by the UN General Assembly and the Human Rights Council; 2) increasing support for regional initiatives and other schemes for protecting human rights defenders, not least women human rights defenders; 3) engaging in close dialogue with organisations working to protect human rights defenders on how best to deal with the increased pressure they are experiencing.

The policy from 2014 also notes that the guidelines on human rights defenders will be updated to provide a better response to the current situation.

While supporting human rights defenders is the priority of Norway’s international human rights policy, the Norwegian Ministry of Foreign Affairs stresses that it is above all a cross-cutting theme. All work aiming to promote human rights also supports human rights defenders, who have a key role in promoting human rights. Efforts are thus made to give prominence to the importance of human rights defenders in connection with different human rights themes.

The Action Plan for Gender Equality 2016–2020, for example, also includes issues related to women human rights defenders and parties defending women’s rights. The action plan sets three objectives related to this theme: 1) seeking to ensure that UN resolutions on women human rights defenders are followed up at country level; 2) supporting organisations working to protect and strengthen the capacity of women human rights defenders; and 3) promoting and protecting women human rights defenders through Norway’s missions abroad, in line with the Ministry’s guidelines in this area.

201 Human Rights 2004/2005, Annual Report on Norway’s Efforts to Promote Human Rights, Ministry for Foreign Affairs of Norway. <https://www.regjeringen.no/globalassets/upload/kilde/ud/rap/2006/0007/ddd/pdfv/273166-humanrightsannualreport04-05.pdf>, s. 32–33.

202 <https://www.regjeringen.no/globalassets/upload/UD/Vedlegg/Menneskerettigheter/Menneskerettighetsforkjaempere/VeiledningMRforkjengelskFIN.pdf> ; <https://vimeo.com/51596610>

203 Opportunities for All: Human Rights in Norway’s Foreign Policy and Development Cooperation, Meld. St. 10 (2014–2015) Report to the Storting (white paper), Norwegian Ministry of Foreign Affairs s. 22–25. <https://www.regjeringen.no/contentassets/261f255d028b42cab91ad099ee3f99fc/en-gb/pdfs/stm201420150010000engpdfs.pdf>

Norway has indeed stressed the particularly vulnerable position of women human rights defenders in international forums. For example, Norway led negotiations on the first resolution on women human rights defenders at the UN General Assembly's Third Committee in 2013.²⁰⁴ In addition to women human rights defenders, the safety of human rights defenders is one of Norway's priorities within this theme, as in many areas their situation has become more dangerous. Norway has also highlighted the role of companies in questions associated with human rights defenders, for example in the contents of the resolution adopted by the General Assembly in 2015. Norway additionally wished to emphasise the status of human rights defenders who promote economic, social and cultural rights (ESC rights) in this resolution.

Particular protection mechanisms

The Norwegian Ministry for Foreign Affairs lends political and economic support for the International Cities of Refuge Network (ICORN), which offers temporary shelter in Norway and other countries involved in the network for writers and artists who are persecuted because of their activities and opinions. The writers and artists coming to Norway through ICORN enter the country as part of the process intended for quota refugees. (For more information about ICORN activities, see section 8.2.)

The Norwegian guidelines on human rights defenders address the protection of defenders in acute danger. The guidelines go through the possibilities of offering human rights defenders either short-term protection (e.g. in a safe house in the country in question) or long-term refuge in Norway. A human rights defender can be given shelter in Norway in different ways, including through the quota refugee process or special arrangements granted by a mission. In the context of these special situations, the guidelines refer to the Ministry of Foreign Affairs' separate instructions, which are not public.²⁰⁵

Outlook

Supporting and protecting human rights defenders have such a strong role in Norway's international human rights policy that no change is currently foreseen in it. UN activities, in which getting international recognition for human rights defenders is increasingly important while it is becoming harder as more countries challenge their status, will continue to be a special priority in Norway's work.

204 Promotion of the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms: protecting women human rights defenders, A/RES/68/181, General Assembly, United Nations. <http://www.gender.cawater-info.net/publications/pdf/n1345031.pdf>

205 Norway's efforts to support human rights defenders, Guide for the foreign service (2010), Norwegian Ministry of Foreign Affairs, s. 14–17. <https://www.regjeringen.no/globalassets/upload/UD/Vedlegg/Menneskerettigheter/Menneskerettighetsforkjaempere/VeiledningMRforkjengelskFIN.pdf>

The deteriorating situation of human rights defenders, disputes between states on issues related to this theme and the UN's internal challenges, including those related to funding, will underscore the importance of cooperation between like-minded countries. In addition to continuing its own work, being backed up by strong partners from other countries will be important for Norway in its efforts to promote the status of human rights defenders.

8 Shelter Cities and residencies

Human rights defenders usually wish to continue their work in their home countries for as long as possible, despite threats and other risks. Sometimes the situation becomes so hazardous that their only option is to leave the country, at least on a temporary basis. At other times, a temporary stay in a safe environment may be a good alternative for supporting their psychological coping. Temporary relocations are also used to support human rights defenders, allowing them to rest and gather their strength in a peaceful environment. Many human rights defenders work under enormous pressure and stress, and a short absence from the country may help them find new vigour to cope with their work. While the security perspective plays a less important role in these cases, new networks and training may greatly improve their safety in the future.

According to the UN's Special Rapporteur on the situation of human rights defenders, it is vital for states to offer and maintain international safety mechanisms intended for the human rights defenders based on temporary relocation.²⁰⁶ A number of studies and evaluations of support provided for human rights defenders recommend temporary relocation.²⁰⁷

Article 14 of the EU Guidelines on Human Rights Defenders urges the Member States to provide measures for protection to human rights defenders in danger in third countries, such as, issuing emergency visas and facilitating temporary shelter in the EU Member States.²⁰⁸ These promptings added to the Guidelines in 2008 are deemed to have provided the impetus for the so-called Shelter City initiative, or the idea of offering human rights defenders short-term protection in European cities, introduced during the Czech Republic's Presidency. The European Parliament has also promoted both granting visas and offering temporary protection, for example in its 2010 resolution on EU policies in favour of human rights defenders. The resolution invites the High Representative of the European Union for Foreign Affairs and Security Policy to present to the European Parliament a manual on how to set up a shelter city as well as a framework proposal

206 Report of the Special Rapporteur on the situation of human rights defenders (2016) A/HRC/31/55, Human Rights Council, United Nations, p. 13. http://www.ohchr.org/Documents/Issues/Defenders/A-HRC-31-55_en.pdf

207 Assessing the Implementation of the European Union Guidelines on Human Rights Defenders (2013) Policy Department DG External Policies, European Parliament.

208 Ensuring protection – European Union Guidelines on Human Rights Defenders (2008) Council of the EU. https://eeas.europa.eu/sites/eeas/files/eu_guidelines_hrd_en.pdf

supporting networking between such cities.²⁰⁹ Practical work to develop this idea has been carried out in the Netherlands based on the Shelter Cities initiative (see section 7.1).

In 2011, a report was commissioned by the European Commission to map the existing programmes for protecting human rights defenders. The report notes that it would be useful for the different programmes to engage in more cooperation and coordinate their activities. Subsequently, the Commission set up the *EU Human Rights Defenders Relocation Platform* intended to improve cooperation between different actors and to offer information about the available protection mechanisms on its website.²¹⁰

In October 2015, the Commission launched a new mechanism on supporting human rights defenders at risk, for which EUR 15 million of EIDHR funds²¹¹ were reserved for 2015–2018.²¹² In practical terms, the ProtectDefenders.eu mechanism is operated by a consortium of 12 NGOs.²¹³ This mechanism allows human rights defenders to apply for a grant in order to find a safe haven either within their own countries, in a neighbouring area or in Europe through the participating organisations. The maximum grant is EUR 60,000, and it only covers some of the costs. The rest of the funding is put up by the organisation that arranges the relocation.²¹⁴ The mechanism also offers a 24/7 helpline for human rights defenders in distress. During its first year of operation, the mechanism provided emergency assistance for 338 human rights defenders, and temporary refuge outside the defender's home country was offered in 149 cases.²¹⁵ ProtectDefenders.eu currently also coordinates and develops the *EU Human Rights Defenders Relocation Platform*.

It is believed that the EU mechanism for protecting human rights defenders has mainly worked well in its early years, and as its greatest advantage is considered its ability to channel practical help to human rights defenders. Cooperation between 12 key international and regional human rights organisations in coordinating the mechanism is also considered an important step forward. A continued

209 European Parliament Resolution of 17 June 2010 on EU policies in favour of human rights defenders (2009/2199(INI)). <http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//NONSGML+TA+P7-TA-2010-0226+0+DOC+PDF+V0//EN>

210 <https://hrdrelocation.eu/en/>

211 https://ec.europa.eu/europeaid/how/finance/eidhr_en.htm_en

212 EU launches innovative new mechanism to help human rights defenders, 9.12.2015, Press Release, European Commission. http://europa.eu/rapid/press-release_IP-15-6278_en.htm

213 Front Line Defenders, Reporters Without Borders (RSF), World Organisation Against Torture (OMCT), International Federation for Human Rights (FIDH), Economic, Social and Cultural Rights Network (ESCR-Net), International Gay and Lesbian Association (ILGA), Urgent Action Fund for Women Human Rights Defenders (UAF), Protection International, Peace Brigades International (PBI), Euro-Mediterranean Foundation of Support to Human Rights Defenders (EMHRF), Forum Asia and East and Horn of Africa Human Rights Defenders Project (EHAHRDP). <https://www.protectdefenders.eu/en/index.html>

214 Guidelines for Grant Application for temporary relocation. https://www.protectdefenders.eu/files/C3-Guidelines-for-Grants-Application-EXTERNAL_ENGLISH.pdf

215 First Year of Support (2017) ProtectDefenders.eu. https://www.protectdefenders.eu/files/BDBrochureVDef3_EN_new.pdf

challenge faced by the mechanism is obtaining political support for protecting human rights defenders at risk in the EU. On the other hand, some EU delegations have noted that there is now no need for them to do anything for human rights defenders, as the new mechanism is focused on supporting them. However, the EU mechanism itself needs the support of the delegations in order to work optimally. An external mid-term evaluation of the ProtectDefenders.eu mechanism was to be carried out in early summer 2017.

