Securing the Firewall and Connecting the Unconnected: Frontline Defenders Across West Africa

Final Baseline Report

West Africa

Frontline Grassroots, Land, Environmental and Human Rights Defender (HRD) Baseline report

focusing on Economic Social & Cultural Rights (ESCR) issues

Green Advocates International
Liberia, West Africa
January 2021

Acronyms

ESCR Economic, Social and Cultural Rights
MRU Mano River Union
NHRI National Human Rights Institutions
OHCHR Office of the High Commission for Human Rights
PILIWA Public Lawyering in West Africa
UN United Nations
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Introduction

The West Africa Frontline Grassroots Environmental and Human Rights Defender (HRD) Baseline report focuses on Economic Social and Cultural Rights (ESCR) issues. It summarizes the status of HRD, which focus on ESC rights, specifically land and environmental rights on the frontline in communities in West Africa. This report draws on interviews and desk research completed in the first half of 2020. This document was planned to be presented at a conference in Liberia in June 2020, but, due to Covid 19, the conference will be held online and is scheduled for March 2021. The conference will bring together HRDs from West Africa and Equatorial Guinea with key donors and others to discuss the work and challenges faced by Frontline Grassroots HRDs in West Africa.¹

Green Advocates International works closely with the Mano River Union Civil Society Natural Resources Rights and Governance Platform, who serve as the anchor and platform for Frontline Grassroots HRDs in West Africa. Alfred Brownell,² the founder and lead campaigner at Green Advocates, serves as the strategic policy advisor and supervisor of the baseline assessment (described below) and the conference. Francis Colee, Head of Programs at Green Advocates International, is helping to coordinate this project. Peter Quaqua, the head of the Secretariat of the Mano River Union Civil Society Natural Resources Rights and Governance Platform, is overseeing the conference preparations and beyond.

This baseline assessment summarizes the situation of HRDs in West Africa, focusing on frontline workers in communities across the region. It addresses:

✓ Who they are, and the types of violations they endure
✓ Who the perpetrators are, and how they operate
✓ The strategies used by National and Frontline Grassroots HRDs to keep themselves safe,
✓ The mechanisms that are available to individuals at the local, community, national, regional, and international levels for protection
✓ Where the gaps are

Once these steps are taken it is important to expand on existing approaches and to provide Frontline Grassroots HRDs with technical capacity, funding, tools, and strategies that are easy to use, effective, accessible, and sustainable.

This baseline assessment highlights the work of HRDs, focusing on the climate crisis and environmental and social impacts related to the operations of multinational corporations, and how these collectively have escalated the already-precarious situation. It is important to briefly mention the impacts of climate change, including droughts, food insecurity, floods, and sea level changes - and the resulting impact on communities across West Africa, which has intensified conflicts between pastoralists and farmers; artisanal small-scale miners and large-scale commercial mining

¹ The HRDs who are the focus of this report are divided into National and Frontline Grassroots HRDs that are described in detail in the next section.
² Alfred Brownell is Liberian and currently based in the US. In addition to his role at Green Advocates International he is also an Associate Research Professor, North-eastern University School of law and currently a Visiting Faculty Scholar at Yale Law school
operators; artisanal fisherfolk and industrial commercial fisheries; and the protection and insecurity issues caused by these conflicts.

**Background**

Human Rights Defenders (HRDs) are on the frontlines of the struggle to ensure that the principles and rights laid out in the Universal Declaration of Human Rights (UDHR) and subsequent human rights conventions are upheld around the world. The *United Nations Declaration on Human Rights Defenders*, a protocol designed to protect HRDs worldwide, was created in 2000. Subsequently, many polices and protocols have been developed, as summarized in Table 1 below.³

**Table 1 Summary: Existing International and regional policies aimed to protect HRDs**

<table>
<thead>
<tr>
<th>Date</th>
<th>Polices aimed at protecting HRDs</th>
</tr>
</thead>
<tbody>
<tr>
<td>2000</td>
<td>UN Declaration on Human Rights Defenders</td>
</tr>
<tr>
<td>2014</td>
<td>Special Procedures mandate that led to the UN Guiding Principles on Business and Human Rights, Working Group on Business and Human Rights and now the OEIGWG Treaty⁴.</td>
</tr>
<tr>
<td>2017</td>
<td>Human Rights Defenders and Civic Space: Business and Human Rights⁵</td>
</tr>
<tr>
<td>2017</td>
<td>The Cotonou Declaration on strengthening and expanding the protection of all Human Rights Defenders in Africa ⁶</td>
</tr>
<tr>
<td>2018</td>
<td>2018 Global assessment carried by the UN Special Rapporteur about Human Rights Defenders</td>
</tr>
<tr>
<td>2019</td>
<td>Landmark Resolution to protect environmental HRDs</td>
</tr>
<tr>
<td>2019</td>
<td>Advisory note to the African group in Geneva on the legally binding instrument to regulate in international human rights law, the activities of transnational corporations and other business enterprises⁷</td>
</tr>
<tr>
<td>2021</td>
<td>EU Commissioner for Justice commits to legislation on mandatory due diligence for companies⁸</td>
</tr>
</tbody>
</table>

**Policy Details**

The 2000 United Nations Declaration of Human Rights Defenders holds governments responsible for implementing and respecting provisions, particularly the duty to protect HRDs from harm because of their work. In 2011 a Commentary to the Declaration on HRDs mapped out the rights defined in the Declaration.⁹

In 2014 the Special Procedures mandate led to the *UN Guiding Principles on Business and Human Rights* and the *Working Group on Business and Human Rights* and, now, the *Open-ended intergovernmental working group on transnational corporations and other business enterprises with respect to human rights*.¹⁰

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³ [https://www.ohchr.org/EN/Issues/SRHRDefenders/Pages/Declaration.aspx](https://www.ohchr.org/EN/Issues/SRHRDefenders/Pages/Declaration.aspx)
⁴ OHCHR | WGTransCorp IIGWG on TNCs and Human Rights
⁵ [https://www.ohchr.org/EN/Issues/Business/Pages/HRDefendersCivicSpace.aspx](https://www.ohchr.org/EN/Issues/Business/Pages/HRDefendersCivicSpace.aspx)
⁷ [file:///C:/Users/Tmber/Downloads/Advisory%20note%20Africa%20Group%20UN%20Treaty%20ENG%20%282%29.pdf](file:///C:/Users/Tmber/Downloads/Advisory%20note%20Africa%20Group%20UN%20Treaty%20ENG%20%282%29.pdf)
⁹ [https://www.ohchr.org/EN/Issues/SRHRDefenders/Pages/Declaration.aspx](https://www.ohchr.org/EN/Issues/SRHRDefenders/Pages/Declaration.aspx)
¹⁰ [OHCHR | WGTransCorp IIGWG on TNCs and Human Rights](https://www.ohchr.org/EN/Issues/SRHRDefenders/Pages/Declaration.aspx)
The 2016 Special Rapporteur for situation of Human Rights Defenders report documented good practices and policies in the protection of HRDs and made concrete recommendations to states, business enterprises, NHRI, donors, civil society organizations and other stakeholders focused on creating a safe and enabling environment for HRDs. The report articulates seven key principles that should inform the development and implementation of any measures to support and protect HRDs.

Other guidance: the UN Human Rights Council (HRC) unanimously adopted a landmark resolution to protect environmental HRDs following reports of increased cases of human rights violations against HRDs globally. This new resolution calls on governments to create a safe and enabling environment for HRDs, and to ensure effective remedies for addressing human rights violations and combating impunity. It recognizes:

- The important, legitimate role of environmental HRDs in protecting the environment, and the high levels of risk they face in their work.
- The need to develop mechanisms to protect the intersecting violations suffered by WHRDs, indigenous peoples, and rural and marginalized communities.
- The responsibilities of corporations, and calls on them to respect human rights in accordance with the voluntary Guiding Principles on Business and Human Rights (UNGPs).

Cotonou Declaration

The Cotonou Declaration on strengthening and expanding the protection of all HRD in Africa was adopted regionally in 2017. The Declaration highlights special groups of HRDs who are specifically at risk, such as WHRDs, human rights activists working in conflict and post conflict states, on issues related to land, health, HIV, sexual orientation and gender identity and expression, and sexual and reproductive health rights. Like the UN Declaration, it calls on civil society organizations, NHRIIs, and governments across Africa, to ensure the promotion and protection of all human rights at local, national, and regional levels.

Despite this global recognition of the problem and policies and conventions aimed to address the issues, there remain serious challenges to implementation, as attacks on HRDs in West Africa, especially Frontline Grassroots HRDs continue “under the radar.” There is a troubling regional trend toward shrinking civilian space, criminalization, militarization, stigmatization, and the cumbersome registration procedures that make it challenging for HRDs to operate independently. The HRDs are being killed, threatened, stigmatized, harassed and subject to increased government surveillance both online and physically.

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11 The cases where largely from Latin America and the Philippines.

12 Noting with appreciation the work of the Special Rapporteur on Human Rights Defenders in Africa and that of the Study Group on Freedom of Association and Assembly in Africa, as well as the work of the UN Human Rights Mechanisms in protecting human rights defenders in Africa, in particular the contribution of the UN Special Rapporteur about human rights defenders and the UN Special Rapporteur on the rights to freedom of peaceful assembly and of association.
Thus, the deteriorating situation in West Africa reflects a lack of adequate protection for HRDs in the current context. In many instances, HRD’s face arbitrary arrest and detention, frivolous criminal charges, false accusations, unfair trials, and conviction. In the 2018 report, the UN Special Rapporteur recommended that West African countries review, amend and repeal laws that restrict the right to freedom of opinion, expression, association, and assembly and take measures to ensure that HRDs can exercise these rights without interference.13

**Background: West Africa Context**

West Africa comprises 16 countries, including five anglophone, nine francophone and two Portuguese speaking countries.14 Equatorial Guinea is included in this study, although it is not part of West Africa nor a member of ECOWAS. Mauritania is also included, but is not a member of ECOWAS.

Historical and current political, social, and economic factors in the region have impacted the status of frontline grassroots defenders of environmental, land, and human rights. The post-independence decades have been characterized by violent civil, political, ethnic, and religious conflicts, including military coups. Despite these challenges, there has also been progress in the peaceful resolution of conflicts. For example, Ghana, Nigeria, Togo, Burkina Faso, Mali, Sierra Leone, Liberia, Cote D’Ivoire, Guinea Bissau and Guinea have participated in elections and the relatively peaceful passing of power from a ruling party to an opposition political party.

However, much remains to be done. Violent extremist organizations, such as Boko Haram and Al-Qaeda in the Islamic Maghreb (AQIM) also exist in Nigeria, Niger, Burkina Faso, and Mauritania. Throughout the region, any perceived threat to political leaders’ power or access to resources is a major flashpoint for conflict, with elections often igniting violence and strife. Climate change and environmental impacts are evident across the region, and conflict continues to be driven by disputes over natural resources, ethnic divisions, and economic and social disenfranchisement and exclusion.

The West African sub-region is rich in natural resources, yet the people and countries in the region are among some of the poorest and least developed in the world. Human rights violations, corruption, and violence continue to characterize much of the region. For example, even though most West African governments invite direct foreign investment in to boost their economies and create jobs, it does not appear that most multinational enterprises are contributing to the positive development of the countries. Rather, the communities in which they are operating are becoming more disenfranchised and poorer while the multinationals - some within the government leadership - appear to be making profits. Various accounts have shown how foreign companies, with the backing of their host and home governments, violate local community rights with impunity. As a result, poor people suffer from a range of human rights violations including displacement, denial of their livelihoods and

14 Benin, Burkina Faso, Cape Verde, Côte d’Ivoire, the Gambia, Ghana, Guinea, Guinea-Bissau, Liberia, Mali, Niger, Nigeria, Senegal, Sierra Leone, and Togo are all members of Economic Community of West African States (ECOWAS). Mauritania is considered part of West Africa but not a member of ECOWAS.
destruction of property. The situation across the region creates risk for the National HRDs and Frontline Grassroots HRDs who focus on protecting these rights.

**Methodology and Limitations**

A mixed methods approach was used, relying largely on interviews and desk review to feed into the draft report. During the online conference, feedback and a validation of the information will be done on the various components of the baseline, which will be incorporated into and feed into final report.

**Methods and Data collection**

Overall, over 35 key informant interviews (KII) were done. These included seven (7) WHRDs and 23 HRDs from all the 17 countries. There were also detailed interviews done with Frontline Grassroots Environmental, Land and Human Rights Defenders by focal persons from organizations who support the work of Frontline Defenders in the region. A total of Seventy-Eight (78) Frontline Defenders were interviewed and profiled. The data collected from the interview of the Frontline Defenders were then used to create a confidential profile of these defenders from Liberia, Sierra Leone, Guinea, La Cote D’ Ivoire, Ghana, Niger, Nigeria, Mali, Burkina Faso, Benin, Gambia, Togo, Senegal, Guinea Bissau, Cape Verde and Mauritania. Anonymized data from those profiled were also included in this report without attributions to the Frontline Grassroots HRDs. While the questionnaire used for the interviews is attached as Annex 2, a list of those interviewed is on file with the authors of this report to protect their security and privacy.

An extensive Desk Review was done to compliment and corroborate the information gathered in the interviews. One key reference was a conference report from the Peoples Summit held in Makeni Sierra Leone in 2019, where HRDs from the region shared experiences. The forum brought together over fifty participants from MRU and ECOWAS countries, Central Africa, UK, and the USA. There were representatives from Sierra Leone, Liberia, Ghana, Nigeria, Mali, D.R. of the Congo, Ivory Coast, Guinea, and Niger. The forum was organized by Green Advocates International in Liberia, funded by the Fund for Global Human Rights (FGHR), and hosted by the Network Movement for Justice and Development (NMJD) and the Sierra Leone Network on the Right to Food (SiLNoRF).

*Limitations to the data collection and research*

As the research questions were quite broad, it was important to limit the scope to make the task feasible and manageable. Therefore, it is not an exhaustive study of every HRD who is at risk, or every law that violates the rights of HRDs, nor every remedy and organization that is operating in West Africa. Its goal is to highlight both National and Frontline Grassroots HRDs that are dealing with issues related to lack of access to land and livelihood, the consequences of resettlement once multinationals move in, and environmental rights. It highlights the most sensitive ESCR in each country, as identified through the interviews.

*Data Privacy and Protection*
Consideration has been given to protecting the confidentiality and privacy of those who were interviewed and all information gathered. As a precaution, no specific names of individuals are used in the report. The names of those interviewed are provided in an annex that will not be made public. To protect the confidentiality of all parties, alleged perpetrators are not named individually, and companies are not identified by name. Names are only used in circumstances where the information is already in the public domain, such as in secondary sources.

The organization of the report
The West Africa Frontline Grassroots ESCR baseline assessment is divided into three parts. The first part provides an overview of the HRDs, distinguishing between National and Frontline Grassroots HRDs, including who they are, what they do, and the risks they face. It also provides a broader situational analysis of the main alleged perpetrators and the types of violations being perpetrated.

The second part provides an overview of the remedies from the individual prevention level, to the community, national, regional, and international levels and includes an overview of the key players that support the protection of HRDs.

The third part includes three annexes that draw from the baseline report to include:

- **A set of policy recommendations** are aimed at building upon existing policies that are relevant to the situation of HRDs. Policy recommendation are directed towards regional, international, and non-state actors who work and engage in West Africa. National recommendations by country are also included. It also highlights how international support can be sought to put pressure on West African entities to implement policy recommendations.

- **The community protection protocol** defines the different HRDs that the protection protocol aims to address, highlights the risks they face, and summarizes current remedies available at the various levels, from the community through the international level, and provides examples of remedies that have been used by HRDs interviewed.

- **Funding strategy** outlines the donors that are currently engaged and the range of activities that need funding, highlights the gaps, and suggests how to think about moving forward.

Situational Analysis of all HRDs in West Africa
National and Frontline Grassroots HRDs are on the frontline of the struggle to ensure that the principles and rights laid out in the Universal Declaration of Human Rights (UDHR) and subsequent human rights conventions are upheld around the world.15 HRDs play various roles, working as journalists, environmentalists, women and gender activists, indigenous peoples and land rights advocates, whistle-blowers, trade unionists, lawyers, teachers, housing campaigners or individuals acting alone. Some act individually or with others, to promote or protect human rights as part of their jobs or as volunteers. As a result of their activities, they are subject to reprisals

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and attacks of all kinds, including smears, surveillance, harassment, false charges, arbitrary detention, restrictions on freedom of association, physical attacks and even death.\textsuperscript{16}

This report also refers to other, more specific definitions of HRDs. First, we make an important distinction between two types of HRDs at risk in West Africa that are the focus of this study. First, we refer to National HRDs,\textsuperscript{17} which often lead organizations and coalitions and are known within their countries as fighting on behalf of ESCR issues, especially those linked to land, natural resources, the environment, and indigenous communities. Second, there are Frontline Grassroots HRD’s working at the community level that are largely unknown outside of their communities, but are fighting for their rights to a clean and healthy environment, rights to their land and natural resources, and the ESCRs of those in their communities. Frontline Grassroots HRDs serve to protect communities against human rights abuses. Table 2 below summarizes who they are, what they do, how they do it, and the risks they face.

<table>
<thead>
<tr>
<th>National HRD</th>
<th>Grassroot Frontline HRDs</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Who they are:</strong> Known to the international community, well known in civil society, participates at the regional and international level. Leaders of organizations and coalitions, lawyers, journalists. Professionally trained. Based in national or regional hubs in their country, well known by others in country.</td>
<td><strong>Who they are:</strong> Does not identify himself/herself as an HRD. Works within their community, unknown outside of their community. Known within their community i.e., official community leader, or self-appointed director or chairman of CBO, staff of CBO, active community member, farmer, head of a natural resource user group, a youth leader, a women’s leader, head of a migrant community, a community radio talk show host, a local internet blogger, etc.</td>
</tr>
<tr>
<td><strong>What they do:</strong> Work on behalf of organization or coalition at the community level, defending the rights of vulnerable groups. especially communities and community HRDs for the entire range of rights including land, environmental, cultural, political, and civil rights.</td>
<td><strong>What they do:</strong> Work to protect individual and community rights to land, cultural rights, or environmental rights that are being violated by government or other third party.</td>
</tr>
<tr>
<td><strong>How they do it:</strong> Writing reports, protesting at the national level, engaging with UN mechanisms, engaging with international partners, leading strategic litigation, exposing issues on social media or through engaging journalists, providing community legal aid, engaging with government or companies directly or in support of community groups.</td>
<td><strong>How they do it:</strong> Engaging with company or government, educating community about company activities, organizing communities, taking direct action: sometimes illegal and violent, sometimes peaceful and patient.</td>
</tr>
<tr>
<td><strong>Main risks:</strong> Unlawful arrest, arbitrary detention, being fined, reputational risk (e.g., accusation of being anti-development), national-level restrictions that inhibit inability to carry out work, shut-down of organization.</td>
<td><strong>Main risks:</strong> Environmental degradation; loss of land, water, property rights, access to livelihood and cultural sites, health risks. Some people are at risk of being arrested, detained, assaulted, losing the respect of their families or communities, or losing their life.</td>
</tr>
</tbody>
</table>

\textsuperscript{16} Ibid.

\textsuperscript{17} Frontline Grassroots HRD and National HRD are not officially recognized titles they are and only referred to in this report.
National HRD Organizations

The National HRDs interviewed were all college educated and professionally trained lawyers, journalists, community mobilizers, advocates, or researchers. They are heads of organizations and belong to, or head, coalitions. Table 2 below highlights some key organizations and coalitions in West Africa that are run by the National HRD. These organizations and coalitions work on behalf of the communities related to protecting ESCR, especially related to land, the environment, business, and human rights. These HRDs are well-known in their own countries, and many are well-known to the international communities within their countries. Many also participate in regional and international meetings.

Table 3: National HRD organizations

<table>
<thead>
<tr>
<th>Country</th>
<th>Executive Director</th>
<th>Organization/Coalition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Liberia</td>
<td>Alfred Brownell</td>
<td>Green Advocates International (GIA) works in Liberia and across the region to support grassroots communities</td>
</tr>
<tr>
<td>Cote d'Ivoire</td>
<td>Michel Youboue</td>
<td>Groupe de Recherche et de Plaidoyer sur les Industries Extractive (GRPIE) works throughout Cote d' Ivoire and in four other countries in the region</td>
</tr>
<tr>
<td>Sierra Leone</td>
<td>Abu Brima</td>
<td>Network Movement for Justice and Development (NMJD) leads coalitions within Sierra Leone, has been working in the country for three decades, has regional offices throughout Sierra Leone</td>
</tr>
<tr>
<td>Guinea</td>
<td>Aboubacar Diallo</td>
<td>The Centre for Commerce and International Development (CECIDE) in Guinea works across the country, carries important research and supports communities</td>
</tr>
<tr>
<td>Nigeria</td>
<td>Chima Williams</td>
<td>Environmental Rights Action (Friends of the Earth Nigeria) focuses on human rights and environmental law in defense of communities and people who have been impacted by multinational companies and other government actors.</td>
</tr>
<tr>
<td>Ghana</td>
<td>Augustine Niber</td>
<td>The Center for Public Interest Law (CEPIL) was created after research in mining communities showed the need for greater representation from communities living in these areas facing large-scale violations against them. CEPIL responded to these communities by expanding to public interest law litigation.</td>
</tr>
</tbody>
</table>

In addition, these National HRDs work together in coalitions such as PILIWA and MRU, as discussed at length later in the report. Several of these HRDs are doing ground-breaking work in support of communities across the region. As highlighted above, all of these organizations are working in their own countries supporting communities to fight for ESCR rights.

Working environment for National HRDs

In sharing their experiences, National HRDs largely described a shrinking environment for human rights activism and respect for the rule of law. There were
some exceptions within West Africa. For example, as a result of the 2016 election in The Gambia, HRDs were put in danger by the criminalisation of HRDs, repressive laws and anti-development rhetoric. Table 4 highlights characteristics of the working environment that was experienced by National HRDs.

Table 4: Characteristics of the working environment for National HRDs

<table>
<thead>
<tr>
<th>Working Environment Characteristics</th>
<th>Countries</th>
</tr>
</thead>
<tbody>
<tr>
<td>Extra-judicial killings take place, and at least one HRD murdered</td>
<td>All countries</td>
</tr>
<tr>
<td>Human Rights violations faced by many HRDs in the region, including unlawful arrests, unlawful detention, incommunicado detention, judicial threats, false charges, being forced into exile or relocation, forcibly displaced, murdered</td>
<td>All countries except for Cape Verde</td>
</tr>
<tr>
<td>Under-reporting murders due to a lack of a clear definition of HRDs due to the nexus of non-state actors and mainly extremist organizations and criminal gangs</td>
<td>Mali, Burkina, Nigeria, Niger, Mauritania</td>
</tr>
<tr>
<td>Shrinking of civic spaces includes criminalization, militarization, stigmatization, and limits to the freedoms of press, expression, and association</td>
<td>Almost all countries highlighted except for Cape Verde and The Gambia</td>
</tr>
<tr>
<td>Non-state actors – mainly extremist organizations and criminal gangs - also present a major threat to HRDs</td>
<td>Mali, Burkina, Nigeria, Niger, Mauritania</td>
</tr>
<tr>
<td>HRDs are characterised as traitors and anti-development, anti-government, anti-investment, anti-country actors. Broader society does not understand the role of HRDs in society</td>
<td>All countries except Cape Verde and Guinea Bissau</td>
</tr>
</tbody>
</table>

**A shrinking of civic space** starts with laws and normative frameworks like criminal law, regulations against terrorism, a criminal provision contained in administrative or labour laws that restrict, impede, and are used in pursuing political goals against HRDs. In some West African countries, it is manifested through restrictions on freedom of association, freedom of expression, and freedom of the press. In Liberia, sedition laws are used to impede HRDs.

- In one case in Liberia a HRD activist in February 2016 was arrested and indicted for sedition and criminal libel against the then President Ellen Johnson Sirleaf as he had reportedly called for accountability for the killings of human rights activists in Liberia. Several months later in May the charges were dropped.19

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19 [Liberian activist freed as sedition charges dropped](https://civicus.org/civicus-tracking-conditions-citizen-action) - CIVICUS - Tracking conditions for citizen action
In Senegal there is a law that prohibits protests from taking place in the capital, which limits the ability of civil society to express themselves directly to government.

In Cote d'Ivoire, a new criminal code criminalizes the act of offending the head of state, which threatens to further undermine the right to free expression.

In Burkina Faso, the criminal code was amended to include overly broad offences that could be used to restrict access to information and further restrict HRDs.

In Benin, an article in the penal code prevents peaceful demonstrations, making it easy accuse and charge a person with any crime. Also, in Benin a recent law related to the use of social media effectively curbs both freedom of
speech and expression.\textsuperscript{20} One HRD from Benin shared, “The punishment is a large fine and you can face imprisonment of six months to one year. The major concern is that these laws completely silence HRDs within Benin and only those living outside the country feel confident even posting on social media or to say anything.”\textsuperscript{21}

- Nigeria is one of the most legally repressive states in the region. For example, online freedom of expression is restricted by a 2015 cyber-crime law that is widely used to arrest and prosecute journalists and bloggers in an arbitrary manner.\textsuperscript{22}

- Terrorism laws in Guinea and Burkina Faso have played a role in limiting civic space. Guinea’s law for prevention and repression of terrorism contains provisions that could be used to criminalize the legitimate exercise of the right to freedom of expression. In Burkina Faso the National Assembly voted for a new law in 2019 allowing that the state of emergency can be declared in a situation of ‘permanent crisis.’ These actions are considered justified by HRDs as a measure to fight ‘Islamic terrorism’ considering the threat. In December 2020, the UN Special Rapporteur on Human Rights Defenders recognized this as a global issue, highlighting that many countries are using ‘anti-terrorism’ laws to silence HRDs. HRDs suspect that the law is used in bad faith to restrict their work or to justify the excessive use of force against enemies, HRDs or communities.\textsuperscript{23}

<table>
<thead>
<tr>
<th>Country</th>
<th>New laws limiting rights</th>
</tr>
</thead>
<tbody>
<tr>
<td>Burkina Faso</td>
<td>Amendments to the penal code in 2019 aimed at fighting terrorism and organized crime have been criticized for limiting free speech and press\textsuperscript{24}</td>
</tr>
<tr>
<td>Guinea</td>
<td>In 2019 the government passed a law on the use of arms by gendarmerie justifying the use of force, raising concern that it could be used against peaceful protesters\textsuperscript{25}</td>
</tr>
</tbody>
</table>

\textsuperscript{20} According to Amnesty International in less than two years, at least 17 journalists, bloggers and political activists have been prosecuted under Law No. 2017-20 of 20 April 2018, which sets out repressive measures that restrict rights to freedom of speech and freedom of the press in Benin. The Benin authorities last year expelled the European Union Ambassador for alleged interference in internal affairs and further elaborated in https://www.amnesty.org/en/latest/news/2020/04/benin-le-retrait-aux-individus-du-droit-de-saisir-la-cour-africaine-est-un-recul-dangereux/.

\textsuperscript{21} On June 20, 2019, Burkina Faso’s Parliament amended the country’s Penal Code to introduce a series of new offenses that aim to fight terrorism and organized crime, fight the spread of “fake news,” and suppress efforts to “demoralize” the Burkinabe armed forces. Many journalists and NGOs have denounced the newly created offenses, particularly those that restrict the activities of the media, as serious infringements on freedom. The new law, which was deemed to be consistent with the Burkinabe Constitution by the Constitutional Council (the high court tasked with evaluating the constitutionality of legislation), was signed by Burkina Faso’s President on July 31, 2019, and officially published on August 1. These amendments to the Penal Code have given rise to concerns that they would muzzle the Burkinabe press. Numerous professional media organizations have condemned the law for the severity of the penalties it imposes and the vagueness of the offenses it creates. The law will “grant to the state much greater control over information,” according to the director of the West African Bureau of Reporters Without Borders, and will “introduce extremely grave restrictions on the freedom to inform in a country that, until now, was considered exemplary.” Amnesty International has also expressed its opposition to the new Penal Code, writing that articles 312-14 and 312-15 “jeopardize the legitimate exercise of the right to freedom of information protected by the Constitution of Burkina Faso and the African Charter on Human and Peoples’ Rights.” For more information see Burkina Faso: Parliament Amends Penal Code | Global Legal Monitor (loc.gov).

\textsuperscript{22} Guinea’s National Assembly passed a law proposed by the government on the use of arms by the gendarmerie on June 25, 2019. The law sets out several justifications for the use of force – including to defend positions gendarmes occupy – without...
In Mali, the HRDs describe how the instability in northern Mali severely affects their work and the capacity of HRDs. The HRDs claim that the climate of fear and insecurity is pervasive largely because of the presence of non-state armed groups.

There is also a question whether extremist groups may exist as a response to governments’ lack of respect for the rule of law and human rights. The question was raised whether groups such as the Fulani or Tuareg may have turned to extremist measures to defend their land and livelihood. If so, there could there be a major undercount of the numbers of individuals impacted and killed defending themselves, their lands, and livelihood.

A law in Mauritania from 1964 requires civil society organizations to register with the Ministry of the Interior, giving this office the power to accept or reject organizations. As a result of this outdated law, some organizations work illegally - preferring not to register with the Ministry of Interior. Another Mauritanian law requires a permit to hold a demonstration, on the pretext that demonstrations can create riots, which makes it exceedingly difficult for protests to take place at all. An HRD from Mauritania shared,

“So, if you do not have permission, the demonstration is perceived as illegal and you can be subjected to repression. In fact, the people here are very peaceful, it is the police who create problems. As there are always young

making clear that firearms can only be used when there is an imminent threat of death or serious injury. The law’s explanatory note also notes the need to protect gendarmes who resort to force from vengeful prosecutions, raising concern that it will be used to prevent judicial oversight of law enforcement. For more information see Guinea: New Law Could Shield Police from Prosecution

| Human Rights Watch (hrw.org)

The Minister of Territorial Administration, the Minister of Security, and the Governor of the respective region are enabled to prohibit circulation of people and vehicles at times they decide on; public prosecution and police can search private houses at any time; publications and assemblies that are suspected of promoting ‘radicalization and violent extremism’ can be prohibited.

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A law in Burkina Faso creates the authorizations for the gendarmerie to use firearms in several circumstances. The law can only be used when there is an imminent threat of death or serious injury. The law’s explanatory note also notes the need to protect gendarmes who resort to force from vengeful prosecutions, raising concern that it will be used to prevent judicial oversight of law enforcement. For more information see: Amnesty International, “Burkina Faso: Parliament Amends Penal Code”

[Human Rights Watch (hrw.org)]

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[Human Rights Watch (hrw.org)]

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[Human Rights Watch (hrw.org)]
protesters, this creates clashes. So, there are arbitrary arrests, even if the detention does not last, it’s really hard to protest”.

HRDs are being labelled anti-development, anti-country, and anti-investment. Across the region HRDs who focus on land rights or environmental issues or highlight corruption are often labelled “anti-development.” There are reports that when they raise concerns around contracts between governments and multinational companies in the mining, logging, and mineral sectors they have been labelled ‘mercenaries,’ ‘antidevelopment,’ or ‘blamed for speaking badly about their country internationally.’ For example, in Benin during a highly publicized anniversary celebration the president famously said, “We must sacrifice freedoms to go to development.” Another HRD from Benin working on business and human rights issues is labelled a “mercenary” and is prevented from travelling.

“We are called mercenaries as soon as we touch on important rights that do not promote the neoliberal agenda. We are isolated, we are sometimes prevented from going to international meetings.”

In Liberia, the HRDs who are most at risk are those who criticize private sector activities, as the government seeks to attract foreign direct investment. Such HRDs are considered anti-development, anti-country, and anti-investment. For example, in the previous administration’s annual message to the Liberian legislature in January 2014, the Liberian President stated that NGOs are undermining the sovereignty of Liberia. This seems to have improved slightly with the current administration, but the government’s desire to attract foreign direct investment remains strong.

Anti-development rhetoric, especially coming from the top levels in government, contributes to an increasingly dangerous working environment that has compromised the safety and security of HRDs. In Liberia, journalists who criticise government officials or who express their political opinions are frequently harassed, detained, charged spurious fines, called terrorists, and their work is restricted by the government.

In Mauritania, the law against racial discrimination is a double-edged sword.

“If someone claims discrimination, they could be arrested for speaking out against national unity limiting their ability to claim being discriminated against out of fear of being arrested for another crime.” He added, “It makes it very difficult to realize this right for fear of not showing loyalty to the country. These rights are in contradiction to one another”

The “anti-development” rhetoric puts HRDs under threat not only as a justification of the government to act against them, but also from the larger population who may not have a full understanding of the role of an HRD in society. It may put an HRD’s family at risk or turn family members against HRDs.

The situation in the countries in the Sahel28

The Sahel part of West Africa includes northern Senegal, southern Mauritania, central Mali, northern Burkina Faso, Niger, and the extreme north of Nigeria. These countries face issues related to non-state groups. Even though thousands of people are being murdered annually and millions are displaced, most of whom could well qualify as Frontline Grassroots Environmental, Land and Human Rights Defenders, increasingly, the findings point to the fact that the Sahel’s underlying conflicts, the mass killings and the human rights and humanitarian crisis may not necessarily be limited to only religion and a violent ideology. Largely it is becoming clearer that youth gravitate toward armed movements because they lack jobs or other means of making a living, others join because of ethnic, social, and political conflicts.

The Climate crisis has increased stress levels on existing scarce resources-dwindling water tables, erratic temperatures, droughts, increased in populations-driving needs for more farm lands and grazing corridors. In the north of Mali, Tuareg groups have fought for regional autonomy. For instance, in 2012 some Islamist movements took advantage of the conflict in Mali to occupy areas in the north, but they were pushed back the following year by a French African intervention force. Today the Malian government is seeking to accommodate Tuareg concerns, while simultaneously combating Islamist insurgents. Central Mali, meanwhile, has erupted into serious ethnic fighting, often originating in land conflicts between Fulani livestock herders and farmers of other ethnic groups. Seeking to restore peace, Fulani and Dogon youth associations are now taking steps to promote intercommunity dialogue.

In the countries in the Sahel which include several from West Africa, several National Human Rights Defenders interviewed as well as Front line Defenders profiled expressed troubling concerns that the lack of respect for human rights and the environment, as well as ignoring the brutal impacts of the climate crisis, is a fundamental cornerstone undermining the fight against terrorism and resolving the herder-farmers conflicts in the region. This, unfortunately, is the opinion of the Special Representative of the United Nation Secretary General to United Nations Office for West Africa and the Sahel (UNOWAS).

**Human rights violations against HRDs**

Unlawful arrests, detention, and intimidation were the most common tactics used by governments to punish HRDs at the national level (see Table 3 above). In Nigeria one HRD shared that “Unlawful arrest is a common thing. Often those arrested are not charged to court. It is a tactic of intimidation.” During or shortly before elections or referendums, criticism around corruption or a threat of losing power - especially

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29 See Report from the Special Representative of the United Nation Secretary General to United Nations Office for West Africa and the Sahel (UNOWAS).


