Democracy, Human Rights, and Labor
U.S. DEPARTMENT *of* STATE

# Guidelines for U.S. Diplomatic Mission Support to Civil Society and Human Rights Defenders

# Table of Contents

EXECUTIVE SUMMARY ..... 4

WHO ARE HUMAN RIGHTS DEFENDERS ..... 6

U.S. DIPLOMATIC AND PROGRAMMATIC ENGAGEMENT ..... 7

STRATEGIES AND TOOLS FOR U.S. DIPLOMATIC MISSIONS ..... 10

ADDITIONAL RESOURCES ..... 17

Cover image: LaGuardia Indígena del Cauca of Colombia peacefully protests human rights abuses experienced by indigenous groups in the region. Photo by: neuglex,licensed under CC BY-NC-SA 2.0

# EXECUTIVE SUMMARY

The Biden-Harris Administration is committed to putting human rights and democratic principles at the center of our foreign policy. These Guidelines for U.S. Diplomatic Mission Support to Civil Society and Human Rights Defenders outline and amplify the U.S.'s commitment to supporting this vital work as part of the President's strategic vision and U.S. foreign policy. It is addressed primarily to both U.S. Department of State Human Rights Officers and members of civil society around the world, including human rights defenders.

An open, inclusive, empowered, and fully functioning civil society is vital to healthy democracies, prosperous economies, and resilient societies. The United States is committed to the UN Declaration on Human Rights Defenders and continues to engage, both bilaterally and in multilateral fora, to protect and promote fundamental freedoms and the role of human rights defenders. The work of civil society, including human rights defenders, to protect human rights and fundamental freedoms and support good governance is a critical safeguard against threats from autocratic regimes and backsliding democracies. Where civil society and human rights defenders' ability to work freely is weakened, human rights abuses and violations, discrimination, and corruption flourish. The United States will continue to play a central role in advancing human rights through the Universal Declaration on Human Rights, ensuing covenants, treaties, and conventions. This public guidance reflects the views of the United States policy position with the aim of supporting civil society and human rights defenders in their invaluable work.

Democracy and human rights are under threat around the world. The world has been in a sustained democratic recession for more than a decade, which includes a consistent reduction in the role for civil society. Many countries have passed laws restricting its funding and operations. Some governments misuse national security laws to clamp down on the ability of civil society actors to exercise their freedoms of expression, association, movement and peaceful assembly. There has also been an increase in use of censorship and surveillance technologies, as well as Internet shutdowns, to undermine democratic debate. Governments should not shut down or restrict services online or deploy surveillance technologies as a means to limit the exercise of individuals' human rights or to intimidate civil society. Instead, governments should enable civil society and expand civic space to further the success of the public they serve, as civic groups play a unique and positive role in society.

The United States recognizes that the work of human rights defenders and civil society organizations (CSO) can often expose them to danger. Human rights defenders are often subject to intimidation, threats, arbitrary detentions, enforced disappearances, extrajudicial killings, torture, sexual violence, and unfair trials. Authoritarian and other governments have even issued threats and reprisals when civil society, human rights defenders, or journalists participate in international dialogues on human rights. Governments should recognize that promoting and protecting fundamental freedoms builds greater levels of trust, which sends a strong message to bad actors and further deters the use of violence.

The international community has also witnessed how some governments have abused emergency declarations and have restricted civic space and democratic backsliding in response to the COVID-19 pandemic. Some governments have abused or enacted laws to silence, target, and harass members of civil society under the guise of public health needs. Emergency measures that restrict human rights and taken by governments in response to the COVID-19 pandemic must be in accordance with the State's obligations under applicable international human rights law. For example, in the context of a pandemic, restrictions on the rights to peaceful assembly, freedom of expression and freedom of association must be prescribed by law and necessary to protect public health. Importantly, governments must allow civil society to play its unique and positive role during times of crisis, including serving as a critical link between governments and the publics they serve. The State Department, including the Bureau of Democracy, Human Rights, and Labor, has welcomed and called attention to government policies that respect human rights, adhere to democratic principles, and are essential for an effective response to COVID-19.