Cities have a strong role in residency activities

Different protection mechanisms and residencies are offered and supported by many types of actors, including governments, cities, NGOs and universities, individually or in collaboration.

Some EU countries have specific national protection mechanisms and residency programmes. Ever since 1998, the Spanish Ministry of Foreign Affairs has offered human rights defenders a temporary safe haven in Spain for the maximum period of one year at a time.²¹⁶ The Czech government funds temporary relocation of human rights defenders in the country, and the Dutch Ministry of Foreign Affairs provides essential support for the Shelter City programme offered for human rights defenders. The Irish Department of Trade and Foreign Affairs, on the other hand, issues humanitarian visas for a few human rights defenders each year in a fast-track procedure, allowing them to travel to Ireland for safety. Ministries of Foreign Affairs play a key role in protecting human rights defenders, especially through their networks of diplomatic missions. Human rights defenders come to missions looking for refuge, and the missions must assess their need for protection.

In practical terms, the protection mechanisms supported by governments are in most cases managed by an NGO specialising in protecting human rights defenders. In the Netherlands, for example, the programme is coordinated by Peace and Justice, while different protection mechanisms are offered by the Front Line Defenders in Ireland and People in Need²¹⁷ in the Czech Republic. Universities and research institutes also engage in activities related to protecting human rights defenders. In the UK, the University of York has a programme titled the Protective Fellowship Scheme for Human Rights Defenders at Risk, which offers human rights defenders accommodation and a possibility of participating in the university's courses for 3 to 6 months.²¹⁸ In the Netherlands, University College Roosevelt is involved in the Shelter City programme by offering working spaces and study opportunities for human rights defenders participating in the programme.²¹⁹

216 Information on The Spanish Program for Support and Protection of Human Rights Defenders at risk. http://idsn.org/wp-content/uploads/user_folder/pdf/New_files/Other_documents/Spanish_Programme_on_HRDs.pdf

217 <https://www.clovekvtisni.cz/en>

218 <https://www.york.ac.uk/cahr/defenders/>

219 <http://www.ucr.nl/news/Pages/Shelter-City-Middelburg.aspx>

Cities increasingly play an essential part in arranging residencies. As indicated by its name, the cities' contribution of accommodating human rights defenders, funding their costs and organising activities for them during their stays is the foundation of the Dutch Shelter Cities programme. The International Cities of Refuge Network (ICORN) based in Norway also relies principally on cities. The Hamburger Stiftung für Politisch Verfolgte foundation, which operates in Germany and which is sponsored by the City of Hamburg, invites human rights defenders to take refuge in the city for a year at a time.

Finland has no particular mechanism for offering a safe haven for human rights defenders. As stated in section 6.2.5 of this report, however, the Ministry for Foreign Affairs and the diplomatic missions have helped human rights defenders find refuge in Finland in individual cases. Until 2012, the City of Helsinki supported the Finnish PEN's Safe City for Writers residency activities by housing the participating defenders, and the Arts Promotion Centre (Taika) subordinate to the Ministry of Education and Culture provided a grant to cover their other costs. In recent years, the City of Helsinki has granted annual funding for Safe Haven Helsinki residency activities. The city of Pietarsaari is planning to join the ICORN network, and the Saari Residence was launched in spring 2017. Residency activities have also been pursued on the island of Hailuoto, and the University of Helsinki has started preliminary discussions about a protection mechanism for researchers.

Two different protection mechanisms are discussed in greater detail in this report: the ICORN network and the Dutch Shelter City programme. The Safe Haven programme operating in Helsinki, the residency activities at the Saari Residence, the planned residency project in Pietarsaari and the experiences of Hailuoto are also examined. The objective is to assess the good practices and challenges of the different programmes and to look at the overall situation and future outlook of protection mechanisms, especially from Finland's perspective.

8.1 Shelter City programme

The Shelter City programme in the Netherlands offers three-month residencies for human rights defenders in Dutch cities.²²⁰ The project had its origins in a conference organised by the NGO Justice and Peace in December 2010, at which human rights defenders from around the world discussed their work and the protection mechanisms they needed. Key questions at the conference were how the safety of human rights defenders could be improved and what type of mechanisms would be the most suitable for this.

The conclusion of these discussions was that human rights defenders would need short-term refuge and relocation outside their home countries. The idea of European Shelter Cities, which was also underpinned by the EU Guidelines on Human Rights Defenders, had a strong influence on the project. On this basis, Peace and Justice started developing a Shelter City project, and a decision was made to launch its pilot phase in The Hague. The Dutch Ministry of Foreign Af-

²²⁰ <https://sheltercity.nl>

fairs took a favourable view of the proposal but did not wish to go ahead without the support of the city management. Making the decision was not easy for the city, as the idea sparked a lot of discussion about whether the local government should in general become involved in activities of this type. After rounds of consultations, however, the Hague gave the project the go-ahead and, once the decision was made, wished to initiate the pilot phase within two months.

The activities of the project launched under the title The Hague: Shelter City Initiative began in 2012. During the pilot phase extending from September 2012 till November 2013, the city received four human rights defenders, who came from Russia, the Democratic Republic of Congo, Sudan and Cuba. The Hague's Shelter City experiment was considered successful, and it attracted a lot of positive publicity in the Netherlands. A decision was made to continue the programme; while the activities were expanded to the City of Middelburg in 2014, in spring 2017 a total of ten Dutch cities were already involved in the programme.²²¹

Selecting human rights defenders is a challenge

A call for applications for Shelter City residencies is organised twice a year. The project's Advisory Committee selects the applicants who are given a residency place. The Advisory Committee was set up as a great number of applications were received and the project wished to ensure fair treatment for all applicants. Justice and Peace is an organisation with a Catholic background, which in the early days of the project gave rise to suspicions that human rights defenders who were in some way opposed to the Catholic church would not be selected. To ensure a selection process that is as impartial as possible, Peace and Justice established an independent selection committee. A professor from the Faculty of Law at the University of Amsterdam was selected to chair the committee, and the NGOs Hivos and Free Press Unlimited as well as the Dutch Ministry of Foreign Affairs are represented in it. As a great number of applications for relocation to shelter cities are received and the cases are extremely difficult, it is a good idea to share the responsibility for making the choice between several persons. Committee members participating in the selection have described the process as very onerous: weighing the situations of human rights defenders operating in hazardous conditions is hard work and also often difficult in ethical terms.

Human rights defenders in need of refuge are sought using Justice and Peace's own international contacts and through other human rights organisations. Dutch missions and consulates as well as EU delegations in different countries may also propose suitable human rights defenders.

Applications for the Shelter City programme can be sent from any part of the world on the condition that the applicant meets the UN definition for a human rights defender. They must also be under serious threat, or have worked under pressure for a long period. As a basic premise, the participants must have the

²²¹ Amsterdam, the Hague, Tilburg, Utrecht, Middelburg, Maastricht, Groningen, Nijmegen, Zwolle and Haarlem.

possibility of returning to their home countries after a residency period of three months. They must also speak either English, French or Spanish well enough to be able to manage independently in the Netherlands and participate in different activities. Initially, the language requirement was proficiency in English only, but in practice this severely limited the group of eligible human rights defenders, as especially in many countries where the human rights defenders face the most difficult conditions, English skills are poor. Those coming to a shelter city must also be willing to talk about the human rights situation in their countries, however without risking their security. Another condition is that travelling to and staying in the Netherlands does not put the safety of the human rights defenders or their families at risk.

The Shelter City programme receives 250 to 300 applications every year, and this number has been increasing, especially in recent years. 65% of the applicants come from Africa, with the Democratic Republic of Congo, Burundi and Nigeria as the leading countries. The second highest number of applications, or 14%, are received from Asia, especially from Afghanistan, Bangladesh and Pakistan. The majority of applicants are men (74%). Women account for 23% and others for 3% of the applicants. By May 2017, 46 human rights defenders from 29 different countries had participated in the programme.

The cities make their own decisions about the number of human rights defenders they can receive each year. This number varies between one and three in different cities. The main rule is, however, that each city only offers a residency for one human rights defender at a time. An exception to this rule is The Hague, which also accommodates those human rights defenders who have been unable to leave the country for security reasons after the residency period. Initially, the cities were also expected to receive at least one human rights defender who is an artist. This requirement was dropped as, because of their profession, artists need to be offered very different activities than persons working in human rights organisations. In addition, earmarking one place for certain human rights defenders reduces the possibilities of granting places to others whose need for support may be greater. Places for artists were also dropped because other shelter city projects already exist which focus specifically on helping them.

A variety of activities

The residency period programme is planned individually for each human rights defender. The contents of the programme depend on his or her needs but also on what the host city has to offer. In addition to a safe haven and rest, the cities wish to give human rights defenders a possibility of continuing their work and taking different courses or training programmes, including security training.