Describing the security conditions as “extremely volatile”. In Burkina Faso alone, as of June, 921,000 people have been forced to flee, representing a 92 per cent rise over 2019 figures. In Mali, nearly 240,000 people are internally displaced — 54 per cent of them women — while in Niger, 489,000 people were forced to flee, including Nigerian and Malian refugees. In Nigeria, 7.7 million people will need emergency assistance in 2020. He said that as national and multinational forces intensify their operations to counter the violence, communities have organized volunteer groups and self-defense militias. Rights groups have raised concerns over reports of alleged abuses by these militias, as well as by security and defense forces. Systematic attacks by violent extremists on civilians; intercommunal and electoral violence; the excessive and disproportionate use of force by security forces; and restrictions on the freedoms of assembly and of the press, in a climate of impunity, affected respect for human rights and the rule of law in West Africa and the Sahel. Notwithstanding increased pressure from defense and security forces, violent extremists continued to carry out fatal attacks on civilians. On 10 February, 30 persons, including a pregnant woman and a baby, were killed when Boko Haram set ablaze 18 vehicles and their occupants in Auno, about 20 km from Maiduguri, Borno state. The United Nations continued to receive reports of human rights violations when counter-terrorism operations are conducted. They included the alleged burning down of houses in Borno state by Nigerian security forces on 3 and 4 January, the alleged killing of civilians by Malian defense forces between January and April, the alleged killing of civilians by Nigerien security forces between 27 March and 2 April and the alleged killing of 31 men by the security forces of Burkina Faso on 9 April in the town of Dijibo, 200 km north of Ouagadougou.
power over resources - can result in arrests and prolonged detention. People under arrest are often held incommunicado without access to a lawyer or family members, and charges are either unclear or non-existent. In some instances, governments have taken deadly action against the population during these periods. In Guinea between January 2015 and October 2019, at least 70 protesters and bystanders have been killed in actions linked to rising political tensions related to the threat to presidential power.\textsuperscript{30}

HRDs in Mali have been arbitrarily detained and threatened for working on cases of government business and corruption within government ranks. HRDs who document and report on issues of human rights abuses face threats, intimidation, and physical attacks. HRDs who have accused government forces of human rights violations are particularly at risk. Journalists find it hard to access information about the human rights situation and are dissuaded from covering difficult topics through threats and harassment.

In Equatorial Guinea, under the same president for almost 40 years, HRDs regularly face interventions in their communications. HRDs that are considered “too active” face severe restrictions on their work, and the constant threat that their activities will be suspended. HRDs face social and economic exclusion, including dismissal from work, ill-treatment or torture, suspension of the NGO’s activities or the NGO itself, arbitrary detention, or political trial for conspiring against the power. The government has absolute impunity, and there is no protection for NGO’s. In the Gambia, even though the situation has improved since a new president was elected in 2016, an increasing number of people who challenge government actions are being arrested and detained without charges.\textsuperscript{31}

Several of the HRDs interviewed have faced threat of arrest or detention, and at least five of those interviewed have had to leave their country, in some cases for indefinite periods. This is further elaborated on in the next section.

**Frontline Grassroots HRDs**

The Frontline Grassroots Defenders, described in more detail in the Table 1 above, are HRDs that are often considered first responders. They work in their community, may not refer to themselves as HRDs, and they focus on the environment, land rights, indigenous rights, and business and human rights. As highlighted in the table below, these include Environmental Rights HRDs, Land Rights HRDs, Indigenous People HRDs, and Business and Human Rights HRDs. Additionally, identifying them in this way subjects them to more types of judicial and non-judicial recourse that will be covered further in the report.

**Table 6 Types and Definition of HRDs relevant to this study**


\textsuperscript{31}In January 2020, Omar Touray a member of the former ruling party was arrested and detained for five days without being presented before a judge. Other cases of arrests and detentions include the case of Dr Ismaila Ceesay who was arrested in January 2018 after he gave an interview to a newspaper where he reportedly criticized the president. He was later released and charges against him dropped. In June 2017, youth activist and journalist Baboucarr Sey were subjected to arbitrary arrest and detention for leading a community initiative to protest the acquisition of a football field by a private company.
<table>
<thead>
<tr>
<th>HRD Type</th>
<th>Definition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Environmental HRDs</td>
<td>Individuals and groups who, in their personal capacity and in a peaceful manner, strive to protect and promote human rights related to environment, including water, air, land, flora, and fauna. They may face threats from both governmental and non-governmental bodies.</td>
</tr>
<tr>
<td>Land Rights HRDs</td>
<td>Many are indigenous rights Defenders who face threats from governmental, non-governmental, and corporate bodies, including defamation, physical attacks, judicial harassment, and killings.</td>
</tr>
<tr>
<td>Women Human rights Defenders</td>
<td>WHRD are subject to the same types of risks as any HRD, but as women, they are also targeted for or exposed to gender-specific threats and gender-specific violence. The reasons behind the targeting of WHRDs are multi-faceted and complex, and depend on the specific context in which the individual WHRD is working.</td>
</tr>
<tr>
<td>Indigenous People HRDs</td>
<td>Indigenous people face violence and brutality, continuing assimilation policies, marginalization, dispossession of land, forced removal or relocation, denial of land rights, impacts of large-scale development, abuses by military forces and armed conflict, and a host of other abuses. Indigenous people defending their rights and their lands, territories and communities are most at risk. Indigenous people defending their rights and their lands, territories and communities are most at risk. The Tuareg and Fulani communities, sometimes called “terrorists” for defending their land, could also fit into the category of indigenous people.</td>
</tr>
<tr>
<td>Business and Human Rights HRDS</td>
<td>The growing reach and impact of business enterprises have given rise to a debate about the roles and responsibilities of such actors regarding human rights, and have led to the international community becoming involved.</td>
</tr>
</tbody>
</table>

Frontline Grassroots HRD research has found that environmental HRDs are three times as likely to suffer attacks than other HRDS. Research shows that 77% of HRDs who were killed in 2018 worked on land, indigenous peoples, or environmental rights globally. Although there are few clear statistics with regard to the threats that West Africa Frontline Grassroots HRDs, anecdotal evidence suggests that they often face a range of rights violations including lack of access to land, livelihood, and environmental concerns. In the defence of these rights, they are also at risk of their political and civil rights being violated. Table 7 below highlights the threats faced by Frontline Grassroots HRDs.

Table 7: Threats faced by Frontline Grassroots HRD’s

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32 LGBTQ rights were highlighted across the board as the most serious human rights issue however they are not dealt with at all in this report.

33 A 2018 report by the Special Rapporteur for indigenous people’s rights highlights the risk of indigenous people’s rights and the risks that they face. Although West Africa is not explicitly mentioned the range of risks faced by indigenous people globally include the violation of a whole range of human rights from murder, environmental rights to forced evictions. More information can be found here: Microsoft Word - A HRC 39 17_AEV.docx (ohchr.org)

34 See Frontline Defenders for more information: Publications | Front Line Defenders
**Threats** | **Countries affected**
--- | ---
Political and civil such as arrest, detention, harassment, frivolous criminal charges, media attack, stigmatization, and murder | All countries except Cape Verde
Economic, social, and cultural rights such as loss of land, property, and environmental rights | All countries except for Cape Verde and Burkina Faso
A combination of rights including economic, social, and cultural rights such as land or environmental rights. Their political and civil rights have come under attack including being arrested and held without charge, prolonged detention, job loss, and being murdered. | Across the region but highlighted especially in Liberia, Sierra Leone, Guinea, Ghana, Niger, Nigeria, and Ivory Coast.

**Communities face multiple human rights violations by Industry**

In resource-rich communities, mining, logging, rubber companies enter and take over land through deals with the national or local government or local community leader. Across the board, HRDs explained that, throughout West Africa, companies come into communities with no consultation with community members. These companies do not provide community members with full information about concessions or contracts, and community members are rarely, if ever, consulted. When companies are confronted, they often make promises to build schools, roads, clinics and provide jobs. Even if there are existing laws and policies related to mining, land, and the environment, they are not community-friendly. Communities are not part of the deals that governments make with companies: often deals are struck, and land is taken away without any discussion or consent. When promises are not kept, communities do not have any clear recourse to get their land back or to ensure development projects are carried out. These issues were highlighted across the region with multiple examples from Liberia, Sierra Leone, Guinea, Ghana, Niger, Nigeria, and Ivory Coast.

Relocations or resettlements of communities are often done improperly, and can result in numerous violations of communities’ rights. In Guinea one National HRD shared the following:

“We work on displacement—and with displacement there are so many other rights that are violated. People are losing their land which means they are losing their livelihood. Losing their means of living—they do not have clean water; they don’t have schools. There are so many human rights violations that result from displacement of the communities. What is worse is that where the communities are resettled to are not adequate there are no proper land, jobs, or access to medical care.”

The Guinean HRD stated that his job is not to stop the displacement, but to make sure that communities’ rights are being adequately addressed where they are relocated. He emphasized, “We are not against the displacement - just how it is done”.

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HRDs from Sierra Leone, Nigeria, Senegal, Guinea, and Liberia highlighted that laws and policies around mining, land, and the environment are often unclear, unknown to the community, or pro-business. In Sierra Leone, the mining law is particularly problematic for communities. Even if laws do exist, communities are often unaware.

An HRD from Senegal highlighted that:

“Communities don’t know their rights. Communities are not part of the deals that governments have with companies. Once deals are made, land is taken away without any discussion or consent. Often promises are not kept, but communities do not have any clear recourse to get their land back or ensure development projects are carried out.”

One HRD from Sierra Leone also shared the contradiction about government preaching development when, in fact, it does nothing to help communities. The Sierra Leonean HRD said:

“There are so many issues related to mining as it is supposed to be contributing to development but in the end, it does the opposite. Companies may make promises to build schools, roads, clinics and provide jobs. However rarely do they follow through leaving communities in an impossible position.”

Testimonies from Liberia, Sierra Leone, Guinea, Ghana, Niger, Nigeria Mauritania, and Ivory Coast highlighted these types of challenges.

Efforts by communities to get information about contracts, or in some instances, to fight back, have resulted in further violations, and even death in some cases. Peaceful efforts by community leaders to seek out information from the government or company representatives are often ignored. For example, when a mining company came to a town in southeast Liberia, the Town Chief, responsible for administering land in communities, only learned about the appropriation of the land in a meeting hosted by the Liberian County Superintendent. When the Town Chief tried to get details of the concession agreement, he was threatened with dismissal by the local government, and later his brother and three other men in his community were arrested without cause and detained overnight in jail, but were never charged.

The lack of recourse forces communities to either accept conditions and watch their land and livelihood slip away, or take some sort of action. Frontline Grassroots Defenders in Liberia and Guinea used different methods to address the situation. In some cases, the strategies bought them more time to plan, and in others there was intense backlash from the government or multinational.

For example, in Liberia, the Frontline Grassroots HRD has tried to bring attention to the actions of the company or local government authority, including putting up a roadblock to prevent staff from entering or exiting the premises of the palm oil company where they work. This community action had a promising short-term benefit
in bringing the palm oil company to the table to negotiate the provision of jobs for at least one member of each family in the communities that were impacted. It was a huge win for the affected communities to gain employment. But the win was short-lived, as the action led to divisions in the community, and the Frontline Grassroots HRD was alienated from the community. Eventually the community realized that the division did not make sense and welcomed him back and chose unity within the community moving forward.

Stories shared by those interviewed in Liberia demonstrate that, whether the companies are extracting oil and gas, minerals, rubber, timber, or palm oil, the impact on the Frontline Grassroots HRDs is surprisingly similar. There appears to be a pattern of land and livelihood being taken away, environment polluted and cultural sites desecrated, with a total lack of consultation with the community. Often when Frontline Grassroots HRDs try to act, they have faced further hardship and violation including loss of jobs, arrests, detention, and in some instances have been abandoned by family and community members - essentially losing everything.

In Liberia, beginning in May 2015 following a protest of a palm oil company in a community in southwest Liberia, the Liberian police charged 23 people with a wide range of offences including economic sabotage, armed robbery, criminal attempt to commit murder, aggravated assault, terroristic threats, criminal mischief, criminal conspiracy, theft, burglary, kidnapping, felonious restraint, and disorderly conduct. These charges did not match the actions of a community peacefully protesting the actions of the oil company. This level of intimidation and threat can have a chilling effect on individuals and the community.

The Frontline Grassroots HRD in Mali reported violations of rights to clean water, and environmental contamination that led to health problems, including an increase in lung diseases and miscarriages. This was the result of Mali’s two main gold operations being too close to communities. While they had set up a community development fund, apparently that fund was being used by the local government to pay police salaries, rather than community development.  

In Guinea, the main cause of violations against individual HDR’s is the lack of consultation between multinationals and the government, regarding relocation and resettlement of communities. In 2016 Kintinian, a community in Guinea, referred to as Area One, organized a peaceful protest in response to their relocation. In response, the Guinean army, who were financially and logistically supported by the multinational, responded by violating the rights of protesters. Thus, the local government and multi-national company turned on the community.  

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36 Guinea: Grassroots Frontline Human Rights Defender’s Profiles
37 Guinea: Grassroots Frontline Human Rights Defender’s Profiles
Grassroots WHRD, also from Kintinian, lamented that since the arrival of the multinational, the government had sent in an elite security force that had wreaked havoc on their community. She said,

“Before the white people company came, we had our farms, land, water, and fishes in our creeks. Now the land is empty. They destroyed the forest, no trees, they spoiled the creek, no water and fish and the land are polluted, we cannot farm so we do not have (sic) job and the white people say they will not give us (sic) job. We are finished.”

In 2017 in another Guinea community, Sangaredi, a multinational mining company had taken over the land without proper consultation with the community. A riot broke out, resulting in mass arrest and detention by the police and the army. In 2019 following the eviction and relocation of communities in the suburbs of Kaporo rail, a complaint was filed with the Ministry of Town and Regional Planning Code, which led to a temporary stop in evicting the community. As a direct result, three Frontline Grassroots HRDs were arrested and detained.

Some instances have turned deadly, with Frontline Grassroots HRDs either targeted or caught in the crossfire. In May 2019, two well-known HRDs of the Democratic Youth Organisation of Burkina Faso were killed in an apparent assassination in the province of Yagha in the northeast, bordering Niger. According to Amnesty International, Fahadou Cissé and Hama Balima were on route to a meeting with the high commissioner of the province, Adama Conseiga, in the provincial capital Sebba but never reached their destination. They were found dead, riddled with bullets, about five kilometres away from the town. A third body of an unidentified person (possibly an uninvolved witness) was lying a few hundred metres next to them. The place had obviously been ‘cleaned up,’ as not a single bullet casing was left at the scene.

Numerous Frontline Grassroots HRDs shared their efforts to raise issues in a peaceful way. These efforts largely went unheeded by government or the multinationals. For example, in response to a multinational company arriving in a village in Cote d’Ivoire, disrupting village life and livelihood and forcing villagers to relocate, two Frontline Grassroots HRDs carried out awareness-raising and sensitization meetings to encourage the government to act. Despite the peaceful efforts of the Frontline Grassroots HRDs, the government and the multinational continued to suppress, harass, intimidate, and arrest them.

Frontline Grassroots HRDs have also been killed across the region in protests related to issues around land and community rights. In Burkina Faso and in Yagha village, residents and protesting miners were reportedly shot, leaving five people dead in

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38 Mano River Union Civil Society Natural Resources Rights and Governance Platform First Peoples’ Forum on Corporate Accountability: Final Report.
40 Amnesty International, BRAVE Human Rights Defender for more information: Deadly but preventable attacks killings and enforced disappearances of those who defend human rights (amnesty.org).
41 Mano River Union Civil Society Natural Resources Rights and Governance Platform First Peoples’ Forum on Corporate Accountability: Final Report.
In the Gambia in June 2018, three peaceful protestors were killed, and many others injured when armed policemen opened fire in the village of Faraba, 40 km outside of Banjul. Community members had been protesting because they thought a contract had been awarded to a company to conduct sand mining operations without consulting the local village council and stakeholders in the project, but the information was not received in time.\(^2\)

In Bumbuna Sierra Leone in 2007 one person was killed by the police reportedly on the instruction of the mining company. During that same period 144 members of the community were reportedly falsely imprisoned in Makeni. One Frontline Grassroots HRD who wrote about it on social media was banished from the community by the paramount chief.\(^4\)

In January 2019, two civilians were killed in a raid of local communities by military personnel who were protecting the palm oil plantations for a multinational company.\(^5\) One Frontline Grassroots Woman HRD who was also present when the two people were killed highlighted that the individuals were shot by military personnel, and 18 members of a landowners/user’s association were arrested, imprisoned, and had to go to trial. \(^6\)

**Women HRD**\(^7\)

The Special Rapporteur of the situation of Human Rights Defenders defines WHRD as female HRDs, and any other HRDs who work in the defense of women’s rights or on gender issues. In the last few years, like with environmental and land rights, and indigenous HRDs, there has been increasing recognition of the need for greater protection of WHRDs.\(^8\) There is increasing recognition of the risks and vulnerabilities faced by WHRDs working on environmental issues, the rights of minorities, including indigenous and Dalit people, LGBTI rights, and sexual and reproductive health and rights (SRHRs). Specific challenges include physical assaults, denial of medical treatment, degrading searches, threats to their families and communities, public defamation and attacks against their “honor,” arbitrary detention, sexual and gender-based violence, and killings. WHRDs are also at risk of being rejected by their communities and of being revictimized if they report acts of violence.\(^9\)

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\(^{2}\) Amnesty International, BRAVE Human Rights Defender for more information: [Deadly but preventable attacks killings and enforced disappearances of those who defend human rights](https://amnesty.org)

\(^{3}\) In 2018 in the town of Faraba Banta, 50km south of Banjul, a contract was awarded to the Julakey Company to conduct sand mining operations in the area. Accusations were levelled that the contract had been awarded without consulting the local village council and stakeholders in the project. The week prior to the shooting, the National Assembly’s Committee on the Environment had ordered the Julakey Company to cease operations pending the outcome of an investigation into their operations. However, due to complications in communications, by the day of the incident the company had yet to receive an official letter from the committee asking them to do so.[2]A commission of inquiry that was set up to investigate the deadly incident recommended that suspected perpetrators should be brought to justice, but they were pardoned by the President. [https://www.amnesty.org/en/latest/news/2020/01/gambia-mass-arrests-risk-fuelling-tensions/](https://www.amnesty.org/en/latest/news/2020/01/gambia-mass-arrests-risk-fuelling-tensions/)


\(^{5}\) Further 15 people were arrested, including a member of parliament, and more than 2,500 people were forcibly displaced. [https://www.escr-net.org/news/2019/sierra-leone-protect-land-rights-defenders](https://www.escr-net.org/news/2019/sierra-leone-protect-land-rights-defenders)

\(^{6}\) Mano River Union Civil Society Natural Resources Rights and Governance Platform First Peoples’ Forum on Corporate Accountability: Final Report.

\(^{7}\) [https://www.newfieldfound.org/pdfs/Womens_Rights_to_Natural_Resources_Standard.pdf](https://www.newfieldfound.org/pdfs/Womens_Rights_to_Natural_Resources_Standard.pdf)

\(^{8}\) The Special Rapporteur about HRDs wrote extensive reports in 2011 and 2019 about WHRDs. [https://www.newfieldfound.org/pdfs/Womens_Rights_to_Natural_Resources_Standard.pdf](https://www.newfieldfound.org/pdfs/Womens_Rights_to_Natural_Resources_Standard.pdf)

\(^{9}\) This is true of WHRDs from the Philippines, Brazil, Indonesia, Colombia, and Spain testified about the challenges they had encountered as WHRDs. Panelists also expressed serious concerns about the record number of reprisals against WHRDs in 2017. This led to the UN’s growing engagement in the
WHRD are subject to the same types of risks as all HRDs but as women, they are also targeted for or exposed to gender-specific threats and gender-specific violence. The reasons behind the targeting of WHRDs are multi-faceted and complex, and depend on the specific context in which the individual WHRD is working in.

Interviews with WHRDs from Guinea, Ghana, Sierra Leone, and Senegal, highlighted challenges they faced including discrimination, violence, and backlash from their communities and societies.

In the context of the destruction of forests and the rights of access of women to land resources, one Frontline Grassroots WHRD from Guinea said that:

“All actors are involved: customary authorities, local and central authorities. This depends, in fact, all the actors mentioned here can be involved at different levels depending on the case in cases of environmental aggression.”

It is difficult for WHRD to be vocal given the huge risk they face of being socially stigmatized and suffer life altering backlashes. In Guinea, an WHRD shared that young women can risk losing their marriage, or their husband kicking them out or leaving them if they are too public in their advocacy. In general, the WHRD shared, socially men are scared to be with women who are too strong and have the reputation of being very vocal. She said,

“Young women who have been public are then stigmatized to the extent that once they speak out, they no longer can get married as no man wants to be associated with a woman who is too loud.”

WHRD face religious burdens and stereotypes about women’s social status, and have sometimes been bullied in the conduct of their activities. Often, the work of WHRD is seen as challenging traditional notions of family and gender roles in the society, which can lead to hostility by the general population and authorities. As a result, WHRDs are subjected to stigmatization and ostracism by community leaders, faith-based groups, families, and communities who consider their work to be threatening religion, honour, or culture.

In addition, the work itself or their goals (for instance, the realisation of women’s rights or any gender-related rights) makes them targets for attack. Their families also become targets for threats and violence, aiming to discourage WHRD from pursuing their work. WHRD are more at risk of being subject to certain forms of violence including gender-based violence and other violations, prejudice, exclusion, and repudiation than their male counterparts.

WHRDs felt that it was imperative for them to bring out creative ways of raising issues. The plight of WHRD is becoming increasingly well-known, and a few of them said that they must appear to be softer and not seem too strong or threatening to
what society thinks women “should be” engaged with and working on. At times WHRD will build coalitions with more mainstream organizations and then have the coalition take on their issue. Another strategy is to be involved in issues deemed acceptable for women, such as child abuse or other issues society feels are “acceptable issues” for women to speak about. There has been increasing attention to the plight of WHRDs both at the international and national levels.51

**Gender dimension of ESC rights violations**

Concerns have also been raised that women are more severely impacted when multinationals move in, and are more seriously impacted than men during relocation. One Frontline Grassroots WHRD explained that in Guinea in some instances, compensation is paid to communities. However, she said that women in the communities often do not receive the same benefits as men, and, in many cases they do not receive benefits at all. He said, “*Women are totally abandoned and not compensated even though they are also farmers and their farmlands and their crops are destroyed by the operation of the companies.*” So, on top of the situation that is already bad for the community, in some instances it can be even more devastating for women. This same concern was also raised by a Frontline Grassroots WHRD from Sierra Leone who highlighted that in her experience women do not benefit in the same way as men do, and often do not receive any form of compensation.

WHRDs have long faced risks related to sexual and gender-based violence.52 In Liberia according to a Frontline Grassroots HRD in one community, along with the multi-national company grabbing land and destroying crops, they also set up security check-points and arbitrarily arrested people in the community. Reports that some of the community women had been raped.

**Governments, Multinational, and corrupt community leadership**

Hungry for direct foreign investment, governments across the West Africa region are inviting multinationals into their countries. The presence of multinationals often appears to be at the expense of the communities, rather than in helping in their development, and governments largely protect the multinationals. Judicial harassments, when courts use their position to harass individuals and justify the government’s position, leave both National and Frontline Grassroots HRDs in danger. Government actors, at both the local and international levels, are behind it, so avenues of recourse cannot be found within their own national institutions.

**Risks to National HRDs**

National HRDs largely highlighted their greatest risks as government security, company security, and, at times, community leaders or community members whom they encountered. At times, state actors are complicit in the criminalisation process.

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51 https://www.ohchr.org/EN/Issues/Women/WRGS/Pages/HRDefenders.aspx
52 The OHCHR and Frontline Defenders have more information on the issues Women Defenders face however rarely do cases from West African countries arise in the desk review which is not because it is not happening it is because there is a dearth of information about the situation. See [OHCHR | Women human rights defenders face worsening violence, warns UN human rights expert](https://www.ohchr.org/EN/Issues/Women/WRGS/Pages/HRDefenders.aspx) and see [#Sexual Violence / Sexual Harassment | Front Line Defenders](https://www.ohchr.org/EN/Issues/Women/WRGS/Pages/HRDefenders.aspx)
Multinationals also have a major role in putting HRDs and communities at risk with the backing of the respective governments. National HRDs also named government officials, such as lawmakers, judges and prosecutors. Even when laws protecting HRDs are on the books, the judiciary can be used to silence detractors. One HRD from Equatorial Guinea stated that:

“The Executive is all-powerful and the judiciary executes the executive’s wishes. The government is the main offender, as well as its agents (police, military, high officials) and people influential or linked to power or to the president’s family.”

In Sierra Leone one National HRD who was working on behalf of the mining community was sued for libel by a mining company. The HRD had to get a lawyer to represent him in court, but the case is deliberately being dragged out and it is costly to continue to pay the lawyer.

According to the Mauritania HRD interviewed, multinationals have the support of the authorities in Mauritania. A National HRD from Mauritania shared,

“The authorities are behind, when these companies come, they find the populations, but they do not react violently. They contact the authorities, and it is the authorities that repress, so multinationals do not really have direct contact with the populations.”

In Benin there was a similar sentiment about multinationals being protected by government. A National HRD from Benin stated “Multinationals are protected, and they can do whatever they want to do. The Government takes care of them. Even the head of state does not hide from it.” In Mali, the HRD shared that the multinationals occupy the areas belonging to the population, desecrate their cultural sites, and deprive communities of their livelihoods. In almost all instances, national government actors and local government officials take the side of multinationals and protect them, to the detriment of HRDs and communities. A Sierra Leone HRD shared that the government is so hungry for investment that, “Our government is very friendly to companies because they want to open investment. Everything is always done with the company’s interest in mind and not the community’s.”

It also appeared that some companies were worse offenders of communities’ human rights than other companies. The HRD from Senegal shared that some of the worst violators are the companies from China, India, and Morocco. He said,

“Even though the government at the local and national level are treating the communities badly they are behind them. Most of the time companies will promise a lot of jobs—and in a country where there is high employment the government is interested in this.”

One HRD shared that companies that were under the International Finance Corporation (IFC) could be held accountable, compared with companies that are not under IFC and were more problematic:

“There are two kinds of company, ones that are under the IFC and others that are not. The ones that are under the IFC we can work with while the ones that are not under IFC are a big problem.”

At times, the community leadership has been co-opted by multinationals. In Ghana, a community that had always been integrated started to disintegrate when the traditional leader started favouring the indigenous people over settlers who legally had less rights to the community land. Later they found out that their traditional leader had been co-opted into selling off some of the communal land that families relied on for subsistence farming for his own benefit. In Sierra Leone, an HRD shared that it is hard to find a paramount chief in Sierra Leone that has not been corrupted by multinationals offering them money or deals for land. The Sierra Leone HRD shared, “There are some paramount chiefs who resist and stand by the community but for the most part they are corrupted.”

Remedies at the community, national, regional, and international level

This section highlights the judicial and non-judicial remedies available for the protection of HRDs and Frontline Grassroots HRDs at the community, national, regional, and international level.

Individual Level

National HRDs shared the various ways in which they kept themselves safe.

Table 9 Protective strategies while carrying out field work

<table>
<thead>
<tr>
<th>Conducting field work in High-Risk and Low-Risk Communities</th>
<th>High Risk</th>
<th>Low Risk</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bring own food and water so not reliant on others around you such as not having to accept food or water offered for fear that it could be poisoned.</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>Keeping key people informed of travel plans but ensuring that it is just a need-to-know basis.</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Establish a system such as taking a photo of car license plate and send to a friend.</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Travel with at least one other person.</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Laying low during periods of potential unrest</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>Taking precautions which include leaving work early, using different routes to get home, and setting up a nightly check in with staff.</td>
<td>X</td>
<td></td>
</tr>
</tbody>
</table>

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54
Several HRDs highlighted the importance of taking personal responsibility for their own safety. One HRD from Benin highlighted the importance of adhering to a strict code of ethics, which meant behaving prudently, responsibly, and having a low profile. For example, he never posted on Facebook or shared pictures that might put himself or others at risk. A few HRDs mentioned the importance of maintaining integrity in the work.

HRDs from Niger, Benin, and Cote d’Ivoire spoke about the importance of keeping a low profile, which ranged from going into hiding or just being extra vigilant daily. For some this meant really “picking their battles,” and at times, practicing self-censorship. Precautions during field work were also highlighted.

One National HRD, who left Equatorial Guinea for this own safety and is now in Spain, shared “The risks to HRDs in Equatorial Guinea are multiple, constant and real. Repression occurs on a small scale and is recurrent.” Between October 2018 to March 2019 this HRD was kidnapped and his life was threatened by the state security personnel, which prompted him to flee the country. In July 2019, his organization was dissolved after a long process of harassment and reprisals and he finally declared himself independent. Since leaving the country he still monitors the situation but does not speak out because his ex-wife and children live in Equatorial Guinea and he feels there could be a backlash against them.

In times of potential unrest, such as during periods leading up to elections or during elections when violence can easily erupt, some HRDs put extra safety protocols in place. Some of the precautions included leaving work early, using different routes to get home, and setting up a nightly check in with staff.

In an extreme emergency such as total breakdown of law and order, or following verbal threats of arrest, or around the release of a sensitive report or press release, HRDs spoke about contingency planning to assess the level of risk and make plans accordingly.

One key remedy was to go into hiding, either temporarily from community to community within their own country, or across a border either within Africa or further afield. Almost all of the HRDs interviewed had gone into hiding and temporarily relocated at least once. In Guinea it is a regular practice for HRDs including journalists to go into hiding within their own country for short periods, especially as the government has increasingly become more repressive.

In one instance a Guinean HRD was stopped at the airport and prevented from flying, which meant that he could not attend an important meeting in the region. Realizing he was in danger in his country, he immediately went into hiding in Guinea. Unsure how long he would be safe in Guinea, he decided to leave the country for a cooling-off period. Through a contact with a local police officer based at the airport, he was able to get on a plane and leave the country undetected. The responsible police officer had been his student and the personal relationship allowed him safe passage.
At least five HRDs interviewed have been relocated to third countries for both temporary or more permanent periods; examples are included in the Table below. Frontline Grassroots HRDs also used this strategy of “laying low” for periods by relocating to a new community until the situation cooled down. One HRD had program funding allocated for this purpose, and funding was made available on an as needed basis.

Table 10: Examples of HRDs interviewed who have had to leave their countries

<table>
<thead>
<tr>
<th>Country of origin</th>
<th>Time Frame</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>Guinea</td>
<td>3 months</td>
<td>Attended a training in the US</td>
</tr>
<tr>
<td>Equatorial Guinea</td>
<td>Extended period</td>
<td>Currently in Spain</td>
</tr>
<tr>
<td>Liberia</td>
<td>Extended period</td>
<td>Currently in the US.</td>
</tr>
<tr>
<td>Niger</td>
<td>3 months</td>
<td>Attended a training in UK for HRDs</td>
</tr>
<tr>
<td>Liberia</td>
<td>Indefinite period</td>
<td>First Ghana and now Uganda</td>
</tr>
<tr>
<td>Liberia</td>
<td>3 months</td>
<td>Sent to another community within Liberia</td>
</tr>
</tbody>
</table>

Office and Data Security

For National HRDs it is important to ensure that office locations and premises are carefully considered. One HRD from Benin specifically chose an office location where he had few neighbours. Another HRD said that he continually changes his location and he set up a system which he described as an “effective alert system.” HRD’s in Cote d’Ivoire and Liberia had cameras in and around their office premises, ensured a security guard was in place for 24 hours, and kept a sign-in sheet for all visitors. Additionally, they set up a protocol to require that anyone coming to the office without an appointment would need to wait outside until they have been approved to enter. HRDs from both Cote d’Ivoire and Senegal have cameras in and around the premises.

Data security

Increasingly HRDs face threats to their data security, including the risk of websites or emails being hacked, and security concerns about critical data on computers and laptops. Governments and others are becoming more sophisticated in their attacks. Most of the HRDs who were interviewed did not feel they were well protected, or had sufficient knowledge about how to protect their data. Interviews also revealed that data-related security strategies included passwords on computers, keeping back-ups, password-protecting sensitive documents, and having an encrypted email. One HRD from Liberia who partners with an international organization sends all their sensitive information abroad for safe keeping and for back up. One HRD who was particularly mindful of data security said that “Remembering that anything online, is recordable, copiable, transferable, and redistributable. Therefore, being aware of this is critical.”

Using open-source software (software where the programming code is open to the public to verify its security) is the best way to share and disseminate tools and protocols when these very tools and protocols must be shared using methods that are often unprotected and unencrypted. When a group of HRDs are working together,
it is important that all involved are using secure communication methods. If one person in a group of people communicating does not follow recommended security protocols, this can be a risk to the entire group.

VoIP (voice over internet protocol) services like Skype, Zoom, WhatsApp, Signal, Slack, and Telegram, provide various levels of security. Some HRDs rely on access to the internet through internet cafes, which can be insecure. The best advice is to use is to use a laptop in an internet cafe to make it more secure.

Feedback about how best to address gaps in digital security must focus on understanding how HRDs use the digital security tools they choose. It is also critical to understand the risks, local realities, and how HRDs are supported (or not) based on their specific contexts and threats. This can be called “localizing a behavioural approach to digital security.”55 There was a data security training in 201956 for approximately 25 HRDs, including some from West Africa in Uganda.

Data Security Summary:

→ Office locations and premises need to be carefully considered.
→ Consider partnerships with national and/or international partners where sensitive information could be shared abroad for safe keeping and for back up.
→ Using open-source software (software where the programming code is open to the public to verify its security) is the best way to share and disseminate tools and protocols when these very tools and protocols must be shared through often unprotected, unencrypted means.
→ When a group of HRDs are working together, it is important that all involved are communicating using secure measures. If one person in a group of people communicating does not follow recommended security protocols, this can be a risk to the entire group.

Psycho-Social Support

Although considered an issue by some National HRDs, few to none of the National or Frontline Grassroots HRDs had access to, or were receiving, any form of psycho-social support.

Community Level Judicial Mechanisms

Formal Judicial Mechanisms

Formal judicial mechanisms exist at the community level. These include Justice of Peace courts and Paramount Chief courts throughout West Africa. Evidence suggests that these courts are widely used by HRDs. According to one HRD these mechanisms are the first fora where complaints are lodged by HRDs. Given their informal nature and since almost all of them are not courts of records, it is difficult to

55 Frontline Defenders also has resources found at https://www.frontlinedefenders.org/en/digital-security-resources. ISHR and Protection Defenders EU have resources and provide training in data security.
56 Interview with HRD from Sierra Leone involved in the coalition in West Africa.
obtain formal data. However more specific information gathering is needed to reveal the depth of work carried out by these mechanisms. These mechanisms handle disputes related to land, water, hunting, and the environment. More effort is needed to further reform, create awareness, and utilize these institutions. Further exploration is needed to understand the full extent of these as a viable protection mechanism for HRDs.