Ultimately, human rights respecting democracies are more peaceful, prosperous, stable, and make stronger bilateral partners. The United States is committed to supporting and encouraging civil society, human rights defenders, the private sector, and partner nations that seek to respond to human rights threats and reinforce democratic principles grounded in a free and enabling civic space. Indeed, in confronting the global challenges of the moment, and the tests posed by our authoritarian rivals, it is essential that we demonstrate that democracies can deliver for their people and improve their lives in concrete, measurable ways. The United States encourages diplomatic missions to directly engage and bolster their relationships with CSOs and human rights defenders.

During his first remarks on foreign policy, President Biden made clear that if the United States is to succeed in meeting the many challenges we face today, "we must start with diplomacy rooted in America's most cherished democratic values: defending freedom, championing opportunity, upholding universal rights." With this serving as the grounding wire of our global policy, the Secretary of State has given instruction to all Ambassadors and mission leadership to engage directly with civil society and human rights defenders as part of a foreign policy grounded in our democratic principles. While U.S. Department of State human rights officers are generally the working level point of contact for CSOs and human rights defenders, depending on the issue, it may be appropriate to reach out to other divisions of the embassy with specialized experience – for example, labor rights officers, economic officers, etc. The following guidance to U.S. diplomatic missions highlights the many ways in which the United States seeks to advance human rights by supporting civil society and human rights defenders to continue their work without hindrance or undue restriction, and free from retribution against them or their families.

# WHO ARE HUMAN RIGHTS DEFENDERS

Following the principle set forth in the UN Declaration on Human Rights Defenders that "everyone has the right, individually and in association with others, to promote and to strive for the protection and realization of human rights and fundamental freedoms at the national and international levels," the United States defines human rights defenders as individuals, working alone or in groups, who non-violently advocate for the promotion and protection of universally recognized human rights and fundamental freedoms. Around the world, human rights defenders work tirelessly to protect human rights and fundamental freedoms, advocate for government transparency and accountability, promote access to justice, and expose corruption.

Human rights defenders can be of any ethnicity, gender, sexual orientation, religious denomination, disability status, or age. They can come from any part of the world, and from any social class or background. Defenders work on a wide range of issues. Those working on land and environmental issues as well as the rights of women and girls, LGBTQI+ and gender diverse persons, persons with disabilities, and indigenous peoples are especially vulnerable to attacks. How individual defenders promote and protect human rights also varies by country, context, and profession. Efforts can include, but are not limited to:

- Collecting and disseminating information on human rights violations;
- Supporting victims of human rights violations;
- Rallying action to secure accountability and end impunity;
- Advocating for businesses to respect human rights, which may include publicizing concerns that a business entity may not be complying with the law and/or a government entity is not enforcing the law;
- Supporting better governance and government policy;
- Seeking to peacefully protect an area or its natural resources from negative environmental impact by ongoing or proposed activity, ;
- Contributing to the implementation of and advocating for ratification of human right treaties; and
- Educating and training others on human rights.

# U.S. DIPLOMATIC AND PROGRAMMATIC ENGAGEMENT

The State Department's objective is to enable civil society and human rights defenders to promote and defend human rights without hindrance or undue restriction and free from fear of retribution against them or their families. The United States engages at all levels in bilateral and multilateral diplomacy to bring attention to the significant challenges facing civil society actors, including human rights defenders, and advocate for their protection and empowerment. Our approach is predicated on the understanding that, in the long term, our bilateral relationships will be stronger by encouraging other countries toward upholding democracy and protecting human rights.