The Shelter City programme also offers the visitors English courses and other university studies. In addition, meetings with both Dutch politicians and other influential persons as well as MEPs are organised for human rights defenders. They often also meet schoolchildren and students. Some human rights defenders wish

to talk about their situation on the media, as they believe publicity will bring them additional protection, especially when they are returning to their home countries.

Both physical and psychological treatment are offered for human rights defenders arriving in a Shelter City if necessary. The programme included insurance to cover health care costs from the start, but in the pilot phase it became obvious that human rights defenders should also be reserved the possibility of obtaining psychological help, such as visits to a psychologist. Many human rights defenders live and work in such difficult conditions that mental support and help are extremely important for them.

During the pilot phase in The Hague, it was found that the timing of the residency significantly affects the possibilities of offering human rights defenders different activities. Organising meetings and courses is often difficult during holiday times, and the residencies should thus be planned not to coincide with these periods. Based on the experiences derived from the programme it was also observed that, despite various activities organised for him or her, a human rights defender may feel lonely. One solution to this problem is receiving several human rights defenders at the same time, enabling them to provide each other company and peer support. In practice, simultaneous placements in the same city have not been possible, mainly for resource-related reasons.

Security during a residency

Particular attention must also be paid to human rights defenders' safety during the residency. While the human rights defenders participating in the Shelter City programme have not encountered problems while staying in the Netherlands, one defender was harassed when attending a Human Rights Council session in Geneva during their residency. However, the Shelter City programme has formulated precise instructions for such activities as communications. If necessary, no information about the placement of a human rights defender in a residency is disseminated publically. The address of the safe haven is only known to project participants, and the security of any events is ensured in advance with the organisers. Some human rights defenders also avoid contacts with persons originating from their home countries who are living in the Netherlands.

Clear division of duties is of primary importance

Justice and Peace sees to all expenses of the programme that are not directly relevant to local activities in the cities. 64% of the expenses incurred from the relocation of an individual human rights defender are covered from the local budget, and the remaining 36% are contributed by the Ministry of Foreign Affairs and Justice and Peace. The total costs incurred from offering a residency to a single human rights defender are approximately EUR 30,000. In 2015–2017, the support granted by the Dutch government to the project amounted to EUR 500,000.²²²

²²² Collier, Chris (2015) Creating "Shelter Cities" – The Experience in The Netherlands.

Justice and Peace:

- pre-selects human rights defenders
- sees to travel, visa and insurance arrangements
- compiles a profile of the human rights defender
- coordinates funding and manages fundraising
- helps human rights defenders network with Dutch and international politicians and other relevant parties
- provides security training, and
- conducts an evaluation of the residency period.

Local coordinators in the cities:

- organise housing for the human rights defenders
- support the human rights defenders in local activities
- look after daily activities
- organise local funding, and
- participate in reporting together with Justice and Peace.

The local government:

- makes a decision to join the Shelter City programme
- decides how many human rights defenders it can receive every year
- supports the project financially and politically
- finds a local coordinator, and
- participates in reporting together with the other project actors.

Ministry of Foreign Affairs:

- participates in the selection committee's work
- provides financial and political support, and
- provides advice and help related to the visa process.

The participants find that cooperation between the parties has in general worked well over the years. The key to success is ensuring that the division of responsibilities is as clear as possible and that all parties know who does what. A good dialogical connection between the actors is also essential, as disagreements unavoidably arise along the way. For example, there have been times when one of the participating cities has not wished to receive the human rights defender assigned to it, and open and trustful discussion has been helpful in resolving differences of opinion.

Those participating or having participated in the Shelter City activities find that the programme has had strong political support from not only the Dutch Ministry of Foreign Affairs but also the parliament throughout its existence. The

willingness of new cities to join the programme indicates that attitudes towards the Shelter City initiative are also very positive at the local government level. The support afforded by Dutch diplomatic missions to the programme varies from one mission to another, but it is estimated that 10% to 20% of human rights defenders' applications are received through the missions.

More flexibility needed in the residency period

The Shelter City programme does not aim for long-term relocation of human rights defenders, and in principle, a three-month residency period must be sufficient. Before a decision is made to place a person in a residency, an assessment is carried out to establish if other protection mechanisms available in his or her case have already been used. The primary objective is to support and protect human rights defenders locally to allow them to carry on their work in their own communities as far as possible. The Shelter City programme also wishes to avoid supporting "brain drain" from defenders' countries of origin to the Netherlands. The temporary nature of the residency is also emphasised to avoid creating an idea of the programme as a short-cut to receiving asylum. The human rights defenders coming to stay in a residency always sign a document that explains the basic rules of the programme and stresses its temporary nature.

The human rights defenders are granted a Schengen visa valid for three months in order to participate in the Shelter City programme. While the usual process for applying for a Schengen visa is followed, a specific agreement has been concluded between the Ministry of Foreign Affairs and the immigration authorities on instructing visa officials to issue visas for participants in the Shelter City residence programme. If necessary, the visa can be renewed once for a second period of three months.

Justice and Peace initiated discussions on the visa issues with the authorities at the very beginning of the project, and the organisation lobbied the Dutch parliament for support for the Shelter City programme. The Dutch Minister of Foreign Affairs submitted two letters to the lower chamber of the parliament expressing his willingness to support the programme and promising to fast-track the visa process of human rights defenders under threat. A human rights defender accepted to the programme may be issued a visa within two or three days or, if necessary, 24 hours. Close cooperation between Peace and Justice and the Ministry of Foreign Affairs is required in the visa arrangements. From the beginning, the authorities have clearly stated that in principle, issuing three-month Schengen visas to human rights defenders participating in the programme is possible. Other visa options enabling longer stays would also be available in theory, but the current situation could not be changed without support from the Ministry of Foreign Affairs, in particular. Peace and Justice has also attempted to lobby for extending the residency period from three months or having more flexibility in its duration, but so far the proposal has failed to attract support.

Defenders' situation must also be monitored after their return

While the programme's goal is that the participants can return to their home countries after the residency period, this is obviously not always possible for human rights defenders coming from difficult circumstances. The situation of each human rights defender accepted in the programme is monitored closely, and any issues related to their return are addressed accordingly. If the conclusion is that returning is not possible, the human rights defender is helped with finding other options. A place may be found for them in some other residency programme, or they may return to a neighbouring area of their home country if it is safe enough. One option is applying for a place at a university on the support of a grant programme in the Netherlands or elsewhere in Europe. While exact numbers are not available, some human rights defenders who participated in the programme have ended up applying for asylum in the Netherlands. While those staying in a residency undertake to return to their home countries after three months, they always have the right to apply for asylum through the normal asylum procedures if necessary.

The programme also keeps in touch with participants and monitors their situation when they have returned to their home countries at the end of the residency period. They frequently are subjected to different types of pressure and threats once more. For this reason, security training is provided for them during the Shelter City period to help them cope better with a difficult situation. Additionally, it is hoped that the media attention they attract and their new networks will give them a feeling of security and also improve their safety in concrete terms. In some cases, human rights defenders have been given financial support allowing them to flee within their home countries (for example, move to a different location) or afford other actions to enhance their security. They have also been given the contact details of local actors from whom they can obtain help if necessary. In some cases, human rights defenders have been arrested shortly after returning to their home countries following a Shelter City residency. In these cases, Justice and Peace has activated different stakeholders, including local NGOs and diplomatic missions, to do everything they can to help.

The programme has achieved its objectives

According to various assessments, the Shelter City programme has successfully offered a safe haven and support for human rights defenders. Most participants have found their stay in a shelter city useful, and they have also been able to continue their work while in the Netherlands. In particular, security training and networking with European NGOs and influential people have been considered good practices of the programme. As the most important impact of the Shelter City programme is often regarded the participating human rights defenders' ability to return to their home countries and continue their work, supporting other human rights defenders and their training.²²³

²²³ The Hague: Shelter City Evaluation (2015) Justice and Peace, The Netherlands.

Its ability to convey the message of human rights through the stories of individuals has been considered one of the Shelter City programme's success factors. When a defender participating in the programme describes his or her life and situation, the human rights problems in the relevant country grip the listeners in a completely different way than a general report on these issues. The flip side, on the other hand, is that the participating cities would prefer to receive famous human rights defenders who attract publicity.

The current challenge of the Shelter City project is the increasing number of applications in proportion to the available resources. As the proportion of applicants for whom a residency can be offered is diminishing, Justice and Peace has also organised separate short-term training programmes for human rights defenders in the Netherlands. The Hague Training Course for Human Rights Defenders on Security (THTC), the duration of which is ten days, is organised at least twice a year. Twenty human rights defenders from different parts of the world are invited to attend the course at a time. The training courses are organised in cooperation with the Ministry of Foreign Affairs and the Catholic cooperation development organisation Mensen met meen Missie.²²⁴ The challenges faced by the Shelter City programme also include the growing number of past participants, which means that there are more and more human rights defenders around the world who need to be monitored after their return.

Strengths of the Shelter City programme include:

- provision of extremely versatile support for human rights defenders
- a solid organisation and broad-based cooperation involving cities, universities, NGOs and authorities
- good cooperation with the authorities in visa issues
- a possibility of offering human rights defenders contacts with decision-makers in the Netherlands and the EU, and
- the activities enjoy strong political support.

Challenges encountered by the Shelter City programme include:

- shortness of the residency period with no flexibility in principle
- supporting human rights defenders in a situation where they cannot return to their home countries after three months
- increase in the number of applications compared to the available places, and
- monitoring and supporting human rights defenders who have returned to their home countries.