Informal Judicial Mechanisms

The informal mechanisms discovered through the research included those that communities made themselves and those where they received outside help. The efforts were either seen as stop-gap measures or necessary steps to engage in larger processes.

Numerous Frontline Grassroots HRDs shared their efforts to raise issues in a peaceful way. Largely these efforts would go unheeded by government or the multinationals. For example, in Cote d’Ivoire in response to a multinational company arriving in a village and disrupted the life and livelihood of the village, forcing villagers to relocate, two Frontline Grassroots HRDs carried out awareness-raising and sensitization meetings to encourage the government to act. The Frontline Grassroots HRDs said that, despite their peaceful efforts, the government and the multinational continued to suppress, harass, intimidate, and arrest them. 57

Using local traditional and cultural practices for disruption

The Porro, Sande and other sacred societies across West Africa, mainly in Sierra Leone, Liberia and Guinea, have often been used to address disputes and handle complaints. They have also been sources for collective protection by the communities.

In Liberia, methods such as using local and cultural traditions have been used to seek some form of recourse in response to companies’ actions. In one example masked dancers came out to disrupt the work of the company and to demand dialogue. In another example in southeast Liberia elephants were unleashed against the company leadership to try to bring them to the table. In still another example “feared spiritual and traditional leaders referred to as Zoes”58 were sent to the company leadership resulting in the staff leaving the premises.

Community based assessment protocols

Frontline Grassroots HRDs from Ghana, Sierra Leone, Guinea, Nigeria, Liberia, and Niger were affected when multinational companies moved into their communities. As a result, they sought help from regional coalitions such as ACA and PILIWA in addressing the problems they faced. ACA introduced a community-based

57 Mano River Union Civil Society Natural Resources Rights and Governance Platform First Peoples’ Forum on Corporate Accountability: Final Report.
58 Sometimes referred to as bush devils. The Liberian dancing devils assume the role of bush devils, spirits that originate from the spiritual world of the ‘Poro’, or ‘bush’. The communities they belong to have long been a part of the culture of certain ethnic groups that constitute present-day Liberia. In the Poro context, the dancing devils are not regarded as evil— they can inflict punishment on individuals, though this is only used to bring order to society.
assessment protocol as one intervention to engage communities in a participatory way to help equip them to engage in larger processes.

The community-based assessment protocol is aimed to measure the human rights impact of the business activities on communities.

The first step in the implementation of the tool is to develop and carry out a survey to collect information on the human rights impact on the community. The process is done with the full participation of communities: members both develop the survey and then use the survey to collect the information from the community.

It has proven to have an impact on communities in Nigeria and Ghana, as it has helped community members understand the power dynamics in the community and get a very realistic picture of the situation.

National level
At the national level, both formal and informal remedies were reportedly used.

Formal
Initial steps have been taken to address and strengthen the legal and policy networks at the national level. These included newly formed policies, the creation of model laws that aim to protect HRDs, provision of legal aid to communities, the court system, and the National Human Rights Institutions.

Legal and Policy Framework

Policies between multinationals and communities
An Environment and Social Impact Assessment (ESIA) is a process for predicting and assessing the potential environmental and social impacts of a proposed project, evaluating alternatives, and designing appropriate mitigation, management and monitoring measures. Some of the HRD interviewed talked about these including one used by Guinea civil society organization in March 2019. The ESIA's were used with success in Guinea with a Guinean NGO and others found that the agreement between the government and multinational company had no grounding in Guinean law and failed to respect the economic and cultural needs of the communities regarding development projects.59 Another ESIA in Liberia that was done found that out of 68 investment contracts only two passed the minimum threshold of compliance and they crossed all sectors including palm oil, logging, and rubber.60

Laws
In the 2018 report, the UN Special Rapporteur recommended that West African countries review, amend and repeal laws that restrict the right to freedom of opinion, expression, association, and assembly and take measures to ensure that HRDs can

60 Liberia natural resources deals not compliant with law, find auditors | Liberia | The Guardian
exercise these rights without interference.\textsuperscript{61} Within West African countries there are significant gaps in the legal and policy framework as has been highlighted earlier in the report. Regarding specific legislation protecting HRDs in West Africa, there has been some movement on this issue. Currently laws aimed to protect HRD exist in Cote d’Ivoire, Mali, and Burkina Faso. Increasingly more countries in West Africa are asking for support to help in the development of this law in their own context.\textsuperscript{62} Table 11 highlights the status of the model law that protects HRDs in Burkina Faso, Cote d’Ivoire, Mali, Senegal, Togo, Sierra Leone, Liberia, and Niger.

<table>
<thead>
<tr>
<th>Country</th>
<th>Status of the model law</th>
</tr>
</thead>
<tbody>
<tr>
<td>Burkina Faso</td>
<td>Adopted in 2017 but does not have specific safeguards for WHRDs, making it difficult for women to have access to justice</td>
</tr>
<tr>
<td>Cote D’Ivoire</td>
<td>Adopted in 2017 but HRDs do not have political will to implement it</td>
</tr>
<tr>
<td>Mali</td>
<td>Adopted in 2017 and have made it very accessible by publishing a passport on HRDs</td>
</tr>
<tr>
<td>Senegal</td>
<td>In discussion with ISHR on taking the legislation forward</td>
</tr>
<tr>
<td>Togo</td>
<td>In draft. Have been calling on the domestication and the ministry of human rights needs a push to move the law forward.</td>
</tr>
<tr>
<td>Sierra Leone</td>
<td>Draft of a law at the AG’s office since 2017 but does not appear to be on the agenda of the current AG who recently took office</td>
</tr>
<tr>
<td>Liberia</td>
<td>Voted in favor of resolution on the protection of human rights defenders</td>
</tr>
</tbody>
</table>

Concerns: the existing laws protecting HRDs have not focused enough attention on Women HRDs who face particular challenges that require specific legal protection to ensure they are safe from violence and discrimination, and can operate in a safe and enabling environment.

In Burkina Faso, the decree that organizes the functioning of the National Human Rights Commission (NHRC) states that it is in charge of the protection of HRDs.\textsuperscript{63} In Mali, coalition members who were involved in the drafting of the law and its implementing decree have developed a pocket passport called “The Malian Passport of Human Rights Defenders” to help to popularize it.

In Cote D’Ivoire, the law protecting HRDs dedicates specific protection to Women HRDs. The challenge remains in establishing a mechanism to enable effective enforcement of the law and to make real the protection of HRDs in general.\textsuperscript{64}

Despite these major steps regarding the adoption of the law, implementation is a major challenge. National HRD from Cote d’Ivoire shared “Even though the law was in place I do not feel as though I am afforded any greater protection.”

\textsuperscript{63} (article 14).
\textsuperscript{64} It should be noted that in its recent recommendations the United Nations Committee on the Rights of the Child recommended that Côte d’Ivoire strengthen protection measures for human rights defenders.
The President of Niger was the first leader to endorse the 2011 Declaration of Table Mountain which calls on African governments to recognise the importance of freedom of the press and, crucially, highlights the necessity for the independence of the press from political and government institutions. Additionally, it calls on governments to repeal criminal defamation, criminal libel and insult laws that often restrict the work of HRDs. The Liberian government also endorsed it in 2012. It is not clear to some Nigerian HRDs whether this is just “lip service,” given that journalists in Niger are at risk if they criticise the government or denounce human rights violations in the country. It is the case even though Article 23 of the Nigerien Constitution permits freedom of thought, opinion, and expression.

**National Courts**

At the national level, many people cannot take cases to court because of the cost, the time required, and fears of corruption. A Senegalese HRD said, “The majority of the people in the community don’t trust the government and the courts and especially do not see it as an option to claim their land. They are not aware of their rights and they don’t trust the structures that would facilitate that—so they use violence.”

National courts, by and large, lack independence and, even when cases are taken to court on behalf of communities or individuals whose rights have been violated, the cases drag out for long periods. Interviews with HRDs in Cote D’Ivoire highlight delays of up to five years when they have tried to take cases to the court.

In Sierra Leone PILIWA is providing funding and technical support to NMJD, who took a case to the national court against a Koidu diamond mining company and its various subsidiaries and related companies. Most recently the legal process has been bogged down during COVID-19, and judges are reportedly using this to further delay the cases. However, there were some early precedent-setting successes in Sierra Leone courts.

In Guinea, after a community filed a complaint against the Ministry of Town and Regional Planning, the chairwomen of the court ordered the work to be stopped until the complaint could be reviewed. It was a successful strategy that lasted for several months. There are other cases from Guinea, Ghana, Nigeria, and a pending action in Liberia, that make this a viable action for National HRDs to join with communities for redress against multinational companies and governments.

**National Human Rights Institutions (NHRIs)**

National Human Rights Institutions (NHRIs) play a role as national bodies empowered to monitor and review human rights abuses by any other institution in collaboration with governments, or on any issue concerned with human rights. Largely, NHRIs are conceived as independent institutions set up by law with the mandate to protect and promote human rights at the national level, and to advise the government and civil society on human rights issues. NHRIs follow the Paris

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Principles, which serve as a guideline for institutions, including that an institution shall:

- monitor any situation of violation of human rights that it decides to take up.
- be able to advise the government, the parliament, and any other competent body on specific violations, on issues related to legislation and general compliance and implementation with international human rights instruments.
- relate to regional and international organizations.
- have a mandate to educate and inform in the field of human rights.
- be given a quasi-judicial competence.

Compliance with the Paris Principles is the central requirement of the accreditation process that regulates NHRI access to the United Nations Human Rights Council (HRC) and other bodies. This is a peer-review system operated by a subcommittee of the Global Alliance of National Human Rights Institutions (GANHRI).

Table 12 National Human Rights Institutions in West Africa

<table>
<thead>
<tr>
<th>Countries</th>
<th>Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ghana, Liberia, Niger, Nigeria, Sierra Leone, Togo</td>
<td>A</td>
</tr>
<tr>
<td>Côte d’Ivoire, Mali, Senegal, Mauritania</td>
<td>B</td>
</tr>
<tr>
<td>Benin</td>
<td>C</td>
</tr>
<tr>
<td>Burkina Faso</td>
<td>Lapsed accreditation</td>
</tr>
<tr>
<td>The Gambia</td>
<td>Newly established</td>
</tr>
<tr>
<td>Equatorial Guinea, Cape Verde, Guinea Bissau</td>
<td>Do not have</td>
</tr>
</tbody>
</table>

As shown in Table 12, there are NHRI’s in almost every West African country apart from Equatorial Guinea, Cape Verde, and Guinea Bissau. NHRI’s with status “A” are recognized as being compliant with the Paris Principles while status “B” and “C” indicate a need for improvement linked to a lack independence from the respective governments.68

HRDs in Nigeria, Liberia, Ghana, and Mali all shared positive examples of working with NHRI’s in their countries to address the human rights situation with some concrete outcomes. In Niger, an A status institution, the National Human Rights Commission was the only human rights actor able and allowed to travel to the eastern regions of the country attacked by Boko Haram. In 2015 the Niger National Human Rights Commission documented abuses against civilians committed by both Boko Haram and the military. Reportedly the report reached the UN Office of the High Commissioner for Human Rights.69

However, despite its “A” status, and while the Human Rights Commission of Sierra Leone (HRCSL) was considered a strong institution, HRD’s reported there has been concern in the last few years that more confidence-building is needed. More work is needed to gain public confidence to increase the viability of the institution. Additionally, in Togo, despite its A status, HRDs did not show much confidence in the

69 https://www.humanrights.dk/where-we-work/west-africa
NHRC; for example, they saw that the institution had little interest in taking on the major human rights issues.

Following elections in Mali in 2013, the new president, Ibrahim Boubacar Keita, supported a law reform for a new commission. The process was repeatedly delayed because of changing ministers of justice and opposition among conservative officials. Eventually the law was unanimously approved by the parliament on 1 July 2016.  

In 2014, a civil society group from Burkina Faso sought the advice of Danish Institute for Human Rights (DIHR) to write a bill for a new independent Human Rights Commission. Workshops involving civil society were held, and a draft law developed. The was the first law adopted by the new Burkinabe parliament (24 March 2016).  

**Informal processes**

Informal approaches include engaging with organizations and coalitions at the national level, and engaging unofficially with government officials. Protective strategies include National coalitions, recourse, and the use of media.

**Coalitions Across the Region**

Organizations and coalitions exist at the regional, national, and international levels. Most of the National HRDs interviewed were part of coalitions and networks, which had a variety of purposes, from the protection of HRDs to specialized focus on specific issues impacting the country.

Many of the coalitions listed in the table below were established as local chapters of the Pan African Human Rights Defenders Network (PAHRDN) based in Uganda, and West Africa Human Rights Defenders Network (WAHRDN) based in Togo. The protection of HRDs is one main purpose of these national coalitions.

<table>
<thead>
<tr>
<th>Country</th>
<th>Coalition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mali</td>
<td>Malian Coalition of Human Rights Defenders (COMADDH).</td>
</tr>
<tr>
<td>Sierra Leone</td>
<td>The Human Rights Defenders Network of Sierra Leone (HRDN-SL)</td>
</tr>
<tr>
<td>Liberia</td>
<td>Liberia Human Rights Defenders Coalition (LHRDC)</td>
</tr>
<tr>
<td>Gambia</td>
<td>Coalition of Human Rights Defenders in the Gambia (CHRDRG)</td>
</tr>
<tr>
<td>Benin</td>
<td>The Coalition of Human Rights Defenders in Benin (CDDH-BENIN)</td>
</tr>
<tr>
<td>Burkina Faso</td>
<td>The Burkina Faso Coalition of Human Rights Defenders (CBDDH)</td>
</tr>
<tr>
<td>Niger</td>
<td>The Network for the Promotion of Human Rights and Democracy Welsh</td>
</tr>
</tbody>
</table>

The Human Rights Defenders Network – Sierra Leone (HRDN-SL) is a coalition of human rights civil society organizations and individuals working to protect and promote human rights in Sierra Leone. Besides the HRDN-SL, there are 14 networks, two of which are responding to large scale land acquisition by foreign companies,  

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70 https://www.humanrights.dk/where-we-work/west-africa  
71 https://www.humanrights.dk/where-we-work/west-africa  
72 Collective des Organisations pour la Defense des Droites Humains et la Domocratie (CODDDHD Niger)
and two are responding to inappropriate exploitation of the country’s natural/mineral resources. An NMJD study of networks and social movements in-country showed a mix of quality and vision within the various networks.\textsuperscript{73}

In Mali, the focus of the COMADDH is to protect HRDs. COMADDH is strategically set up to develop alliances by involving their partners in their activities. The partnership is well coordinated with pools of technical and financial partners, institutional partners, and state authorities, communities, and influential people. CDDH-BENIN’s vision is to create an environment that is conducive to the protection of HRDs. Their coalition works across the Benin and engages at the community, national and international levels.

The Liberian Coalition of Human Rights Defenders (LCHRD) focuses on helping WHRD. The Network for the Promotion of Human Rights and Good Governance in Niger (NPHRGGN) is a collective of human rights associations and development NGOs that work for the promotion of human rights and democracy.

The Burkinabe Coalition of Human Rights Defenders (BCHRD) most recent campaign protects domestic workers; women living with disabilities; WHRDs; sex workers; LGBT; those working in extractive industries; governance, democracy and elections; and female journalists. The first part of their campaign highlights the issues affecting these various groups; now they want greater protection for these groups in the rural areas, and to extend legal aid to these groups. Forging partnerships with the Association of Young Lawyers and the Burkina Lawyers’ Union has helped to strengthen the coalition’s capabilities, including establishing a Legal Assistance Fund.

Engaging with government actors
HRDs in Nigeria, Guinea, Liberia, and Sierra Leone highlighted other informal strategies. These included engaging directly with security agencies such as the police and the army, which included developing personal relationships with key figures in key positions, and inviting key government actors to conferences and other events.

Legal aid or support in the community
The provision of legal aid or making paralegals available in communities was discussed by a few of the HRDs. For instance, paralegals and legal aid was provided in several countries including Sierra Leone and Liberia. The paralegal and legal aid support provides various services, including connecting the community with the recourse process, which may be a national court case, a case with the National Human Rights Institution, or further afield at the ECOWAS Community Court of Justice.

Linking with media
Many HRDs had strong links with the media in their country. Several highlighted that utilizing the media was a key part of their strategy to keep focus on their issues, and served as a form of protection for both themselves and the community. Getting the

\textsuperscript{73}Report on the social movements in Sierra Leone, NMJD, UNDF 2013
issues into the public domain helped to keep issues on the agenda. These strategies were used across the board, and included engaging with local, national, and international media.

**Regional and Pan African**

At the Regional and Pan African Level, formal mechanisms have largely been used. 

**Formal**

At the Regional and Pan African level the sources of protection and recourse include the Economic Community of West African States (ECOWAS) Community Court of Justice, the African Commission on Human and People’s Rights (ACHPR), and the African Court. Non judicial mechanisms include coalitions that operate at the regional and Pan African level.

**ECOWAS Community Court of Justice**

In West Africa, the citizens of ECOWAS member states can file complaints against human rights violations of state-actors in the ECOWAS Community Court of Justice. This court, seated in Abuja, Nigeria, rules according to the provisions of the ACHPR, and the decisions are legally binding to the ECOWAS member states. The Court has competence to rule on human rights violations through an individual complaint procedure. Victims of human rights violations can directly appeal to the court even if they have a case at the national level, because local remedies do not need to be exhausted before cases are brought to the court. The court has made rulings on human rights issues; in a 2008 example, the Court took a pioneering decision concerning slavery in Niger that resulted in Niger having to pay reparations. The judgment has been considered historic, because this is one of the first slavery cases ever to be won at the international level.74

Interviews revealed that the ECOWAS Community Court of Justice has strong jurisprudence, and cases are processed relatively quickly, taking about two years from start to finish. The analysis from some HRDs was that ECOWAS also has a fair amount of leverage over the smaller states of West Africa. One interviewee stated “We have found it to be a good way to develop and use international human rights law standards to get a case outside of the local jurisdiction. We hope that by litigating in the ECOWAS Court of Justice at the same time as litigating in the national court, we will essentially open up and unblock justice.” However, concerns have been raised that, while verdicts are legally binding, some larger governments, including Nigeria, do not always comply.

Currently there are several ongoing cases that have been filed by Public Interest Lawyering Initiative for West Africa (PILIWA) on behalf of communities in West Africa.75 The decision to take these cases to the ECOWAS Community Court of Justice came after it became clear that justice was failing to take place at the national level in Niger, Cote d’Ivoire, and Guinea.

74 http://prod.courtecowas.org/about-us-2/
One verdict in June 2020 from the ECOWAS Community Court of Justice ruled that Togo violated the right to freedom of expression with multiple internet shutdowns in 2017. The Court ordered Togo to pay 2 million CFA (about 3,050 euros) per plaintiff as a punishment aimed at guaranteeing non-repetition. This landmark case is a subtle message to other ECOWAS member states who have disrupted internet services during recent elections, such as in the Gambia (2016), in Mali (2018), in Benin (2019) and in Guinea (2020), and to those governments planning future elections.\textsuperscript{76}

In December 2020, the ECOWAS Court found the Guinea Government responsible for the killing of six villagers and the wrongful arrest, injury, or torture of 15 others at a 2012 protest near an iron-ore mine project owned by Brazil’s Vale and an Israeli billionaire. The ECOWAS Court ruled that Guinea violated the protesters’ human rights and ordered the state to pay the plaintiffs total damages of 4.56 billion Guinean francs, or $463,000. It also ordered the state to cover the costs of the litigation. “Guinea violated the right to life, the right not to be subject to torture or to inhuman or degrading treatment, the right not to be arrested or detained arbitrarily, and the right to effective recourse,” said Justice Gberi-Bé Ouattara, reading the court’s ruling.\textsuperscript{77}

Pan African Level

The African Commission on Human and People’s Rights and The African Court of Justice and Human Rights

The African Commission on Human and People’s Rights
The ACHPR is aimed at both promoting and protecting the human rights of Africans across the continent. Complaints can be made by an individual, an, NGO, or a group of individuals.\textsuperscript{78}

Center for Economic and Social Rights (CESR) and the Social and Economic Rights Action Center (SERAC), a Nigeria-based human rights organization, jointly submitted a legal communication to the ACHPR regarding ESCR violations in the country. This effort was one of the first times that economic and social guarantees were contained in the ACHPR’s. The petition focused on violations of the rights to health, housing and food in Nigeria’s oil-producing region, and was intended to draw attention to the massive environmental and social problems; to broaden the range of human rights concerns considered by the Commission; and to set a precedent for other economic and social rights claims before the African system. Eventually the African Commission held the former military government of Nigeria responsible for ESCR violations against the Ogoni people in connection with state violence and abuses around oil development in the Niger Delta. The Commission also made recommendations for the government to take remedial action for those violations.\textsuperscript{79}

\textsuperscript{76}Elections are planned for Cote d’ Ivoire, Guinea, Niger and Benin in the next two years.
\textsuperscript{77}https://www.reuters.com/article/guinea-mining-ecowas/west-african-court-finds-guinea-responsible-for-2012-mine-site-killings-idUSKBN27Q2DP
\textsuperscript{78}https://www.achpr.org/communicationsprocedure
\textsuperscript{79}Nigeria: petition to African Commission on Human and Peoples’ Rights | CESR
There are Special Rapporteurs and other mechanisms focused specifically on the following related human rights issues: The Special Rapporteur on Human Rights Defenders and Focal Point on Reprisals in Africa, in place since 2004. Reportedly the Special Rapporteur regularly meets with a range of HRDs across the region.\textsuperscript{80}

\textbf{The Working Group on Extractive Industries, Environment and Human Rights Violations (WGEI)} have a wide mandate focused on understanding the impact of the extractive industries in Africa within the context of the African Charter on Human and Peoples’ Rights.\textsuperscript{81} The ACHPR Resolution 148 establishes the WGEI, to strengthen the regional responses to issues of human rights in the extractive industries in Africa, within the framework of the work of the ACHPR.

The specific goals include: Developing a Monitoring & Emergency Response Mechanism, Knowledge Production & Development of Normative Frameworks/tools, Visibility & Reconnecting with Wider Stakeholders, Sustainability of the Work, and the Activities of the WGEI. The main priority areas involve developing a coordinated approach to the work of the WGEI and the ACHPR’s response to issues of extractive industries, human rights, and the environment; development of the internal rules and procedures for the WGEI; having a clear and coordinated approach to the provision of support for the work of the WGEI; and obtaining sufficient funding to carry out activities and achieve strategic objectives.

To date the WGEI has carried out regional consultations on extractive industries the environment and human rights violations in southern African (August 2014, Johannesburg, South Africa); East African (January 2015, Nairobi, Kenya); Central Africa (July 2015, Lubumbashi, DRC) and in Ethiopia in 2019. While on missions these platforms have given visibility to the Working Group and have also provided it with the opportunity to engage with stakeholders on various extractive issues that impact human rights and the environment in Africa.

The WGEI has contributed to a better understanding of the jurisprudence underlying articles 21 and 24 of the African Charter, providing a clearer understanding of the rights of Africans to freely dispose of their natural resources and to a general satisfactory environment that is favorable to their development. Finally, the WGEI’s activities have given visibility to the issues that they cover. Different organizations are involved in tackling various aspects of the impact of the extractive industries on human rights and environmental protection in Africa due to the partnership that the WGEI has created with them since its inception.

\textbf{The African Court on Human and People's Rights}

The African Court on Human and Peoples’ Rights (the Court) is a continental court established by African countries to ensure protection of human and peoples’ rights in Africa. It is seated in Arusha, Tanzania and complements and reinforces the functions of the ACHPR. As is highlighted in the table below, the Court has jurisdiction to determine applications against state parties of the 30 African states with 11 of those countries in West Africa and 6 more that have made a declaration.

\textsuperscript{80} African Commission on Human and Peoples' Rights Press release (achpr.org)
\textsuperscript{81} https://www.achpr.org/specialmechanisms/detail?id=13
giving an individual or NGO observer status. To date there have been over 34 cases from Benin alone as well as cases from Ghana, The Gambia and Cote d’Ivoire.  

<table>
<thead>
<tr>
<th>Table 14 ACHPR countries</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Countries</strong></td>
</tr>
<tr>
<td>Benin, Burkina Faso, Côte d’Ivoire, the Gambia, Ghana, Mali, Mauritania, Nigeria, Niger, Senegal, and Togo.</td>
</tr>
<tr>
<td>Benin, Burkina Faso, Côte d’Ivoire, Ghana, Mali, and The Gambia</td>
</tr>
</tbody>
</table>

In April 2020 Côte d’Ivoire announced that it was withdrawing from the court, after the court ordered the government to suspend an arrest warrant for Guillaume Soro, an opposition politician. Additionally, the Government of Benin is reportedly also planning on withdrawing from the court, which has raised concerns among National HRDs in the country.  

Informal

**Networks and Coalitions**

Coalitions exist at the local, national, regional, and international level. National networks have been included earlier. Generally, networks and coalitions play a range of roles in the protection and redress of HRDs at the various levels. The following table summarises some of the key networks and coalitions highlighted during this research, including their protection work, whether they provide support to National or Frontline Grassroot HRDs or do something different altogether. Further explanation is provided below.

<table>
<thead>
<tr>
<th>Table 15 Regional and Pan African Networks</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Networks</strong></td>
</tr>
<tr>
<td>West Africa Human Rights Defenders Network</td>
</tr>
<tr>
<td>Public Interest Lawyering Initiative for West Africa (PILIWA).</td>
</tr>
</tbody>
</table>

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82 More details of the cases brought by individuals, NGOs and Communities can be found here [African Court Cases | Statistic (african-court.org)](african-court.org). No one interviewed has utilized this means to bring cases forward and support promised was never forthcoming to do a deeper analysis.


84 More details of the cases brought by individuals, NGOs and Communities can be found here including a total of 34 from Benin [African Court Cases | Statistic (african-court.org)]. No one interviewed has utilized this means to bring cases forward and support promised was never forthcoming to do a deeper analysis.
<table>
<thead>
<tr>
<th>Networks</th>
<th>Support to the protection of National HRDs</th>
<th>Support to the protection of Frontline Grassroots Defenders</th>
<th>Broader support for HRD protection</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mano River Union Civil Society Natural Resources Rights and Governance Platform MRU-CSO platform</td>
<td>.</td>
<td>Yes</td>
<td></td>
</tr>
<tr>
<td>Centre for Economic, Social and Cultural Rights in Africa[^66]</td>
<td>Yes</td>
<td>Yes</td>
<td></td>
</tr>
<tr>
<td>African Coalition for Corporate Accountability (ACCA)[^66]</td>
<td>Yes</td>
<td>Yes</td>
<td></td>
</tr>
<tr>
<td>Maghreb Coordination Association of Human Rights</td>
<td>Yes</td>
<td></td>
<td></td>
</tr>
<tr>
<td>African Court Coalition[^67]</td>
<td>Yes</td>
<td>Yes</td>
<td></td>
</tr>
<tr>
<td>African Alliance for Natural Resources[^68]</td>
<td>.</td>
<td>Yes</td>
<td></td>
</tr>
<tr>
<td>Global Land Alliance[^69]</td>
<td>Yes</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Human Rights Net[^80]</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td>Coalition for Human Rights in Development in Africa[^91]</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td>SiLNoRF</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td>Natural Resources Women’s Platform (NRWP)</td>
<td>Yes</td>
<td></td>
<td>Yes</td>
</tr>
<tr>
<td>Women in Mining and Extractive (WoMe)</td>
<td>Yes</td>
<td></td>
<td>Yes</td>
</tr>
</tbody>
</table>

**Protecting HRDs broadly**

The WAHRDN is a regional West Africa network that has focal point individuals throughout the region. The Senegalese focal point for WAHRDN is the head of the Amnesty International office in Senegal, and works on behalf of HRDs to protect and promote the human rights of HRDs across the region. WAHRDN has observer status at the African Commission of Human and Peoples’ Rights (ACHPR), and it is a member of the executive committee of the NGO Forum at the ACHPR. It is also a member of the HRC Net described earlier. Through its advocacy efforts, WAHRDN strategy is based on close cooperation with diplomatic representations, foreign ministries, NHRI, and regional and international human rights mechanisms to foster a safe working environment for HRDs.

**Focus on the Frontline Grassroots HRDs**

The work of MRU-CSO platform features significantly in this report. The MRU-CSO consists of activists, communities, and indigenous peoples in eight of the fifteen West African countries affected by the operations of transnational corporations. The MRU

[^67]: To date, there are 123 ACCA member organisations from 31 African countries of the those there is x from West Africa.
[^69]: [https://www.ianra.org/](https://www.ianra.org/)
[^70]: [https://www.globallandalliance.org/about](https://www.globallandalliance.org/about)
[^91]: [https://hrccnet.nic.in/HRCNet/public/Home.aspx](https://hrccnet.nic.in/HRCNet/public/Home.aspx)
[^71]: [https://rightsindevelopment.org/about/](https://rightsindevelopment.org/about/)
CSO Platform strengthens collaboration around corporate and governmental accountability, and acts and shares experiences on how community members and their livelihoods are affected by government’s infrastructure development and foreign direct investment involving multinational companies. It was first conceived in September 2012 by four National HRDs from Liberia, Sierra Leone, Cote d’Ivoire, and Guinea. Later the network grew to five other countries across West Africa including Ghana, Mali, Nigeria, Senegal, and Niger. Since 2012 the MRU-CSO platform has held two “People’s Forums” that bring together participants from indigenous communities and civil society groups. In 2016 it was held in Liberia and 2019 in Sierra Leone with participants from eight countries across West African including Sierra Leone, Liberia, Guinea, Cote d’Ivoire, Ghana, Mali, Nigeria, and Niger.

PILIWA, another active regional coalition, is comprised of lawyers working on human rights issues in the region. Partnering with Alternatives for Community Action (ACA) they collaborate with communities to defend communities’ rights and pursue their own vision of development in the face of destructive resource extraction operations driven by foreign investment. PILIWA provides legal support to communities caught on the frontline of corporate abuses by using national and international laws to hold governments and corporations accountable. PILIWA has made legal representation on behalf of several affected communities before National courts in Sierra Leone, Cote d’Ivoire, and Guinea and at the regional level before the ECOWAS Community Court of Justice. PILIWA has also used the non-judicial grievance mechanisms of the Compliance Advisory Ombudsmen (CAO), which is the independent accountability mechanism for the International Finance Corporations (IFC).

**Focus on Women HRDs**

Natural Resource Women Platform (NRWP) and Women on Mining and Extractive (WoME) supports all aspects of women’s issues including WHRDs and women rights in the mining sector, both in development, and as they relate to relocation in communities more generally. They are responsible for raising concerns and carrying out advocacy on behalf of, and for, women. Both coalitions raise the voices of women and spotlight the adverse effects that these issues have on women.

Community based organizations (CBO) in Ghana, Liberia, Nigeria, and Sierra Leone are members of the International Alliance of on Natural Resources in Africa. The International Alliance connects like-minded organizations across the region and assists on issues related to developing a model Mining law in Africa.

The Centre for Economic Social Cultural Rights in Africa (CESCRA) was founded in 2010 with the intent to harmonize international and regional human rights law with national reforms and strategies. The organization contributes to ESCR in Africa through research, advocacy, and grassroots empowerment programs, as well as

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92 Alfred Brownell, Green Advocates International Liberia, Abu Brima, Executive Director of the Network Movement for Justice and Development (NMUD), Sierra Leone; Michel Yoboue, Executive Director, Group for Research and Advocacy on Extractive Industries (GRPIE), Côte d’Ivoire and Kabinet Sesay, then Executive Director, Center for Commerce, and International Development (CECIDE), Guinea.

93 ACA based in Ghana; the Center for Public Interest Law (CEPIL), also in Ghana and Environmental Rights Action (Friends of the Earth Nigeria) based in Nigeria and Green Advocates based in Liberia.
monitoring states’ compliance with the implementation of ESCR. Several of the HRDs linked to this coalition feel that their research and advocacy is particularly useful.

The Center for Economic and Social Rights (CESR) core specialty is implementing rights-monitoring techniques that combine socioeconomic, legal, and qualitative analysis to bring about concrete policy changes to improve economic and social rights. Although they are a small network, they have done projects in Liberia, Nigeria, and Ghana. They use an outcome, policy efforts, resources, and assessment (OPERA) framework that allows an assessment that triangulates outcomes, policies, and resources to provide a much fuller picture of what a state is doing to promote the realization of specific rights. Importantly, it traces economic and social deprivations and disparities back to the actions or omissions of the state, to make the case that they constitute an injustice and a violation of human rights.” The OPERA framework and its practical application have facilitated learning related to specific countries, contexts, and themes.\(^{94}\)

The HRCnet’s was established in 2006 to enhance NGO engagement with the UN Human Rights Council (HRC), and to strengthen the HRC’s impact and influence on the ground. Since then, HRCnet’s members working in coordination and solidarity, or as a network, have contributed significantly to some of the most important initiatives and outputs of the HRC and its mechanisms. HRCnet’s members have substantially shaped debates and made influential policy proposals on country situations, as well as thematic and institutional issues. Reportedly HRCnet’s has assisted in the release of HRD from detention, they have helped HRDs engage with the international human rights system and strengthening capacity to influence governments. They have:

- helped to coordinate and collaborate between international and regional NGOs
- promoted accountability through seeking the establishment of commissions of inquiry or other independent expert mechanisms to investigate and promote accountability for gross human rights violations
- helped monitor and document human rights violations through the mandating of new Special Procedures or establishing new Special Procedures and other mechanisms.

HRCnet’s membership comprises 16 NGOs including coalitions working at the international level and across almost all regions and, reportedly, with representation from West Africa including the African Centre for Democracy and Human Rights Studies in The Gambia and the West African Human Rights Defenders Network in Togo.\(^{95}\) None of the HRDs specifically mentioned the HRCnet.

\(^{94}\)Some of these are documented and made available as separate publications at the CESR web-site, some shared through side-events and training sessions as papers and presentations, see also https://www.cesr.org/opera-houseopera-stories.\(^{94}\)

International Level

Formal and informal remedies exist at the international level. National HRDs have the most access to these remedies.

Formal

At the international level only, formal non-judicial remedies include the Organization for Economic Cooperation and Development (OECD), and the CAO process. Additionally, through the UN Human Rights Council (HRC) and the Universal Periodic Review (UPR) process.

OECD Complaints

All governments adhering to the OECD Guidelines for Multinational Enterprises are required to establish a “National Contact Point” (NCP) to hear complaints by communities or workers harmed by corporate activity. OECD Watch helps civil society, individuals, and communities harmed by irresponsible corporate behaviour to understand and use the grievance mechanism to seek remedy and hold corporations accountable.