**We support civil society in a variety of ways, including by:**

- Engaging with the UN and its special rapporteurs to address specific threats to human rights defenders;
- Supporting civil society and journalists' participation and accreditation to UN bodies to raise concerns about specific thematic or country-specific challenges;
- Engaging with multi-stakeholder bodies, regional multilateral organizations, international CSO networks, and other like-minded partners to coordinate diplomatic messages and mobilize opposition to restrictive legislation and other government practices that hinder or place undue restriction on civil society;
- Publishing the Annual Country Reports on Human Rights Practices, the International Religious Freedom Report, and the Trafficking in Persons Report, highlighting challenges for civil society and independent journalists;
- Partnering with civil society, labor, and business to disseminate and implement internationally recognized standards and guidelines of responsible business conduct, such as the OECD Guidelines for Multinational Enterprises (OECD Guidelines) and the UN Guiding Principles on Business and Human Rights (UNGPs);
- Encouraging civil society participation in Internet freedom and business and human rights multi-stakeholder initiatives such as the Centre for Sport and Human Rights, the Freedom Online Coalition, the International Code of Conduct for Private Security Service Providers, and the Voluntary Principles on Security and Human Rights Initiative;

A woman in Zam Zam Camp for internally displaced persons in North Darfur, Sudan performs traditional asks for Darfuri women and children as part of a discussion on gender-based violence and human rights. Photo by: Albert González Farran – UNAMID, licensed under CC BY-NC 2.0.

Environmental, indigenous, and human rights activist Berta Cáceres of Honduras was killed in March 2016 for her bold stance against corruption in government and corporations. Cáceres inspires thousands in the fight for justice for environmental activists. Photo by: Comisión Interamericana de Derechos Humanos, licensed under CC BY 2.0

- Seeking to strengthen environmental and social safeguard policies and practices of multilateral development banks, including those related to protecting human rights defenders;
- Raising the profile of human rights defenders, including through the International Women of Courage Award and the International Visitor Leadership Program's exchanges;
- Contributing to the effective enforcement of trade and assistance mechanisms that condition benefits on respect for labor rights, human rights and good governance;
- Using public diplomacy platforms abroad and at home to provide information about and reduce stigma against marginalized populations, amplify the voices of human rights defenders, and speak out against those who seek to target, harass, or harm civil society and independent journalists;
- Providing foreign assistance to support and protect civil society and independent journalists in restrictive environments, including through direct financial emergency assistance to activists and organizations under threat and technical assistance programs that build the operational capacity of these groups;
- Using a range of public and private actions against those who seek to target, harass, or harm civil society actors and independent journalists, including, as appropriate, tools like the Global Magnitsky Act to impose visa restrictions and economic sanctions; and
- Developing policies to reduce violence against human rights defenders who seek to protect an area and/or its natural resources from negative environmental impact from an ongoing or proposed activity.

# STRATEGIES AND TOOLS FOR U.S. DIPLOMATIC MISSIONS

The following are some of the strategies and tools that U.S. Missions employ, as appropriate, to support and protect CSOs and human rights defenders:

## I. ASSESS AND UNDERSTAND THE CIVIC SPACE ENVIRONMENT

Human Rights Officers at U.S. Missions evaluate the general climate for civil society to operate. This includes monitoring and reporting on:

- Government restrictions on the rights to freedom of association, peaceful assembly, or expression;
- Restrictions on funding for CSOs or registration and reporting regulations that place onerous burdens on organizations;
- Attacks, harassment, violence, or reprisals against human rights defenders;
- Spurious legal actions taken to undermine and drain resources from civil society organizations and activists;
- The extent to which local authorities work to protect human rights defenders and investigate attacks against them, as well as provide effective access to judicial and administrative proceedings, including redress and remedy;
- Use of physical or digital surveillance to unduly monitor or restrict the activities of members of civil society;
- Use of targeted hacking, destruction, disruption, or confiscation of devices, online accounts, data, or services to monitor, silence, and repress members of civil society;
- Local authorities' engagement in regular dialogue with civil society;
- The effective enforcement of laws that provide for public participation in decision making, including on environmental issues; and
- Engagement by the business community with civil society as well as business's failure to respect human rights.