8.2 The International Cities of Refuge Network (ICORN)

The International Cities of Refuge Network (ICORN) is an organisation through

²²⁴ <http://www.justiceandpeace.nl/mensenrechtenverdedigers-en-veiligheid/the-hague-training-course-voor-mensenrechtenverdedigers-over-veiligheid>

which cities around the world offer shelter for writers and artists who are threatened because of their activities and opinions.²²⁵ The objective of ICORN's activities is to promote the freedom of speech and offer practical help for people at risk. According to ICORN, they usually also are human rights defenders due to the nature of their work, but this is not a precondition for being granted a place in a City of Refuge.

The roots of ICORN are in the International Network of Cities of Asylum (INCA) established by the International Parliament of Writers (IPW). While the IPW ceased to operate in 2005, the stakeholders wished to continue its cities of refuge activities extending around the world, and ICORN was established in Stavanger, Norway, in 2006 to continue its work.

ICORN activities were expanded in 2014, and in addition to writers and journalists, applications are today also accepted from artists. At the beginning of 2017, the network comprised 65 cities, and more than 170 people had participated in the programme. The organisation's secretariat is based in Stavanger, and its Board consists of representatives from the participating cities.²²⁶ PEN International and Sølvsberget Cultural Centre can also send a representative to the Board meetings, at which they have a right to speak and to propose issues to be put on the agenda. One writer or artist who is or has been staying in a city of refuge can participate in the meetings and enjoy the same rights.

The largest funding providers for ICORN are the Swedish International Development Cooperation Agency Sida, the Norwegian Ministry of Foreign Affairs, Stavanger Municipality and the Fritt Ord foundation. In addition, the activities are financed by annual membership fees paid by the ICORN cities.²²⁷

Careful backgrounds checks

ICORN offers long-term residencies of about two years. In addition, it grants rapid emergency assistance to help writers and artists in an acute situation with such expenses as housing costs, telephone bills and purchases of medicines while they are waiting for a place in a city of refuge.

The applicants must run the risk of being killed, abducted or assaulted or disappearing because of their professional activities. Other reasons for being offered refuge may include imprisonment or the risk of being imprisoned, or the applicant's inability to work freely as they are afraid of persecution. In addition to government representatives, the persecutor may also be some other party.

225 <http://www.icorn.org>

226 ICORN Board members in 2014–2018: Chairman Chris Gribble (Norwich), Vice Chair Leikny Haga Indergaard (Bergen), Jasmina Arambasic (Ljubljana), Annika Strömberg (Uppsala), Henry Reese (Pittsburgh) and Danuta Glondys (Krakow).

227 ICORN Report 2012–2013 (2014) ICORN.

The objective of ICORN is to offer those granted a residency a small break in the midst of their difficulties and an opportunity to continue their work in a peaceful environment. They can take a breather for a while, network and think about what to do next. Networking with human rights defenders in a similar situation is particularly important, as only they can understand what it is like to live under constant threat and harassment. It is also very important for human rights defenders to continue their work while staying in a refuge in one way or another. Should a human rights defender wish, they can participate in various events and occasions, for example to spread information about the human rights situation in their country and their work. However, a person taking up an ICORN residency does not have to appear in public, and they can decide on their activities and participation as indicated by their situation.

One of the most famous persons to stay in an ICORN residency was the Belarusian writer Svetlana Aleksijevič, who was awarded the Nobel Prize for literature in 2015. She spent the period of 2006–2008 at a refuge in Gothenburg, Sweden.

ICORN examines each application for residency individually in cooperation with PEN International's Writers in Prison Committee.²²⁸ The committee investigates the professional status of each applicant and assesses the dangers they face. ICORN proposes some 6 to 8 applicants to a city belonging to the network whom it considers would be suitable for it. The cities can make their own decisions on whom they wish to accommodate and how many they can receive at once, although normally residency is only offered to one applicant at a time. Sometimes the participants bring their families, spouses or partners, who frequently are artists facing a similar situation. When permitted by their resources, some cities accommodate several applicants at a time. Malmö, for instance, offers one residency for an artist and another for an author. Stockholm and Oslo have had plans to offer residencies for several defenders at once, but no decisions had been made at the time of writing of this report.

Major variations in visa and residence permit practices

There are major variations in the required visas and residence permits and their application processes between the countries participating in ICORN activities. Typically, the host city is located in a Schengen²²⁹ country, and according to ICORN, the visitor often first applies for a Schengen visa and, only after reaching the country of residence, for a two-year residence permit. The visa processes take from a few weeks to several months. Many applicants find the long waiting period very difficult, and their situation may deteriorate further during it. In some cases, merely preparing to leave the country may exacerbate the threat against a defender. The coordinators of the ICORN cities often attempt to facilitate the permit process by different means, for example by contacting the diplomatic mission of their country or local NGOs.

²²⁸ <http://www.pen-international.org/who-we-are/writers-in-prison/>

²²⁹ https://ec.europa.eu/home-affairs/what-we-do/policies/borders-and-visas/visa-policy_en

If the participant must first apply for a visa, stating at this stage that they are leaving the country because of the persecution and threats they have experienced is often not a good idea according to ICORN. The citizens of certain countries have been denied visas in these cases, as they are expected to apply for asylum once they reach the host country. For this reason, it is often stressed that the person is participating in a 'cultural exchange', for example. The permit process is frequently also hampered by a lack of required travel documents, such as a passport. Some of the applicants have been forced to flee without their passports, and some find it too dangerous to apply to their country's authorities for a passport. In some cases, the authorities have refused to issue a passport to the applicant.²³⁰

In Sweden, Norway and Denmark, a specific permit process has been created for participants in ICORN residencies.

In 2008, the Danish parliament adopted a law under which persons participating in ICORN residencies can apply to a Danish mission in their home countries for a two-year residence permit for themselves and, if necessary, for their families if they already have agreed upon a residency with a Danish city.²³¹ The person for whom a residence permit is issued must sign a document in which they assure that they are familiar with the basic Danish values and undertake to leave the country after the residency period. This assurance was needed in order for the act on the special arrangements to be passed by the parliament. The benefit of the Danish system is that the person does not necessarily need a passport or a similar travel document in order to be issued a residence permit. This system, too, has the disadvantage of a drawn-out process taking at least two months.²³²

The Norwegian system is quite different from the processes in other countries. In Norway, participants in ICORN residencies are part of the arrangement put in place for quota refugees. The Norwegian parliament approves the number of quota refugees and the countries from which they will be received every year. This quota includes a few places which are not tied to a specific country of origin or which can be issued to those in a pressing situation. The Norwegian PEN has been reserved the possibility of proposing persons to the country's immigration authorities within these two special categories. Since ICORN was established in 2006, the selection of residency participants to be proposed has been managed by its secretariat. The immigration authorities make the participants' travel arrangements and pay for their costs. The actual process is mainly handled by the International Organisation for Migration (IOM), while ICORN's role is to monitor the process. In other words, the participants also receive refugee status in Norway, and they can thus avail of long-term protection.²³³

230 Dyvik, Elisabeth (2014) Providing residencies for persecuted writers and artists in Europe – Immigration issues, The Foreign Policy Centre, London.

231 https://www.nyidanmark.dk/da-dk/ophold/friby_ordningen.htm

232 Dyvik, Elisabeth (2014) Providing residencies for persecuted writers and artists in Europe – Immigration issues, The Foreign Policy Centre, London.

233 Dyvik, Elisabeth (2014) Providing residencies for persecuted writers and artists in Europe – Immigration issues, The Foreign Policy Centre, London.

In Sweden, ICORN negotiated on questions related to entry into the country with the cities' representatives, the Swedish PEN, the Swedish Arts Council (Kulturrådet) and the immigration authorities (Migrationsverket). In 2011, the Swedish authorities decided that two-year temporary residence permits for the residency could be issued to artists at risk. A specific form was also produced for the permit applications. After the two-year period, a residency participant can apply for a permanent residence permit if they can support themselves by their work.²³⁴ ICORN considers the Swedish model the best one of the current arrangements, even if it also has the problem of a long application period. Getting a residence permit takes about two months.²³⁵

The period following the residency should be planned on time

According to ICORN, it is highly important that the protection mechanism actors work closely and positively together with the immigration authorities and government representatives. In recent years, there has been mounting political pressure to impose more stringent rules on issuing residence permits and an increase in different types of monitoring and investigations. The immigration authorities work under fierce pressure created especially by politicians and the media, and they are now much more cautious than before. A good dialogical connection with the authorities is thus even more important than before. Once ICORN representatives have an opportunity to explain what their activities are about, they have usually been well received, and an agreement on the procedures has been reached. It is usually important for the authorities that the participants' backgrounds are checked thoroughly and that the system offers a temporary refuge rather than a permanent arrangement. In few cases only has it proven impossible to reach agreement with the authorities, and consequently the activities could not be launched in the country in question.

According to ICORN, issues related to visas and residence permits have become more difficult in recent years because of underlying fears that the participants' ultimate motive is obtaining asylum. ICORN representatives thus stress that human rights defenders usually only hope for a temporary safe haven, as they wish to continue their work in their home countries or in the neighbouring areas.

At the same time it must be acknowledged that in addition to entry into the country, ICORN is increasingly forced to address the question of what happens to the participants after the two years' residency. In reality, returning to their home countries is difficult or impossible for many, and the organisation must give timely consideration to different alternatives to returning. As ICORN works with people living under a particularly serious threat, making precise plans for their return in advance is difficult. There may be a crucial turn for the worse in the conditions in the country of origin during their absence.

