

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

## **Executive Summary**

### **West Africa**

## **Frontline Grassroots Environmental and Human Rights Defender (HRD) Baseline report (focusing on Economic Social and Cultural Rights (ESCR) issues)**

### **Introduction**

The West Africa Frontline Grassroots Environmental and Human Rights Defender (HRD) Baseline report (focusing on Economic Social and Cultural Rights (ESCR issues) provides an overview of the situation of HRD who focus on ESC rights, specifically land and environmental rights on the frontline in communities in West Africa plus Equatorial Guinea. The research for this report draws on interviews of key informants and National HRDs who are primarily based in urban areas, desk research, and profiles of Frontline Grassroots Defenders working in poor rural and urban slums communities taken in 2020.

This baseline assessment aims to provide an overview of the situation facing HRDs in West Africa, specifically those working on the frontlines across the region. Questions the assessment will address:

- Who are the HRDs and what types of violations do they endure?
- Who are the perpetrators of crimes and violence against defenders and how do they operate?
- What are the strategies used by National and Frontline Grassroots HRDs for protection?
- What are the impediments (legal and programmatic) including trending violations and abuses related to attacks and reprisals?
- What are the mechanisms that are available to individuals at the local, community, national, regional, and international levels for protection?
- Where are there gaps?

### **Background**

The baseline assessment draws attention to the work of HRDs focusing on the climate crisis and environmental and social impacts related to the operations of multinational corporations and other non-state actors. Frontline Grassroots Defenders are at the frontlines responding to the impacts of climate change, such as droughts, food insecurity, floods, and sea level change. They also respond to the downstream consequences of these impacts, which include intensified conflicts between pastoralists and farmers, artisanal small-scale miners, large-scale commercial mining operators, artisanal fisherfolk, and industrial commercial fisheries. 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 2000 UN Declaration of Human Rights Defenders puts the responsibility on governments to implement and respect its provisions. Among these provisions is the duty to protect HRDs from harm because of their work. Despite the policies and conventions aimed to address the issue and the global recognition of the problem, serious barriers to implementation remain due to the type and nature of attacks on HRDs in West Africa, especially attacks on Frontline Grassroots HRDs. Relevant circumstances include regional trends towards shrinking civilian space, criminalization, militarization, stigmatization, and cumbersome registration procedures that make it challenging for HRDs to operate independently. HRDs in West Africa do not have adequate protection. In many instances, arbitrary arrest and detention, frivolous criminal charges, false accusations, unfair trial, and conviction of HRDs takes place.

*Background to the West Africa Context*

The historical and current political, social, and economic circumstances in the region have impacted the status of Frontline Grassroots HRDs. The post-independence decades have been characterized by violent civil, political, ethnic, and religious conflicts. Despite these challenges, there has also been progress in the peaceful resolution of these violent conflicts. Throughout the region, threats to political power and resources perceived by political leaders are major sources of conflict. Elections, in particular, often ignite violence and strife.

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. Poor people suffer from a range of human rights violations, including displacement, denial of their livelihoods and destruction of property. The situation across the region therefore makes the work of the National HRDs and Frontline Grassroots HRDs even riskier.

**Situational Analysis of all HRDs in West Africa**

HRDs play a variety of roles and work as journalists, environmentalists, women and gender activists, indigenous peoples and land rights advocates, whistle-blowers, trade unionists, lawyers, teachers, or housing campaigners. Some act individually and others as part of groups in order to promote or protect human rights, either as part of their jobs or in a voluntary capacity. The report makes two distinctions among HRDs. First, **National HRDs** work at the national levels, often lead organizations and coalitions, and are known for their work fighting on behalf of ESCR issues. Second, **Frontline Grassroots HRDs** work at the community level fighting for ESCR issues and are often unknown outside of their immediate communities.

*Table 1: Two types of HRDs and the main differences between them.*

<b>National HRDs</b>	<b>Grassroot Frontline HRDs</b>
<b>Who they are:</b> Known in both the international and domestic communities, well-known in civil society, participate at the regional and international level; heads of organizations, heads of coalitions, lawyers, journalists, professionally trained, based in national or regional hubs in their country.	<b>Who they are:</b> Unknown outside of their communities, do not call themselves HRDs, work in community and known within their community (e.g., official community leader, or self-appointed leader, director or chairman of CBO, staff of CBO, active community member, farmer, head of a natural resource user group, youth leader, women leader, head of a migrant community, community radio talk show host, local internet blogger).