People waving Pride flags in support and solidarity with LGBTQI+ activists. Photo by: naeimasgary, public domain.

## II. ENGAGE, CONSULT, AND MAINTAIN CONTACT WITH CIVIL SOCIETY AND HUMAN RIGHTS DEFENDERS

Generally, Human Rights Officers at U.S. Missions, as the first points of contact, take the following actions to engage with and support local civil society actors:

- Convey civil society concerns to counterparts in the embassy to inform U.S. engagement;
- Contact and hold regular meetings with diverse local CSOs and coalitions without putting vulnerable CSOs at risk;
- Attend public events or meetings hosted by or in support of local civil society;
- Consult with international CSOs that work with local organizations, human rights defenders, networks, and movements;
- Contact and meet regularly with local authorities to check on the status of specific human rights cases;
- Attend human rights defenders judicial hearings and observe trials; and
- Build durable relations with stakeholders who might be of assistance in an emergency, including with relevant points of contact from likeminded diplomatic missions, representatives from multilateral fora based locally or otherwise, media, civil society, and others.

**In cases where a human rights defender is under threat:**

- Obtain information from a variety of credible sources to inform determinations regarding the most effective approach to help protect the human rights defender in the given case;

**Short-term, case-specific actions include:**

- Meet with the defender if feasible and connect securely when not;
- Help access and/or provide referrals to host government and/or international protection mechanisms;
- Provide referrals to emergency assistance resources such as the Lifeline Embattled CSO Fund;
- Contact host government officials;
- Work alongside likeminded governments to demonstrate support in unison, or strategically identify the roles and actions of each country within the overarching response;
- Issue public statements;
- Attend legal proceedings; and
- Meet with relevant companies or business associations, when appropriate.

**Longer-term, case-specific actions include:**

- Coordinate with like-minded governments on public statements and communications with the host government, among other actions;
- Coordinate diplomatically with like-minded governments in multi-stakeholder initiatives to coordinate public and private policy responses;
- Advise CSOs on how to submit a specific instance through the National Contact Points for the OECD Guidelines for Multinational Enterprises, the U.S. International Development Finance Corporation's (DFC) Independent Accountability Mechanism, and free trade agreement mechanisms, as appropriate;
- Encourage investigations and prosecution of those who harass and attack human rights defenders; and
- Consistent with the "do no harm" principle, seek the consent of human rights defenders before taking any actions on their behalf and take precautions in communicating with them online and offline.

A young woman holding a bullhorn leads a chant for racial justice at a peaceful protest in London, United Kingdom. Photo by: Ehimetalor Akhere Unuabona, on Unsplash, public domain.

## III. SUPPORT CIVIL SOCIETY AND HUMAN RIGHTS DEFENDERS THROUGH DIPLOMATIC ENGAGEMENT

U.S. missions support and protect civil society and human rights defenders through bilateral and multilateral engagement and through public diplomacy. As appropriate, Human Rights Officers undertake the following diplomatic actions:

- Facilitate meetings and structured dialogues for high-level U.S. officials to engage with diverse local civil society representatives;
- Invite civil society and human rights defenders to U.S. mission events and facilitate opportunities to meet with key U.S. staff;
- Establish one or more working groups with other like-minded foreign missions and representatives of other U.S. agencies at post to track threats to civic space, and ensure coordination of diplomatic and assistance responses;
- Speak directly with host government officials to express concerns regarding the operating environment for civil society, including restrictive laws, regulations, and impunity for attacks against civil society actors. Coordinate with diplomatic representatives from likeminded embassies to deliver the same message.
- Encourage host government to accept requests for country visits by UN Special Rapporteurs on the rights to freedom of peaceful assembly and of association or other Special Rapporteurs or similar emissaries from multilateral or regional organizations;

Sofi Gedi, head of Wajir Human Rights Watch in Kenya, launches a county action plan on countering violent extremism. Photo by: Hank Nelson, USAID, licensed under CC BY-NC 2.0.