²³⁴ <https://www.migrationsverket.se/Andra-aktorer/Kommuner/Fristad-at-konstnarer.html>

²³⁵ Dyvik, Elisabeth (2014) Providing residencies for persecuted writers and artists in Europe – Immigration issues, The Foreign Policy Centre, London.

If returning appears impossible, the options usually include applying for a new residence permit on some other grounds, applying for asylum or a residency in some other country, or returning to a neighbouring area of the home country. As this always is a very big and serious decision, the choice must be made by the human rights defenders themselves. The sooner the planning of the return is started, the more time there will be to explore different options and assess what is possible in general. According to ICORN, the practices associated with residence permits, for instance, are now changing so much in Europe that keeping up to date requires particular alertness and effort.

If a human rights defender decides to return to their home country, however, ICORN can establish a network that they can contact and that is aware of their situation if necessary. If the situation becomes threatening, ICORN will try and organise the person a possibility for a new residency through its own network or with the help of other NGOs offering protection.

Applicant numbers go up constantly

In addition to issues related to visa and residence permit processes, a challenge currently faced by ICORN is the rapid increase in applicant numbers in proportion to the number of ICORN cities and the organisation's resources. While some 40 applications were received in 2011, this number had almost doubled by 2013 and in 2016, over one hundred applications came in. The largest numbers of applications in 2016 were received from Syria, Turkey, Bangladesh and Burundi. In that year, residencies could be offered for 17 applicants. In the first half of 2017 (by 15 June), the highest number of applications had been received from Iran, with almost one half of the applicants being journalists.²³⁶ ICORN's goal is to encourage more cities to join the network, making it possible to offer more places.

The majority of the applicants are men. In 2016, for example, roughly one out five applicants was a woman, but an increase in the number of women was registered in early 2017 (by 15 June), and their proportion had grown to 26%.²³⁷ The most typical applicant is a male journalist arriving with his family, while the person most likely to receive a place is a single and childless woman poet. Women poets and other female applicants often are at the greatest risk according to ICORN's information, and in this respect it is positive that they find it easier to obtain a residency. Those with families end up with the longest waiting times, as a family requires more resources and support than individual participants.

Cities in a key role

The ICORN's activities rely strongly on cities, and the organisation works directly with local governments. Local governments often have more freedom to act than central governments, as they have less involvement in international politics or the passing of immigration laws. In addition to cities, regional governments have

²³⁶ Half-year report 2017, ICORN. <http://www.icorn.org/article/half-year-report-2017>

²³⁷ Half-year report 2017, ICORN. <http://www.icorn.org/article/half-year-report-2017>

also started supporting ICORN projects in some countries. In Spain, Italy and Germany, for instance, support is more likely to come from the regional rather than the national level. However, good cooperation with the central government in immigration issues is a must. Various ministries also have a strong role in controlling funding in certain countries. In Norway, the Ministry of Foreign Affairs supports the work of ICORN and its secretariat, and in such countries as Sweden and Denmark, the Ministries of Culture have a key role in providing economic and political support. The Swedish Ministry of Culture has, among other things, communicated with all Swedish diplomatic missions across the world about ICORN to inform them about the organisation's activities.

In addition to strong economic and political support, a strong commitment of the cities and the parties managing the practical work, as well as cooperation with various experts, are needed in ICORN activities. A city wishing to join the ICORN network must thus meet certain criteria before it can receive human rights defenders. Those arriving through ICORN are in a very difficult psychological situation, as they usually are afraid for themselves and their family and friends. They may suffer from trauma and sleeping problems and find it difficult to concentrate, and it may be very difficult for them to work outside their usual setting in a completely new environment. Language problems are also common.

Tasks of the ICORN city include:

- making travel arrangements and organising the participant's reception in the city
- seeing to permit issues associated with the stay (visa, residence permit)
- finding suitable housing
- providing a grant for the duration of the residency
- helping the participants with integrating in the local society, both professionally and socially
- selecting a residency coordinator who supports the participant throughout the residency period, and
- paying the membership fee of the ICORN network (EUR 2,000/year).

General assessments of ICORN's activities are mainly very positive from the perspective of both the participants and the host cities. In some cases, what was offered for them in the host city did not meet the expectations of the human rights defenders arriving in the refuge. In smaller cities, the participants could not always find enough company who speak their language, or housing was organised in a remote location with poor connections.

The objective thus is that the city would set up a group or team consisting of social workers, lawyers, health care professionals, police representatives and actors representing the occupation of the human rights defender. In addition to housing, all services and support needed by the person in question must be organised, and different activities and things to do should be offered to them while they are staying in the city.

Strengths of the ICORN network include:

- the background actors' long experience with helping authors and artists at risk
- the strong competence of PEN International and its networks in selecting those granted a residency in a city of refuge
- long periods of residency (2 years) compared to other programmes
- a large network of cities that offers many types of options for relocating the participant
- Norway's political and economic support for the activities, and
- local governments' strong political and economic commitment to the activities, because of which national level politics have a smaller impact on the continuity of the activities (excluding visa and residence permit questions).

Challenges of the ICORN network include:

- varying visa and residence permit practices in different countries and the drawn-out application processes
- less liberal attitudes and more stringent practices in visa and residence permit issues in Europe
- great disparities between the resources and circumstances of the participating cities
- increasing number of applications compared to available residencies
- providing the secretariat with more resources as the activities expand, and
- supporting human rights defenders in a situation where they cannot return to their home countries after three months.

8.3. Finnish residency and city of refuge projects

8.3.1 Safe Haven Helsinki

In 2014, Helsinki International Artist Programme (HIAP) and the Perpetuum Mobile organisation launched a pilot project titled *On the Move/The Nordic Fresh Air*, which offered residencies in Helsinki for professionals of visual arts and music who were under threat because of their work and opinions. In 2016, the project continued under the name *Safe Haven Helsinki*.

Among other things, Perpetuum Mobile is responsible for inviting participants to residencies, providing professional support, the organisation of exhibitions and discussion events, and the general organisation of the project. HIAP, on the other hand, manages residency services in Suomenlinna and travel arrangements. A steering group was established for *Safe Haven Helsinki* in 2016 with representatives from Anna Lind Foundation, HIAP, Perpetuum Mobile, the Human Rights League, the Finnish Musicians' Union, the Finnish PEN and the Artists' Association of Finland. A representative of the City of Helsinki has also participated

in steering group meetings as an observer. The steering group serves as a peer network for Safe Haven Helsinki activities and participates in developing the practical aspects of the work.

The first residency artist in the pilot phase in autumn 2014 was the Egyptian musician Ramy Essam. After Essam, the artists invited to Helsinki for a three-month residency have included photographer Issa Touma from Syria, curator and researcher Vasyl Cherepanyn from Ukraine and rap musician El Haqed from Morocco. The first residency participant after the Safe Haven Helsinki activities were launched in 2016 was the Palestinian musician Jowan Safadi.²³⁸

Safe Haven Helsinki activities primarily emphasise the participants' professional competence, with the aim of enabling them to continue their artistic work while in Finland. During their residency periods, the artists have participated in discussion events, given concerts and held exhibitions together with a variety of actors from Helsinki. They have also received a lot of media attention. According to the project leaders, however, each residency participant may choose whether to talk about their situation in public or just come to Helsinki for a rest and keep a low profile. Safe Haven Helsinki does not offer security training for the participants, nor does the project have separate safety instructions. However, an effort is made to attend to security questions with each participant on a case-by-case basis.

Health services are also offered to every participant if necessary. Those coming for a residency period of one year or longer are entitled to use the city's health services. As some of the participants have been subjected to torture or they have gone through other serious traumatic experiences, an initial mapping of potential psychologist's services was carried out. This has included discussions on cooperation with the Centre for Torture Survivors among others, but in practice, the Centre's resources are barely sufficient to serve even its current clients. The project also has a great need for legal services but has so far been forced to rely on volunteer lawyers.

In 2014–2016, the residency periods of Safe Haven Helsinki were three months in duration. The participants usually came to Finland on a Schengen visa, which enabled them to stay in the country for three months. In the future, the Safe Haven project aims for organising a few shorter residency periods annually, in addition to one longer period of at least one year in duration. In February 2017, the first artist arrived in Suomenlinna for a year-long residency. Their stay is enabled by a residence permit intended for working, as they continue to practise their profession while staying in Helsinki. However, Safe Haven Helsinki representatives hope that residence permits could be discussed with the Finnish Immigration Service to ensure a as streamlined a process as possible for those coming for a residency. So far, no negotiations on the residence permits have taken place.

238 Palestinsk musiker får fristad i Helsingfors - "Folk utanför konfliktzoner kommer aldrig att få veta hur det känns", 11 March 2016, Yle. <https://svenska.yle.fi/artikel/2016/03/11/palestinsk-musiker-far-fristad-i-helsingfors-folk-utanfor-konfliktzoner-kommer>

Where possible, the participants' situations are also monitored after their return. If the situation becomes threatening once more, an attempt is made to find ways for the artist to leave the country, such as participating in some other residency. For example, the situation of Touma from Syria became so difficult after his return that a new place of residency was found for him in Sweden through ICORN.

In the pilot phase, the Safe Haven Helsinki project was financed by the Nordic Culture Point and the Ministry of Education and Culture. The project also received support from the Finnish Cultural Foundation, Kone Foundation and Saastamoinen Foundation. The annual funding requirement of Safe Haven Helsinki is about EUR 160,000. In 2016, the City of Helsinki granted the project EUR 130,000, and for 2017, an appropriation of EUR 130,000 was similarly disbursed through the City's Cultural Centre.