<b>What they do:</b> Working on behalf of organizations or coalitions at the community level, defending the rights of vulnerable groups especially communities and community HRDs for the whole range of rights including land, environmental, cultural, political, and civil rights.	<b>What they do:</b> Working to protect individual and community rights to land, cultural rights, or environmental rights being violated by government or other third parties.
<b>How they do it:</b> 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 group etc.	<b>How they do it:</b> Engaging with companies or governments, educating communities about company activities, organizing communities, taking direct action (direct action can be illegal and violent or peaceful and patient).
<b>Main risks:</b> Risks included unlawful arrest, arbitrarily detention, fines, reputational risks, accusation of being anti-development, having an organization shut down, inability to fully carry out work due to restrictions at the national level.	<b>Main risks:</b> Losing land, water, access to livelihood, property rights, access to the cultural sites, and the respect of families or communities. Other risks include negative impacts on health and environmental degradation. There are also some that are at risk of losing their lives, being arrested, detained, and assaulted.

The National HRDs interviewed were all college educated and professionally trained lawyers, journalists, community mobilizers, advocates, or researchers. Sharing their experiences, National HRDs largely described a shrinking environment for human rights activism and respect for the rule of law. Notably, across the region HRDs who focus on land rights, environmental issues, or highlight corruption are often labelled anti-development. Some report that when they raise concerns around contracts between governments and multinational companies in the mining, logging, and mineral sectors, they and the Frontline Grassroots Defenders they are supporting have been labelled ‘mercenaries,’ ‘antidevelopment,’ or ‘blamed for speaking badly about their country internationally.’ The “anti-development” rhetoric puts HRDs and the Frontline Grassroots Defenders 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.

*Table 2: Characteristics of the working environment for National HRDs.*

<b>Characteristics of the working environment</b>	<b>Countries</b>
At least one HRDs murdered and extra judicial killings take place	All countries
Human rights violations faced by many HRDs in the region include unlawful arrests, unlawful detention, incommunicado detention, judicial threats, trumped up charges, being forced into exile, being forced to relocate, forcibly displaced, murdered	All countries except for Cape Verde
Under reporting of murders due to a lack of a clear definition of HRDs because of the nexus of non-state actors — mainly extremist organizations and criminal gangs	Mali, Burkina, Nigeria, Niger, Mauritania
Shrinking of civic spaces includes criminalization, militarization, stigmatization, limits to press freedom, freedom of expression and association	Almost all countries highlighted except in the case of Cape Verde and The Gambia

Non-state actors—mainly extremist organizations and criminal gangs also pose a major threat to HRDs	Mali, Burkina, Nigeria, Niger, Mauritania
HRDs referred to as traitors, anti-development, anti-government, anti-investment, and anti-country actors. Broader society lacking an understanding of the role of HRD in society	All countries except Cape Verde and Guinea Bissau

The Frontline Grassroots Defenders, described in more detail in the Table 1 above, were also profiled anonymously and their data contributed materially to this report. They are HRDs who are often considered first responders, work in their communities, may not refer to themselves as HRDs, and focus on the environment, land rights, indigenous rights, and business and human rights. Research has found that environmental HRDs are three times as likely to suffer attacks than other HRDS, and 77% of HRDs that were killed in 2018 worked on land, indigenous peoples, or environmental rights.<sup>1</sup> The Frontline Grassroots HRDs said despite their peaceful efforts the government and the multinational continued to suppress, harass, intimidate, and arrest them.<sup>2</sup>

*Table 3: Threats faced by Frontline Grassroots HRD.*

<b>Characteristics of threats faced by Frontline Grassroots</b>	<b>Countries affected</b>
Political and civil threats, such as arrest, detention, harassment, frivolous criminal charges, media attacks, stigmatization, and murder	All countries except Cape Verde
Economic, social, environmental, and cultural rights, such as loss of land and property	All countries except for Cape Verde and Burkina Faso
A combination of rights, such as economic, social, and cultural rights, such as land or environmental rights. Their political and civil rights have come under attack, including being arrested, held without charge, detained for a prolonged period of time, murdered, and subjected to job loss.	Across the region but highlighted especially in Liberia, Sierra Leone, Guinea, Ghana, Niger, Nigeria, and Ivory Coast.