- Use social media, op-eds, and speaking opportunities to amplify the voices of CSOs and human rights defenders and speak out against government actions restricting civic space. Call out those who seek to target, harass, or harm civil society, human rights defenders, independent journalists, and members of other vulnerable populations;
- Promote responsible business conduct and encourage American companies to adopt human rights due-diligence processes to identify, prevent, and mitigate the impact of business operations on human rights. In addition, encourage host governments to follow the UNGPs and OECD Guidelines;
- Convene conversations between businesses and civil society to address challenging human rights issues;
- Provide opportunities for local civil society and independent journalists to exchange best practices and build partnerships with their counterparts in the United States;
- Help connect civil society actors to the spectrum of assistance options – emergency, short-term, and longer-term – including training and technical assistance to CSOs and activists on physical and information security; and
- Adapt engagements to address the needs and risks of especially vulnerable human rights defenders, such as those working on environmental and land issues, women and girls, LGBTQI+ persons, persons with disabilities, members of indigenous populations, and ethnic and religious minorities. For environmental defenders, ask IAWG to hold a session on the case.

## IV. REPORT ON CIVIC SPACE ENVIRONMENT

Human Rights Officers at U.S. Missions provide regular reporting on the civic space environment, individual human rights defenders cases, and human rights abuses by the host government or other entities and individuals. Officers regularly conduct outreach to civil society to solicit information for reports, such as:

- Regular reports to State Department policy makers in Washington, D.C.;
- State Department's Annual Country Reports on Human Rights Practices;
- State Department's Trafficking in Persons Report; and
- State Department's International Religious Freedom Report.

# ADDITIONAL RESOURCES

## General and Emergency Assistance

1. Fact Sheet: Non-Governmental Organizations (NGOs) in the United States
2. Fact Sheet: Advancing Human Rights: Best Practices and Opportunities to Partner with U.S. Embassies
3. U.S. Agency for International Development: Supporting Vibrant Civil Society and Independent Media
4. Lifeline: Embattled civil society organizations (CSOs) Assistance Fund
5. Global Equality Fund: Global Equality Fund: Emergency Assistance for Human Rights Defenders supporting LGBTQI+ Organizations
6. Freedom House: Emergency Assistance and Thematic Programs
7. Fact Sheet: U.S. Support for Democracy, Good Governance, and Human Rights in the Global Response to the COVID-19 Pandemic
8. Digital Defenders Partnership: Support for digital threats and local response networks

## Business and Human Rights

1. Business and Human Rights: U.S. Government Approach to Advance Business and Human Rights
2. Fact Sheet: Responsible Business Conduct
3. OECD: Guidelines for Multinational Enterprises (OECD Guidelines)
4. UN: Guiding Principles on Business and Human Rights (UNGPs)
5. Voluntary Principles Initiative: On Security and Human Rights

After fleeing the country and growing up in Ottawa, Ilwad Elman returned to her native Somalia and now helps lead Elman Peace and Human Rights Center. Photo by: Sebastian Lindstrom, licensed under CC BY-NC 2.0.

Human rights defender Malebogo Molefhe was awarded the U.S. Secretary of State's International Women of Courage award in 2017. Molefhe, a former basketball player for Botswana's national team, became an activist for disability rights and against gender-based violence after being shot eight times. She now uses a wheelchair. Photo by: State Department, licensed under public domain.

Supporters of human rights activist Liu Xiaobo gather to mourn his death in 2017. Liu Xiaobo was awarded the Nobel Peace Prize in 2010 for his non-violent fight for human rights in China. Photo by: aktivioslo, licensed under CC BY-NC-ND 2.0

Designed by A/GIS/GPS
November 2021

Las Damas de Blanco gather outside of the Santa Rita church in Havana Cuba each Sunday after mass to protest the jailing of their male family members by the Cuban government. The wives, mothers, sisters, and friends march the streets of Havana every Sunday. Photo by: Hvd69, licensed under CC BY-SA 3.0.