In one recent case in Nigeria, a community association with support from ACA and Chima Williams & Associates (CWA), filed a complaint against an Italian company in front of Italy’s OECD NCP in December 2019, with the support of the International Federation for Human Rights (FIDH).96

All HRDs involved in fighting harmful business activity are particularly at risk, and the OECD National Contact Points (NCPs) has vital role to play in the protection of HRDs. The OECD, governments and NCPs have joined global efforts to prevent and respond to reprisal risk.97 NCPs can act by seeking embassy support to help address identified risks to HRDs in NCP complaints. They can hold mediations in a third country to avoid risks for HRDs, and invite NGOs to speak about reprisal risks during multi-stakeholder engagement.98 OECD Watch highlights other steps HRDs can take if they suffer reprisal from making a complaint.99 The Independent Accountability Mechanism Working Group on Retaliation (IAMWGR) also commissioned a “Reprisals Toolkit.”100

Compliance Advisor/Ombudsman (CAO) of the International Finance Corporation (IFC)

The IFC is a sister organization of the World Bank and member of the World Bank Group, the largest global development institution focused on the private sector in

96 FIDH also uses – whenever relevant and possible – other mechanisms such as mediation processes under the OECD National Contact Points (NCPs) where a company has failed to comply with the OECD Guidelines for Multinational Enterprises. FIDH is a member of the OECD Watch coalition and has formulated numerous recommendations to strengthen the functioning of the NCPs. At the international, regional, and national levels, FIDH continues to advocate for reforms to lift obstacles victims face in accessing justice and obtaining reparation.
98 Ibid
developing countries. Companies under the IFC are under pressure to respect the laws in the countries they are working in. Currently communities in five countries in West Africa are under the CAO processes including Ghana, Guinea, Liberia, Nigeria, and Togo. However, as one HRD pointed out, for companies to be held accountable in this process, governments and companies need to be under the IFC. One HRD shared, “There are two kinds of companies: ones that are under the IFC and others that are not. The ones that are under the IFC we can work with, but the ones that are not under IFC are the problem.”

The Roundtable for Sustainable Palm Oil (RSPO)
The Roundtable for Sustainable Palm Oil (RSPO) is another mechanism that has been used effectively to address concerns. The RSPO has developed a set of environmental and social criteria which companies must comply with in order to produce Certified Sustainable Palm Oil (CSPO). When they are properly applied, these criteria can help to minimize the negative impact of palm oil cultivation on the environment and communities in palm oil-producing regions. The RSPO has more than 4,000 members worldwide who represent links along the palm oil supply chain which have committed to produce, source and/or use sustainable palm oil certified by the RSPO.

UN, the HRC and the UPR
UN agencies were largely seen as strategic partners. The UN agencies that HRDs mentioned most frequently were UNDP and OHCHR. Unlike UNDP, which is based in every country, OHCHR only has country presence in Liberia, Guinea, and Mauritania, and a regional office in Senegal. In OHCHR is part of the peacekeeping mission and Nigeria has a human rights advisor. Table 9 provides an overview of UN mechanisms that OHCHR engages with HRDs at the international, regional, and country level. These different mechanisms are further elaborated on below.

Table 16: UN Mechanisms

<table>
<thead>
<tr>
<th>UN Mechanism</th>
<th>Related work to protect HRDs, the environmental and land rights</th>
</tr>
</thead>
<tbody>
<tr>
<td>UN Human Rights Council</td>
<td>The Human Rights Council is comprised of 47 Member States that meet at least three times per year in Geneva. Its mandate is to strengthen the global promotion and protection of human rights, and to address human rights violations and situations of concern including threats against human rights defenders.</td>
</tr>
<tr>
<td>Universal Periodic Review</td>
<td>The Universal Periodic Review (UPR) addresses all countries and all human rights. A process for each country takes place every four to five years with civil society organizations able to feed into the process formally by submitting reports which are incorporated into a compilation prepared by the OHCHR and</td>
</tr>
</tbody>
</table>

101 http://www.cao-ombudsman.org/  
102 The RSPO unites stakeholders from the 7 sectors of the palm oil industry: oil palm producers, processors or traders, consumer goods manufacturers, retailers, banks/investors, and environmental and social non-governmental organisations (NGOs), to develop and implement global standards for sustainable palm oil. For further information please see https://www.business-humanrights.org/en/latest-news/the-complaints-system-of-the-roundtable-on-sustainable-palm-oil-rspo/  
103 Further highlights the work of OHCHR globally https://www.ohchr.org/EN/Countries/Pages/WorkInField.aspx.
<table>
<thead>
<tr>
<th>UN Mechanism</th>
<th>Related work to protect HRDs, the environmental and land rights</th>
</tr>
</thead>
<tbody>
<tr>
<td>Published in advance of the review and can also lobby delegations directly as to the questions they should ask and recommendations they should make.</td>
<td></td>
</tr>
<tr>
<td><strong>The Special Procedures of the Human Rights Council</strong></td>
<td>The special procedures of the Human Rights Council are independent human rights experts with mandates to report and advise on human rights from a thematic or country-specific perspective. The system of Special Procedures is a central element of the United Nations human rights machinery, and covers all human rights: civil, cultural, economic, political, and social. As of 1 August 2017, there are 44 thematic mandates the SR on the situation of Human Rights Defenders, newly appointed in 2020, and 12 country mandates including one for Mali.</td>
</tr>
<tr>
<td>Treaty Bodies</td>
<td>The treaty bodies are international committees of independent experts that monitor State parties’ implementation of the core international human rights treaties. <a href="http://www.ishr.ch/sites/default/files/documents/ishr_simpleguide_eng_final_final_dec15.pdf">http://www.ishr.ch/sites/default/files/documents/ishr_simpleguide_eng_final_final_dec15.pdf</a></td>
</tr>
</tbody>
</table>

Recognition of the protection of environmental HRDs has been highlighted by United Nations Environment Programme UNEP, a UN agency in charge of the environment. UNEP’s presence in West Africa is in Cote d’Ivoire. 105

UNEP and OHCHR recently signed an agreement to step up protection-related activities including monitoring HRVs targeting HRDs. 106 UNEP has developed a policy of supporting environmental HRDs which includes an array of proposed activities.

Recently the UN has recognized that HRDs in some countries face risk of reprisal for engaging with UN mechanisms. To address this, the UN Secretary-General mandated the Assistant Secretary-General to “receive, consider and respond to allegations of intimidation and reprisals against HRDs and other civil society actors engaging with the UN”. 107 So far it is not clear how effective they have been in protecting individuals. However, there are treaty bodies that have also recognized the need to address reprisals suffered by HRDs who engage with mechanisms, and have created dedicated rapporteurs or focal points on this matter. 108

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104 With the support of the OHCHR, special procedures undertake country visits; act on individual cases and concerns of a broader, structural nature by sending communications to States and others in which they bring alleged violations or abuses to their attention; conduct thematic studies and convene expert, contribute to the development of international human rights standards, engage in advocacy, raise public awareness, and provide advice for technical cooperation. Special procedures report annually to the Human Rights Council; the majority of the mandates also reports to the General Assembly. Their tasks are defined in the resolutions creating or extending their mandates.


108 For more information, see the website of International Service for Human Rights (ISHR): [www.ishr.ch/sites/default/files/article/files/ishr_reprisals_handbook_web.pdf](www.ishr.ch/sites/default/files/article/files/ishr_reprisals_handbook_web.pdf) Including: United Nations, Guidelines against Intimidation or Reprisals (“San José Guidelines”), HRI/MC/2015/6 and the Treaty bodies that have adopted such proceedings: Committee Against Torture, Statement of the Committee against Torture, adopted at its fifty-first session (28 October–22 November 2013), UN Doc. CAT/C/51/3 (2013); Committee on Enforced Disappearances, UN Doc. CED/C/1 (2012); Committee
The UN-HRC’s UPR covers all member states of the UN and is a valuable tool. Many of the National HRDs who were interviewed for this project regularly engage in the UPR process. Frontline Defenders have highlighted the protection of HRDs in Nigeria (2018), in Togo (2016), and Mauritania (2015). Enabling HRDs in West Africa to communicate and interact with international institutions like the UN and the European Union (EU) can play an important role in realizing the rights of HRDs. HRDs highlighted that interacting with such bodies brings important human rights information to relevant stakeholders. Interactions such as engaging with the HRC for the UPR process have provided opportunities to raise concerns about the protection of HRDs in West Africa.

Additionally, the work of the Special Rapporteur for the situation of HRDs, the Special Rapporteur on the rights of indigenous peoples, and other relevant special procedures were also highlighted by National HRDs as important institutions to engage with. In the last several years there have not been any visits from the Special Rapporteur for the situation of Human Rights Defenders to any of the West African countries. Instead, most of the attention has been focussed on Latin America and the Philippines. In 2020 Mary Lawlor, the former Executive Director of Frontline Defenders, was appointed to this position.

Informal

Activities that support the protection of HRDs can be broken down into the following types of support. The table below divides up the support into three different categories.

Table 17: Range of support provided by donors for protection activities.

<table>
<thead>
<tr>
<th>Hardware for direct protection activities</th>
<th>Indirect</th>
<th>Program support</th>
</tr>
</thead>
<tbody>
<tr>
<td>Staffing: Security Guards</td>
<td>Psychosocial and training support</td>
<td>Funding for programs</td>
</tr>
<tr>
<td>Physical infrastructure such as fencing and walls</td>
<td>Capacity building support to organizations and groups</td>
<td>Legal aid</td>
</tr>
<tr>
<td>Developing a security plan and Data Security</td>
<td>Networking activities, conferences,</td>
<td>Strategic Litigation</td>
</tr>
<tr>
<td>Relocation in the event of emergency</td>
<td>Training regarding mechanisms</td>
<td></td>
</tr>
</tbody>
</table>

Overall types of support provided.

The hardware and direct support for security guards and data security is the most concrete support provided by funders. Second is the software support such as

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109 The official information about the UPR and schedule for reporting can be found here. The other good source of information is UPR-Info.  
110 https://www.frontlinedefenders.org/en/upr-reports  
112 Mary Lawlor is the former Executive Director of Frontline Defenders
capacity building and training, networking such as bringing an individual to Geneva for the UPR or funding groups to participate in a regional or international meeting. The last kind of support is reactive support, such as relocation grants, legal aid, strategic litigation, and training. There is also informal support through international NGOs and international partners who provide remedies that serve as protection and support for HRDs highlighted below.

**INGOs**

Within the highlighted categories of support, non-governmental organizations such as Amnesty International, Human Rights Watch, Oxfam, ISHR, FIDH, Frontline Defenders, Global Witness, and ACA largely played a role in both the protection of National HRDs and enhancing and supporting the work of protecting Frontline Grassroot HRDs and their communities. The most direct support for protection included emergency funding for resettlement. Other types of support include legal aid, strategic litigation, advocacy and raising the profile of defenders, capacity building and provision of training resources. An overview of Examples of institutions highlighted by HRDs who were interviewed are included in table 17 below.

Table 18: Examples of organizations and networks supporting protection of HRDs.

<table>
<thead>
<tr>
<th>Institution</th>
<th>Emergency Relocation grants</th>
<th>Resiliency Grants</th>
<th>Training and capacity building, meetings</th>
<th>Advocacy, urgent actions</th>
<th>Strategic litigation</th>
<th>Legal Aid</th>
<th>Other</th>
</tr>
</thead>
<tbody>
<tr>
<td>Frontline Defenders</td>
<td>Yes</td>
<td></td>
<td>Yes</td>
<td>Yes</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Protection International EU</td>
<td>Yes</td>
<td></td>
<td>Yes</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>FIDH113 114</td>
<td>Yes</td>
<td></td>
<td>Yes</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>ISHR</td>
<td>Yes</td>
<td></td>
<td>Yes</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Freedom House</td>
<td></td>
<td></td>
<td>Yes</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Amnesty International</td>
<td></td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Oxfam</td>
<td></td>
<td></td>
<td>Yes</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Human Rights Watch</td>
<td></td>
<td></td>
<td>Yes</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>ACA</td>
<td></td>
<td></td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td></td>
</tr>
<tr>
<td>Natural Justice</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Lifeline Embattled CSO Assistance Fund</td>
<td>Yes</td>
<td></td>
<td>Yes</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**Types of support provided to HRDs**


114 FIDH plays a key role in the development of the intergovernmental system of human rights defenders. It contributed to the negotiations which led to the adoption of the UN Declaration on Human Rights Defenders in 1998. Since this declaration was adopted, several mechanisms for protecting human rights defenders have been created within the different existing intergovernmental organisations: In 2008, through the Observatory, FIDH launched the first meeting to bring together all intergovernmental organisations equipped with tools and mechanisms designed to protect human rights defenders (the so-called ‘inter-mechanism’ process). This process is aimed at increasing the coordination and effectiveness of protection mechanisms.
As is highlighted in these tables, the main support from development partners, INGO’s and coalitions is emergency funding/resettlement support/resiliency grants, training, advocacy and urgent actions, strategic litigation, and legal aid.

**Emergency Support:** As is reflected in the table, emergency funding for relocation grants is one of the most common direct protection activities. This activity is primarily run through the global Lifeline embattled CSO assistance fund, which has 18 public donors and 2 private donors. Lifeline provides emergency financial assistance to civil society organizations (CSOs) under threat or attack, and rapid response advocacy and resiliency grants to support CSOs in responding to broader threats against civic space.115

In another example FIDH, under the Observatory for the Protection of Human Rights Defenders, provides emergency material support to at-risk HRDs working in the most difficult circumstances.116 In addition, FIDH manages a support fund to strengthen the capacities of local HRDs and organizations to prevent and respond to developments adversely affecting the situation of HRDs.117 FIDH directly supports 11 organizations in West Africa. A 2016 evaluation of ‘FIDH’s globalization work aimed at empowering local Human Rights NGOs to act locally and globally (funded by BROT), focuses on corporate HR abuses. The evaluation included observations about FIDH, including that “quality of work with a rigorous emphasis on evidence, fairness and impartiality; visibility and presence from the ground to the top; an active and ongoing engagement with civil society and other stakeholders; detailed knowledge and unusual wide range of technical mechanisms; a powerful presence in Brussels; bravery in tackling difficult issues; constructive engagement.”118

**Training and capacity building**

HRDs highlighted the training and capacity building support they received from ISHR and Frontline Defenders. ISHR has been engaging with countries to help establish the model law to protect HRDs in their respective countries. Other HRDs talked about the training they received regarding engaging the UN and the Special Procedures. ISHR was an effective and relevant organization for HRDs, and most of those interviewed expressed support for the model law.

In a 2019 evaluation of ISHR’s training programs, its signature Human Rights Defenders Training Programme (HRDAP) was mentioned. In two separate evaluations, ISHR was recognized for their work on the model law. One evaluation states, “Impressive results include a Model Law for Protection of Human Rights Defenders, which several countries have adopted to their national context - or are in the process of doing so. This, in turn, gives national organizations and individuals a strong tool to protect and further the rule of law and the protection of human rights defenders.”119 ISHR has also been successful in strengthening standards and developing tools that are relevant to HRDs.120

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115 https://www.csolifeline.org/
116 Click here for more information.
117 Click here for more information.
119 ISHR: An Evaluation Gartner, Holly May 2017
Advocacy and Urgent Actions
HRDs shared that at times their advocacy work is enhanced by organizations such as Amnesty International or Human Rights Watch. For instance, an HRD from Sierra Leone said their work on the human rights violations committed by the diamond mining company was enhanced by reports that Amnesty International was also carrying out. Amnesty International, Frontline Defenders, and other international actors regularly publicize urgent actions when an HRD is in danger. These urgent actions are accompanied by a campaign targeting governments who can pressure an accused government to act. These are often amazingly effective in publicizing the circumstances of an at-risk HRD.

Some HRDs have complained that organizations such as Amnesty International, Green Peace, Human Rights Watch, or other international human rights and environmental organizations, should provide direct technical, financial, mentoring and capacity building support to existing national and regional networks, to ensure the sustainability of human rights and environmental work in the region. This would be more effective than setting-up country or regional offices in the sub region.

Conclusions
The Declaration on the Protection of Human Rights Defenders and subsequent legislation puts a responsibility on governments to implement and respect provisions, particularly the duty to protect HRDs from harm as a consequence of their work. However as demonstrated throughout this baseline report, governments are not only failing to protect HRDs and Frontline Grassroots HRDs, but are the main violators - often siding with multinationals over their own citizens.

Without the protection of governments, Frontline HRDs - especially Frontline Grassroots HRDs - are especially vulnerable to losing their land, livelihoods and even their lives. National HRDs, with their connections and experience, have an important role to play in supporting ensuring protection for Frontline Grassroots HRDs who are largely unknown outside their communities and villages. The Frontline Grassroots HRDs are largely left to protect themselves and use locally-available strategies, rather than relying on outside support. The ultimate goal is to achieve greater protection for HRDs, using formal and/or informal remedies.

The remedies that are available at the community, national, regional, and international level are summarized in the table below.

Table 19 Overview of available remedies at the community, national, regional, and international level

<table>
<thead>
<tr>
<th>Level</th>
<th>Formal</th>
<th>Non-Formal</th>
</tr>
</thead>
<tbody>
<tr>
<td>Individual</td>
<td>Personal Risks assessments</td>
<td></td>
</tr>
<tr>
<td>Organizational</td>
<td>Security Guards</td>
<td>Organizational Risk Assessments</td>
</tr>
<tr>
<td>Community</td>
<td>Peace Courts Paralegals</td>
<td>Community Level Actions Using local tradition and culture for disruption</td>
</tr>
<tr>
<td>Level</td>
<td>Formal</td>
<td>Non-Formal</td>
</tr>
<tr>
<td>------------</td>
<td>------------------------------------------------------------------------</td>
<td>----------------------------------------------------------------------------</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Sharing experiences and networking</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Developing community-based protection protocols</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Making links with local level officials</td>
</tr>
<tr>
<td>National</td>
<td>Policy Development/ESIA Analysis Create, review, amend and repeal laws especially the creation of the model law that is context specific. Implementation of the law Monitoring the law Signing onto international law Taking cases to national courts National Human Rights Institutions</td>
<td>Coalitions and networks at the national, regional, and international level Making links key government institutions HRD organizations building relationships with government agencies Legal aid to help out members of the community or raise awareness about their rights Using media to bring exposure to and issue</td>
</tr>
<tr>
<td>Regional</td>
<td>Bring case to ECOWAS Community Court of Justice</td>
<td>Being a part and working with regional coalitions</td>
</tr>
<tr>
<td>Pan African</td>
<td>African Commission on Human and People’s Rights</td>
<td></td>
</tr>
<tr>
<td></td>
<td>The African Court of Justice and Human Rights</td>
<td></td>
</tr>
<tr>
<td>International</td>
<td>OECD CAO RSPO UN Mechanisms</td>
<td>INGO providing Emergency relocation grants, training and capacity building, advocacy and urgent actions, legal aid, exposure</td>
</tr>
</tbody>
</table>

This highlights the importance of individual precautions that HRDs should take to protect themselves. These include using strategies and acting with integrity, laying low to developing relationships with key individuals within government, and going into hiding when the situation gets too risky.

At the community level, formal mechanisms include Peace Courts and Paramount Chiefs courts; traditions and cultural approaches are also used at the community level.

At the national level, available formal strategies include 1) examining, creating, and monitoring human rights friendly policies, 2) ensuring that the legal framework is strong for the protection of HRDs, 3) taking cases to national court, or 4) working alongside the NHRI in the countries. National coalitions bring together NGOs within countries to work together collectively for justice and accountability. The regional and Pan African level includes mechanisms such as the ECOWAS Community Court of Justice and the Pan African Institutions, including both the African Court and African Commission.
At the international level, the UN, Development Partners, and international NGOs provide options for support through funding advocacy and publicity, which are more relevant to National HRDs than to Frontline Grassroots HRDs.

Annexes

Annex 1: Legal and Policy Recommendations

Background

Human Rights Defenders (HRDs) are people who act to protect human rights, including civil and political rights like free speech and the right to life, as well as rights commonly defined as economic, social, and cultural, such as the right to housing and public health. HRDs also work on environmental issues like climate change, access to water, and land rights. The environment is integral to human survival, and environmental destruction often stems directly from the violation of other human rights. HRDs’ also often work to protect the rights of particular populations, such as indigenous communities and women. Between 2016 and 2020, 386 of the 3,619 reported violations against HRDs worldwide were related to land and environmental rights, and 105 people were working to protect the rights of indigenous peoples. Those who to defend environmental and indigenous peoples’ rights are working in the most dangerous area of human rights protection, because many of the violations come from the “profit-driven exploitation of natural resources” that is often “combined with rampant corruption, weak governments and systemic poverty.”

No two HRDs are in the same situation, and the risks they face will be influenced by the other identities they hold. Familial relationships, gender, class, race, and sexual orientation, to name a few, can impact how an HRD is treated. People doing HRD work may be activists, lawyers, journalists, youth, NGOs, or they may be the shopkeeper down the street.

The work that HRDs do around the globe is integral to the promotion of social change, prevention of human rights abuses, and accountability for abuses that could not be prevented. HRDs put their own rights on the line to fight for justice. They face detention and arrest, legal action, physical and verbal assaults, threats, break-ins, torture, interrogation, smear campaigns, travel bans, sexual violence, forced disappearances, murder, and more. While this paper focuses on the legal impediments faced by Frontline Grassroots activists fighting for environmental, land and human rights in West Africa, these problems exist in countries worldwide, including Iraq, United States, and Chile.

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Purpose of the Policy Recommendations

The purpose is to assess the policy and legal situation of Frontline Grassroot HRDs across West Africa, to highlight positive and negative trends and provide recommendations to support their work and aid in improving protection. This section provides an analysis of laws, regulations, programs, and policies that impact HRD and their work in each country. This analysis is followed by an assessment of trends across Western Africa, including positive trends like HRD-specific legislation and peaceful transfers of power, and negative trends such as corruption, extremism, restrictions on the right to assembly and freedom of press. It concludes with an annex of recommendations for civil society, governments, the private sector, and development partners to better support and protect Frontline Grassroot HRD across West Africa.

Current Legal Status of HRD’s Across West Africa

The region known as West Africa is made up of sixteen countries: Benin, Burkina Faso, Cabo Verde, Côte d’Ivoire, The Gambia, Ghana, Guinea, Guinea Bissau, Liberia, Mali, Mauritania, Niger, Nigeria, Senegal, Sierra Leone, and Togo. This report also includes Equatorial Guinea. Each of these countries, except for Mauritania and Equatorial Guinea, are members of the Economic Community of Western States (ECOWAS) and are within the jurisdiction of the ECOWAS Court.

HRDs in each of these countries working on every type of human rights issue, from labor to the environment, rely on certain rights to do their work. When governments and non-state actors violate these rights, it endangers both individual HRD and their work. Examples of these rights include Freedom of Press, Expression, Assembly, and Association. Most of the rights discussed in this report are non-derogable, meaning that under international law governments are not allowed to restrict them under any circumstances.129 Additionally, most of these rights are explicitly listed in the UN’s Declaration on Human Rights Defenders130, which is based on binding international norms.131

Freedom of expression is a crucial right, and one that is controversial across the region. There are existing regulations that protect these rights, such as the African Union Constitutive Act 2000, article 9 of the Charter, the Declaration of Principles on Freedom of Expression in Africa, multiple resolutions promulgated by the African Commission on Human and Peoples’ Rights (ex. Resolution on Freedom of Expression and Resolution on the Situation of Freedom of Expression in Africa), and the Model Law on Access to Information in Africa.133 The African Court on Human and Peoples’ Rights (the African Court) stated in a 2014 decision that imprisonment for defamation violates the right to freedom of expression.134

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these policies, examples of the deprivation of this right exist across the country. For example, in Burkina Faso the High Council for Communications issued a ban in 2015 on live broadcasts of political events leading up to elections. Also in 2015, the Parliament of Togo added a new article to the penal code that added fines for false news.\textsuperscript{135}

The Right to Assemble, also known as \textit{Freedom of Assembly}, is guaranteed under article 21 of the \textit{International Convention on Civil and Political Rights (ICCPR)}, article 11 of the African Charter, Article 8 of the \textit{African Charter on Human and Peoples’ Rights} (the Charter) on the Rights and Welfare of the Child, and articles 12, 27, and 28 of the \textit{African Charter on Democracy, Elections, and Governance}.\textsuperscript{136} Some countries include this right within their Constitution, such as Article 17 of the Liberian Constitution, while other countries address the right through legislation, such as the \textit{Union Act, Public Order Act, and the Electoral Act} in Nigeria.\textsuperscript{137}

Across the region, governments are using NGO registration laws and funding constraints to restrict freedom of association and prevent individuals from forming civil society organizations and working in groups. The right to associate is included in article 20 of the \textit{Universal Declaration of Human Rights} and article 22 of the ICCPR.\textsuperscript{138} According to the UN’s Special Rapporteur on Freedom of Association, requiring groups to register can negatively impact vulnerable groups, and States have an obligation to remove barriers for organizations.\textsuperscript{139}

Other issues and circumstances that occur in West Africa can have adverse impacts on HRDs, regardless of whether an enumerated right is implicated. These issues include terrorism and extremism, corruption, and corporate influence. These circumstances can make it more difficult for HRDs to conduct their operations safely, and can increase the risk of violations of rights, including rights to life and security of person, not be subjected to torture, and not be arbitrarily arrested (The Universal Declaration of Human Rights articles 3, 5, and 9 respectively\textsuperscript{140}). In many countries, laws that were intended to combat extremism result in stifling the freedoms of expression, press, assembly, and association, because the overly broad or vague language of these laws is inevitably used to target HRDs.\textsuperscript{141}

HRDs are labelled as ‘\textit{foreign agents conducting anti-national activities}', ‘\textit{operatives with dual roles}', ‘\textit{internal enemies}', ‘\textit{terrorists}' or ‘\textit{spoilers of peace, development or social harmony}'.\textsuperscript{142} This puts HRDs in the position of being targeted by the government for holding the State accountable for their human rights violations, while simultaneously being targeted by extremist groups for protecting HRDs’ own rights, including trying to protect their land and families. In fact, HRDs’ work is especially important in conflict zones, and they help provide emergency relief or help others to access civilian populations to provide relief, and maintain access to health care. They

\begin{itemize}
\item \textsuperscript{135} \url{https://africandefenders.org/wp-content/uploads/2018/12/StateofHRD2016EnglishFinal-2.pdf} p. 38
\item \textsuperscript{136} \url{https://africandefenders.org/wp-content/uploads/2018/12/StateofHRD2016EnglishFinal-2.pdf} p. 15
\item \textsuperscript{137} \url{https://africandefenders.org/wp-content/uploads/2018/12/StateofHRD2016EnglishFinal-2.pdf} p. 20
\item \textsuperscript{138} \url{https://urgentactionfund.org/wp-content/uploads/downloads/2017/12/UAF_UCB_REPORT.WEB-FINAL.pdf} p.15
\item \textsuperscript{139} \url{https://urgentactionfund.org/wp-content/uploads/downloads/2017/12/UAF_UCB_REPORT.WEB-FINAL.pdf} p.15
\item \textsuperscript{140} \url{https://www.un.org/en/universal-declaration-human-rights/}
\item \textsuperscript{141} \url{https://urgentactionfund.org/wp-content/uploads/downloads/2017/12/UAF_UCB_REPORT.WEB-FINAL.pdf} p.18
\item \textsuperscript{142} \url{https://undocs.org/en/A/HRC/43/51} p.9
\end{itemize}
provide material, medical, behavioural, legal support, and more for victims.\textsuperscript{143} HRDs challenge recognized interests and allocation of power, and human rights work triggers assumptions about allegiances and intentions that place HRDs at risk.\textsuperscript{144}

Government corruption also exacerbates threats to HRDs because it leads to unfair elections and impunity for human rights violations. Unfair elections can lead to the appointment of government actors who do not support human rights, and it can lead to the closing of space for civil society, especially if HRDs are speaking out against the unfair elections. Lack of political will is one of the core reasons for the frequent failure of initiatives to better protect human rights and HRDs.\textsuperscript{145} Governments harass HRDs through both judicial and non-judicial means, arbitrarily arresting them or allowing security forces to use excessive force. State actors also “look the other way,” allowing corporations and development projects to take advantage of communities and violate human rights for the sake of resources and money.

Impunity for human rights violations, through lack of accountability mechanisms or lack of enforcement of existing laws, encourages further violations and weakens everybody’s trust in the law.\textsuperscript{146} Impunity persists when violations are not investigated. Guidelines have been created to aid in improving investigation efforts; these include: The \textit{Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment}, the \textit{Minnesota Protocol on the Investigation of Potentially Unlawful Death}, the \textit{Code of Conduct for Law Enforcement Officials}, the \textit{Basic Principles on the Independence of the Judiciary}, and the \textit{UN Guidelines on the Role of Prosecutors}.\textsuperscript{147}

Unfortunately, due to a continued lack of monitoring mechanisms and underreporting, it is difficult to verify cases of human rights violations in Africa.\textsuperscript{148} However, it is known that environmental and land defenders, women, and indigenous peoples are among the most vulnerable HRDs.\textsuperscript{149} International attempts to address attacks against these populations include the UN Human Rights Council’s adoption of a resolution to protect environmental HRDs, and the formation of the \textit{Zero Tolerance Pledge} for governments and businesses.\textsuperscript{150}

Finally, the ACHPR has taken multiple steps to attempt to protect HRDs. In 1999, through the \textit{Grand Bay Declaration}, the body stated the importance of the UN’s \textit{Declaration on Human Rights Defenders (Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms)} and encouraged states to implement the declaration.\textsuperscript{151} A few years later, in 2003, the ACHPR dispensed the \textit{Kigali Declaration}, which demonstrated further support for the protection and support of HRDs.\textsuperscript{152} The following year the ACHPR adopted their first HRD resolution, the
Resolution on the Protection of African Human Rights Defenders, which created the Special Rapporteur for Human Rights Defenders in Africa.\textsuperscript{153} The Special Rapporteur accepts complaints.\textsuperscript{154} Other relevant resolutions and statements include, the Maputo Protocol, which provides protection for women,\textsuperscript{155} Principles and Guidelines on the Right to a Fair Trial and Legal Assistance in Africa,\textsuperscript{156} and the Declaration of Principles on Freedom of Expression in Africa.\textsuperscript{157} An important early case before the ACHPR was Ghazi Suleiman v. Sudan, which upheld Mr. Suleiman’s right to freedom of expression, the exercise of profession as a HRD, and which stated that HRDs add value to society.\textsuperscript{158}

Trending Legal, Policy and Situational Analysis of HRDs by country

This section addresses policies, legislation, and regulations that relate to the work and treatment of HRDs on a country-by-country basis. Recommendations are available in the report’s Annex and are based on gaps identified through the country assessments.

The information below is not an exhaustive list, but rather a presentation of examples and most referenced laws, policies, and regulations. HRDs experiences are often not documented, so it can be hard to assess the full scale of the use of laws and policies to impede their work. The use of these legal tools ranges from harassing and targeting HRDs, explicitly violating their human rights, and occasionally protecting their rights. Some legal tools explicitly deprive rights, while others may claim to exist for another purpose but are vague enough to be used to judicially harass or deprive rights. Laws that do exist for the protection of HRDs often lack an enforcement mechanism, or the bodies responsible for enforcing the law are not well educated on it.

Benin

Benin was once considered one of the more stable democracies in the West Africa.\textsuperscript{159} This changed when President Patrice Talon took office in 2016.\textsuperscript{160} By 2018, President Talon was investigating and prosecuting his political opponents, and in 2019 he excluded all opponents from the parliamentary elections through changes to the electoral code in 2018 (Law n° 2018-31 of 03-09-2018).\textsuperscript{161} In the months leading up to the election, protests were banned in some areas, and protests that did occur were met with police violence.\textsuperscript{162} On the day of the election, the internet was shut down and protesters were disband by gunfire.\textsuperscript{163} In addition to police violence against protesters in these cases, arbitrary arrests, torture of suspects, and lack of

\textsuperscript{158} \url{https://freedomhouse.org/country/benin/freedom-world/2020}
\textsuperscript{159} \url{https://freedomhouse.org/country/benin/freedom-world/2020}
\textsuperscript{160} \url{https://freedomhouse.org/article/benins-unrest-reflects-broader-worrying-trend-west-africa}
\textsuperscript{162} \url{https://freedomhouse.org/country/benin/freedom-world/2020}
\textsuperscript{163} \url{https://freedomhouse.org/country/benin/freedom-world/2020}
food and water for prisoners has prevailed in recent years. These actions and treatments of protesters threaten HRDs’ wellbeing and their rights to freedom of expression and assembly.

Journalists and HRDs are also targeted using a 2017 digital media law (Law No. 2017-20) that allows the government to attack journalists under the guise of preventing the spread of false news. As of the beginning of 2020, 17 people had been prosecuted under this censorship law. This includes Aristide Fassinou Hounkpevi and Ignace Sossou, who spoke out about the choice of an ambassador appointment and tax evasion, respectively.

Despite the rampant corruption and its impact on civil society, the government receives relative immunity for their actions. The National Anti-Corruption Authority, which hears complaints pertaining to corruption, has no legal enforcement powers. The Court of Punishment of Economic Crimes and Terrorism, established in 2018, is another mechanism that, in theory, was meant to handle corruption cases; instead it is used to target journalists and the government’s political opposition. Finally, Benin has a human rights commission, the Commission Béninoise des Droits de l’Homme (CBDH), though the commission has yet to be fully compliant with the Paris Principles.

Regarding regional and international mechanisms, Benin recently informed the African Union that Benin’s citizens and NGOs would no longer be allowed to directly access the African Court, the African Union’s judicial body. This made Benin the first West African state to withdraw the right of its citizens to submit complaints. Benin is still subject to the jurisdiction of the ECOWAS Court of Justice. Benin has also ratified most relevantly, the International Covenant on Civil and Political Rights (ICCPR), the International Covenant on Economic, Social, and Cultural Rights (ICESCR), the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), and the Convention Against Torture (CAT).

To better protect HRDs, the government of Benin should repeal the electoral laws that effectively prevent other political parties from participating in the election process. This type of corruption both directly and indirectly impacts HRDs working

164 https://freedomhouse.org/country/benin/freedom-world/2020
169 https://freedomhouse.org/country/benin/freedom-world/2020
170 https://freedomhouse.org/country/benin/freedom-world/2020
171 https://freedomhouse.org/country/benin/freedom-world/2020
176 https://www.ecowas.int/member-states/benin/
177 http://www.claiminghumanrights.org/benin.html
178 http://www.claiminghumanrights.org/africa/benin/report-benin
across all issue areas. Second, the Benin government should alter the digital media law that is being used to censor HRDs to make it compliant with their human rights obligations. A system should be put in place to differentiate between opposing views and actual false news. Additionally, the anti-corruption mechanism should be improved to allow for better utilization as a tool to hold governmental actors accountable, while not abusing the rights and security of HRDs.