**Governments, Multinational, and Corrupt Community Leadership**

Governments across the West Africa region are inviting multinational corporations 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 them. At times, community leadership has been co-opted by multinationals. Given that government actors at various levels are behind threats to HRDs, avenues of recourse are extremely challenging within HRDs’ own national institutions. Multinationals also play a major role in putting HRDs and communities at risk with the backing of the respective governments. Even when laws that protect HRDs are on the books, the judiciary can also be used to silence detractors.

**African Continental Free Trade Agreement and the Escazu Agreement**

Although very much in its early stages, the recent decision by African governments to set up a free trade area, which is estimated to deliver a gross domestic product (GDP) of more than \$2 trillion, has raised concerns about social and environmental safeguards, including protecting

<sup>1</sup> See Frontline Defenders for more information: [Publications | Front Line Defenders](#)  
<sup>2</sup> Mano River Union Civil Society Natural Resources Rights and Governance Platform First Peoples’ Forum on Corporate Accountability: Final Report.

human rights and the environment. This process has set into motion conversations in the region among civil society actors about the possibility of replicating the Escazu Agreement, an initiative of Latin American and Caribbean countries, which seeks to regulate regional standards in terms of environmental protection, access to information, and the protection of environmental activists and defenders.<sup>3</sup>

## Assessment of Remedies at the Individual, Community, National, and International Level

### *Individual Level*

On the individual level, several HRDs highlighted the importance of taking **personal responsibility** for their own safety, including keeping key people informed of travel plans, laying low during periods of political unrest, and traveling with at least one other person. In times of potential unrest when violence can easily erupt, some HRDs put extra safety protocols in place. 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.

Increasingly, HRDs are facing threats to their **data security**, including websites or emails being hacked or critical data being compromised. The majority of the HRDs who were interviewed and the Frontline Grassroot Defenders who were profiled did not feel as though they were well protected or had sufficient knowledge about how to protect their data. 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.

### *Community Level*

At the community level, formal judicial mechanisms exist such as Justice of Peace courts and Paramount Chief courts throughout West Africa.

The informal mechanisms for protection discovered through the research include the efforts that communities made themselves and those where they received outside help. These efforts were either seen as stop gap measures or necessary steps to engage in larger processes. In some countries, HRDs use **local rituals, taboos, and cultural traditions** – such as the Porro and Sande Sacred Societies – to seek some form of protection and recourse in response to companies' actions. Frontline Grassroots HRDs highlighted the use of **community-based assessment protocols** to measure the human rights impact of the business activities.

### *National Level*

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

Formal remedies at the national level include 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. Among policies between multinational companies and

---

<sup>3</sup> <https://environment-rights.org/the-escazu-agreement/> (The Escazu Agreement)

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 mitigation, management, and monitoring measures.

**Laws** are another formal remedy that can be used to protect HRDs. Within West African countries, there are significant gaps in the legal and policy framework. In a 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 such that HRDs can exercise these rights without interference.<sup>4</sup> Existing laws that protect HRDs have not focused enough attention on Women HRDs.

At the national level, taking cases to court is often not an option for many because of the cost, time, and fears of corruption. **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.

**National Human Rights Institutions (NHRIs)** play roles as the 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. 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. Compliance with the Paris Principles<sup>5</sup> is the central requirement of the accreditation process that regulates NHRI access to the United Nations Human Rights Council (HRC) and other bodies.

Informal approaches on the national level include engaging with organizations and coalitions to protect HRDs. The majority of the National HRDs interviewed were part of **coalitions and networks**. Coalitions and networks have a variety of purposes from the protection of HRDs to specialized focus on specific issues impacting the country. Other informal strategies include engaging directly with security agencies, developing personal relationships with figures in key positions, and inviting key government actors to conferences and other events.