Safe Haven Helsinki is part of the Artists at Risk (AR) network founded by Perpetuum Mobile. This network is an umbrella organisation for residency projects in different countries for artists, authors, curators, critics and scientists who are under threat because of their work and opinions. The AR network has residency projects in Italy, Germany and Greece alike. A new residency project set up in Finland by Kone Foundation and Saastamoinen Foundation is also part of the AR activities. AR helps persons who are under threat leave the country and finds them a suitable residency. This work has been supported financially by such actors as EIDHR.

Safe Haven Helsinki has mainly relied on voluntary actors for a long period, and the participants in residencies have been selected through the organisers' personal contacts and channels. From the beginning of 2017 applications for the residencies have been received by the AR network, with the first call for applications closing in May. The participants are selected by a jury whose members are compiled by the management of the AR network (leaders of Perpetuum Mobile) and an advisory board.²³⁹

Safe Haven Helsinki, the NGOs involved in its activities and representatives of the ICORN secretariat have also for several years conducted negotiations with Helsinki on the city's potential of joining ICORN. So far, no progress has been made in these talks, and no information on the city's possible membership was available in spring 2017. The organisation feels that membership in this network would be an important indication of the city's genuine commitment to residency activities.

8.3.2 Saari Residence/residency of Saastamoinen Foundation

Kone Foundation together with Saastamoinen Foundation and the Safe Haven Helsinki actors began residency activities at the Saari Residence in Mynämäki at the

²³⁹ In spring 2017, the members of the AR advisory body were Maria Alyokhina (Pussy Riot), editor Hrag Vartanian (Hyperallergic.com), curator Bonaventure Soh Bejeng Ndikung, Executive Director Helge Lunde (ICORN) and Julie Trebault (Artists at Risk Coalition, PEN America).

beginning of 2017²⁴⁰ as part of the Artists at Risk (AR) network. The project aimed at receiving the first participant in November 2017. The participant is selected by a jury convened by the AR network. The three-month residency period is divided into two parts, with the artist spending two months as a guest of Kone Foundation at the Saari Residence and one month in Helsinki on support from Saastamoinen Foundation.²⁴¹

The Saari Residence is mainly intended for visual artists whose freedom of expression and life are under threat because of their artistic activities. During the residency, the artists can focus on their art work in a safe environment and/or have a break from the difficult conditions in their home country or country of residence. The artists are also offered the possibility of bringing some of their family members with them (spouse, children). Kone Foundation pays for the artists' and their family members' reasonable travel costs and provides them with housing and working facilities. Perpetuum Mobile helps the artists and their families obtain visas and make their travel arrangements. Kone Foundation/the Saari Residence pays the artist a monthly grant of EUR 2,700 and, if necessary, obtains legal and mental health services for them. Saastamoinen Foundation meets these costs during the residency month offered by it and also contributes to the general costs of the project.

According to Kone Foundation, it also wishes to attract the public's interest in the growing threat against the freedom of speech and expression through its residency activities.²⁴²

8.3.3 Pietarsaari City of Refuge project

A panel discussion was organised in Pietarsaari in March 2016 to consider the city's possibilities of becoming a City of Refuge and joining the ICORN network.²⁴³ The idea was received enthusiastically in the city, and the city's cultural diversity coordinator, Lisen Sundqvist, was selected to lead the City of Refuge project. She was tasked to investigate what requirements would be placed on Pietarsaari if it becomes a City of Refuge and, for example, how the project could be financed.

An ICORN project is considered to be compatible with Pietarsaari, as the city is highly multicultural considering its size, and its cultural life is lively. The city already has long traditions of receiving refugees; on the other hand, it would be easy to find networks and activities in the region for an author or an artist seeking refuge.

240 Saari Residence joins Perpetuum Mobile's Artists-at-Risk Platform, 9 March 2017. <https://koneensaatio.fi/en/saari-residence-joins-artists-at-risk-platform/>

241 Saari residence joins Perpetuum Mobile's Artist at Risk Platform, 9 March 2017. <https://koneensaatio.fi/en/saari-residence-joins-artists-at-risk-platform/>

242 Saari residence joins Perpetuum Mobile's Artist at Risk Platform, 9 March 2017. <https://koneensaatio.fi/en/saari-residence-joins-artists-at-risk-platform/>

243 A panel discussion was organised on Campus Allegro on 19 March 2016 in connection with the Viva Allegro! cultural week. The panel consisted of authors Philip Teir and Hassan Blasim, curator Marita Muukkonen/Perpetuum Mobile, residency musician Jowan Safadi, Helsinki/Haifa, residency coordinator Åsa Steinsvik, Kulturhuset i Stockholm, and executive director Johanna Sillanpää from Finnish PEN. The discussion, which was chaired by Lisen Sundqvist/Cultural diversity in Pietarsaari, focused on residency activities and the need for shelter activities.

ICORN membership was discussed by the city's cultural committee in November 2016. The committee supported the project and referred it to the education committee. While the committee meeting in December took a favourable view of the project, concerns were raised over its costs and financing issues, above all. In January 2017, the city executive expressed its support for the project but, before making a final decision, requested a report on its financial aspects in order to get an overall idea of the cost impacts of offering residencies for authors. The city executive also requested information about which party would manage the obligations associated with ICORN membership in practice. This report was to be produced in spring 2017.²⁴⁴

Initial estimates put the annual costs of City of Refuge activities in Pietarsaari and the ICORN membership at around EUR 60,000. According to the plans, the city would pay the project's housing and health care costs as well as the salary of a part-time (25% to 30%) residency coordinator. In addition, there have been initial talks on funding with Svenska kulturfonden and Kone Foundation among others. For example, the foundations could finance grants supporting the participants' work, travel expenses and the costs of taking part in seminars and other events. Cooperation with local businesses has been cited as another possible source of financing.

In addition to sorting out the financing, issues related to residence permits have also been considered in the context of Pietarsaari's City of Refuge project, but potential arrangements had not yet been discussed with the immigration authorities in spring 2017. A municipal election in April 2017 interrupted and slowed down the project. However, it was to go ahead again once the new local executive had become organised.

8.3.4 Hailuoto – an Island of Refuge for Persecuted Artists

In 2014, author Kati Hiekkapelto, photographer Aki Roukala, journalist Sanna Roukala, visual artist Matti Maukonen and minister for international work in Oulu Parish Union Árpád Kovács founded the Hailuoto Island of Refuge association to offer safety for persecuted artists. Mr Kovács, chairperson of the association, took a year's leave of absence in 2015 to manage the island of refuge activities.

Hailuoto is an island with about one thousand inhabitants off the City of Oulu. The objective of the project named Hailuoto – an Island of Refuge for Persecuted Artists was accommodating at most two artists in a residency on the island for 3 to 12 months. The project received funding from Kone Foundation and the Finnish Cultural Foundation. Hailuoto Municipality supported the project by renting it the required housing.²⁴⁵

244 Minutes of Pietarsaari city executive, 16 January 2017. <http://www.jakobstad.fi/hallinto-ja-paatoksenteko/paatoksenteko/esityslistahaku>

245 <http://www.kaleva.fi/uutiset/kulttuuri/hailuodosta-halutaan-turvasaari-taiteilijoille/684048/> <https://skr.fi/sites/default/files/tiedostot/Pohjois-Pohjanmaa%2022.5.2015.pdf>; <https://koneensaatio.fi/en/grants/tuetut/2014-2/grants-for-arts-and-culture/>; <https://www.maailmankuvalehti.fi/2015/7-8/pitkat/saaren-suojissa>

The justification for establishing a residency in a small location was that while Hailuoto is a peaceful and restful place for a persecuted person, it can also offer meaningful professional activities thanks to its lively cultural life.

So far one resident, who originally came to Oulu as an asylum seeker, has been accommodated on the island of refuge. The residency period was three months, ending in February 2016.²⁴⁶ Since that time, there has been no activity in practical terms. According to the project's founders, they lack resources for continuing the activities as the project has no funding, and on the other hand, the active members of the association have been tied up with other work. Additionally, the residency of Hailuoto did not attract as much interest as the founders originally believed. The leader of the project believes that this may be due to the remote location of Hailuoto.²⁴⁷ However, the association hopes to continue the project in the future.

8.4 Developing a safety mechanism in Finland

The deteriorating situation of human rights defenders around the globe has increased the need for different safety mechanisms. Such actions as local security training or cooperation with various diplomatic missions or NGOs may well be sufficient to guarantee the safety of many human rights defenders. However, some of them face such great danger that the only option for them is to leave the country for a while. Even if they are not in acute danger, staying in a safe haven in another country may essentially improve a human rights defender's safety in the future and build up their competences for continuing the work.

The discussion on providing temporary refuge for human rights defenders is part of a more extensive debate on the principles of targeting the support for human rights defenders. Some say that supporting defenders in their home countries or neighbouring areas, rather than in Europe, would be more efficient. This idea is backed up by human rights defenders' personal preferences for continuing their work in their own countries and staying close to their families. Additionally, the costs of providing support locally usually are in a different range than the costs of relocating one person further away to another country. In such countries as the Netherlands, the possibilities of increasing the country's support for local and regional activities, for example in cooperation with likeminded countries, have been initially discussed. Rather than planning to discontinue its support for the Shelter City activities, however, the idea is to explore the best way of supporting human rights defenders and hear their own views of this issue better. The NGOs managing the EU's mechanism for protecting human rights defenders have advocated a change in the funding of the mechanism, allowing them to spend a larger proportion of the funding on supporting defenders locally, rather than on relocating them abroad on a temporary basis.