**Overall Recommendations include:**

- The government must document human rights violations, but this is unlikely to occur under the current leadership.
- Training or education for HRDs to empower them to document human rights abuses.
- The government to reinstate the ability of individuals and NGOs to bring complaints to the African Court.
- The government should bring the CBDH in line with the Paris Principles to provide a mechanism for HRD remedies and accountability of violations.
- Should pass a law designed specifically to protect HRDs, which includes a mechanism for implementation and involves the Coalition of Human Rights Defenders in Benin.

**Burkina Faso**

President Roch Marc Christian Kaboré won the 2015 election, seeing a peaceful transfer of power.\(^{178}\) The country was expected to hold elections in 2020.\(^ {179}\) One of the biggest threats to stability in the country is the rise of extremist groups and the government’s security responses to the violence.\(^ {180}\) Terrorist attacks by Islamist militants have undermined the progress that HRDs have made in the country.\(^ {181}\)

In 2017, the country passed a law to protect HRDs, a great step forward, though the law lacks a protection mechanism for HRDs.\(^ {182}\) The law defines HRDs as people who can be described as a HRD without requirement of a prior registration as such, and it protects against reprisals, arbitrary detention, and execution.\(^ {183}\) However, it does not specify protection for women HRDs.\(^ {184}\) Some advocates blame the terrorism by extremist groups for the lack of progress on creating a protection mechanism for the law.\(^ {185}\)

Other recent laws, specifically those created in response to rising terrorism, negatively impact HRDs. The government recently amended their Criminal Code (Law n° 025-2018) in 2019 to restrict freedom of expression and press related to terrorist attacks or demoralization of security forces.\(^ {186}\) Due to the overly broad nature of the law, it could potentially be used to restrict access to information and censor

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\(^{180}\) [https://freedomhouse.org/article/west-africas-democratic-progress-slipping-away-even-regions-significance-grows-0](https://freedomhouse.org/article/west-africas-democratic-progress-slipping-away-even-regions-significance-grows-0)


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HRDs. The law has already led to self-censorship by journalists who fear the ramifications of being found to violate it.\(^{187}\) Also in 2019, the government extended a state of emergency in multiple provinces, allowing them to restrict freedom of assembly.\(^{188}\) A rally in Ouagadougou was dispersed by police forces using tear gas and the city later banned a march planned by a local NGO.\(^{189}\) The police are also known for arbitrarily detaining people they associate with Islamic militants or terrorist attacks.\(^{190}\)

HRDs face dangerous ramifications for their work outside of potential legal ramifications. In 2019, Fahadou Cissé and Hama Balima, members of the Democratic Youth Organisation of Burkina Faso were killed in Yagha while on their way to a meeting with the high commissioner of the province of Sebba.\(^{191}\) Yagha is known for mining-related conflicts between mining companies, residents, and security forces.\(^{192}\)

Regarding available mechanisms, HRDs in Burkina Faso can file complaints with the African Commission on Human and Peoples Rights.\(^{193}\) Unfortunately, the country’s human rights commission’s (Commission nationale des droits de l’homme) accreditation lapsed in 2012.\(^{194}\) The country has ratified the ICCPR, ICESCR, CEDAW, and CAT.

Overall Recommendations include:

- The government create an implementation and protection mechanism for their HRD law.
- The government must re-instate their human rights commission.
- The Criminal Code should be further amended or interpreted to clarify protections for the rights of HRDs to speak and assemble freely.
- Amend laws and create these protections would be to involve HRDs and local organizations like the Burkina Faso Coalition of Human Rights Defenders.

Cabo Verde

Cabo Verde is one of the most stable democracies in the region, with competitive elections, progressive laws pertaining to gender quotas for elections, and a recently created Corruption Prevention Council (CPC).\(^{195}\) The CPC is meant to run independently from actors like prosecutors and investigators.\(^{196}\) Additionally, the Constitution guarantees freedom of press.\(^{197}\) However, during elections, the press

\(^{187}\) https://freedomhouse.org/country/burkina-faso/freedom-world/2020
\(^{188}\) https://freedomhouse.org/country/burkina-faso/freedom-world/2020
\(^{189}\) https://freedomhouse.org/country/burkina-faso/freedom-world/2020
\(^{192}\) http://www.claiminghumanrights.org/burkinafaso.html?L=0
\(^{193}\) https://nhri.ohchr.org/EN/AboutUs/GANHRIAccreditation/Documents/Status%20Accreditation%20-%20Chart%20%202027%20November%202019.pdf p.14
\(^{194}\) https://freedomhouse.org/country/cabo-verde/freedom-world/2020
\(^{195}\) https://freedomhouse.org/country/cabo-verde/freedom-world/2020
\(^{196}\) https://rsf.org/en/cabo-verde
cannot publish opinions on parties or candidates within a certain amount of time before the election, pursuant to article 105 of the electoral code. Of particular importance for HRDs, the right to assemble is legally guaranteed. In 2019, coffee growers successfully rallied for renegotiation of debts and coffee prices.

Cabo Verde faces capacity issues in their legal system, where detainees often experience delays in hearings. The Bar Association launched a legal aid program in 2019 to help speed up the court system. Additionally, while police are sometimes accused of using excessive force, oversight bodies generally hold them accountable. Cabo Verde does not have a Paris Principles-accredited human rights commission. The ICCPR, ICESCR, CEDAW, and CAT are ratified, while the African Court protocol is not.

Overall Recommendations include:

✓ Should have stronger protection mechanisms for HRDs.
✓ Should create NHRI that incorporates protections for HRDs specifically.

Côte d'Ivoire

Côte d'Ivoire is still recovering from the war that ended in 2011. The country's former president was acquitted by the International Criminal Court for crimes against humanity, though an appeal was later filed. Many of the issues that HRDs work on come out of the period of violence spanning from 2000-2011. In 2018, 800 people were granted presidential amnesty pertaining to crimes committed during those years. The year before, political opposition to current president Alassane Ouattara received arbitrary prison sentences of 30 months for their involvement in a political rally.

HRDs, like journalists, can also face serious consequences for speaking out. In 2019, the country updated their criminal code to censor the media and criminalize the publication of fake news or anything that is seen as an offense to the president or vice president. The 2019 revisions also included prison sentences for people who organize assemblies that are deemed undeclared or prohibited, thus limiting freedom of assembly. Police have responded to rallies with violence, including use of tear gas.
gas and water cannons. HRDs who are arrested may not have access to an attorney if they cannot afford counsel, and pretrial detention is likely to be long. In 2019, Konan Yao Hubert was arrested because he organized a peaceful protest against the establishment of a gold mine near his community. He was physically attacked at the time of arrest because he objected to the arrest due to lack of a warrant. Eight months after his arrest, he was sentenced to five years in prison for “incitement and disturbance of public order,” among other charges. In 2017, six journalists were arrested for covering mutinies and were detained without a lawyer for two days.

However, the country has made some improvements in their response to poor treatment of HRDs. In 2014 the government passed their Law on the Promotion and Protection of Human Rights Defenders. Passage of this law made Côte d’Ivoire the first African country to pass legislation dedicated to the protection of HRDs. The law even specifically identifies the need to protect female HRDs. However, the law does not have a mechanism to aid in its enforcement.

The NHRI lacks adequate resources to fund its operations independently. Other institutions working to protect human rights include the Ombudsman, the National Media Council, and the High Authority on Good Governance. Unfortunately, in April 2020, Côte d’Ivoire withdrew from the African Court when the African Court ordered the government to suspend an arrest warrant for political opponent Guillaume Soro. The country did ratify the ICCPR, ICESCR, CEDAW, and CAT.

Overall Recommendations include:

- The government should provide resources for their human rights commission and re-join the African Court.
- Strengthen the HRD law by creating a mechanism that could help with implementation and enforcement of the law.
- Further revisions to the criminal code should be revised again to prevent restrictions on the freedom of press and assembly.
Equatorial Guinea

Equatorial Guinea is the only country in this report that is listed as “Not Free” by the Freedom House.227 The current president, Teodoro Obiang Nguema Mbasogo, rules due to a 1979 military coup, and detains or exiles any political opposition.228 Those who protested President Mbasogo’s 2016 re-election faced police violence, torture, and imprisonment.229 Although the government committed to improving anticorruption measures in order to receive a $283 million loan from the International monetary Fund, the country still has no anticorruption mechanisms, still holds unfree elections, and the government has multiple ties to extractive industries.230

Freedom of press is also severely restricted, even though constitutional protections exist.231 Due to fear of violence, many journalists practice self-censorship.232 The government actively prevents public access to online platforms run by political opposition, and regularly prevents internet access during times of “political tension.”233 The Press, Printing, and Audiovisual Law (No. 6/1997) is meant to protect the right to receive and publish information, but it is not enforced, especially when the information is deemed “defamatory.”234 The criminal code also includes provisions on libel and defamation.235 Justo Enzema, Samuel Obiang Mbana, and nine others were arrested in 2017 after participating in a press conference for the President’s political opposition.236

Civil society space is equally limited for those outside the media, and HRDs are subject to routine harassment and constant risk of losing their livelihoods and their freedom through arbitrary arrests and convictions.237 The government is known to conduct surveillance of HRDs,238 leading to a culture of fear. HRDs are regularly threatened and harassed, and often experience arbitrary arrests.239 HRDs working through NGOs also experience many restrictions. Organization registration, through Law No. 1/1999, requires NGO groups to register and submit information on donations.240 In 2018, Alfredo Okenve, a leader of the Center for Development Studies and Initiatives, was viciously attacked, two years after the government ordered him to suspend his organization’s activities.241 In 2017 artists Ramón Esono Ebal’ and Benjamín Ndong were both targeted when they used their platforms for activism.242

227 https://freedomhouse.org/explore-the-map?type=fiw&year=2020; All the countries are listed as “partly free” except for Ghana which is listed as “free.”
228 https://freedomhouse.org/country/equtorial-guinea/freedom-world/2020
229 https://freedomhouse.org/country/equtorial-guinea/freedom-world/2020
230 https://freedomhouse.org/country/equtorial-guinea/freedom-world/2020
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241 https://freedomhouse.org/country/equtorial-guinea/freedom-world/2020
242 https://freedomhouse.org/country/equtorial-guinea/freedom-world/2020
The National Human Rights Commission is not accredited as aligned with the Paris Principles. The country has not ratified the protocol for use of the African Court, though, as a member of the African Union, they are subject to the African Commission on Human and Peoples’ Rights. The country is also not a member of ECOWAS and thus is not subject to the body’s court. They have, however, ratified the ICCPR, ICESCR, CEDAW, and CAT. Equatorial Guinea is also not a member of the International Criminal Court.

Overall Recommendations include:

✓ Laws restricting freedom of speech, media, and assembly should be repealed, and laws should be enacted that specifically protect civil society and HRDs.

✓ Equatorial Guinea must start allowing political opposition to participate in elections to create a more democratic system, and to help decrease targeting of HRDs working on the election system.

✓ Create a third-party mechanism for preventing corruption and help prevent violence against HRDs.

✓ Put more resources into the human rights commission and make it compliant with the Paris Principles.

The Gambia

The Gambian people recently experienced their first transition of power in 22 years. After Adama Barrow’s victory, former president Yahya Jammeh refused to step down until a military intervention by members of ECOWAS. During the years of Jammeh’s rule, HRDs were severely punished for their work, facing arbitrary arrests, forced disappearances, killings, and many were forced into exile. In 2017, during Adama Barrow’s first year as president, eight former soldiers were arrested for planning to overthrow him. The new government created an official commission to look into corruption and abuses carried out by the Jammeh’s regime.

The circumstances for HRDs in The Gambia since the change in power have improved in many ways, though there are still many obstacles. While the Constitution guarantees the freedom of assembly, the Public Order Act, which requires police permission for assembly, was used by the former President Jammeh to prevent protests, still remains, and sedition laws were upheld by the Supreme Court in 2018. Also, Constitutional article 35(2) allows for derogation of rights during states of emergency. President Barrow recently imported equipment including water cannons for use as a precaution against counter protesters at his own rallies.
Section 59 of the Criminal Code allows police to arrest HRDs without a warrant if they are accused of inciting violence. In June 2020, Madi Jobarteh was charged with “false information and broadcasting,” section 181A (1) of the criminal code, because of an interview he gave at a protest. Though the charges were eventually dropped, Jobarteh recently received information that the government had him under surveillance.

NGOs working on environmental issues also reported that they are still targeted by security forces. HRDs in Faraba were killed protesting a sand mining contract for which the community had not been consulted. Other HRDs were arrested. In 2018, HRDs were detained for protesting a corporation’s dumping of waste in the sea.

The National Human Rights Commission Act passed in 2017, but it is unclear if it currently meets the Paris Principles. The Gambia is a member of the African Union, has ratified the protocol for the African Court, and are therefore subject to both the African Union’s commission and court. The Gambian government ratified the ICCPR, ICESCR, and CEDAW, though they have only signed CAT.

Overall Recommendations include:

✓ Implementing amendments to the criminal code and the Constitution that better support HRDs and their work.
✓ The human rights commission should be brought in line with the Paris Principles.
✓ The Public Order Act, or at least the parts that limit the freedom of assembly, should be repealed.
✓ Legislation specifically focused on protection of HRDs should be created, adopted, and implemented.

Ghana

Ghana is the second country in West Africa that is designated as “free” by Freedom House. The country has had competitive elections with multiple parties since 1992. In 2017 the government created the Office of the Special Prosecutor to investigate political corruption, and in 2019 the Right to Information Act was passed to allow citizens access to public and private institutions.

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258 https://freedomhouse.org/country/gambia/freedom-world/2020
261 https://freedomhouse.org/country/ghana/freedom-world/2020
263 http://www.claiminghumanrights.org/gambia.html?&L=0
264 http://www.claiminghumanrights.org/gambia.html?&L=0
265 https://freedomhouse.org/country/ghana/freedom-world/2020
266 https://freedomhouse.org/country/ghana/freedom-world/2020
Like many other countries mentioned so far, freedom of assembly is guaranteed through the constitution, but it is always upheld. Though better than other countries, Ghana’s government still occasionally censors the press, targeting journalists through harassment and arrest. In January, 2019, Ahmed Hussein-Suale was killed after he helped expose corruption in the soccer industry. Though it is unclear who committed the murder, it came after a member of parliament encouraged violence against Hussein-Suale. Later that year, two other journalists were allegedly tortured during police interrogation in connection with information they posted about a government official. The police force is also known for arbitrarily arresting and holding individuals without charges.

The Commission of Human Rights and Administrative Justice (CHRAJ) is in line with the Paris Principles. For example, one community brought a complaint to the CHRAJ when their chief sold the community’s land to a national mining company. As of May 2020, the community is awaiting the decision. Ghana has also ratified the ICCPR, ICESCR, CEDAW, and CAT. Additionally, Ghana ratified the protocol for the African Court.

Overall Recommendations include:
- Ghana should improve their protections of HRDs in journalism.
- Put in place measures to prevent arbitrary arrests and hold police accountable for excessive force like torture.
- The government should pass legislation specific to the protection of HRDs.

Guinea

As of 2010, Guinea is back under civilian rule. While the Constitution was amended in 2020 to limit presidents to two terms, President Condé claimed that the Constitutional amendment reset his two-term limit, and he ran for, and won, a third term. HRDs who spoke out against the changes to the Constitution received threats, and nine protesters were killed. Results from local elections held in 2018, the first held since 2005, were disputed and officials were accused of bribery. President Condé’s opponent in the most recent 2020 election claims that he has proof of fraud. The National Anti-Corruption Agency is underfunded and reports directly to the president. A new body, the Provisional Commission for National Reconciliation, was established in 2011 to address human rights abuses.

References:

268 https://freedomhouse.org/country/ghana/freedom-world/2020
270 https://freedomhouse.org/country/ghana/freedom-world/2020
271 https://freedomhouse.org/country/ghana/freedom-world/2020
272 https://freedomhouse.org/country/ghana/freedom-world/2020
274 http://www.claiminghumanrights.org/ghana.html?&L=0
275 http://www.claiminghumanrights.org/ghana.html?&L=0
276 https://freedomhouse.org/country/guinea/freedom-world/2020
279 https://freedomhouse.org/country/guinea/freedom-world/2020
281 https://freedomhouse.org/country/guinea/freedom-world/2020
Though the country does not have a law protecting HRDs in the same manner as countries like Côte d'Ivoire, article 23 of the Guinean 2010 Constitution states, “the State shall promote the well-being of its citizens and protect and defend human rights and HRD.” However, in 2016 two media laws were passed that limit freedom of press and therefore the rights of HRDs. The first law, a criminal code, pertains to defamation of public figures, while the second pertains to similar offenses online, and includes provisions related to the spread of false information. In the past year alone, at least 50 people have been killed during protests, with 200 more injured and over 70 arbitrarily detained. Many acts that fall under the category of torture are not defined as such in the country’s criminal code, leading to continued instances of human rights abuses.

Lack of consultation with communities regarding forced relocation for development is a big problem in Guinea. In 2016, Kintinian community members who peacefully protested resettlement were met with police violence. The following year in Sangaredi people protesting a mining company’s land-grabbing were arrested. Three years later, HRDs who raised concerns about resettlements without compensation were intimidated and harassed by both the government and the involved corporation. While the country has a human rights commission in the form of the National Institution for Human Rights, it is not accredited for fulfilment of the Paris Principles. Despite the continued practice of torture, the country ratified CAT, and the ICCPR, ICESCR, and CEDAW. Guinea is a member of the African Union but has not ratified the protocol for the African Court.

Overall Recommendations Include:

- The government must enforce article 23 of the Constitution.
- Police forces must be held accountable for the violence they carry out against protesters.
- Legislation limiting freedom of the press should be removed.
- The NHRC should be brought in line with the Paris Principles.

Guinea-Bissau

Guinea-Bissau is still recovering from a 2012 military coup that was followed by years of political instability and highly contested elections in 2019. President Sissoco Embaló eventually won in a run-off. Despite delays, the election was generally considered to be credible. Political turmoil has led to a lack of government
transparency, and the country does not have legal mechanisms to enable public access to government information.\textsuperscript{293} Corruption is considered to be a pervasive problem.\textsuperscript{294}

Though the country’s Constitution provides for freedom of expression, information, and assembly, there is no law pertaining to protection of HRDs.\textsuperscript{295} HRDs are targeted when they speak out against government corruption or human rights violations, and those who participate in protests are often met with violence.\textsuperscript{296} Police corruption is rampant, leading to practices like arbitrary arrests, and police have impunity for their actions.\textsuperscript{297} Police violently disbanded a student march in early 2019 and did not allow people to assemble at all a few months later.\textsuperscript{298} In October a protester was killed when demonstrating for a new voter registration process.\textsuperscript{299} However, some election-related rallies were allowed to proceed peacefully.\textsuperscript{300}

Guinea-Bissau’s National Human Rights Commission is not compliant with the Paris Principles.\textsuperscript{301} The country is a member of the African Union, though the protocol for the Union’s court is not ratified.\textsuperscript{302} Guinea-Bissau has only ratified the ICESCR and CEDAW, with the ICCPR and CAT having only signatures.\textsuperscript{303}

Overall Recommendations include:

- The government must address corruption, specifically in the police force and accountability among police officers could help to combat human rights abuses against HRDs.
- Increasing access to governmental information could help with accountability and corruption within the government.
- The Constitutional rights to freedom of expression and assembly must be upheld, and legislation should be passed about protection of HRDs specifically.
- The human rights commission should be made to meet the Paris Principles.

\textbf{Liberia}

Despite relative peace since the end of Liberia’s civil war in 2003, the country is still not completely free, nor is it a safe place for HRDs. The transfer of power in 2017 was the first peaceful transfer between leaders in the country since 2014, with power passing to President George Weah.\textsuperscript{304} Corruption has been, and continues to be, a problem in Liberia.\textsuperscript{305} The country does have a Freedom of Information Act, though it is rarely used, and transparency guidelines are not fully implemented.\textsuperscript{306} Journalists

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\item \textsuperscript{293} https://freedomhouse.org/country/guinea-bissau/freedom-world/2020
\item \textsuperscript{294} https://freedomhouse.org/country/guinea-bissau/freedom-world/2020
\item \textsuperscript{295} https://www.protecting-defenders.org/sites/protecting-defenders.org/files/UNSR%20HRDs-%20World%20report%202018.pdf p.45
\item \textsuperscript{296} https://www.protecting-defenders.org/sites/protecting-defenders.org/files/UNSR%20HRDs-%20World%20report%202018.pdf p.45
\item \textsuperscript{297} https://freedomhouse.org/country/guinea-bissau/freedom-world/2020
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\item \textsuperscript{301} https://www.protecting-defenders.org/sites/protecting-defenders.org/files/UNSR%20HRDs-%20World%20report%202018.pdf p.47
\item \textsuperscript{302} https://freedomhouse.org/country/guinea-bissau/freedom-world/2020
\item \textsuperscript{303} https://freedomhouse.org/country/guinea-bissau/freedom-world/2020
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\item \textsuperscript{306} https://freedomhouse.org/country/liberia/freedom-world/2020
\end{itemize}

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who publish critiques of the government are harassed, detained, and generally threatened. While there is potential for improvement in this area due to the decriminalization of sedition in the Press Freedom Act, recently passed in 2019, defamation is still a civil offense. The government still withholds access to media to restrict HRDs, instituting internet blackouts and blocking access to social media during protests.

Though the Constitution guarantees freedom of speech, press, and assembly, HRDs face restrictions in these areas. HRDs working on environmental and land rights are particularly vulnerable. Many face not only threats and acts of violence, but surveillance as well. In 2015 police responded with violence to a peaceful protest at an Oil Palm plantation, using tear gas and attacking protesters. More than 30 protesters were arrested and 15 of them were arbitrarily held without a hearing for almost a year. One detainee, Fred Thomson, died after 49 days in prison due to “unknown” causes. When Green Advocates spoke out against the same plantation, Alfred Brownell, the HRD who founded the organization, was targeted.

Advocates generally support the country’s human rights commission, the Independent National Commission on Human Rights in Liberia (INCHR). The INCHR is fully compliant with the Paris Principles. Liberia ratified the ICCPR, ICESCR, CEDAW, CAT, and the protocol to the African Union subjecting them to the African Court. Liberia also recently signed the Table Mountain Declaration in 2012, which was meant to be a commitment to freedom of press.

Overall Recommendations include

- Better protections for Liberian HRDs needs to include improved mechanisms for upholding rights against corporate actors and extractive industries.
- The government must respect the rights of HRDs working on environmental rights, instead of acting on behalf of corporate actors, by passing legislation specifically for the protection of HRDs, including a mechanism to help implement the law.
- The government should not block access to the internet during protests, and should decriminalize all press-related crimes.
- The government must stop using the legal system to harass HRDs, and police who arbitrarily arrest protesters should be held accountable.

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307 https://freedomhouse.org/country/liberia/freedom-world/2020
308 https://freedomhouse.org/country/liberia/freedom-world/2020
309 https://freedomhouse.org/country/liberia/freedom-world/2020
316 http://www.claiminghumanrights.org/liberia.html?&L=0
317 https://news.trust.org/item/20120724131000-gkc2i
Mali

Unrest within the government and the country has created a difficult environment for HRDs. In 2019, Prime Minister Soumeylou Boubèye Maïga resigned amid protests about inability to address the violence across the country. \(^{318}\) The former Finance Minister, Boubou Cissé was appointed as the new Prime Minister. \(^{319}\) The government then opened the Inclusive National Dialogue to bring together parties impacted by the violence to address the security crisis in the country. \(^{320}\) In part due to chaos from the 2012 military coup, Islamic militants were able to establish themselves in the country. \(^{321}\) In addition, the government itself promotes instability through corruption. The country does not have a freedom of information mechanism, and government actions are not transparent. \(^{322}\)

HRDs combating human rights abuses through journalism face government censorship and self-censorship. \(^{323}\) Defamation is a criminal offense. \(^{324}\) In 2017, Madou Kanté, a blogger, was shot and wounded due to activism on corruption, and fellow journalist Salif Diarrah also received death threats the same day. \(^{325}\) HRDs who choose to speak out in public face restrictions on their constitutional right to assemble and their ability to use online platforms. \(^{326}\) In 2017, a HRD was killed when police fired at protesters in Konsiga. \(^{327}\) While a 2019 protest against the government’s failure to address violence in the country was not met with violence \(^{328}\), police shot and killed eleven HRDs at a protest in August of 2020. \(^{329}\) A state of emergency has been in place since 2015, which allows police to impede protests. \(^{330}\) Officers who act outside “any judicial structures” often do not face any repercussions. \(^{331}\)

These examples of violence demonstrate that the laws currently in place are not being enforced. In 2018 the government passed the Law on Human Rights Defenders to protect HRDs, making Mali the third African country to pass such legislation. \(^{332}\) The law is fairly detailed, including provisions protecting HRDs’ homes, engagements with international bodies, the right to receive funding, and includes specific protections for women and HDRs with disabilities. \(^{333}\) However, the law does not have an implementation mechanism. \(^{334}\) Mali also has a system called the Mali Democratic Inquiry Space that allows citizens to raise human rights violations with the Prime Minister and other Ministers. \(^{335}\) Additionally, Mali’s NHRI is not fully

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\(^{329}\) https://www.nytimes.com/2020/07/16/world/africa/mali-protesters-killed-keita.html
\(^{330}\) https://www.nytimes.com/2020/07/16/world/africa/mali-protesters-killed-keita.html
\(^{331}\) https://www.nytimes.com/2020/07/16/world/africa/mali-protesters-killed-keita.html
compliant with the Paris Principles. 336 Favorably, the country ratified the ICCPR, ICESCR, CEDAW, CAT, and the African Court protocol.

**Overall Recommendations Include:**

✓ Greater commitment to implementation or enforcement mechanisms must take place including creating a mechanism to help enforce their HRD law and they must act on cases presented through the Mali Democratic Inquiry Space.

✓ The human rights commission should be brought into full compliance with the Paris Principles.

✓ Police should be held accountable for their violent actions and for any actions they take outside of judicial systems.

✓ The government must involve the Malian Coalition of Human Rights Defenders in their improvement efforts.

**Mauritania**

According to Freedom Houses 2020 report, Mauritania recently moved from “not free" to “partly free" because of the recent peaceful transfer of power from Mohamed Ould Abdel Aziz, who came to power through a military coup, to President Mohamed Ould Ghazouani. 337 However, HRDs are not in the clear, especially those who scrutinize the government. 338

Though freedom of opinion, expression, and assembly are all constitutionally protected in theory, 339 that is not the case in practice. Defamation is a criminal offense. 340 A 2019 protest related to alleged election fraud led to the government cutting internet access for the entire country for eleven days. 341 Two months prior, two bloggers were arrested and detained for two months because they shared information pertaining to corruption of government officials. 342 In addition to accusations of corruption by both individuals and NGOs, the government has been accused of operating without transparency, especially in relation to mining and fishing licenses, land distribution, tax payments, and government contracts. 343

The police are also accused of corruption. Torture and abuse in prisons is common, police often assault suspects, and they arrest people without stating the charges. 344 Black HRDs and women are particularly vulnerable to human rights violations. 345 HRDs working on anti-slavery are also especially at risk. 346 NGOs also face many restrictions, with the *Law on Associations* giving the government control over authorization and legalization of organizations. 347 The country ratified the ICCPR,

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337 https://freedomhouse.org/country/mauritania/freedom-world/2020
338 https://freedomhouse.org/country/mauritania/freedom-world/2020
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ICESCR, CEDAW, and CAT. Mauritania is not a member of ECOWAS and thus is not under the jurisdiction of their court. They are subject to the African Court.

**Overall Recommendations Include:**

- Mauritania must make their human rights commission compliant with the Paris Principles to reach an A status.
- The government must repeal laws that restrict NGOs.

**Niger**

Though the current leadership in The Niger was democratically chosen, there were many irregularities in the recent elections after a 2010 military coup. Coupled with instability due to militant groups, HRDs and their rights face many restrictions. In 2015 a state of emergency was issued in the region of Diffa, and it was extended in 2017 to also cover Tillabéry and Tahoua. This state of emergency contributes to harassment of HRDs. Corruption and lack of access to governmental information do not help matters.

For some HRD’s, Niger’s efforts to re-join the Extractive Industries Transparency Initiative, announced in 2019, is a potential step forward, considering the lack of transparency of government information pertaining to mining, uranium, and oil.

HRDs working on environmental rights and corporate accountability are among the most vulnerable in the country. In 2014, Ali Idriss and nine other HRDs were arrested and judicially harassed for opposing a uranium extraction deal and calling for publication of the terms of the deal as required by law.

The Constitution stipulates protections for expression and assembly, though is does not explicitly mention HRDs. The Constitution also states that international treaties take precedence over the country’s laws. Other important laws include the Press Law of 2010 which decriminalized defamation and banned pre-trial detention for journalists charged with crimes related to their work. However, police forces are often unaware of the law. Though the government claimed in 2016 that no journalists had been detained since 2011, non-governmental reports say

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348 [http://www.claiminghumanrights.org/mauritania.html?&L=0](http://www.claiminghumanrights.org/mauritania.html?&L=0)
349 [https://www.ecowas.int/member-states/](https://www.ecowas.int/member-states/)
350 [http://www.claiminghumanrights.org/mauritania.html?&L=0](http://www.claiminghumanrights.org/mauritania.html?&L=0)
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352 [https://freedomhouse.org/country/niger/freedom-world/2020](https://freedomhouse.org/country/niger/freedom-world/2020)
353 [https://freedomhouse.org/country/niger/freedom-world/2020](https://freedomhouse.org/country/niger/freedom-world/2020)
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otherwise.\textsuperscript{363} In June Samira Sabou was detained and charged with defamation for a social media post about corruption.\textsuperscript{364}

A recent law prohibiting protests on “business days” has also interfered with HRDs’ freedoms.\textsuperscript{365} In 2019 police disbanded protests related to electricity and water cuts, citing this law.\textsuperscript{366} Authorities must authorize protests, and they arrest those who choose to protest without permission.\textsuperscript{367} HRDs are also often detained for extended periods of time, with the state of emergency allowing police to arrest in mass and detain anybody suspected of linkages with terrorists.\textsuperscript{368} In 2018, 26 people were arrested after a peaceful rally.\textsuperscript{369} Four HRDs who did not participate in the protest were nonetheless detained as well: Moussa Tchangari (journalist), Nouhou Arzika (NGO president), Lirwana Abdourahmane (lawyer), and Ali Idrissa (NGO coordinator).\textsuperscript{370} They were each detained for four months before trial, and received three-month sentences related to provoking a gathering through their writings and posters.\textsuperscript{371} Earlier this year, the parliament passed legislation to permit wiretapping to help curb terrorism\textsuperscript{372}, which could further impede HRDs’ work and violate their rights.

Despite the multitude of human rights violations, Niger has a NHRI and has ratified multiple international treaties. The \textit{National Commission for Human Rights} is in full compliance with the Paris Principles and operates without government obstruction.\textsuperscript{373} Both the \textit{National Commission for Human Rights} and the \textit{Commission and the Office of the Ombudsman} lack resources.\textsuperscript{374} Niger has ratified the ICCPR, ICESCR, CEDAW, and CAT.\textsuperscript{375} They are also a member of the African Union, with the African Court protocol ratified.

Overall Recommendations include:

- Niger needs to improve enforcement of their existing laws, repeal laws that deprive constitutionally guaranteed rights, and create new legislation to specifically protect HRDs.
- Legal bodies must be better educated on the Press Law.
- Law limiting protests to business days and laws requiring authorization for protests should be repealed.
- The country is currently violating their ratified international treaties despite their Constitution giving them great weight. The Constitution must be upheld.

\textsuperscript{363} \url{https://www.protecting-defenders.org/sites/protecting-defenders.org/files/UNSR%20HRDs-%20World%20report%202018.pdf} p.56
\textsuperscript{364} \url{https://www.frontlinedefenders.org/en/case/journalist-samira-sabou-arrested-and-charged}
\textsuperscript{365} \url{https://freedomhouse.org/country/niger/freedom-world/2020}
\textsuperscript{366} \url{https://freedomhouse.org/country/niger/freedom-world/2020}
\textsuperscript{367} See \url{https://freedomhouse.org/country/niger/freedom-world/2020}
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\textsuperscript{369} \url{https://freedomhouse.org/country/niger/freedom-world/2020}
\textsuperscript{370} \url{https://www.protecting-defenders.org/sites/protecting-defenders.org/files/UNSR%20HRDs-%20World%20report%202018.pdf} p.56
\textsuperscript{371} \url{https://www.protecting-defenders.org/sites/protecting-defenders.org/files/UNSR%20HRDs-%20World%20report%202018.pdf} p.56
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\textsuperscript{376} \url{http://www.claiminghumanrights.org/niger.html?L=0}
✓ The government should also put mechanisms in place to protect HRDs from reprisals due to conflation with terrorism.

Nigeria

Political unrest due to corruption and instability caused by extremist groups has contributed to a dangerous working environment for HRDs. The most recent election involved a postponement in voting, disenfranchisement of voters and delays at polling locations, lack of transparency about vote counting, and violence and intimidation. In addition to corruption within the electoral process, the government is also known for its corruption related to the oil industry. Though the 2011 Freedom of Information Act is supposed to facilitate access to public records, the government usually refuses to release any information sought out. Both the governmental and security force responses to conflict with Boko Haram has led to violations of the rights of HRDs, and has led to impunity for State actors.

HRDs who speak out on issues such as corruption through journalism face sedition laws, criminal defamation, and accusations of publishing false news. Journalists are also publicly harassed and many are arrested. In 2019 Uthman Abubaker of the Daily Trust and reporter Ibrahim Sawab were detained and accused of publishing classified information. Abubakar was held for two days without charge. Journalist Omoyele Sowore, an HRD organizing around election corruption, was arrested for threatening public safety through his call for protests. Sowore was later charged with treason, money laundering, and cyberstalking. Cyberstalking is a vague law included in the Cybercrime Act of 2015.

Though there is no HRD-specific legislation, many rights are supposedly constitutionally guaranteed, including the right to assemble. The Public Order Act regulates this right, and requires HRDs to apply for licenses to hold assemblies, meetings, or public gatherings. The law also gives police discretionary powers to ban public meetings. Police are known for their corruption, as is the government. Many officers have been accused of extortion and bribery, disregarding due process, prolonging pretrial detentions, extrajudicial killings, and torture. Protests recently broke out in the country to protest police brutality.

376 https://freedomhouse.org/country/nigeria/freedom-world/2020
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Nigeria’s NHRI recently came back into compliance with the Paris Principles. The Commission specifically lists HRDs as a focus area. The ICCPR, ICESCR, CEDAW, and CAT have all been ratified, as has the African Union’s protocol for the African Court.

**Overall Recommendations include:**

- Creating an HRD-specific law that includes an enforcement mechanism including the clarification of the Cybercrime Act to prevent targeting of HRDs,
- Repeal or revise the Public Order Act that eliminates the Act’s infringement of the right to assemble.
- Nigeria’s Environmental Rights Action HRD organization should be involved as they see fit.
- Put in place mechanisms to hold police accountable for extrajudicial violations.