In addition, many of the HRDs interviewed had strong links with the **media** in their country, however, Frontline Grassroots Defenders received very little visibility and media coverage about their work. There is serious under-reporting by the media and other organizations of attacks and reprisals against Frontline Grassroots Defenders across much of the region.

### *Regional and Pan African*

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. 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). The decisions are legally binding for ECOWAS member states. Victims of human rights violations

---

<sup>4</sup> [https://media.business-humanrights.org/media/documents/files/documents/UNSR\\_HRDs- World\\_report\\_2018.pdf](https://media.business-humanrights.org/media/documents/files/documents/UNSR_HRDs- World_report_2018.pdf)

<sup>5</sup> <https://www.un.org/ruleoflaw/files/PRINCI-5.PDF>

can directly appeal to the Court even if they are bringing a case at the national level because local remedies do not need to be exhausted before cases are brought to the Court.

The **ACHPR** is aimed at both promoting and protecting the human rights of Africans across the continent. Complaints can be made by an individual, NGO or group of individuals. There are **Special Rapporteurs** and other mechanisms focused on human rights issues. The **Working Group on Extractive Industries, Environment and Human Rights Violations** (WGEI) focuses on understanding the impact of the extractive industries in Africa within the context of the African Charter on Human and Peoples' Rights.

The **African Court on Human and Peoples' Rights** is a continental court established by African countries to ensure protection of human and peoples' rights in Africa. To date there have been a handful of cases from West Africa including cases of land disputes and women's rights issues brought by both individuals and groups.

Among informal mechanisms, coalitions exist at the local, national, regional, and international level. Relevant regional networks and coalitions include the West African Human Rights Defenders Network (WAHRDN), Mano River Union Civil Society and Natural Resources Rights and Governance Platform (MRU-CSO Platform), Public Interest Lawyering Initiative for West Africa (PILIWA), Natural Resource Women Platform (NRWP), the Centre for Economic Social Cultural Rights in Africa (CESCRA), and the Center for Economic and Social Rights (CESR).

### *International Level*

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

Formal, non-judicial remedies include the Organization for Economic Cooperation and Development (OECD), the Compliance Advisor/Ombudsman process, and the United Nations. OECD Watch helps civil society, individuals, and communities harmed by corporate behavior understand and use the grievance mechanism to seek remedy and hold corporations accountable. Companies under the IFC are pressured to respect the laws in the countries they are working in.

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 **UN agencies** that HRDs mentioned most frequently were UNDP and OHCHR. Recognition of the protection of environmental HRDs has been highlighted by the United Nations Environment Programme (UNEP). 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."<sup>6</sup>

---

<sup>6</sup> United Nations, the United Nations Secretary-General Press Conference, Geneva, 2016, available at [un.org.au/2016/10/04/the-united-nations-secretary-general-press-conference-geneva-3-october-2016/2/f](http://un.org.au/2016/10/04/the-united-nations-secretary-general-press-conference-geneva-3-october-2016/2/f)

Informal remedies on the international level can be categorized as direct support, indirect support, or program support. Direct, or hardware, support is concrete and may include physical protection through security guards or infrastructure, the development of a security plan, and resources to assist in relocation in the event of emergency. Indirect support may include psychosocial support, capacity building and training, and networking activities. Program support often includes legal aid, funding for programs, strategic litigation, and training on mechanisms.

*Table 4. Overview of formal and informal remedies for HRDs.*

<b>Level</b>	<b>Formal</b>	<b>Informal</b>
Individual		Personal Risks assessments
Organizational	Security Guards	Organizational Risk Assessments
Community	Peace Courts Paralegals	Community Level Actions Using local tradition, rituals, taboos, and culture for disruption Sharing experiences and networking Developing community-based protection protocols Making links with local level officials
National	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	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.
Regional	Bring case to ECOWAS Community Court of Justice	Being a part and working with regional coalitions
Pan African	African Commission on Human and People's Rights The African Court of Justice and Human Rights	
International	OECD CAO RSPO UN Mechanisms	INGOs providing emergency relocation grants, training and capacity building, advocacy and urgent actions, legal aid, exposure