246 Irakilainen Osama pakeni kodistaan - "menetin perheeni, ystäväni, maineeni, kotini ja urani", 9 February 2016, Iltalehti. http://www.iltalehti.fi/uutiset/2016020921083973_uu.shtml

247 Piinapenkki : Missä turvasaaren kirjailijat?, 16 March 2016, Kaleva. <http://kirjastolinkit.ouka.fi/kaleva/maalis16/piinapenkki.htm>

New approaches have also been developed in order to improve human rights defenders' security in the areas where they operate, including the Natalia project of the Swedish Civil Rights Defenders organisation.²⁴⁸ This project focuses on a security wrist band designed for human rights defenders working in dangerous conditions, which can be used to trigger an international alert in an emergency. Once they have received the alert, project participants will launch support campaigns to help the human rights defender. The wrist band also works as a locating device, as many of the persons the project supports run the risk of being abducted. All human rights defenders who are given a wrist band are also provided with security training, and a personal safety plan is prepared for them.

The discussion on targeting the support has also brought up different views of to what extent individual high-profile human rights defenders and their situation should be supported and highlighted, as opposed to providing more general help for less well-known defenders. A balancing act between different target groups is unavoidable, especially in terms of funding. However, rather than opposite ends, different security measures should be seen as mutually complementary actions. The broad range of variation in human rights defenders' situations, not only by country but also in individual cases, makes many types of protection mechanisms necessary.

According to the assessments and interviews that are available, the different temporary protection programmes have been successful. They have managed to offer human rights defenders both physical and psychological safety, useful contacts, and training to support their work and security. Various residency programmes can also be seen as a campaigning tool for giving human rights issues and human rights defenders' situation prominence in general discussion in the cities and countries offering temporary refuge.

The EU Guidelines on Human Rights Defenders and a number of international reports on defenders' situation call for states to develop mechanisms for the temporary relocation of defenders. Finland already supports human rights defenders in many ways, but from the perspective of developing this support, the possibility of setting up a protection mechanism should also be explored. The interviewees frequently pointed out that Finland is currently the only Nordic country without a city belonging to ICORN or a similar network. Some also stressed that the most streamlined and clear-cut approach to helping individual human rights defenders at risk would be a mechanism specifically created for them.

In the light of the experiences gathered from the Shelter City programme and the ICORN network, the creation of any protection mechanism should be considered from a number of different viewpoints. In particular, the duration of the temporary relocation, questions related to visa and residence permit processes, possible alternatives to the defenders' return to their home countries, funding and the roles of the stakeholders involved in the activities must be considered as early as possible. Security issues during the residency period must also be addressed. As

248 <http://natalia.civilrightsdefenders.org/#qanda>

the objective is to help persons who are in a very difficult situation, the activities must be planned with particular care, and long-term commitment is needed. Residency projects already operating in Finland, or those being planned, should also be taken into account and the situation should be considered as a whole.

Peace and Justice, which coordinates the Shelter City activities, has produced a detailed guide explaining how a shelter city project should be prepared.²⁴⁹ ICORN and other organisations managing residency activities also offer advice and practical guidance on launching such activities. Rather than exploring all questions and needs associated with creating a residency programme in detail, this analysis focuses on key perspectives, especially those relevant to the Finnish situation.

Current residency projects

The residency projects currently operating in Finland (Safe Haven Helsinki, residency activities of the Saari Residence and Saastamoinen Foundation) and the city of refuge project planned in Pietarsaari involve a number of different organisations. They have established a cooperation network whose plans include applying for joint funding in order to be able to create funding models and structures at both the national and international level. The network has initiated discussions with such actors as the Arts Promotion Centre (Taike), as Taike is considered a suitable party to manage coordination and, above all, funding. All of the current residency projects are intended for artists or writers and, on the other hand, Taike already coordinates other residency activities for artists in Finland. In earlier times it also supported residency activities intended for Finnish PEN's writers. Taike is unable to commit to multi-year funding at the moment, however, and all projects must apply for funding on a yearly basis.

Safe Haven Helsinki and the other Finnish residency programmes are strongly based on the local level, and such actors as the Ministry for Foreign Affairs or the diplomatic missions have no role in their work, apart from issuing visas to residency participants following the normal visa process. In addition, the emphasis of these programmes on supporting artists primarily points to a potential role for the Ministry of Education and Culture or art institutions.

If the Ministry for Foreign Affairs intends to develop the support and protection afforded by Finland to human rights defenders, a protection mechanism directed at human rights defenders in general should first and foremost be considered. The development of this mechanism should be based on human rights defenders' needs, and the activities should not be restricted to certain groups among them in principle.

The Ministry for Foreign Affairs would be the most natural actor to assume a role in Shelter City type activities. At the same time, however, it would be important to look for interfaces with the current and planned residency programmes. Their

²⁴⁹ How to set up a Shelter City? Manual for Human Rights Defenders Shelters (2017) Peace and Justice Netherlands.

needs related to visa and residence permit questions and security issues are likely to coincide. Some type of coordination between the programmes would also be useful to tap into optimal synergies. For example, different programmes may receive applications from the same human rights defenders.

Selection process

A key question in the planning of a residency programme is the group for whom the protection mechanism is intended. While the current residency projects operating in Finland may be classified as supporting human rights defenders, they have a strong emphasis on the arts, and the support is only directed at professionals of certain fields of arts. Many artists and writers who are threatened because of their opinions are also human rights defenders, but without a more detailed assessment, it is difficult to say if the persons the projects have supported are human rights defenders fulfilling the UN definition. For the projects themselves, this definition does not play such a key role as 'being a human rights defender' is not one of their selection criteria, at least not at the moment.

A protection mechanism for human rights defenders should be specifically targeted at defenders who meet the UN definition if the mechanism relies on the EU Guidelines on Human Rights Defenders and key human rights instruments. Before this mechanism is created, a more accurate analysis is needed of the groups which Finland could primarily receive, and which currently experience the greatest need for temporary relocation. Emphasis on women human rights defenders who are in a particularly vulnerable position could be a natural policy choice for the selections, as Finland traditionally has a high profile in promoting girls' and women's rights and, in particular, supporting those who work to promote their sexual and reproductive health and rights (SRHRs). Through its development cooperation projects, Finland also already has good networks in place with actors in this sector in different countries. As far as it is known, the existing residency programmes in Europe have not adopted a similar emphasis, even if the experiences of ICORN among others indicate that cities have a preference for women when selecting participants.

Human rights defenders operating in conflict areas also find themselves in an especially difficult position. In their case, however, an ethical question arises: if all the other people in the country or region in question are at risk, too, are human rights defenders entitled to a residency place ahead of others in need of a safe haven? A simple answer is difficult to come up with, but the activities of human rights defenders may put them at a greater risk than others, and on the other hand, they put themselves into a particular danger by defending the human rights of others.

When considering the potential selection criteria, the matter should primarily be examined from the perspective of human rights defenders' needs, rather than from the viewpoint of whom Finland would prefer to relocate in the country. The nature of the residency also has an essential impact on the selection. Do we have

capabilities for receiving human rights defenders who are at a particular risk and under an acute threat, or are we thinking about slightly more light-weight activities aiming to offer them a breather and help them in a stressful situation? If we target those in a hazardous situation, Finland must have the resources to help the human rights defenders with leaving the country without delay.

In addition to defining the selection criteria, it is also necessary to decide if human rights defenders should be invited to residencies through a public call for applications or through networks, and if applications should be received continuously or only at certain times. Most protection mechanisms receive applications in different ways, for example on online forms and through their partners. Receiving applications continuously would provide the best response to the current needs of human rights defenders and enable a fast response. A process based on an application period, on the other hand, is better suited for residency activities that mainly offer rest and support. In the initial phase of residency activities, human rights defenders could be selected through existing contacts and networks, which was also the case in the pilot project of The Hague's Shelter City programme.

According to the experiences of different residency projects, making choices between human rights defenders seeking for refuge is extremely difficult. The process requires solid competence in human rights work and knowledge of the human rights situation in different countries. Similarly to other residency projects, the Finnish project would also have to set up a working group consisting of various experts to make joint decisions.

Division of roles

At best, the protection mechanism relies on close cooperation between several different actors. The division of responsibilities and duties between the parties must be abundantly clear, however. The residencies are typically coordinated by an NGO specialising in supporting human rights defenders which has good networks both nationally and internationally. The organisation must also have sufficient resources for coordinating the activities. In the Finnish context, we need a discussion about which organisation would best meet the requirements and be willing to start residency activities. The organisation's tasks would probably also include lobbying for political support for the project and fundraising together with the other partners. This will essentially depend on the party that actually initiates the project, whether it is an NGO or the Ministry for Foreign Affairs.

As in the Netherlands, the most natural role for the Finnish Ministry for Foreign Affairs would be providing economic and political support for the project and guaranteeing a streamlined visa process if visas are required for the residencies. The missions abroad would also play a major role in the activities by proposing suitable human rights defenders and checking applicants' backgrounds. The missions' role should be considered realistically from the perspective of their resources, however, as it does not appear possible for their current staff to take

on additional duties. The protection mechanism could nevertheless make life easier for missions in some respects in situations where an individual human rights defender contacts them for protection. This mechanism would offer a clear procedure for managing such cases.

In addition to the Ministry for Foreign Affairs, it would be important for the Ministry of the Interior to be involved in the project, especially if residence permits are issued for residencies. The protection mechanism would unavoidably have links to asylum issues, and the Ministry of the Interior's involvement would also be important in this respect. Additionally, the Ministry of the Interior would clearly have a role in the project in addressing the security aspects of the residency period.