**Senegal**

Until recently, Freedom House considered Senegal to be a “free” country. The country is now listed as “partly free” due to the exclusion of political opposition from the 2019 presidential election because of their involvement in corruption cases. The President also recently abolished the position of Prime Minister. While the government is generally considered to be transparent, this does not extend to information about government contracts or bilateral agreements.

The biggest obstacle for HRDs working in the press is the 2017 Press Code which expanded punishments for defamation charges, gave authorities the power to shut down media outlets without judicial oversight, and enabled the government to block published material deemed to be “contrary to morality.” HRDs also believe that the new 2018 Code on Electronic Communications could be used to stifle free speech. The code allows for the imposition of traffic management on internet usage and the slowing down or complete denial of access to certain websites.

Freedom of assembly is also stifled by requirements for advance government approval of protests. HRDs who do not adhere to this law can receive a fine and three-year prison sentence, while those who organize unapproved gatherings can receive up to five years imprisonment. In 2015, twelve HRDs were imprisoned for...
21 days for involvement in a banned protest. HRDs working on environmental rights are especially targeted. Mustapha Gueye was murdered by illegal loggers in 2018 because of his opposition to logging. In 2013 21 HRDs in Niayes were arrested because they opposed a visit by State officials assessing compensation of farmers for land annexations for mining. Ibra Fall, Gora Wade, and Djibril Bèye were charged with illegal assembly and plundering machinery.

Senegal ratified the ICCPR, ICESCR, CEDAW, and CAT, as well as the African Court protocol. However, the country’s human rights commission, Comité sénégalais des droits de l’homme, is not fully compliant with the Paris Principles. The Comité also has not been active on the topic of HRDs.

Overall recommendations include:

✓ Senegal can start it’s enhancement HRDs’ human rights protections with further transparency about government contracts and bilateral agreements.
✓ The Press Code and the Code on Electronic Communications should be clarified to prevent the infringement of HRDs’ rights to freedom of expression and press.
✓ The law requiring advance approval for protests should be repealed, and a law should instead be created that specifically protects HRDs’ rights.
✓ The government should development a focus of the Human Rights Commission on protection of HRDs.

Sierra Leone

Sierra Leone’s civil war ended in 2002 and conditions are generally considered to have improved since then. 2019 saw investigations into corruption of the former president, and corruption remains a problem. Transparency has been a problem with an ineffective Right to Access Information Commission created in 2013. However, the country is a member of the Extractive Industries Transparency Initiative, and makes their leasing lease agreements public.

Despite this transparency, Sierra Leone is extremely dangerous for HRDs working on land rights and mining. Six members of the Malen Land Owners and Users Association were arrested in 2014 after peacefully attempting to prevent land grabs.
Overall recommendations include:

✓ Create legislation specific to protection of HRDs by involving the local HRD network, Network Movement for Justice and Development.

✓ The government should protect land rights and hold companies accountable for property right violations.

✓ Policy regulations impeding work of NGOs should be repealed.

Accounts of these violations cannot be brought to the African Court because Sierra Leone has not ratified that protocol. However, the ICCPR, ICESCR, CEDAW, and CAT are ratified. Sierra Leone’s human rights commission is a potential source of remediation as it is accredited in accordance with the Paris Principles. The Commission works with the Human Rights Defenders Network, an organization that monitors and documents human rights violations.

Journalists working to cover human rights violations like these face serious reprisals as libel and sedition laws persist in Sierra Leone. Those who speak out online face internet shutdowns, and the government reportedly monitors discussions on social media platforms. People taking to the streets to express their opinions and right to assemble face excessive police force, including use of tear gas. Police who use such force are rarely held accountable, despite the ability of civilians to report violations to the Police Complaints, Discipline, and Internal Investigations Department or the Independent Police Complaints Board. NGOs working on these issues have to confront the Non-Governmental Organizations Policy Regulations, passed in 2017, which introduced measures like registration requirements and rules on taxation and fees.

Accounts of these violations cannot be brought to the African Court because Sierra Leone has not ratified that protocol. However, the ICCPR, ICESCR, CEDAW, and CAT are ratified. Sierra Leone’s human rights commission is a potential source of remediation as it is accredited in accordance with the Paris Principles. The Commission works with the Human Rights Defenders Network, an organization that monitors and documents human rights violations.

Overall recommendations include:

✓ Create legislation specific to protection of HRDs by involving the local HRD network, Network Movement for Justice and Development.

✓ The government should protect land rights and hold companies accountable for property right violations.

✓ Policy regulations impeding work of NGOs should be repealed.
✓ The mechanisms in place to hold police accountable for excessive force should be improved, and accountability measures should be enforced.

✓ The government should also stop monitoring private conversations online.

**Togo**

The Gnassingbé family, also known as the leaders of Togo, are longest-ruling dynasty in Africa. After President Gnassingbé Eyadéma died in 2005, his son took over the presidency through fraudulent elections, with support of the military. In 2017 HRDs, relying heavily on internet organizing and protests, demanded the President reinstate term limits. In response to this call for an end to corruption, the government shut down the internet for nine days. The following year the government passed a new cybersecurity law that criminalizes publication of false statements and “breaches of morality.” The law also allows for electronic surveillance. HRDs received a small victory when a 2019 law reinstated the presidential term limits, although it is not retroactive.

While the Constitution guarantees freedom of assembly, many national laws limit it. A 2011 law introduced a notification system for assemblies, which is arguably better than the authorization previously in place, but the law is very vague about its application. According to the 2015 penal code, assemblies that have not been correctly notified can lead to fines and prison sentences. This new penal code also reinstated fines for defamation. In 2019 Togo modified their freedom of assembly to include time and place restrictions, and limits on the number of protests.

Protests are often met with force, with seven people killed in 2015 when officers dispersed a protest by firing into the crowd. The HRDs killed were protesting displacement of residents for purposes of a nature reserve. When protests broke out in 2017, police responded by killing ten adults and three children, and 60 people were arrested. In 2018, after protests about presidential term limits, authorities banned protests temporarily. Police have been known to use excessive force, including torture, even though the penal code criminalizes it. The judicial system has its own corruption problems as well.
Despite this violence, Togo’s human rights commission is fully compliant with the Paris Principles.\textsuperscript{448} As of 2016 the Commission has a mechanism to help prevent torture, though the body is not fully independent from the government due to the President’s power to appoint some of the body’s members.\textsuperscript{449} ICCPR, ICESCR, CEDAW, CAT, and the African Court protocol are ratified.\textsuperscript{450} Togo is also working to pass legislation specific to HRDs.\textsuperscript{451}

Overall recommendations include:

✓ Strengthen legislation on HRD protection in line up with model legislation and include a mechanism to help with enforcement.

✓ The human rights commissions mechanism against torture should be strengthened taking away the government’s power to elect members.

✓ Laws that limit freedom of expression and assembly should be repealed, including provisions allowing for electronic surveillance, restrictions on protests, and defamation charges.

✓ Police brutality needs to be curbed and authorities held accountable for extrajudicial acts.

Overall recommendations and polices for all

Listed below are six policy actions that are critical to a range of governments, multinational organizations, national human rights institutions, donors, civil society organizations, the African Commission, ECOWAS, the UN, and other stakeholders. These policy actions aim to create a safe and enabling environment in which the National and Frontline Grassroot HRDs will be able to operate.

Policy Action 1: Raise the profile and expose the problem by addressing the under-reporting of attacks and reprisals against HRDs in the region, and create visibility about HRDs and their work.

✓ Most of all there is a need for evidence-based documentation and fact finding regarding the problem. The evidence of concerns about protection is not in a centralized location, which makes it difficult to understand the scale of the problem.

✓ Significantly more effort in this direction is needed to be done by directly supporting Frontline Grassroots HRD and local, national, and regional partners.

✓ Few of the HRDs or coalitions had monitoring and evaluation systems related to protection issues. Generally, the main gap is the lack of baseline data highlighting the overall problem. There is also diminished capacity for local, national, and regional media institutions to investigate and report on attacks and reprisals of HRDs. There is a need to launch a robust regime to monitor

\textsuperscript{448} https://nhri.ohchr.org/EN/AboutUs/GANHRIAccreditation/Documents/Status%20Accreditation%20-%20Chart%20-%20November%202019.pdf p.6


\textsuperscript{450} http://www.claiminghumanrights.org/togo.html?l=0

\textsuperscript{451} https://www.frontlinedefenders.org/sites/default/files/global_analysis_2019_web.pdf p.15
Frontline Grassroots HRD, especially those that operate in very remote communities and villages.

✓ Monitoring and evaluating the protection of HRDs would include keeping track of the number and types of violations taking place, the alleged perpetrators, the method of recourse, and the outcome of the process. The aim would be to show the type and frequency of violations, who is targeted and what mechanisms are available and utilized for recourse. Currently there is no single mechanism by country that looks at the trends over time. National and regional mechanisms have the mandate, but they do not have the funds or the technical or institutional capacity. In some of the countries the NHRI could play this role but they too are often underfunded, suffer from weak or unclear legal mandates, and may have problems with governments interfering in their work.

✓ Multilateral and bilateral development partners, UN agencies, and international organizations have a specific role in this.

**Specifically, this means that:**

✓ Frontline Grassroots HRDs need to be empowered to document the violations being committed against them.

✓ Local, national, and regional civil society organizations and coalitions who directly support HRDs need to be empowered to document the violations being committed against them.

✓ Local, national, and regional media organizations and independent journalists who support HRDs need to be empowered to document violations being committed against them and engage them directly.

✓ National coalitions need to engage with Frontline Grassroots HRDs to set up systems to monitor the range of abuses that are being committed by country in the region.

✓ National HRDs need to be engaged at the regional and international level with UN agencies HRC and UPR processes to further expose the problem. ECOWAS, African Commission and Special Rapporteurs must be encouraged to visit countries to further investigate the problem.

✓ Recognize the wide, diverse range of HRDs that come from different backgrounds, cultures, and belief systems. Recognize the significance of the gender dimension to the protection of HRDs.

**Policy Action 2: Putting the HRD or Frontline Grassroots Defenders at the center by building their capacity to take the issues forward.**

✓ A rights-based approach to protection, empowering defenders to know and claim their rights. HRDs need to be supported with physical security, digital security, and psychosocial wellbeing.

✓ The environment from which the HRD comes from should also be considered and protection needs to go beyond the individual to include their community, family, friends, and anyone else who shares their risks.
✓ Capacity building and institutional support programs much be tailored and driven by interests, aspirations, and strategic direction of the HRDs in a manner that is respectful, and takes cognizance of the cultural, the specific needs, local context, and circumstances of HRDs. It must consider the Free, Prior Informed Consent of the HRDs.

✓ HRDs should be involved in the planning, development, implementation and evaluation of strategies and tactics for their protection. The participation of HRDs key to their security. Strategies and tactics should be flexible, adaptable, and tailored to the specific needs and circumstances of HRD.

Policy Action 3: Strengthen the legal and policy framework.

✓ Laws that are hindering and impeding the work and protection of HRDs need to be diagnostically assessed, analyzed, and monitored. Concerted efforts need to be made to reform, modify, repeal, amend, or revise them. New laws need to be in place, and efforts are needed to ensure implementation and compliance. Greater accountability is needed at the local, national, regional, and international levels, with checks and balances in place. More effort is needed, and funding provided to address these challenges and provide opportunities for greater accountability, access to justice and remedy.

✓ Monitoring and keeping up to date on laws that impede and obstruct, and how they hinder and endanger HRDs will serve to understand the extent of the problem and create evidence-based advocacy to support reforming and changing the law. The new ISHR model law for the protection of HRDs offers opportunity for greater protection of HRDs; however, it is important to monitor its use and effectiveness.

✓ Carry out a country-by-country diagnostic analysis of laws, programs, and policies that repress HRD’s, and take steps to repeal those laws. Develop specific laws, programs, and policies that protect communities and individual HRDs. Develop specific legislation on protection of HRDs in each country.

Policy Action 4: Ensure implementation of the laws and the development of an effective HRD mechanism, legal clinics, and other enforcement support.

✓ During interviews of Frontline Grassroot HRD to build their profiles and create visibility about their work, and based on the policy and legal review of protection measures for HRDs in the region, one of the major obstacles was lack of access to justice for HRD and huge challenges and difficulties in obtaining legal aid and access to lawyers for protection activities, especially the avalanche of frivolous lawsuits, criminalization, and imprisonment of HRDs across the West African sub region.

✓ Academic institutions and philanthropic organizations should support and fund the establishment of a tailor-made clinics specifically targeting HRDs as a protection and implementation mechanism to reverse and respond to criminalization across the region.
✓ At the national level, protection-related issues can be addressed in various ways, for example through support from a paralegal or lawyer, community action, court case, NHRI, or Ombudsman. Being able to show the outcomes helps to garner further support for addressing violations.

✓ At the regional level it is critical to monitor the outcome of cases being heard in the ECOWAS Community Court of Justice. Equally critical is the level of compliance by governments, once verdicts are made. This type of monitoring in real time can help to keep the regional court viable.

✓ As there are significant accountability mechanisms in place at the international level through the UN and EU mechanisms highlighted in this report, it is important that grassroots information is reported upwards. More accurate data will enable greater understanding, and will improve the international community’s ability to act.

✓ National Human Rights Commissions should be further resourced to serve as an effective HRD protection mechanism.

✓ Civil Society should work through networks and organizations that are well-resourced to play a supportive role to monitor and ensure that the national human rights mechanism is working effectively.

✓ The mechanism needs to be responsive, independent, and capacitated to investigate complaints on threats or violations against HRDs in a prompt and effective manner, and to initiate appropriate disciplinary, civil, and criminal proceedings against perpetrators, as part of systemic measures to prevent impunity for such acts.

✓ Greater support is necessary for networking and experience sharing. Some of the community-level protection measures are effective, but they require time and more support. A combination of strategies at the community, national, and international level needs to take place. Greater links need to be made between National HRDs and Frontline Grassroots HRDs. Communities need to be better linked to national, regional, and international processes. Greater accountability is needed at all the levels.

✓ At the national level, protection-related issues can be addressed in various ways, for example, through support from a paralegal or lawyer, community action, court case, NHRI, or Ombudsman. Ability to show the outcomes helps to garner further support for addressing violations.

✓ At the regional level, it is critical to monitor the outcome of cases being heard in the ECOWAS Community Court of Justice. Equally critical is the level of compliance by governments, once verdicts are made. This type of monitoring in real time can help to keep the regional court viable.

✓ As there are significant accountability mechanisms in place at the international level through the UN and EU mechanisms highlighted in this report, it is important that information is reported upwards. The more accurate the data, the greater the understanding and the greater the ability for the international community to act.
National Human Rights Commissions should be further resourced to serve as an effective HRD protection mechanism.

Civil Society through networks and organizations that are well resourced will also play a supportive role to monitor and ensure that the national human rights mechanism is working effectively.

The mechanism needs to be responsive, independent, and capacitated to investigate complaints on threats or violations against HRDs in a prompt and effective manner. Further, the mechanism must be able to initiate appropriate disciplinary, civil, and criminal proceedings against perpetrators, as part of systemic measures to prevent impunity for such acts.

Policy Action 5: More support is needed to provide HRDs and their organizations with funding and capacity-building support.

The difficulty in obtaining funding for protection activities and to build capacity of staff was a major gap highlighted by almost every HRD. Many of the HRDs said that it was hard to retain staff because they could not pay them regularly. Sometimes staff went for periods without pay when there was no available project funding.

Despite being the regional firewall and working at the frontline as first responders facing reprisals and risk, not a single HRD received core administrative and operational funding. In fact, most funding was project-driven, highly inflexible and, more often than not, with stringent budgetary restrictions.

There is a need for an alternative, flexible funding mechanism targeting Frontline Grassroot HRD in the remote communities and villages where they operate.

Many HRDs and members of their communities are illiterate or semi-literate, and are living in informal communities. It is a violation and an abuse of their rights to mandate these populations must register as a “not for profit,” and to have a place in statuary governance structures akin to Eurocentric structures, prior to being eligible for funding. This is especially true, given HRD’s are the first responders and the firewall against the abusers of human rights and the environment.

Policy Action 6: Ensuring that all HRDs are accounted for, recognized, protected, and supported.

Herders, Farmers and Defenders Nexus- in the Sahel

The Office for the High Commission for Human Rights, including relevant Special Rapporteurs and local and international human rights organizations such as Green Advocates, The MRU CSO Platform, Global Witness, Green Peace, The International Land Coalition, Defend the Defenders Coalitions, Amnesty International and Human Rights Watch and others need to consult widely on the designation of what qualifies a HRD to be considered an environmental and land rights defender, so there is unanimity and universality about the designation of such defenders, whether
or not they are indigenous peoples murdered in South and Central America; herders in Africa defending their ancestral and historical grazing lands, corridors and routes; farmers defending their crops, farmlands and communities; artisanal miners defending their mining claims and artisanal way of life; Fulani’s or Tuareg indigenous tribes defending their territories.

**Extremist-Defenders Nexus in the Sahel**

The Office for the High Commission for Human Rights, including relevant Special Rapporteurs along with local and international human rights organizations such as Green Advocates, The MRU CSO Platform, Global Witness, Green Peace, The International Land Coalition, Defend the Defenders Coalitions, Amnesty International and Human Rights and others, need to consult widely on the nexus between extremism and the work of defenders, so as to avoid using a broad brush and a narrative that does not distinguish between legitimate defenders work and extremist organizations, so that, for example, Indigenous Tuareg communities who are defending their territories and way of life are not stigmatized as extremists.

**Table 1: Prioritization table for action**

<table>
<thead>
<tr>
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<th>Policy 1</th>
<th>Policy 2</th>
<th>Policy 3</th>
<th>Policy 4</th>
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<td></td>
<td></td>
<td></td>
<td></td>
<td>X</td>
</tr>
</tbody>
</table>

**Governments should:**

- Publicly recognize the vital and legitimate work of HRDs to disseminate and raise awareness about the Declaration, and actively respect and protect the right to defend rights. Governments should also address the anti-development rhetoric of terrorists and mercenaries that is endangering the lives of HRDs. They should also change laws and respect the communities by putting them first.
- Enact policies and legislation that account for specific protection of vulnerable groups like women and indigenous persons.452
- Increase the independence of investigative and judicial bodies, and install safeguards against undue influence or interference from internal or external actors.453

452 https://undocs.org/en/A/74/159 p. 22
453 https://undocs.org/en/A/74/159 p. 22
✓ Set up protection mechanisms that are accessible to HRD operating in conflict-affected and rural areas.

**National Human Rights Institutions**

Benin, Burkina Faso, Cabo Verde, The Gambia, Guinea, Guinea-Bissau, Mali, Mauritania, Equatorial Guinea, and Senegal specifically must improve their NHRI. However, the following provisions should be implemented across the region.

- a) include a focus area on the protection of HRDs
- b) create early warning systems
- c) include programming on protection pertaining to physical security, digital attacks, and psychological support
- d) conduct a systematic review of existing legislation to ascertain compliance with international standards
- e) develop concrete action plans to support and protect HRDs, and establish focal points to ensure effective implementation and evaluation of such plans
- f) include a system for documentation and monitoring of human rights violations of HRDs; establish an independent mechanism for supervision of security and police forces’ adherence to human rights laws and standards

**Multinational companies and other non-state actors:**

- must also have a role in protecting HRD as a precondition for being allowed in a country, and should work closely with government and other actors in support of HRDs and communities.
- should incorporate the Guiding Principles on Business and Human Rights into company policies and internal and external regulations to ensure that corporations are compliant with all national laws and any oversight bodies that may be applicable, depending on the sector.
- should avoid supporting countries that have not met their human rights obligations
- use their influence to encourage governments to improve protection of HRDs

**Local, National, Regional, and International media institutions, investigative journalists**

- must engage and report on stories to increase the coverage of attacks and reprisals on HRDs

**Private Foundations, Philanthropies, and Donors**

- provide long-term, sustainable, flexible financial support to HRDs and their organizations and networks, providing for their ‘holistic protection’

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✓ implement internal due-diligence standards to avoid supporting projects that violate human rights or detrimentally impact the work of HRD.\(^\text{455}\)

✓ incorporate the Guiding Principles on Business and Human Rights into company policies and internal and external regulations.\(^\text{456}\)

✓ avoid providing support to governments that have not met the above recommendations and that are not meeting their human rights obligations; encourage governments to improve protection of HRDs

✓ should implement the Zero Tolerance Pledge into their institutional policies.

**The African Commission and ECOWAS should**

✓ use their offices to monitor the situation of HRD and especially that of Frontline Grassroots HRDs

✓ pay special attention to vulnerable groups; accountability to Frontline Grassroots HRDs and their communities

**The United Nations**

Strengthen the protection of HRDs and prevent violations against them, including through the ‘Rights Up Front’ initiative and the Sustainable Development Goals, and by strengthening its institutional response to cases of reprisals against those who cooperate with UN human rights mechanisms. The need to prevent and ensure accountability for reprisals is particularly important, given the Special Rapporteur’s finding that HRDs are increasingly relying on international and regional human rights mechanisms: either to complement and strengthen domestic advocacy efforts, or because democratic institutions and the rule of law are weak or non-existent at the national level.

**National HRDs and Civil Society**

✓ educate HRDs on their international, regional, and national rights, and encourage use of the “Human Rights Defender” identifier

✓ educate communities on the role of HRD and their importance to foster community support

✓ participate in the UN Human Rights Council’s Universal Periodic Reviews by (a) taking part in national consultations; (b) submitting information for the national report; (c) attending the review; (d) holding an affiliated event; (e) screen the webcast of the review; (f) lobby the government to accept the recommendations; (g) make an oral statement or submit a written statement during the report’s adoption; (h) monitor implementation, engage with the government, and submit a mid-term report between reviews.\(^\text{457}\)

\(^{455}\) https://undocs.org/en/A/74/159 p.24

\(^{456}\) https://undocs.org/en/A/74/159 p.24

\(^{457}\) https://www.upr-info.org/en/how-to/role-ngo
Annex 2: Community Based Human Rights Protection Protocol

Introduction and Background

The community-based human rights protection protocol aims to serve as a guide to assist in the defence of communities and Frontline Grassroot HRDs, and for National HRDs for their own protection. Suggested strategies must correlate with the work they do and the risks facing HRDs and communities who are largely unaware of their own rights, and lack understanding of the legal framework and actors that can help them to protect themselves and their communities.

Methodology

Overall, key informant interviews (KII) were carried out, including seven (7) WHRDS and 23 HRDs from all 17 countries. This was complemented by a very extensive Desk Review incorporating information from a conference report from the Peoples Summit held in Makeni Sierra Leone in 2019 that brought together HRDs from the region to share experiences. The informants’ experiences are shared in this section.

Purpose/Goal and overview of this section

The aim of the Community based human rights protection protocol is to highlight what individuals and communities can do, step-by-step, moving forward to protect their own rights and the rights of communities to land, livelihood, and environment.

The purpose is to show examples of what has been done by National HRDs and Frontline Grassroots HRDs within West Africa that represent collective or community-based protection strategies. The aim is to highlight strategies that have been successful and can be used as collective or community-based protection strategies.

Overall, these are developed up and highlighted in the tool by:

1. Case studies and stories highlight examples of what has taken place in the region are aimed to help other those in similar situations learn from their experience

2. Frequently Asked Questions help to draw out the key issues that both Frontline Grassroots HRDs may have, to help them understand key aspects of both individual and community protection strategies

3. Step-by-Step Descriptions explain approaches one step at a time, and illustrate how strategies can be used as collective or community-based protection strategies.

The importance of preparation and the availability of redress and remedies are critical to ensure community-based protections. Examples drawn from across the region show how individuals and communities prepare themselves to take on governments and multinationals in protecting their rights. Good preparation and protective strategies require understanding what is available to you at the legal and policy level.
Case Studies

Case Study: Developing protection checklists to keep communities in check

Protection of communities, organizations, and networks begins with individual actions and accountability for one’s own behaviour and actions. Individual and community-based risk assessments are critical for both National and Frontline Grassroots HRDs to consider as they help individuals become critically aware of their own surroundings and the strategies, they can use to protect themselves. Lessons can also be drawn from these individual strategies to be used as a collective strategy also.

While a National HRD might be more concerned about digital security or where their office is located, a Frontline Grassroots HRD may concern with making sure he or she has a network of members of his community set up to stand with him or her in case of an arrest. The Table x Protection checklist demonstrates some key precautions that may be relevant for each as an example.

Table: Protection Checklist

<table>
<thead>
<tr>
<th>Individual and collective responsibility</th>
<th>Individual</th>
<th>Collective</th>
</tr>
</thead>
<tbody>
<tr>
<td>Personal responsibility for own safety through adhering to a strict code of ethics</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Importance of maintaining integrity in the work</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Keeping a low profile which ranged from going into hiding or just being extra vigilant daily.</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Understanding the type, level and risk faced in one’s own environment.</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>At times, practicing self-censorship.</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>Aware of environment and being critically aware of how these associations may impact your work in the long term.</td>
<td>X</td>
<td>X</td>
</tr>
</tbody>
</table>

Case study: Developing a security risk assessment and protocol to keep individual and staff safe including contingency planning for worst case scenarios:

Being prepared is key to individual, organizational or community safety. Some key questions to ask are:

- What are the risks facing me, my organization, and my community?
- How do I keep myself safe in my environment?
- What do I need to do, to keep me, my organization, or my community safe?
- What can we do collectively as a community or organization to keep ourselves safe?

One HRD from Liberia developed a security risk assessment and protocol that specifies actions that individuals within his organization should take to keep staff members safe, and also protect the organization itself. This example can also extend
to communities as individual actions by community members can play a role in putting communities at risk.

The Liberian HRD’s first step was to be careful about whom he associated with. These associations extended to whom he selected to his board of directors; therefore, he chose a board member that he perceived as neutral. The Liberian HRD was also careful with whom he was seen in public, and with whom he worked in coalition. For instance, he advised that staff of the organization should not attend a “peace march,” even though it was an issue that staff members felt strongly about. He felt it was risky because he did not know who would participate, or how it would be perceived by others. In his experience, there were always opportunists within the crowd, and he did not want to risk his work being politicized in any way.

To protect staff and the organization more generally, strict travel protocols were established. These included sharing travel plans on a need-to-know basis, such as only letting a few people know travel plans and then setting up a daily check-in. Not meeting the check-in time would be a sign that there was a problem. Another precaution was to always travel in a group of at least two people, and in unmarked cars. Taking public transport was not advised.

In times of potential unrest, such as during periods leading up to elections or during elections, when violence can easily erupt, this HRD put extra safety protocols in place. Some of the precautions included leaving work early, using different routes to get home, and setting up a nightly check-in with staff.

To be prepared for an extreme emergency such as total breakdown of law and order, or following verbal threats of arrest, or around the release of a sensitive report or press release, HRDs spoke about contingency planning to assess the level of risk and make plans accordingly. This HRD shared that he and his staff always carried out worst-case scenario planning such as allocating emergency money that was easily obtainable, setting a rallying point, and a plan to meet staff and family members in a designated location, including one over a country border.

Available money on hand: one HRD from Liberia shared that he has funding available for relocation of community members who participate in his programme because he is aware of the risks that they may face for their involvement in the work. In the last five years of his programme, he has temporarily relocated 5 people within Liberia for periods of between three to six months each.

One key remedy was to go into hiding, either temporarily in their own country or across a border, either within Africa or further afield. This is a good strategy to explore, and can be used by both National HRDs and Frontline Grassroots HRDs.

Protections strategies for the collective

- Low profile by not bringing attention to yourself or your organization as a key strategy, for example intentionally not being present on social media.
- High profile as a strategy to bring attention to yourself as a safety measure.
Choosing your associations carefully, including who you choose to be on the board of your organization, and with whom you associate with in public.

Contingency planning around sensitive periods such as during an election when you may be a target, or upon the release of sensitive information to the public.

Case Study: Women Working Together in Coalition as a Form of Protection

Often WHRDs work together in groups or coalitions, a strategy to make it more difficult for them to be singled-out. In Sierra Leone and Liberia coalitions have been created including Women, Mining and Extractives and Natural Resource Women’s Platform respectively. In Guinea one Frontline Grassroots WHRD supports women’s organizations to strengthen their economic and social empowerment through the right to access secure land impacted by development projects. They help to build woman’s capacity, carry out action research, and conduct advocacy and lobbying—which has resulted in building women’s collectives to claim their rights from mining companies.

Case study: Use peaceful methods first

Start by knowing and following the law and be sure to document. In Cote d’Ivoire, in response to a multinational company arriving in a village and disrupting the life and livelihood of the village and forcing villagers to relocate, two Frontline Grassroots HRDs carried out awareness raising and sensitization meetings as a strategy to engage the government and put them in a position to act on behalf of the community.

However, there was no response from the government. The Frontline Grassroots HRDs said that, despite their peaceful efforts, the government and the multinational continued to supress, harass, intimidate, and arrest them.

Starting with the use of peaceful methods shows good will to the both the government and the multinational company, and shows that you are trying to give them an opportunity to do the right thing. It can also be a form of protection for the community because the government and multinational have no grounds to take legal or illegal action against the community.

Step by step—Starting with peaceful demands:

1. Demonstrate peacefully and make clear what by making your demands known in writing, and give them a time frame for their action.
2. Document every action the government takes – including inaction.
3. Have a plan in case the government does not take action; for example, trying to engage with government officials directly, going to the media, or acting through court.

458 https://www.defendingwomen-defendingrights.org/about/
459 Guinea: Grassroots Frontline Human Rights Defender’s Profiles
4. Build allies and make your intentions known loud and clear to the community.

5. Share all of what has been documented at the international level to an Embassy, the UN, and the media.

Preparing your strategy includes understanding what tools are available, including policies, laws, or institutions to use and engage with.

**Stories: Strategies for engaging with government agencies**

Strategies for engaging government agencies can lead to greater community protection. Experiences from Sierra Leone, The Gambia, Liberia, and Nigeria offer good examples of how to engage government on issues of importance to HRDs. A combination of roles can be used to engage with relevant government agencies to help them to their job and solve issues that may arise in the community.

→ The People’s Forum held in Sierra Leone brought HRDs and Frontline Grassroots HRDs from the region and from communities to the conference where organizers had invited government officials to speak; these included representatives from the Minister of Lands, Housing and the Environment and the Anti-Corruption Commission. This was not only an opportunity for these officials to speak, but also to listen. Just by being present at the forum and listening to the people’s stories, officials gained greater understanding and empathy for the problems of the HRD. Participating in a solution-oriented forum, members of government and Frontline Grassroots HRDs had the opportunity to come up with solutions that they could jointly be accountable for solving. Also, having the government officials at the conference and speaking publicly is an opportunity to hold officials accountable for what they say publicly, and can serve as a form of community protection.

→ In the Gambia, a National HRD helped to build the capacity of community members by facilitating their engagement with Members of Parliament (MP). After several training sessions between community members and their MPs, community members started to deal directly with the MPs on their own. There are positive examples of MPs who have been responsive to community demands, and a clear sign that this approach contributed to community protection.

→ In Liberia there were several examples of how HRDs worked directly with governments offices to provide both direct and indirect protection to HRDs. Working with the Public Defender’s office, Green Advocates was able to secure the release of more than fifteen Frontline Grassroots HRDs arrested and imprisoned while protesting the operation of a palm oil company in Sinoe County. In Liberia one HRD talked about developing a roadmap that contains strategies to advance policy reforms, legislation and capacity-building programs for government, the private sector, NGOs, local communities and HRDs across Liberia. Another HRD from Liberia meets regularly with select police officers whom he trusts to gather intelligence to incorporate into his personal and organizational security plan.
One Nigeria HRD regularly engaged with the leadership of the security agencies, including both the military and police. As a lawyer he used the opportunity to teach the government officials about the law with the aim of building bridges. He said that the heads of the security agencies are predisposed to thinking of HRDs and Frontline HRDs as the enemy. However, he has learned that teaching about the law especially related to policing is effective in helping them to understand the law, the protections that are within the law, and their role in upholding the law.

Building relationships one-by-one can also impact the community by protecting others who encounter these government officials who have built relationships with HRDs in the past. One HRD shared that, while on a community visit to see if a company had complied with a recent judgement, he was arrested by the company security. The company security handed him over to the Nigerian military. As a result of that military officer having had a relationship with another HRD in the past he was able to engage with this HRD. The National HRD explained to the Nigerian military officer what he was doing in the community, and the military officer offered to accompany him on future trips to the area. Although the HRD was not interested in having a military escort, he saw the encounter as positive.

Learning: Positive individual engagement with government officials can lead to further positive individual and community engagement one person at a time. If one HRD educates an individual member of government about their roles and responsibilities this can influence others and ultimately lead to greater understanding between community and government and greater protection overall.

Case study: Example use of policy analysis a weapon to engage and hold government to account

A Guinean civil society organization conducted a ESIA of a government policy that had no grounding in Guinean law, and failed to respect the economic and cultural needs of the communities in the path of the development projects. The analysis found that the government did not consult local authorities, elected officials, and experts, such as mayors, traditional leaders, rural planners, agricultural engineers, environmental technical staff, and sociologists - despite this being good practice.

The HRD asked for a delay of 6 months, so that the government could review and amend the policy. The analysis found that the government did not consult local authorities, elected officials, or experts such as mayors, traditional leaders, rural planners, agricultural engineers, environmental experts about the actions taken by the Guinean HRD coalition in the first instance. This put a stop to work of the multinational company. Secondly it put both the government and the multinational community on notice that that they were being monitored. Lastly it showed the community that they can take steps to ensure their rights are respected.

It was concluded that as the government policy violated international standards and violated the human rights of more than 100,000 rural Guineans, and that changes needed to be made to the policy for relocating and compensating communities.
affected by major development projects, including hydroelectric dams and mines in a country thought to hold more than half the world’s supply of bauxite. Another ESIA in Liberia found that, of 68 investment contracts, only two passed the minimum threshold of compliance and they crossed all sectors including palm oil, logging, and rubber. With this information, HRDs and Frontline HRDs can build a strategy around how to develop greater accountability for addressing these issues and keeping safe.

**Recommended Step-by-Step approach for HRDs and Frontline Grassroot HRDs**

1. Identify what laws and policies exist at the national level to guide the conduct of multinationals with communities.

2. Engage with a HRD Coalition to conduct a ESIA to review the agreement made between governments and multinationals to ensure that they are human rights compliant.

3. If they do not exist, or the existing agreement is not human rights compliant, demand that government and multinational halt all activities until this is corrected.

4. During the stop orders, HRD and National HRD coalitions join the affected communities together to ensure they are alerted to the issue.

5. Make all efforts to ensure that the policy or law is well-known and understood by the government and the communities that are potentially affected.

6. It is critical to monitor the compliance of the law or policy to ensure that it is being followed.

Actions taken by communities or groups of Frontline Grassroots HRDs can serve as a form of community protection.