## **Conclusion**

The Declaration on the Protection of Human Rights Defenders and subsequent legislation places responsibility on governments to protect HRDs from harm as a consequence of their work. However, governments are not only failing to protect HRDs and Frontline Grassroots HRDs, but



they also violate the rights of HRDs, often siding with multinationals or other non-state actors over their own citizens. National HRDs, with their connections and experience, have an important role to play to support and ensure protection for Frontline Grassroots HRDs, who are largely unknown outside their communities and villages. Frontline Grassroots HRDs are largely left to protect themselves and use strategies that are locally available rather than relying on outside support. Ultimately, the goal is for greater protection for HRDs using both formal remedies and informal remedies.

### Annex 1: Set of Legal and Policy Recommendations

The following are key policy actions to protect HRDs. These policy actions are relevant for a broad range of governments, multinationals, national human rights institutions, donors, civil society organizations, the African Commission, ECOWAS, the UN, and other stakeholders.

1. Raise the profile and expose the problem by addressing the under reporting of attacks and reprisals against HRDs in the region, including probing the herders-farmers conflicts and the extremist defender’s nexus in northern Nigeria and the Sahel region, and create visibility about HRDs and their work.
2. Center HRDs and/or frontline grassroots defenders by building their capacity.
3. Strengthen the legal and policy framework.
4. Ensure implementation of laws and the development of effective HRD mechanisms, defenders legal clinics at law schools, and other enforcement support.
5. Build additional support to provide HRDs and their organizations with funding and capacity building.
6. Ensure all HRDs are accounted for, recognized, protected, and supported.

*Table 5. Key stakeholders and policy action prioritization.*

Stakeholders	Policy 1	Policy 2	Policy 3	Policy 4	Policy 5	Policy 6
Governments						
National Human Rights Institutions						
Multinational Companies and Non-State Actors						
ECOWAS						
African Commission						
UN Agencies						
Development Partners						
Media Institutions						
Private Foundations and Donors						

While these policy actions are common across stakeholders in West Africa, HRDs in each country are subjected to unique policies, legislations, and regulations that impact their work. Table 6 highlights country-specific recommendations to protect HRDs.

*Table 6. Country-specific recommendations.*

<b>Country</b>	<b>Key Recommendations</b>
Benin	<ul style="list-style-type: none"> <li>• Document human rights violations.</li> <li>• Train or educate HRDs to empower them to document abuses.</li> <li>• Reinstate the ability of individuals and NGOs to bring complaints to the African Court.</li> <li>• Bring the Commission Béninoise des Droits de l’Homme in line with the Paris Principles to provide a mechanism for HRD remedies and accountability.</li> <li>• Pass a law to protect HRDs, including a mechanism for implementation.</li> </ul>
Burkina Faso	<ul style="list-style-type: none"> <li>• Create an implementation and protection mechanism for HRD law.</li> <li>• Reinstate human rights commission.</li> <li>• Criminal Code amended or interpreted to clarify protections for the rights of HRDs to speak and assemble freely.</li> <li>• Amend laws and create protections by involving HRDs and local organizations.</li> </ul>
Cabo Verde	<ul style="list-style-type: none"> <li>• Bring stronger protection mechanisms for HRDs.</li> <li>• Create a national human rights institution that incorporates protections for HRDs.</li> </ul>
Côte d’Ivoire	<ul style="list-style-type: none"> <li>• Provide resources for its human rights commissions and re-join the African Court.</li> <li>• Strengthen the HRD law by creating a mechanism that helps with implementation and enforcement of the law.</li> <li>• Revise the criminal code to prevent restrictions on the freedoms of press and assembly.</li> </ul>
Equatorial Guinea	<ul style="list-style-type: none"> <li>• Repeal laws restricting freedoms of speech, media, and assembly, and enact laws that protect civil society and HRDs.</li> <li>• Allow political opposition to participate in elections to create a more democratic system and decrease targeting of HRDs working on the election system.</li> <li>• Create a third-party mechanism to prevent corruption and violence against HRDs.</li> <li>• Allocate more resources into the human rights commission and make it compliant with the Paris Principles.</li> </ul>
The Gambia	<ul style="list-style-type: none"> <li>• Implement amendments to the criminal code and the Constitution that better support HRDs and their work.</li> <li>• Bring the human rights commission in line with the Paris Principles.</li> <li>• Repeal the Public Order Act, or at least the parts that limit freedom of assembly.</li> <li>• Create, adopt, and implement legislations focused on the protection of HRDs.</li> </ul>
Ghana	<ul style="list-style-type: none"> <li>• Improve protections of HRDs in journalism.</li> <li>• Set measures to prevent arbitrary arrests and hold police accountable for excessive force.</li> <li>• Pass legislation specific to the protection of HRDs.</li> </ul>
Guinea	<ul style="list-style-type: none"> <li>• Enforce Article 23 of the Constitution.</li> <li>• Hold police forces accountable for violence committed against protesters.</li> <li>• Remove legislation limiting freedom of the press.</li> <li>• Bring National Institution for Human Rights in line with the Paris Principles.</li> </ul>