If the residency activities were mostly centralised to Helsinki, managing the activities in practice would also be a natural role for the NGO coordinating the programme. The activities under the umbrella of the Dutch Shelter City programme in The Hague, for instance, are managed by Peace and Justice, the organisation responsible for the project. In other Dutch cities the daily activities are run by local NGOs or universities.

The other partners required to run the activities will to a great extent depend on the resources and capacity of the NGO assuming main responsibility for the work. In the Netherlands, good experiences have been obtained of researchers' and universities' participation in the activities, and it would also be logical for the Finnish project to engage in cooperation with universities and research institutes, including the Institute for Human Rights at Åbo Akademi University²⁵⁰ and the Erik Castrén Institute of International Law and Human Rights (ECI).²⁵¹

Funding

The funding for residency activities usually comes from several sources, which is necessary in practice to get the required amount together. However, the project should have one or several main funding providers to safeguard the continuity of the activities. It would be logical for the Ministry for Foreign Affairs to be one of the main funding providers for the Finnish protection mechanism. Where possible, the funding should additionally be arranged for several years at a time to guarantee a longer time span for the activities. As these projects are about helping persons who are at risk, solid financial commitment will be needed.

Both ICORN's activities and the Dutch Shelter City model partly depend on local governments, in practical terms the cities, for their funding. Safe Haven Helsinki also relies heavily on funding from the city. It is thus unlikely that the City of Helsinki would be willing to finance several residency programmes. If the new protection mechanism were to be based on a strong involvement of the cities, the funding would have to be considered separately, especially in Helsinki. In

250 <https://www.abo.fi/en/institute-for-human-rights/>

251 <http://www.helsinki.fi/eci/>

general, the fact that the existing or planned residency activities in Finland partly use the same funding sources should be taken into account. On the other hand, projects intended for artists and writers can as a rule apply for cultural funding, which reduces the overlap at least in part.

Residencies are typically also funded by different foundations and companies. The information obtained for this report indicates that companies have so far not financed such projects in Finland. While a broad range of funding sources for the potential protection mechanism for human rights defenders will have to be explored, support provided by foundations and similar actors often amounts to such small sums that the mechanism cannot depend on them for its funding.

In addition to basic costs (travel, housing, coordinator's pay), especially issues related to the human rights defenders' security and health care as well as the services required by any family members accompanying them need to be addressed in the funding. Human rights defenders who stay in Finland on a temporary basis on a residence permit are entitled to health services, but their family members do not automatically qualify for this entitlement. Provision must also be made in the resource allocation for unexpected additional expenses, for example if a human rights defender cannot return home at the scheduled time and their stay in Finland is prolonged.

Location of temporary refuge

Based on the experiences of different residency projects, the temporary refuge must be located in a city that offers sufficient services needed by the human rights defender, and contacts that are useful for their work. In the Finnish context, Helsinki is the most natural place from this perspective, especially in the initial phase of the activities. Both the most important authorities and the human rights organisations' activities are based in Helsinki, and this city offers the possibility of working together with universities or other research institutes. Tampere or Turku as larger university cities could also be potential locations. Above all, the Institute for Human Rights at Åbo Akademi University in Turku would be an extremely logical participant in residency activities.

Visas and residence permits

Before the residency activities are initiated, it is highly important to work out the status under which human rights defenders can enter the country. Finland does not currently issue specific visas or residence permits for human rights defenders, but this should unquestionably be considered if residency activities were initiated. A new permit category would not necessarily have to be created for this, as the existing system can be used as far as possible. The easiest option would be a process similar to the one used in the Netherlands where, rather than creating an actual new system for human rights defenders, the smooth running and speed of the visa process is guaranteed through an agreement and cooperation between the project coordinator, the Ministry of Foreign Affairs and the Ministry of Justice, which

issues visas. Ireland also has several years' experience of a similar system in which a three-month visa can be issued to human rights defenders in a fast-track process.

If the duration of the residency is longer than three months as recommended, for instance a year, the human rights defender will need a residence permit. The grounds on which the permit can be issued must in this case be discussed with the Finnish Immigration Service. Permits for longer residencies in the Safe Haven Helsinki project have been applied for on the basis of working. In principle, however, a person participating in a residency should not be expected to work or, for instance, study during a temporary refuge, as they should be given the possibility of resting with no specific obligations.

Duration of residencies

Almost all experts find a residency period of three months too short in principle. Even if the basic duration of the residency only were a few months, the possibility of extending this period if necessary should be taken into account in the programme activities. Flexibility would make things easier in a situation where it is impossible for a human rights defender to return home after the residency. Flexibility would also mean that human rights defenders would not be forced to rely on the asylum process – often contrary to their own wishes – because they cannot return to their home countries at a given time.

Security

While human rights defenders take refuge in the residency because of the dangers in their home countries, security issues must also be taken seriously at their temporary location. Even if Finland basically is a safe country for human rights defenders, the risk of being harassed or followed always exists. Those involved in residency activities also point out that in some cases, the diplomatic mission of a human rights defenders' home country or persons who have migrated from that country to the residency country may be a potential threat. Ultimately, it is the duty of the authorities to guarantee human rights defenders' safety in Finland.

The Finnish Security Intelligence Service (Supo) has in recent years called attention to the increase in so-called refugee espionage.²⁵² According to Supo, this means attempts by foreign authorities to spy and control persons who are permanent residents or on a temporary stay in Finland. The targets for spying usually belong to the political opposition in their home countries or some other group whose activities the country in question considers a threat. This issue has also been addressed in an evaluation memorandum produced by the Ministry of Justice in 2013.

252 Annual report of the Finnish Security Intelligence Service 2016. http://www.supo.fi/in-stancedata/prime_product_julkaisu/intermin/embeds/supowwwstructure/72827_SUPO_2016_FIN.pdf?571b125d7376d488

“The target for information collection is a human rights activist from a foreign state who is seeking asylum in Finland. A representative of the foreign state infiltrates their countrymen living in Finland under a false identity. The target is filmed, and personal data is collected on them. Using this information, their close family members are threatened with the intention of forcing the asylum seeker to return to their country of origin.”²⁵³

While this phenomenon has particular associations with asylum seekers, the situation is not essentially different when a human rights defender takes refuge in Finland on some other grounds. Human rights defenders participating in residencies have also been targeted by activities similar to refugee espionage.

For safety reasons, any public appearances of a human rights defender, or even releasing news of their stay in Finland, should be considered separately in each case. Following the example of the Shelter City programme, including security training and a safety plan in the activities is highly recommended. The security of housing and communications should also be planned carefully. The security arrangements additionally help protect the safety of the project staff.

A human rights defender’s safety after the residency period can also be promoted by making the host country’s diplomatic mission in the defender’s country of origin familiar with him or her and informing it about his or her case. Good practices include introducing the human rights defender to the local mission and, in particular, the person assigned to human rights there.

Return

One of the most difficult questions related to temporary refuge arrangements is whether or not the human rights defender finally returns to their home country after the residency period. Based on the experiences of the Shelter City programme and ICORN, suspicions attached to these organisations’ activities stem from the fear that human rights defenders apply for a residency with the primary objective of seeking asylum in the country in question, and the residency activities become a circuitous route to obtaining asylum.

Those working with human rights defenders stress that the defenders rarely wish to flee their countries, let alone seek asylum. Admittedly, however, some of the defenders who resorted to temporary refuge mechanisms have applied for asylum. While the human rights defender’s return to their home country is one of the conditions for being granted a residency, as in the Dutch Shelter City pro-

²⁵³ Evaluation memorandum on passing a law criminalise so-called refugee espionage, 6 December 2013, Ministry of Justice. <http://julkaisut.valtioneuvosto.fi/handle/10024/76587> Refugee espionage has not been criminalised in Finland. The Finnish Security Intelligence Service submitted an initiative on making it punishable in Finland to the Ministry of Justice on 14 March 2012. The Finnish Refugee Advice Centre, the Finnish-Russian Citizens’ Forum, the Finnish Refugee Council, Kiila association and the Finnish PEN submitted an initiative on criminalising refugee espionage on 28 March 2012. In such countries as Norway and Sweden, refugee espionage is punishable under specific provisions.

gramme, defenders always have the right to apply for asylum. Sometimes seeking asylum is the only option in a situation where returning quite simply has become too dangerous. When creating a residency programme, the fact that the asylum question cannot be separated from the project must consequently be acknowledged. The Ministry of the Interior and the Finnish Immigration Service must thus be included in the planning of the project from the start.

Rather than applying for asylum, however, an effort is typically made to find other solutions for human rights defenders if returning after the residency is impossible. As stressed by ICORN in its work, it is of primary importance to start thinking about and planning the questions related to the defender's return as early as possible. If a defender cannot return home, one of the first options is extending their visa or residence permit. Other potential ways of postponing their return include placement in another residency and finding a place of study or a job.

In Spain, the CAER-Euskadi organisation offers human rights defenders refuge for a period lasting from six months to a year, after which the defender returns to their home country, seen off by the Spanish Ministry of Foreign Affairs and members of the parliament.²⁵⁴ This is considered a very good combination of a long period of refuge and safe return.

Protection must also be offered to human rights defenders after their return, and creating an extensive network of NGOs and diplomatic missions which they can contact for help if necessary plays a key role. In other words, solid and reliable networks in both the country providing temporary refuge and the country of origin must be built to support the human rights defender.

See Figure 5 (p. 11) for issues that must be taken into account when developing residency activities offered for human rights defenders in Finland.

254 <https://www.cear-euskadi.org/en/>

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