**Case study: Using community-based assessment tool**

Frontline Grassroots HRDs from Ghana, Sierra Leone, Guinea, Nigeria, Liberia, and Niger affected when multinationals companies moved into their communities sought outside support from a regional organization based in Ghana to address the problems they faced. One key tool to help a community to understand the situation was a *community-based assessment tool*, which is aimed to measure the human rights impact of the business activities on communities. The first step is to develop can carry out a survey to collect information about the human rights impact on the community. The process of developing the tool, and the community’s participation in it, not only gathered the information needed for the court case, but also helped the community understand the

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461 https://communitiesfirst.net/2019/03/21/guinea-analysis-resettlement-impacts-100000/
issue in depth - including its impact on their community. In the end approximately half of the community participated in the survey and felt they had a stake in it. It was also through this process that the community began to more fully understand the power dynamics in the community, especially understanding the role of the traditional leader more clearly. They discovered that he was working for the oil company and therefore constantly trying to undermine the organizers, who were fighting for the community against the oil company. It turned into a battle between the traditional leader and his supporters and the organizers and the rest of the community.

Learning: The real victory was that so many people in the community became aware of the situation, based on data about what was happening. It was clear which side people were on, and in the end, it came to the point where anyone who tried to dismantle or interfere faced a backlash with most of the community supporting the organizers who, they realized, were working in their interest. In the end the traditional leader and his supporters had to withdraw and drop their efforts. At the same time, the community members who were engaging with the survey were able to gather the information needed for their court case, which also had a community protection component.

Case study: The importance of community unity

Critical to building community protection is ensuring that communities are unified. There are several examples of how both individuals and organizations have come realize that unity is needed for effective action. In some cases, communities have learned in the hard way.

- A Frontline Grassroots HRD who was leading a community in Liberia knew that he had to lead his community when a palm oil company moved in and started to dictate terms that were not favorable to the community. Initially he suggested to the community to set up a roadblock as a disruption to the work of the company. The roadblock was initially successful in bringing the palm oil company to the table where the community was able to successfully negotiate jobs within the company. But soon after this action was taken, the company started to conspire against the Frontline Grassroots Defender by creating a wedge between him and his community. As a result, the Frontline Grassroots HRD lost his job and the community turned against him.

- Over time, the community realized that they needed the Frontline Grassroots HRD and welcomed him back to their community. Once he was reinstated, they saw that he had an important role in keeping the community unified.

Learning: The community realized the importance of community unity, and they promised to stay unified and to never by manipulated by the company again. This community learned the bitter lesson that the outside company did not have their best interests at heart and, to be successful in the future in resisting the company’s bad practices, they needed to work together to make community unity a critical component to community protection.
In Ghana one Frontline Grassroots HRD shared efforts he made to fight for his community against the government and, especially gold companies, for polluting water sources. His efforts threatened the government, and they thought they could bribe him to leave the country. When he refused their bribe, he was arrested and taken to jail. When a group of Women HRDs learned what had happened, they organized and protested his arrest. The Women HRD’s protest focused unwanted publicity and attention on the government, ultimately resulting in the Frontline Grassroots HRD being released from prison. The case was eventually dropped, highlighting the importance of unity and bringing these bad practices to light.

Learning: This case highlights the importance of unity within the community, and the exposure of bad practices of the government and multinationals as a means for community protection.

Case study: Sharing experiences and networking.

Many communities throughout West Africa, whether they are in the same countries or across the region, share similar experiences when dealing with human rights violations perpetrated against them. One national HRD in Cote d'Ivoire recognized that many of the communities faced similar challenges once a multinational company moved into their communities. This National HRD, with this bird’s eye view, thought that one important way to help community members engage was to bring them together to share experiences. The engagement process started with meetings among community members. To help identify an appropriate action to address their concerns, community members were encouraged to network and seek information with neighbouring communities who had had similar experiences that they could learn from. It was through these community-to-community information sessions, that the key tactics and lessons were shared, and participants were able to learn and meet the challenges they faced with the multinationals in their own communities. Sharing experiences and bringing what one learns from one context to a new similar one is a form of solidarity and community protection that sometimes requires the initiative taken from the outside.

Remedies for protection, redress, and greater accountability can be formal or informal, and are often a combination of the two. This section below provides an overview of available remedies, starting with the importance of building a normative framework with strengthening laws and policy.

Case Study: Bringing cases to court at the national and regional level.

Remedies at the national level have served to support the protection of the individual and communities regarding human rights issues, and have the potential to lead to greater protection of the HRDs.

→ Court procedures have also been used to buy time for communities.

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Court cases can be used as a stop-gap measure to buy time for communities to find a more permanent solution. In Guinea, a collective complaint was filed against the Ministry of Town and Regional Planning, resulting in the chairwomen of the national court stopping the demolition of houses until the complaint could be reviewed. It was a successful short-term strategy that lasted for several months and prevented a multinational from going through with their plans for demolition.

Buying this time for a more permanent solution was critical to the strategy of the Frontline Grassroots HRDs from Guinea who were able to alert the media about what was happening. In this instance, once the story was out through the media, it got the attention of Human Rights Watch and Amnesty International, who further publicized the issue. In the end the case was eventually taken to the ECOWAS Community Court of Justice.\footnote{For more information on this case: https://guineematin.com/2019/04/20/deguerpissement-a-kapororails-le-collectif-des-victimes-dement-le-croscct-et-met-en-garde/ and https://www.jeuneafrique.com/739518/societe/guinee-a-kapororails-un-deguerpissement-qui-ira-jusquau-bout/}

Learning point: This case highlights the important lesson that a strategy can have both short- and long-term goals. In this case a short-term goal bought time for a longer-term strategy to come to fruition. Short term goals should also be considered when developing strategies.

→ **National Court**: NMJD in Sierra Leone used funding and technical expertise provided by the regional coalitions (PILIWA and MRU) to take a national diamond mining company in Koidu and its various subsidiaries and related companies to national court. Despite many delays because of COVID-19, an early success in the class action lawsuit was the temporary freezing of the company’s assets, which was unprecedented in a Sierra Leone court. Eventually the asset freeze was lifted, but small wins cannot be underestimated. Small wins can build momentum for community engagement, and is a catalyst for community protection as community members become engaged and start to learn that processes are not straight forward and will take time.

→ **ECOWAS**: Following the hiring of a recent law graduate in Sierra Leone with financial support from ACA to litigate against a mining company for land loss and environmental damage, a case was filed at the ECOWAS Court of Justice against the government. A critical piece in the work has been with the lawyer who was hired. In this case the lawyer moved to the community and served as a bridge between the community and the court. The lawyer has kept the community informed throughout the duration of the court case. The lawyer’s first step was to help set up a paralegal network to regularly go to the community and hold mass meetings to keep community members informed of the developments in the court cases. Keeping community members engaged on a regular basis serves as a form of accountability, learning about these mechanisms as questions from the community can be answered as they arise. Engaging communities in the process is a form of community protection.
Learning point: The main achievement of the court case was taking the case to court, involving the affected community, and keeping them involved and updated. With the community involved, they have developed a stake in the outcome. The members of the community have also learned what it takes to bring a case forward, and what evidence is needed to do this. No matter what the outcome, the involvement of the community in the case has benefitted the community by increasing their understanding of these processes. The community will also be able to share their experiences with other communities in Sierra Leone, giving them a sense of power and pride.

Strengthening the legal framework to protect HRDs throughout the country.

Ensuring legal protections is critically important for the protection of individual and community based HRDs. Carry out a situational analysis of your own country situation to determine whether their laws adequately support HRDs. For countries such as Mali or Cote d’Voire that have strong legal protection or a model law in place, their course of action will be different than Sierra Leone or Senegal, where the model law is not yet in place.

Throughout West Africa countries are at different stages in the adoption of the model law. In Liberia, a resolution in favour of the protection of HRD began in 2015, but has not established a protective legal or policy framework for HRD’s at the national level. For the countries that have not yet adopted the laws, the first step is to start that process, as in Guinea, Senegal, and Sierra Leone who are just beginning the process.

Effort should also be made to understand the strategy used by the International Land Coalition who is making efforts to monitor the implementation of HRD laws as one of their indicators on their work with land and environmental HRDs in East Africa.

The table below provides a step-by-step approach for HRDs and Frontline Grassroot HRDs, depending on the law that protects HRDs. Ultimately, strong laws that are contextualized to local needs will contribute to much greater community protection.

Table: Situational analysis leads to one approach or the other on the law

<table>
<thead>
<tr>
<th>If a strong law or model law is in place</th>
<th>If the model law or strong legal framework is not in place</th>
</tr>
</thead>
<tbody>
<tr>
<td>➔ Become acquainted with the resources available by ISHR and reach out to the ISHR staff.</td>
<td>➔ Once the model law is adopted significant effort must be made to sensitize the relevant government agencies, HRDs and civil society actors.</td>
</tr>
<tr>
<td>➔ Organize a process where a whole range of HRD and Frontline Grassroots HRDs can contribute to developing the law to ensure it fully addresses their full range of needs.</td>
<td>➔ HRDs should engage legislators and policy makers and provide them with copies of the Model law so they are aware.</td>
</tr>
<tr>
<td>➔ HRDs and other civil society actors should inform and guide the development of proposals for a national law and create a checklist and accountability tool for</td>
<td>➔ Monitoring framework needs to be drawn up to monitoring how the law is working and whether there are any gaps in the law.</td>
</tr>
</tbody>
</table>

464 Model Law | Now available in four languages | ISHR
If a strong law or model law is in place

| contributing to the development and review of such laws and policies. |
| As the Model Law should be as comprehensive as possible, efforts should be made through a desk review and consultations to fully understand the national contexts and ensure that it considers the full range of risks and remedies for HRDs including Frontline Grassroots HRDs. Gender considerations are also key. |

If the model law or strong legal framework is not in place

| A monitoring framework should also be set up and worked through the NHRIs in the country or through a coalition. |

Case Study: Using the National Human Rights Institution

Often NHRC’s offer opportunities for individual protection, however, there are some examples where NHRC’s are used for community-based protection strategies. National Human Rights Institutions (NHRIs) are one of the few government institutions that National and Frontline Grassroots HRDs can engage with, and who play a protective role for individuals and potentially for communities in the protection and promotion of human rights. It is critical to understand a NHRI’s level of commitment in the country. For instance, the NHRIs in Ghana Liberia, Niger, Nigeria, Sierra Leone, and Togo are A status, meaning that they are recognized as compliant with the Paris Principles, while other NHRIs throughout the region either do not exist or need improvement.

Some examples below highlight how HRDs in Nigeria, Liberia, Ghana, and Mali utilized the commissions in a positive way to bring about and strengthen protection for individuals and communities.

→ In Nigeria HRDs have used the NHRC of Nigeria effectively to address cases. The NHRC of Nigeria focusses on seven human rights themes, two of which are the protection of HRDs and environmental violations in the Niger Delta. It is a relevant body for individuals and communities facing a range of human rights violations, including environmental human rights issues. The thematic team is charged with the responsibility of education and advocacy on human rights promotion and protection as it relates to environment, Niger-Delta, and development. In addition, the thematic team has the responsibility of identifying NGOs and international partners with whom the Commission can partner or collaborate, and provide training and sensitization under the thematic team providing many opportunities for interaction with the Human Rights Commission of Nigeria.

→ In Liberia, while the mandate is broad, there have been efforts by HRDs to engage with the Independent National Commission on Human Rights in Liberia (INCHRL) as they are seen as an ally. At times they have come to the defense by issuing a press statement in support of Green Advocates when providing a form of community protection. The INCHRL has also put together a human rights hall of fame also providing a form of community protection.
In Mali, HRDs are actively engaged with their spoke about National Human Rights policy that is accompanied by an action plan. Their hope is to establish a National Directorate of Human Rights. However, they currently have a National Commission for Human Rights (NCHR), which focuses specifically on addressing torture and monitoring the protection of HRDs. There is also an Ombudsman considered to be a viable institution for the protection of human rights and HRDs.

In Ghana, the Commission of Human Rights and Administrative Justice (CHRAJ) is considered a viable institution with a broad human rights mandate. One community whose chief had sold off their land to a national mining company decided to take their case to the CHRAJ. According to one lawyer involved in the process. “The community saw it as a national mechanism that is most likely to give a fair verdict. The CHRAJ has a good reputation dealing with human rights cases and the approach is like traditional dispute resolution system, which is more familiar to the communities’ approach to justice.” As of May 2020, the community is waiting to hear the verdict.

While the Human Rights Commission of Sierra Leone (HRCSL) was considered a strong institution, HRD’s reported there has been concern in the last few years that more confidence-building is needed to increase the viability of the institution. Additionally, in Togo, despite its A status, HRDs did not show much confidence in the NHRC; for example, they saw that the institution had little interest in taking on the major human rights issues.

These lessons prove that despite a NHRI having an A status, it is important for HRDs and Frontline Grassroots HRDs to independently assess how they may engage with the NHRI in their country and whether it is a useful tool for community protection. Institutions must be tested to understand their viability, and through testing them these institutions are put on notice as to the viability for community protection.

**Checklist: Determining whether the NHRI is equipped for community protection**

1. What is the standing of the NHRC in our country?
2. What is the mandate of the NHRC?
3. What has been other people’s experiences of engaging with the NHRC in our country?
4. What have they done to help protect individuals and communities?
5. What have they publicly condemned?
6. What kind of human rights information do they gather?
7. How is their work monitored?
Case study: Accessibility is a real remedy for justice at the regional level

In West Africa, the citizens of ECOWAS member states can file complaints against human rights violations of state-actors in the ECOWAS Community Court of Justice. The court, seated in Abuja, Nigeria, rules according to the provisions of the ACHPR. The remedies provided by the ECOWAS Community Court of Justice can be damages, or a remedy to a human rights violation such as getting someone released from jail. The decisions are legally binding to the ECOWAS member states. The Court has competence to rule on human rights violations through an individual complaint procedure. Victims of human rights violations can directly appeal to the court even if they have a case at the national level because local remedies do not need to be exhausted before cases are brought to the court. To date, court has made rulings on human rights issues. However, concerns have been raised that, while verdicts are legally binding, some governments, such as the bigger countries such as Nigeria, do not always comply.

Regional coalitions have a role in community protections through the regional court. MRU CSO Platform and PILIWA have filed several cases on behalf of Frontline Grassroots HRDs and communities in West Africa.\(^{465}\) The decision to take these cases to the ECOWAS Community Court of Justice came after it became clear that justice was failing to take place at the national level in the various contexts.

**Niger:** A hotel development project was causing serious health, social, and environmental problems including the contamination of water sources. Forced displacement from the land was also an issue. When efforts at the local and national level failed, communities turned to the MRU CSO platform and legal support from PILIWA took the case before the ECOWAS Community Court of Justice.\(^{466}\)

**Using the ECOWAS Community Court of Justice is just a part of a larger strategy.**

Cote d’Ivoire: An advocacy strategy developed by HRD had national, regional, and international components using the ECOWAS Community Court of Justice as one piece of a broader strategy to address the problem. To develop the strategy, it took a step-by-step approach highlighted below:

**Step by step**

Community level action

- a) Gather information about the situation,
- b) Provide the information gathered about the situation to communities to help them to understand their rights and the responsibilities to the communities,
- c) Document the impact on the communities and highlight goals and expectations.

level action

- a) Engaging with media and target the national justice system.


\(^{466}\) Mano River Union Civil Society Natural Resources Rights and Governance Platform First Peoples’ Forum on Corporate Accountability: Final Report.
b) Determine if the case will be moving forward within the court system at the national level.

Regional level action

a) Support Frontline Grassroots HRDs to take the case to the ECOWAS Community Court of Justice.

b) Update the community on the activities of the case.

Learning point: Having a multi-pronged strategy ensures that the case continues to move forward no matter what happens. Therefore, having a broader advocacy and contingency plan that is developed with the community also builds their knowledge of multiple process further building their sense of community protection through accountability and justice.

Engagement with ACHPR overlooked but useful strategy to build evidence of the issue regionally and internationally.

A key but sometimes overlooked part of advocacy strategies are engagements with regional and international mechanisms such as the African Commission on Human and People’s Rights or the African Court on Human and People’s Rights which are both aimed at promoting and protecting the human rights of Africans across the continent. Complaints can be made by an individual, NGO or group of individuals however who feel that their right or those of others have been or are being violated. 

Similarly, to the UN level there is also Special Rapporteurs and other mechanisms focussed, specifically related human rights issues. The Special Rapporteur on Human Rights Defenders and Focal Point on Reprisals in Africa has been in place since 2004. He meets regularly with a range of HRDs across the region.

Case study^67: First case to go to the African Court from Mali dealing with workers’ rights.

A group of 135 Malian workers were contaminated with lead during their work between 2000 and 2013 for the Australian Laboratory Services (ALS) in Mali, an ore processing laboratory. In 2009, workers expressed concrete demands to management about working conditions, including the management of diseases developed due to their prolonged exposure to the chemicals used. These complaints resulted in several waves of unfair dismissals between 2010 and 2012, including union workers’ representatives, but there was no improvement in the working conditions of employees. In November 2013, the Malian Ministry of Health found serious breaches of hygiene and safety rules including information that ALS management knew about excessive lead levels in some employees’ blood in 2008, but deliberately concealed this information.

Despite efforts made by workers to engage Malian judicial authorities and other governmental authorities, no action was taken by them. In June 2016, the Collective

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^67 The details of this case were drawn from the following webpage which offers more details. [African Court/ Mali: Q&A on the ALS contaminated workers' case (fidh.org)](https://www.fidh.org/African-Court-Mali-QA-on-the-ALS-contaminated-workers-case)
represented by the FIDH and its member organization in Mali, the Malian Association of Human Rights (AMDH), filed a complaint on its behalf before the Court.

In the complaint, the Collective invoked a few violations for both failing to fulfil its obligation to protect the rights to the highest attainable standard of health, and failing to investigate the allegations in question and, where appropriate, to prosecute and convict those responsible more than 5 years after a complaint had been deposited by the Collective to the judicial authorities (violation of the right of victims to have their case tried by a court).

It is expected that the African Court will order the government of Mali to:

- Acknowledge and publicly admit its responsibility for the violation of the mentioned rights, to the detriment of ALS former workers.
- Recognize, without further delay, the occupational disease which ALS former workers are suffering because of their broad and prolonged exposure to highly toxic products.
- Recognize, without further delay, their right to medical care which will allow them to live their illness in dignified conditions.
- Carry out investigations which will enable the necessary prosecution of private actors who have violated the regulations in force in Mali at the time of the facts and have been guilty of poisoning and non-assistance to persons in danger.
- Pay adequate compensation, including prompt and effective compensation, to victims, based on the jurisprudence of international human rights treaty bodies, including all physical, material, moral, loss of opportunity and other harm as the Court considers appropriate.
- Take any other action necessary to remedy the violations described and reported herein.

**Learning Point** The ruling would enable justice and redress to be provided to the victims and set a precedent in Mali, where working conditions are regularly inconsistent with human rights obligations, particularly in the mining industry. It would also constitute the first case before the African Court on Human and Peoples’ Rights concerning the responsibility of a State for human rights violations committed by companies and would send a strong signal to the states to combat impunity for such violations and to take all necessary measures to ensure the enforcement of labor law by companies providing clear community protections.

**Case study: Nigeria holding Italian company accountable through OECD process**

An Italian company has been drilling for oil in a small village in the southeast of Nigeria since the 1960s. A complaint filed to the OECD process stressed the devastating impact the flooding caused by the drilling had on the health, property, livelihoods, and environment of the community. Utilizing the OECD National Contact Point (NCP), the agreement addressed the essential concern of the complainants,
which included the urgent construction of drainage solutions to mitigate the flooding, and bringing in more experts if needed.

After the complaint was deemed admissible, all governments adhering to the OECD Guidelines for Multinational Enterprises are required to establish a “National Contact Point” (NCP) to hear complaints by communities or workers harmed by corporate activity. In this case, the Italian NCP opened a mediation procedure between the company and the community in the presence of a third-party, and the process led to an agreement. The terms of settlement provided for urgent construction of new drainage channels and maintenance and management of the existing ones to avoid flooding. It also indicates the verification of the impact of those measures in the presence of a technical expert, to determine whether further action should be taken.468

**Key learning:** What is so valuable about the process is that, once a compliant is deemed admissible, it kicks in a whole system of accountability.

a) OECD Watch helps civil society, individuals, and communities harmed by irresponsible corporate behaviour to understand and use the grievance mechanism to seek remedy and hold corporations accountable.

b) There is also a new OECD procedure in place that addresses reprisals by bringing cases before the OECD National Contact Points (NCPs) which now has a vital role in the protection of HRDs.

c) The OECD, governments and NCPs have joined global efforts to prevent and respond to reprisal risk.469

d) OECD Watch highlights other steps HRDs can take if they suffer from some sort of reprisal from making a complaint.470 The Independent Accountability Mechanism Working Group on Retaliation (IAMWGR) commissioned a “Reprisals Toolkit.”471

e) NCPs can act by seeking relevant embassy support to help address identified risks to HRDs in NCP complaints, and can hold mediations in a third country to avoid risks for HRDs, and can invite NGOs to speak about reprisal risks during multi-stakeholder engagement, which makes them a critical tool for community-based protection.

Case study: using the CAO of the IFC effectively across the region

The International Finance Corporation (IFC) is a sister organization of the World Bank and member of the World Bank Group, the largest global development institution focused on the private sector in developing countries. Companies under the IFC are under pressure to respect the laws in the countries they are working in.

468https://complaints.oecdwatch.org/cases/Case_489 There is another Nigerian case that is currently being reviewed.
469http://independentaccountabilitymechanism.net/ocrp002p.nsf/0/ce43d67170f0fd8f3482583a20026ab13/$file/guide_for_iams_on_measures_to_address_the_risk_of_reprisals_in_complaints_management_feb2019.pdf
Currently communities in five countries in West Africa are under the CAO processes including Ghana, Guinea, Liberia, Nigeria, and Togo.\(^{472}\)

Libera and Guinea provide specific examples highlighted in the box below.

**Liberia and Guinea: Whole range of rights violated by rubber company.**

<table>
<thead>
<tr>
<th>Liberia</th>
<th>Guinea</th>
</tr>
</thead>
<tbody>
<tr>
<td>A complaint was filed on behalf of the 22 affected communities by the operations of a rubber corporation. The main issues impacting the communities are land grabbing, threatened livelihood, and desecration of burial and cultural sites. The Frontline Grassroots HRD in charge also suffered human rights violations.(^ {473})</td>
<td>A local community filed a complaint with CAO with support from Guinean organizations and IDI.(^ {474}) The concerns raised in the complaints included a lack of compensation for the impact on land and livelihoods, resettlement concerns, pollution, lack of effective public consultation and a grievance mechanism.</td>
</tr>
</tbody>
</table>

CAO dialogues can be an opportunity to engage with a broad group of people including national civil society, local communities, mediation professionals, and national and international companies, including IFC staff and clients. Workshops of these kinds have been held in a few contexts and can serve as opportunities for multinational companies and civil society groups to come together.

*Key learning:* The aim of the CAO assessment is not to judge the merits of complaints but to listen to concerns in a collaborative process. As a community protection tool, it is an effective way in which communities who feel aggrieved can participate in international processes. Key to this remedy is that the process comes to the community with the focus being on being heard and can contribute to community protection.

**Story: Palm oil company stopped in its tracks helps community**

Another international process is the RSPO. The RSPO’s Complaints Panel’s decision dated February 13, 2018 found Golden Veroleum Liberia (GVL) had violated the RSPO in the process of procuring, cultivating, and developing land in Liberia for palm oil production. The ruling found that they had violated local groups’ right to free, prior, and informed consent (FPIC),\(^ {475}\) had used coercion, had not adequately protected the local groups’ right to participate in local mapping, had not converted provisional memorandums of understanding (MOU) into final MOUs, and had continued developing disputed land which proved to be a major win for the community contributing to community protections.\(^ {476}\)

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\(^ {472}\) [http://www.cao-ombudsman.org/](http://www.cao-ombudsman.org/)


\(^ {474}\) [CECIDE, ADREMGUI](https://www.cao.ombudsman.org), [https://www.cao.ombudsman.org](https://www.cao.ombudsman.org).


**Targeting the home country of multinational company**

Targeting the home country of multinational companies has been effective in Senegal with an Australian multinational company, and in Cote d’Ivoire with an Indian company.

1. In both cases, the first step was engagement with HRDs in the respective countries.
2. Building solidarity with HRDs from the respective countries was the next step.
3. Traveling to Australia and India, respectively, also took place to meet with HRDs from the countries and learn the best ways of impacting the respective companies.
4. Putting the strategy together for maximum impact.

**Learning point** These actions will likely take place only in exceptional circumstances given the expense of traveling. The engagement with HRDs from the relevant countries and making those contacts can lead to stronger and more effective alliances in the future. It raises the profile and enhances the skills and experiences of the HRDs who can bring back these experiences and utilize these networks in the future especially for other potential cases that may occur with other companies from the respective countries. Raising the profile has a direct impact on providing community protection.

**Case Study: Shared Impacts and Violations- as a basis for Collective Protections**

Communities complained of human violations including land-grabbing, environmental violations, and labor violations. The table below highlights a range of cases where Liberian Frontline Grassroots HRDs were impacted and triggered collective protection strategies by communities.

**Table: Overall of violations and responses of Frontline HRDs in Liberia**

<table>
<thead>
<tr>
<th>Company actions</th>
<th>First step tactics used to protect land and community rights</th>
<th>Impact on HRD</th>
<th>Tactics for greater community protection</th>
</tr>
</thead>
<tbody>
<tr>
<td>Palm Oil company</td>
<td>Sought consultation, laid the roadblocks, seized the tractors.</td>
<td>Founding chairman CBO in concession area, lost job, community and family turned against him, son lost job at company, motorbike sabotaged,</td>
<td>Green Advocates gave him morale support. Later when got job back focussed on community unity?</td>
</tr>
<tr>
<td>Rubber company</td>
<td>Filed complaint with the CAO of the IFC. Masked dancers came out to disrupt work of company, demanding dialogue.</td>
<td>Chairman of CBO arrested twice by local authorities more than 1 week, tear gas in eyes</td>
<td>Green Advocates Lay low, wants more legal aid funding for transportation and communication.</td>
</tr>
<tr>
<td>Logging company</td>
<td>Only speaks to Chief about jobs, no explanation of concession agreement, Education to community, monitoring the behaviour and</td>
<td>CBO chairman is turned on by community, they think he is after their jobs</td>
<td>Talks through elders, carries out town hall meetings, radio talk shows, and training</td>
</tr>
</tbody>
</table>
Throughout Liberia, whether dealing with rubber, palm oil or timber companies, the situation was surprisingly the same—with initially trying to claim rights to land or environment and then in these efforts facing arrest, being arrested, or threatened with dismissal.

Initial actions taken by the communities have, in some instances, bought them time—but what has been revealed most clearly is the need to work together in unity and for more support to be better equipped to address the issue themselves.

**Case Study II: Collective Mobilization and Organizations for Actions – As Collective Protection**

In response to abuses and impacts, communities organize and mobilize for collective actions ranging from protests, blockade, cultural and spiritual engagements with relevant government agencies, local governments, the legislature, the media, civil society organizations, international organizations, diplomatic missions, and development partners. For example, most indigenous communities utilized traditional sacred and spiritual societies. The Poro and Sande Societies are widely used for collective protections across most of West Africa.

<table>
<thead>
<tr>
<th>Issue</th>
<th>Action Taken</th>
<th>Outcome</th>
</tr>
</thead>
<tbody>
<tr>
<td>Restricting access to water, failed promises of development, environmental violations, lousy contracts, lack of access to land for livelihood,</td>
<td>Attitude of the companies, unleashing elephants,</td>
<td>Green Advocates, laying low and seeking support in a hospital</td>
</tr>
<tr>
<td>Rubber Environmental degradation dumping of wastewater, air pollution, impacted on livelihood,</td>
<td>Worked with Green Advocates to do advocacy, got the attention of President Midwife threat of arrest and harassment, chairman of CBO arrested and detained for one week.</td>
<td>Got job back by appealing to contacts in the National government</td>
</tr>
<tr>
<td>Logging Land grab, government gave land to company without involving the town chief,</td>
<td>Standing ground, asking for conditions of concession agreement in meeting,</td>
<td>Got job back by appealing to contacts in the National government</td>
</tr>
<tr>
<td>Palm New company since 2019-no agreement or information about relationship with community, Reduction in salary amounts, lack of adequate and safe drinking water, no schools,</td>
<td>Part of CBO, connected to national coalition, engaged with company to ensure community benefits from their land and rights being violated. President of Liberia, Bush devil forced international staff to flee Chairlady intimidation, attempted arrest, reprisal, family pressure, --there have been disappearances and deaths in the community-unclear what linked to</td>
<td>Uses cell phone to gather people and motorbike instead of walking, wants more training, capacity building, and business opportunities for communities.</td>
</tr>
</tbody>
</table>
Efforts to disrupt to buy time for longer-term actions

The Porro, Sande and other sacred societies across West Africa, mainly in Sierra Leone, Liberia and Guinea, have often been used to address disputes and handle complaints. They have also been sources for collective protection by the communities.

Also, in Liberia, methods such as using local and cultural traditions have been used to seek some form of recourse with companies’ actions. In one example, masked dancers came out to disrupt the work of the company and to demand dialogue. In another example in the southeast of Liberia elephants were unleashed against the company leadership to try to bring them to the table. In still another example “feared spiritual and traditional leaders referred to as Zoes or Bush Devils were sent to the company leadership, resulting in the staff leaving the premises. “

Case Study III: Shared connections to the land: a spiritual, physical and biological Burying of Umbilical cords. Linkages to the Ancestors as collective Rights

Umbilical Cord: Several local communities performed rituals that link them to their land from birth. Burying of umbilical cords establish the community members links and connection to the land, and this enables the collective protection for the land, natural resources, and the inhabitants.

Ancestral Accountability: legacy for future generations. Most communities see their roles and responsibilities to their land as custodial and a legacy that must be kept and passed on to future generations. They believe after death there is accountability to their ancestors.

Case Study IV: Designation of Taboo, Spiritual and Sacred Areas as Collective Protection

Many communities across the region have designated taboo areas, sacred sites and spiritual grounds as significant cultural and traditional areas, elevating these areas to the status of collective protection. These locations also serve as safe places, sanctuaries, asylum locations, and places of refuge for HRDs and Frontline Grassroots HRDs. Given their traditional status, only community members who have been initiated and approved by the community can enter such places. These taboo and sacred places thus help to provide collective protection to both the land and natural resources, and for the HRDs and community leaders who are facing threats.

FAQ: Linking with networks, coalitions, and the media

<table>
<thead>
<tr>
<th>Networks</th>
<th>Linking with the media as a strategy for protection</th>
</tr>
</thead>
<tbody>
<tr>
<td>West Africa Human Rights Defenders Network</td>
<td>Yes, and sometimes work with International media and journalists as well as regional and national media.</td>
</tr>
<tr>
<td>Public Interest Lawyering Initiative for West Africa (PILIWA).</td>
<td>Works with international and national media to highlights key cases</td>
</tr>
</tbody>
</table>


<table>
<thead>
<tr>
<th>Networks</th>
<th>Linking with the media as a strategy for protection</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mano River Union Civil Society Natural Resources Rights and Governance Platform</td>
<td>Works with international and national media to highlights key cases.</td>
</tr>
<tr>
<td>SiLNoRF</td>
<td>Works with international and national media to highlights key cases</td>
</tr>
</tbody>
</table>

Networks and coalitions exist on many levels. More generally networks and coalitions play a range of roles in the protection and redress of HRDs, and specifically Frontline Grassroots HRDs. Working with media can be an effective way to ensure their work has even greater potential for community protection. See the FAQ below for more information.

**Frequently Asked Questions**

1. **Why is it important for Frontline Grassroots HRDs to develop links with coalitions, networks and local and if possible international media?**

   Many of HRDs interviewed had strong links with the media in their country. Several highlighted that utilizing the media was a key part of their strategy to keep the focus on the issues that they were fighting for, as it served as a form of protection for both themselves and the community. Getting the issues into the public domain helped to keep issues on the agenda and kept them safe.

2. **How best should HRDs engage with networks, coalitions and local and international media on the complex issues related to the environment?**

   One Nigerian HRD explained that environmental issues are often complex, and therefore many journalists do not know the issues in depth. Sponsoring them for field trips and training them has helped in getting stories into the media in a responsible way. In the experience of one HRD, bringing them on field trips and training them has helped them become more knowledgeable and passionate about the issues, especially as they get more involved in the situation of the community. The more engaged they become, the more likely they are to write about it in an engaging way. The HRD also explained that the journalists who are engaged on these issues are also aware of the risks in the same way as an HRD is. So far however, there have not been any direct attacks on the journalists regarding these issues, except for government-imposed media blackouts forbidding stories about a specific issue from coming out.

3. **How can coalitions, networks and the media highlight ongoing cases?**

   Organizations and coalitions such as ACA, PILIWA, and MRU CSO Platform that work in communities across West Africa know the importance of ensuring that legal cases do not unfold behind closed doors. It is important to engage journalists in the work, for instance, to expose corrupt judges or bad rulings. These efforts can help to move processes along or expose situations that may need to be escalated to a higher level.
4. **What are strategic ways of engaging networks, coalitions and journalists and making them understand and care about the issue?**

In Sierra Leone, journalists are helpful in a strategic way. Efforts were made to teach some of the journalists about relevant Sierra Leone litigation, and at the same time, were able to get documents from the journalists who published the Panama papers. According to one lawyer close to the Sierra Leone case, “In fact, the relationship was symbiotic, the journalists had documents needed to strengthen a case and the journalists were able to contribute by writing related stories.” More generally National HRDs spoke about using international media to keep important issues on the agenda, including Green Advocates who have used the media as a protection mechanism.

5. **How important is it to make the link with media a key part of the strategy?**

Many of the HRDs interviewed had strong links with the media in their countries. Several highlighted that utilizing the media was a key part of their strategy to keep focus on the issues that they were fighting for, served as a form of protection for both themselves and the community. Getting the issues in the public domain helped to keep issues on the agenda.

Organizations and coalitions that work across the region such as ACA, PILIWA, and MRU CSO Platform work across the West African countries are aware of the importance of ensuring that legal cases do not unfold behind closed doors. An especially important focus is aimed at exposing judges who are either corrupted, or under strong political pressure to help in moving processes along. In Sierra Leone, journalists were used in a strategic way: efforts were made to teach some of the journalists about relevant Sierra Leone litigation, and, at the same time were able to get documents from the journalists who published the Panama papers. According to one lawyer close to the Sierra Leone case, “In fact, the relationship was symbiotic, the journalists had documents needed to strengthen a case and the journalists were able to write related stories that also contributed. “More generally National HRDs spoke about using international media to keep important issues on the agenda, including Green Advocates who has used the media as a protection mechanism.

6. **Is it ever advisable not to use the media in protecting Frontline Grassroots HRDs?**

Use of media should not be part of the strategy in sensitive cases where it would do more harm than good to publicize a situation. An assessment to determine the impact should be done before each potential action taken. Putting HRD or Frontline HRDs in any kind of danger is counter to the objective, and therefore the strategy should be thought through clearly.

**Case study: People’s Forum brings HRDs and Frontline Grassroots HRDs together**

National and Frontline Grassroots HRDs talked about how conferences were a great place for networking, sharing ideas, and building strategies for greater community protection. Two conferences held in Liberia in 2012, and then again in 2016, brought HRDs from across the region where new methods have been born. Following the
2016 meeting, a community legal defense team, Public Interest Lawyering Initiative for West Africa (PILIWA), was born. PILIWA aims to provide legal support to communities caught on the frontline of corporate abuses by using national and international laws to hold governments and corporations accountable to their obligations to protect, respect and fulfil all rights.

In 2019 the MRU CSO Platform organized the “People’s Forum” in Makeni, Sierra Leone. The People’s Forum brought sixty participants from indigenous communities and civil society groups from eight West African countries, including Sierra Leone, Liberia, Guinea, Cote d’Ivoire, Ghana, Mali, Nigeria, Niger, and the Democratic Republic of Congo as an observer. Development partners also participated.

Over four days, delegates shared experiences, learned, and discussed a range of issues common to countries across the region. A ten-count communiqué followed the deliberations, with the communities declaring, among many things that: Multi-national corporations have failed to observe international best practices in community entry protocols in most cases, and cited instances of harassment and blacklisting of HRDs. Perhaps one of the most meaningful outcomes of the conference was the bringing together of Frontline Grassroots HRDs from communities across the region to share and learn from one another. One HRD from Ivory Coast who attended the People’s Summit held in Makeni encapsulated it all by expressing happiness about being able to attend the conference. He said,

“This is the first time I have the liberty and freedom to freely express myself and the plight of my people, as well as to vent out my dissatisfactions against the company and the local authorities and the Ivorian Government. After I have seen other participants from other countries in West Africa who are facing similar troubles speak up during the forum, this motivated me to speak up and I am further motivated to continue the struggle for my communities upon my return back to the Ivory Coast.”

Conclusions for the community-based protection protocol.
Overall, this table provides an overall summary of the examples of the remedies used to demonstrate how and where these remedies can be used for greater community-based protections. A summary of examples is highlighted below.

<table>
<thead>
<tr>
<th>Country</th>
<th>Remedy</th>
<th>Frontline/ HRD</th>
<th>Learning points as to how can contribute to community-based protections</th>
</tr>
</thead>
<tbody>
<tr>
<td>Guinea</td>
<td>ESIA</td>
<td>National HRD in support of Frontline Grassroots HRD and communities</td>
<td>Understanding that there is an intervention that can lay the groundwork for a more just policy towards communities in their dealings with the government and multinationals is empowering to communities</td>
</tr>
<tr>
<td>Liberia</td>
<td>Participation in the UPR and HRC process</td>
<td>National HRD to represent the key issues</td>
<td>Once recommendations in support of protection of HRD are made the government must respond ultimately resulting in a change on the law, policy, practice of government.</td>
</tr>
<tr>
<td>Gambia</td>
<td>Participation in the UPR and HRC process</td>
<td>National HRD to represent the key issues</td>
<td>Once recommendations in support of protection of HRD are made the government must respond ultimately resulting in a change on the law, policy, practice of government.</td>
</tr>
<tr>
<td>Sierra Leone</td>
<td>National court case</td>
<td>Frontline HRDs to bring a case to</td>
<td>Educates community members to the process of taking an issue to court demonstrating that they have</td>
</tr>
<tr>
<td>Country</td>
<td>Remedy</td>
<td>Frontline/HRD</td>
<td>Learning points as to how can contribute to community-based protections.</td>
</tr>
<tr>
<td>---------</td>
<td>-------------------------</td>
<td>---------------</td>
<td>-------------------------------------------------------------------------</td>
</tr>
<tr>
<td></td>
<td>court with support from National HRD and regional coalition</td>
<td>both rights and remedies serving as an empowerment tool</td>
<td></td>
</tr>
<tr>
<td></td>
<td>African Court of Justice</td>
<td>National/Frontline HRD</td>
<td>Resulted in concrete legally binding results against government in individual cases demonstrating that remedies can be sought outside of the country.</td>
</tr>
<tr>
<td>Guinea</td>
<td>ECOWAS Community Court of Justice:</td>
<td>National/Frontline HRD</td>
<td>Resulted in concrete legally binding results against government in individual cases demonstrating that remedies can be sought outside of the country in a relatively swiftly.</td>
</tr>
<tr>
<td>Liberia</td>
<td>OECD</td>
<td>National/Frontline HRD bringing cases to the OECD with support</td>
<td>Provides Frontline Grassroot HRDs an opportunity to engage in an international process that provides an internationally recognized remedy providing community protection.</td>
</tr>
<tr>
<td>Liberia</td>
<td>CAO of the IFC</td>
<td>National/Frontline HRD</td>
<td>Provides Frontline Grassroot HRDs an opportunity to engage in an international process that provides an internationally recognized remedy providing community protection.</td>
</tr>
<tr>
<td>Ghana</td>
<td>NHRI</td>
<td>National/Frontline HRD</td>
<td>Provided as national solution in a process that Frontline Grassroots HRDs were comfortable with and could be done in a large group providing group cover</td>
</tr>
</tbody>
</table>

**Annex 3: Strategic Plan for Next Steps**

**Introduction**

The strategic plan for next steps is the third component accompanying the baseline, policy recommendations, community protection protocol. The original aim was to meet with funders, INGOs, UN agencies, HRDs and Frontline Grassroots HRDs to come up with a plan. However, as this did not materialize, this strategic plan instead highlights some of the gaps and suggests next steps.

**Methodology and its limitations**

As the other discussions with National HRDs corroborated by desk research highlight the main information highlighted in this section.

**Purpose, Goals and Objectives of the Strategic plan**

The purpose, goals and objectives of the strategic plan is to highlight the urgency of dealing with the issues at hand. This component underscores the gaps in funding, structure, lack of a full understanding of the extent of the problem, and overall accountability for the violence and violations that impact villages and communities across West Africa.
Main Findings

Funding at the global level

Findings regarding funding are overall North European countries and the Netherlands have traditionally ranked among the greatest supporters of HRDs at the global level, however in recent years they have been reducing their budgets. Until 2016, this reduction in funding has been compensated by the surge of EU and US funding. EU funding in support of HRD comes through the European Instrument for Democracy and Human Rights (EIDHR) which remains the greatest supporter of HRDs along with the US. The US has also been an important supporter of HRD organizations and projects globally. However only one or two National HRDs said that they had benefitted directly from EIDHR funding.

The US HRD funding is mainly channelled to Freedom House and the National Endowment for Democracy (NED). The majority of those interviewed received funding from NED who provide small flexible grants on a rolling basis. The US are also the main contributors to the Lifeline Embattled CSO Assistance Fund, highlighted in more detail earlier in the report. HRD funding levels however have been impacted by the Trump administration due to budget cuts to USAID.

Funding allocation is largely through projects which require those receiving funds to present a specific project, with specific objectives and activities and a budget allocation defined in advance. Since most of the available funding is through projects, there was little flexibility built in to enable the use funding for any other use. Another challenge was that any deviations had to be justified in advance. National HRDs who were interviewed highlighted a greater need for more flexible funding given that protection needs cannot always be fully anticipated. Swedish and Norwegian governments are better known to provide core funding options with some flexibility but none of the National HRDs interviewed had received funding directly from either of these governments.

Private Funding

While public donors are three times as significant as private donors, there are other benefits to private funding. Private funding from US or UK-based foundations or Trusts globally include the MacArthur Foundation, Foundation for a Just Society, Arcus Foundation, Oak Foundation, Overbrook Foundation, Open Society Foundations, Sigrid Rausing Trust, and the Ford Foundation. In discussions with National HRDs out of this list the main private donors that were highlighted included: Open Society Institute for West Africa (OSIWA) and NED. Smaller family foundations were also highlighted and included the 11th hour fund who have specific projects in Guinea and support some projects regionally. Corporate foundations such as the Facebook Foundation and the Orange Foundation were also mentioned as having some flexibility.

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Private Regional funding options

The newly formed African Transitional Justice Legacy Fund (ATJLF) is a public charity with the aim of rebuilding communities and promoting survivor agencies in transitional societies based in Accra, Ghana. The ATJLF supports community-based, survivor-led transitional justice projects and processes in Cote D'Ivoire, The Gambia, Guinea, Liberia, Mali, North-eastern Nigeria, and Sierra Leone. They support smaller organisations and groups to deliver transformative and impactful interventions in transitional justice processes in Africa, starting with West Africa. The ATJLF supports locally relevant and contextually appropriate transitional justice interventions with the aim of:

- Rethinking and remodeling transitional justice approaches in the sub-region.
- Create positive changes in people’s lives (mainly survivors of conflicts and brutal dictatorships)
- Consolidate existing gains in transitional justice initiatives in West Africa and beyond, through strategic partnerships with continental and sub-regional intergovernmental institutions
- Serve as a route for supporting skills development and knowledge management initiatives of civil society, local and national government authorities, and regional institutions, and
- Create lasting positive impacts at country, regional and continental level.
- We support African-centered approaches to transitional justice issues and fund context-driven initiatives that empower civil society and communities to engage with governments and local authorities to address wrongs of the past, promote justice for victims affected by conflicts and violence, and advance sustainable peace and good governance in the continent.

One of the HRDs interviewed referred to the ATJLF given their focus on transitional justice, they may offer a good model of an approach to funding ESCR HRDs in West Africa.

Generally funding modalities from private donors were considered more adapted to the needs of HRDs than public funding, as they tended to offer more flexible core-funding at international level rather than project funding in specific countries.

Funding from Participating in Coalitions.

Largely National HRDs highlighted that they received very limited funding from being part of coalitions which incentivized organizations to join them. Other benefits of being a part of coalitions included a form of protection. UN agencies were considered strategic partners rather than funders, with several HRDs stating difficulties in accessing funding because the UN tended to stay with partners for a long time and therefore it is almost impossible to break in. Agencies that had received funding from the UN found that they were not flexible, and the focus was often related to the UN agenda rather than issues that were most relevant to their needs and context.
Links with INGOs

National HRDs mentioned non-governmental organizations including Amnesty International, Human Rights Watch, Oxfam, ISHR, FIDH, Frontline Defenders, Global Witness, and ACA. The most direct support for protection of HRDs included emergency funding for resettling HRDs who are in danger. Most of the cases largely have benefitted National HRDs. Other types of support include legal aid, strategic litigation, advocacy and raising the profile of HRD, capacity building and provision of training resources. The table below provides an overview of the organizations and what they do in support of HRDs.

Table: Examples of organizations and networks supporting protection of HRDs

<table>
<thead>
<tr>
<th>Institution</th>
<th>Emergency Relocation grants</th>
<th>Resiliency Grants</th>
<th>Training and capacity building meetings</th>
<th>Advocacy, urgent actions</th>
<th>Strategic litigation</th>
<th>Legal Aid</th>
<th>Aid to support the work of Frontline Defenders</th>
</tr>
</thead>
<tbody>
<tr>
<td>Frontline Defenders</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Protection International EU</td>
<td>Yes</td>
<td></td>
<td>Yes</td>
<td></td>
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<td></td>
<td></td>
</tr>
<tr>
<td>FIDH478 479</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>ISHR</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>Freedom House</td>
<td></td>
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</tr>
<tr>
<td>Amnesty International</td>
<td></td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td></td>
<td></td>
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<tr>
<td>Oxfam</td>
<td></td>
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<tr>
<td>Human Rights Watch</td>
<td></td>
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<td></td>
<td></td>
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<tr>
<td>ACA</td>
<td></td>
<td>Yes</td>
<td></td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td></td>
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<tr>
<td>Natural Justice</td>
<td></td>
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<td></td>
<td></td>
</tr>
<tr>
<td>Lifeline Embattled CSO Assistance Fund</td>
<td>Yes</td>
<td>Yes</td>
<td></td>
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<td></td>
</tr>
</tbody>
</table>

Type of support provided to HRDs.

As is highlighted in the table, donor and other support from organizations and partner-INGOs, or coalitions includes emergency funding/resettlement

479 FIDH plays a role in the development of the intergovernmental system of HRDs. It contributed to the negotiations which led to the adoption of the UN Declaration on Human Rights Defenders in 1998. Since this declaration was adopted, several mechanisms for protecting human rights defenders have been created within the different existing intergovernmental organisations: In 2008, through the Observatory, FIDH launched the first meeting to bring together all intergovernmental organisations equipped with tools and mechanisms designed to protect human rights defenders (the so-called ‘inter-mechanism’ process). This process is aimed at increasing the coordination and effectiveness of protection mechanisms.
support/resiliency grants, training, advocacy and urgent actions, strategic litigation legal aid.

**Emergency Support**

As is reflected in the table, emergency funding for relocation grants is one of the most common direct protection activities that benefits National HRDs. This activity is primarily run through the global Lifeline embattled CSO assistance fund, which has 18 public donors and 2 private donors. Lifeline’s mandate provides emergency financial assistance to civil society organizations (CSOs) under threat or attack and rapid response advocacy and resiliency grants to support CSOs in responding to broader threats against civic space. In another example, FIDH, under the Observatory for the Protection of Human Rights Defenders, reportedly provides emergency material support to at-risk HRDs working in difficult circumstances.

**Training and capacity building**

Mainly National HRDs highlighted the training and capacity building support they received from ISHR and Frontline Defenders. However Frontline Grassroots HRDs did not have the same access to these types of training opportunities. ISHR has been engaging with some countries to help establish the model law to protect HRDs in their respective countries. Other HRDs talked about the training they received regarding engaging the UN and the Special Procedures.

**Program support for court cases**

Support provided by the International Federation for Human Rights (FIDH) to ACA and Chima Williams & Associates (CWA) enabled them to file a complaint against an Italian company in front of Italy’s OECD National Contact Point in December 2019.

However even if some of these organizations are doing positive work, according to a Liberian HRD “Most emergency support rarely reaches HRDs, especially Frontline Grassroots HRDs. Funding is also rarely project-level support. Where there is project support, only National HRDs receive this. Additionally, most HRDs are not even aware of existing emergency funding or emergency funding arrangements, and, even if they were aware, they do not have the capacity to access the emergency funding, especially given bureaucratic bottlenecks and restrictions”.

Most donors, including both private foundations and public funding institutions, require that in order to receive funding or grants, organizations, including Frontline Grassroots Defenders organizations must be formally and legally incorporated. They

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480 https://www.csolifeline.org/

481 On top of that. FIDH manages a support fund to strengthen the capacities of local HRDs and organisations to prevent and respond to developments adversely affecting the situation of HRDs. FIDH supports 11 organizations in West Africa directly. An evaluation from 2016 of ‘FIDH’s globalization work aimed at empowering local Human Rights NGOs to act locally and globally’, funded by BROT, focused on corporate HR abuses. Observations made in the evaluation about FIDH included that “quality of work with a rigorous emphasis on evidence, fairness and impartiality; visibility and presence from the ground to the top; an active and ongoing engagement with civil society and other stakeholders; detailed knowledge and unusual wide range of technical mechanisms; a powerful presence in Brussels; bravery in tackling difficult issues; constructive engagement.”

482 FIDH also uses – whenever relevant and possible – other mechanisms such as mediation processes under the OECD National Contact Points (NCPs) where a company has failed to comply with the OECD Guidelines for Multinational Enterprises. FIDH is a member of the OECD Watch coalition and has formulated numerous recommendations to strengthen the functioning of the NCPs. At the international, regional, and national levels, FIDH continues to advocate for reforms to lift obstacles victims face in accessing justice and obtaining reparation.
must also have formal recognition by governments, such as annual registration requirements, bank accounts, websites, email accounts, board of directors, management staff, etc. This is a huge challenge in remote villages and in urban slum communities where most Frontline Grassroots Defenders operate in their struggles to protect human rights and the environment. It is almost impossible, since most Frontline Grassroots Defenders are linked to either informal organizations, or function as local communities or indigenous peoples' movements, or are a constellation of individuals struggling to protect their people, communities and their natural resources on an individual level. In West Africa, the emergence of the Mano River Union Natural Resources Rights and Governance Platform as an indigenous-driven regional network led by activists with decades of knowledge and experiences with Frontline Defenders play an incredibly important role.

Support to networks and coalitions that support Frontline Grassroots HRDs

Networks and Coalitions

More generally networks and coalitions play a range of roles in the protection and redress of HRDs at the various levels. The networks and coalitions highlighted during this research includes their protection work, whether they provide support to National or Frontline Grassroot HRDs, or do something different altogether. Further explanation is provided below.

Protecting National HRDs

The WAHRDN is a regional West Africa network that has focal point individuals in countries in West Africa throughout the region. The Senegalese focal point for WAHRDN is the head of the Amnesty International office in Senegal, and works on behalf of HRDs from that position; his main duties are to protect and promote the human rights of HRDs. WAHRDN has Observer Status at the African Commission of Human and Peoples’ Rights (ACHPR), and it is a member of the Executive Committee of the NGO Forum at the ACHPR. It is also a member of the HRC Net described earlier. Through its advocacy efforts, WAHRDN strategy is based on close cooperation with diplomatic representations, foreign ministries, NHRI, and regional and international human rights mechanisms to foster a safe working environment for HRDs. However, there is no clear overarching collaboration, partnership, and support to Frontline Grassroots HRDs in the region. Also, there do not appear to be strong links between coalitions.

Frontline Grassroots HRDs

Largely the work undertaken by Frontline Grassroots HRDs is not funded directly by the donors highlighted above. Largely the National HRDs are the only ones positioned to access funding from private and public sources.

Advocacy and Urgent Actions

Some HRDs shared that their advocacy work is enhanced by organizations such as Amnesty International or Human Rights Watch, through media support and outreach in western countries. Even so, sometimes they would have preferred direct capacity-building support, instead of these organizations establishing their own branches in the region. For instance, an HRD from Sierra Leone said their work on human rights violations committed by the diamond mining company was enhanced by reports from
Amnesty International, but they hoped that Amnesty would have also provided the support to empower this HRD as a partner for media outreach and publication. Amnesty International, Frontline Defenders, and other international actors regularly put out urgent actions in public when an HRD is in danger. These urgent actions are also accompanied by a campaign that targets governments who can put pressure to act on an accused government. These are often amazingly effective in publicizing the situation of an at-risk HRD. Attention and visibility are drawn to several HRDs but, very little capacity is built for the HRDs organization to sustain such a campaign after Amnesty exits the campaign due to funding or change of priorities. Additionally, these may also support only well-known HRDs, rather than all of the Frontline Grassroots HRDs, given that many are not known and the Frontline Grassroots HRDs do not have access or contacts to these networks.

**Focus on the Frontline Grassroots HRDs**
The work of the MRU-CSO platform features significantly in this report. The MRU-CSO consists of activists, communities, and indigenous peoples in eight of the fifteen West African countries affected by the operations of transnational corporations. The MRU CSO Platform strengthens collaboration around corporate and governmental accountability, acts and shares experiences on how community members and their livelihoods are affected by government’s infrastructure development and foreign direct investment involving multinational companies. It was first conceived in September 2012 by four National HRDs from Liberia, Sierra Leone, Cote d’Ivoire, and Guinea. Later the network grew to five other countries across West Africa including Ghana, Mali, Nigeria, Senegal, and Niger. Unlike WAHRDN, the MRU CSO Platform, which also operates at the regional level and supports Frontline Grassroots HRDs, is not linked to organizations like Amnesty International, neither does it have Observer Status at the African Commission of Human and Peoples’ Rights (ACHPR), and it has very little relationship or cooperation with diplomatic representations, foreign ministries, NHRI, or regional and international human rights mechanisms to foster a safe working environment for HRDs.

**Table 10: Country-Level International development partner support for HRDs**

<table>
<thead>
<tr>
<th>Country</th>
<th>Available country-level funding</th>
<th>Diplomatic</th>
<th>Training, capacity building, meetings</th>
<th>Advocacy, urgent actions</th>
<th>Linking with other funding</th>
</tr>
</thead>
<tbody>
<tr>
<td>EU</td>
<td>Yes</td>
<td>Yes</td>
<td></td>
<td>Yes</td>
<td></td>
</tr>
<tr>
<td>US</td>
<td>Yes</td>
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<td>Netherlands</td>
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<td>Norway</td>
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</tbody>
</table>

483 Alfred Brownell, Green Advocates International Liberia, Abu Brima, Executive Director of the Network Movement for Justice and Development (NMJD), Sierra Leone; Michel Yoboue, Executive Director, Group for Research and Advocacy on Extractive Industries (GRPIE), Côte d’Ivoire and Kabinet Sesay, then Executive Director, Center for Commerce, and International Development (CECID), Guinea
484 For more information see [https://www.ishr.ch/diplomatic-support](https://www.ishr.ch/diplomatic-support)
485 EU Guidelines on the Protection of HRDs
486 Finish Guidelines on HRDs
487 Action plan for HRDs
488 Guide for the foreign service
<table>
<thead>
<tr>
<th>Country</th>
<th>Available country-level funding</th>
<th>Diplomatic Training, capacity building, meetings</th>
<th>Advocacy, urgent actions</th>
<th>Linking with other funding</th>
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</thead>
<tbody>
<tr>
<td>Switzerland</td>
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<td></td>
<td></td>
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<td>UK</td>
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<td>Yes</td>
<td></td>
</tr>
<tr>
<td>Canada</td>
<td>491</td>
<td>Yes</td>
<td>Yes</td>
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</table>

The European Union and its member states are committed to the promotion and protection of HRDs. Their objective is to enable and empower the EU and its member states to protect and promote HRDs’ work, engage with them and give legitimacy to issues they raise through political and economic backing. EU guidelines provide an important space for HRDs to engage with the EU and its member states. At the Council of Europe, the Commissioner for Human Rights (CHR) is mandated to support the work and protection of HRDs, including by assisting member states to fulfil their obligations.

In 2019 Amnesty International researched and wrote a report focused on assessing EU and member state action for HRDs under the overall human rights commitments in their foreign policy, under the European Union Guidelines on Human Rights Defenders (EU Guidelines on HRDs), and the practical guidance for the EU and its member states to act meaningfully for HRDs in third countries outside of the EU and at all levels worldwide. The report found that the EU Guidelines on HRDs have been in place since 2004, but that there is little public information available on their practical implementation, and few academic and policy reviews of their impact. Their research examines the implementation of the Guidelines between January 2014 and April 2019 in the five selected countries, with Burundi as the one African country among those selected.492

Overall, the report found a lack of overall strategy and consistency in EU efforts to support HRDs, insufficient visibility of EU actions and channels of support, and the absence of a targeted and impact-oriented approach to public action. This report also finds that EU action is primarily reactive, often responding to escalations in human rights violations impacting HRDs, rather than anticipating them. Key areas of action like trial observation, relocation support, or even public statements, regularly lack visible follow up once action is taken. The report also highlighted the following concern: “At a moment when women, LGBTI, and Indigenous human rights defenders, as well as those working on issues related to the land, territory, and environment, are particularly at risk, the EU Guidelines on HRDs urgently need to be joined up with other EU policies.

Positively, the report found thoughtful and innovative approaches that have emerged in response to these challenges. The report recommends systematizing, sharing, and

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489 Swiss Guidelines on HRDs
490 UK support to HRDs
491 Voices at Risk
propagating these approaches across different countries, and cultivating good practices.

While all of the countries listed do not have presence in all West African countries, US, France, and EU have presence in most of them. The National HRDs who were interviewed all have links to at least one international partner in country either for funding of programmes, to assist in advocacy, or for some form of protection. The HRD from Equatorial Guinea shared that he had critical support from Spain, France, and Portugal. In Benin HRDs spoke about their relationship with France and the EU. In Liberia HRDs have benefitted from their relationship with the US, Sweden, and German governments.

However, in some countries links with western governments do not hold the weight they once did, especially with the increased emergence of China and other countries that are not known to pressure third countries about their human rights record. One HRD from Guinea shared that “Our government does not care about what France or the US says. They have the ear of the Chinese, and the Chinese do not care about human rights. So, using the strategy of asking European governments or the UN to protect us really doesn’t work.”

**Overall Gaps**
There are significant gaps in the protection of HRD and Frontline Grassroots HRDs in West Africa.

**Table: Comparison of gaps**

<table>
<thead>
<tr>
<th>Type of gaps</th>
<th>HRD</th>
<th>Frontline Grassroots HRDs</th>
</tr>
</thead>
<tbody>
<tr>
<td>Funding</td>
<td>While some HRD at the National level have funding, especially more well-established and well-connected individuals and organizations. Even within that there is little money for capacity building or to fully develop programs.</td>
<td>No funding was found to be provided directly to Frontline Grassroots HRDs for their work only that goes directly to</td>
</tr>
<tr>
<td>Overall, of violations against the group</td>
<td>There are some efforts to document violations committed on HRDs but only in a piecemeal manner</td>
<td>There is no concerted effort to document the violations committed against this group of HRDs.</td>
</tr>
</tbody>
</table>

*Current gaps in direct funding to HRD and Frontline Grassroots HRDs*
Beyond what is highlighted above, the Frontline Grassroots HRDs do not have access to the same funding options as the National HRD. One HRD from Liberia observes that not any of the Frontline Grassroots HRDs were aware of, or had
access to, the funding opportunities highlighted above. However of all the available funding, the engagement with international development partners appeared to be the most underutilized - even though it appears that both commitments and guidance are readily available.

**Gaps in monitoring and reporting of violations.**

Few of the HRDs or coalitions had monitoring and evaluation systems regarding protection issues. In general, the main gap is the lack of baseline data that provides an overview of the problem. Currently there are some efforts by HRDs to monitor and report on protection issues. For instance, in Mali the coalition uses a virtual protection system as a tool. It works as follows: if an HRD is in danger information is provided to the security forces where the non-state armed groups operate. It is unclear how many times this system has been effective in protecting and the HRD from Mali shared that, “Improvements can be made by opting for a more efficient technology system. We are receptive to any support for the implementation of a system”. The HRD also said that the capacity of the armed and security forces needs to be strengthened with stronger legislation to protect HRDs, and to inform them of possible incidents. This will allow them to promote the legal framework and contribute to reducing violations.

Ideally monitoring and evaluating the protection of HRDs would include keeping track of the number and types of violations taking place, the alleged perpetrator, the method of recourse and the outcome of the process. Currently there is no one mechanism by country that looks at the trends over time.

Monitoring and keeping up to date on laws that hinder, and how they hinder and endanger HRDs, will serve to understand the extent of the problem and create evidence-based advocacy to support changing the law. The new model law for the protection of HRDs offers opportunity for greater protection of HRDs, however it is important to monitor its use and effectiveness.

Fundamental to the challenges of monitoring and reporting reprisals and attacks is the mechanism to connect the unconnected frontline grassroots defenders, and the difficulty of defining, “who is a defender?” Further probing the situation of the “extremist defenders” nexus and the herder-farmers conflicts in the Sahel and northern Nigeria could help close such a gap in balancing the broad narratives that may be sweeping these issues under the carpet.

**Keeping track of how human rights issues are resolved.**

At the national level, protection related issues can be addressed in a variety of ways, for example through support from a paralegal or lawyer, community action, a court case, NHRI, or Ombudsman. Being able to show the outcomes helps to garner further support for addressing violations.

At the regional level, it is critical to monitor the outcome of cases being heard in the ECOWAS Community Court of Justice. Equally critical is the level of compliance by

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493 The consultant did not interview any Frontline Grassroots HRDs for this report. The information gathered from other HRDs who interviewed Frontline Grassroots HRDs did ask any questions about whether or how they received funding for their work.
governments after verdicts are made. This type of monitoring in real time can help to keep the regional court viable.

**Gaps in making existing mechanisms viable.**
National and regional mechanisms such as *African Commission Working Group on Extractive Industries (WGEI)* have the mandate, but they do not necessarily have the funds or the capacity. In some countries the NHRI could play this role, but they too are often underfunded and may run into problems with governments interfering in their work.

As there are significant accountability mechanisms in place at the international level through the UN and EU mechanisms highlighted in this report, it is important that the information is reported upwards. The Working Group of Extractive Industries (WGEI), and other mechanisms at the pan-African and international levels, deal directly with these key issues. However, a major gap is the relatively little focus on West Africa, for instance about the WGEI. Beyond a panel discussion on “Extractives industries, environment and human rights in Africa about cases from Cameroon, Liberia and Kenya” in April 2013, little involvement of these institutions is evident.

Greater support is needed for both enabling the work of established mechanisms such as the WGEI. Also, funding is to raise awareness about how to engage with these mechanisms by those who are the real targets for the WGEI. It is especially relevant now, as the WGEI is involved in establishing a Common African Position on the United Nations (UN) process towards a Legally Binding Instrument on Transnational Corporations and Other Business Enterprises with respect to human rights - which, if made viable, could be a feasible process to engage with. The WGEI is also in the process of developing a tool for monitoring, tracking, and responding to human rights violations in extractive industries.

**Support is also needed for engagement with mechanisms of redress at the various levels.**
Overall, the available remedies to achieve accountability for human rights violations at the various levels require time, expertise, and support. Currently, organizations and Coalitions largely take on these initiatives, but these efforts are often lengthy and labor intensive, and do not provide quick results. Beyond understanding the legal mechanisms, skills in community engagement and organizing are also needed. The table below highlights the types of support and remedies provided by various entities.

<table>
<thead>
<tr>
<th>Type</th>
<th>Remedy</th>
<th>Relevant Countries</th>
<th>Support and Guidance</th>
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</thead>
<tbody>
<tr>
<td>Funding and Technical</td>
<td>Paralegal support or/access</td>
<td>Sierra Leone</td>
<td>ACA/PILIWA</td>
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<tr>
<td>Support</td>
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<tr>
<td>Funding and Technical</td>
<td>Community Human Rights Protocol</td>
<td>Nigeria, Sierra</td>
<td>ACA and PILIWA /MRU CSO Platform/Green</td>
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<td>Leone</td>
<td>Advocates</td>
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<td>Redress</td>
<td>Class action lawsuit in domestic court against</td>
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<td>ACA and PILIWA</td>
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<td>Mali</td>
<td>FIDH[494]</td>
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<td>Nigeria, Mali</td>
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<td>CAO of the IFC</td>
<td>Liberia</td>
<td>Green Advocates International</td>
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<td>Advocacy</td>
<td>Targeting third country directly</td>
<td>Senegal, Nigeria</td>
<td>ACA</td>
</tr>
<tr>
<td>Redress</td>
<td>Commission of Human Rights and Administrative Justice</td>
<td>Ghana</td>
<td>ACA</td>
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</table>

Next Steps

Overall, there is an urgency in responding to the acute under reporting of attacks and reprisals as well as empowering, creating visibility, understanding and supporting HRD and especially Frontline Grassroots HRDs in their communities across the region.

Several of the National Human Rights Defenders interviewed and the numerous Frontline Grassroots Defenders profiled for this baseline assessment report and the annexed tools have identified a number of priority areas for immediate next steps actions. Interestingly, some of these immediate next step’s actions are also aligned with the principles of the Justice for All task Force[495] which includes but are not limited to the following:

**Empower people and communities.**

The justice journey begins by empowering people so that they can resolve their justice problems for themselves, their families, and their communities. Legal empowerment helps people understand and use the law. It enables them to recognize legal problems when they arise and equips them with the skills and confidence to act. Accessible information and good advice are important, but empowerment is needed for action to take place. Those most in need of justice need greater support to access solutions to their problems.

For example, defenders have expressed the needs to objectively, and through a process of co creation, probe and diagnose the defender’s extremist nexus in the Sahel and northern Nigeria as well as the “herders -farmers conflicts” with a human rights-based approach and a climate justice lens rather than a top to bottom command and control criminal justice national security lens. They have suggested that this could be achieved by working through and directly with frontline grassroots defenders to open up new avenues for halting the current tragedy in that region.

Therefore, a more dynamic model of legal empowerment invests in frontline grassroots organizations, whether formal or informal, that are rooted in communities and that are close enough to people to understand their legal needs and the context in which they arise. It challenges justice institutions to become more open and responsive to citizens and communities as they seek justice. And it actively promotes the inclusion of groups who have historically had the least access to justice. The technical, funding and

networking inadequacies identified amongst frontline grassroots defenders who were interviewed and profiled for this baseline report throughout the region is acute and the extreme need to respond forcefully to address these shortfalls cannot be overemphasized, especially given severe under reporting of attacks and reprisals against defenders

**Help people understand the law, prevent problems before they arise.**
People are empowered when they know their rights and feel able to act on them. Independent advice may be provided by a variety of actors, including those working outside the formal justice sector. Even though a number of community support organization normally organized paralegals who operate within communities and offer assistance that is highly cost-effective, Frontline Grassroots defenders profiled have indicated preferences for future paralegal capacity building efforts identifying and directly targeting the Frontline Grassroots Defenders themselves rather than outsiders. Local efforts need to be further understood and supported with actionable advice. Frontline Grassroots Defenders could be trained and supported as Paralegals offering them a small honorarium, smart phones, digital cameras and motor bikes to provide outreach support among their members and monitor, documents and reports on attacks and reprisals in their communities. They are better placed, given their relationship to conduct community education sessions and document, monitor and report in real time on attacks and reprisals as well as assist their members to resolve disputes.
Whether it is taking actions to keep oneself safe, communities safe, or faced with more complex problems there needs to be cost effective ways through HRDs and Frontline Grassroots HRDs can get and access solutions to their problems. In that regard, supporting HRDS and Frontline Grassroots HRDs with capacity building training that is co-created with them and the tools, technology and funding can go a long way in responding to and mitigating the incessant attacks and reprisals.

**Invest in legal aid and a specialize Defenders Clinics for the most vulnerable.**
Frontline Grassroots HRDs with serious legal needs will usually need financial support. Legal aid is essential for those facing criminal prosecution who cannot afford their own defence. The poorest litigants also need legal aid for cases to defend the whole range of rights that are violated especially the most vulnerable among them. This is where academic institutions, especially law schools need to design a specialize Defenders Clinics which could then build partnership with public interest lawyers across the West African region, many of whom are overwhelmed by not just the attacks and reprisals but the waves of criminalization perpetrated against front line grassroots defenders and indigenous communities. A Well-designed legal aid programs provide incentives to address the underlying problem.

**Increase participation in justice.**
People are more likely to feel empowered when they have a fuller understanding of the accountability mechanisms before them and they are engaged with them. Broader participation increases people’s expectations that they will be treated fairly and can build support for the rule of law among communities. Once people are introduced and start to understand the systems they too can engage and become activists including engaging as paralegals, community mediators, volunteer jurors or magistrates, and so
on. Engaged citizens can also play an important oversight role, monitoring progress towards delivering justice for all.

**Supporting local and regional systems to be more viable**
Evidence has shown that National Human Rights Institutions and the ECOWAS Community Court of Justice are being utilized to deliver justice to HRD and Frontline Grassroots HRDs however more support is needed to make these already established institutions even more viable, available, accessible and affordable.