Guinea Bissau	<ul style="list-style-type: none"> <li>• Address corruption in the police force.</li> <li>• Increase access to governmental information to promote government accountability and combat corruption.</li> <li>• Uphold constitutional rights to freedom of expression and assembly, and pass legislation about the protection of HRDs.</li> <li>• Bring Human Rights Commissions in line with the Paris Principles.</li> </ul>
Liberia	<ul style="list-style-type: none"> <li>• Establish protections for HRDs, including improved mechanisms for upholding rights against corporation actors and extractive industries.</li> <li>• Respect the rights of HRDs working on environmental rights by passing legislation for the protection of HRDs, including a mechanism to implement the law.</li> <li>• Ensure internet access during protests, and decriminalize all press-related crimes.</li> <li>• Stop using the legal system to harass HRDs, and hold police who arbitrarily arrest protesters accountable.</li> </ul>
Mali	<ul style="list-style-type: none"> <li>• Commit to implementing and enforcing mechanisms, create a mechanism to enforce the HRD law, and act on cases presented through the Mali Democratic Inquiry Space.</li> <li>• Bring Human Rights Commission into full compliance with the Paris Principles.</li> <li>• Hold police accountable for violent actions and actions taken outside the judicial system.</li> <li>• Involve the Malian Coalition of Human Rights Defenders in its improvement efforts.</li> </ul>
Mauritania	<ul style="list-style-type: none"> <li>• Bring Human Rights Commission into compliance with the Paris Principles.</li> <li>• Repeal laws that restrict NGOs.</li> </ul>
Niger	<ul style="list-style-type: none"> <li>• Improve enforcement of existing laws, repeal laws that deprive constitutionally guaranteed rights, and create new legislation to protect HRDs.</li> <li>• Educate legal bodies on the Press Law.</li> <li>• Repeal law limiting protests to business days and laws requiring authorization for protests.</li> <li>• Uphold Constitutional requirement to uphold ratified international treaties.</li> <li>• Establish mechanisms to protect HRDs from reprisals due to conflation with terrorism.</li> </ul>
Nigeria	<ul style="list-style-type: none"> <li>• Create an HRD-specific law that includes an enforcement mechanism</li> <li>• Repeal or revise the Public Order Act to eliminate infringement of the right to assemble.</li> <li>• Involve the Environmental Rights Action HRD organization on improvements.</li> <li>• Establish mechanisms to hold police accountable for extrajudicial violations.</li> </ul>
Senegal	<ul style="list-style-type: none"> <li>• Increase transparency about government contracts and bilateral agreements.</li> <li>• Clarify the Press Code and the Code on Electronic Communications to prevent the infringement of HRDs' rights to freedom of expression and press.</li> <li>• Repeal law requiring advance approval for protests and create law to protect HRD rights.</li> <li>• Develop a focus of the Human Rights Commission on the protection of HRDs.</li> </ul>
Sierra Leone	<ul style="list-style-type: none"> <li>• Create legislation specific to protection of HRDs by involving the local HRD network, Network Movement for Justice and Development.</li> <li>• Protect land rights and hold companies accountable for the property right violations.</li> <li>• Repeal policy regulations impeding work of NGOs.</li> <li>• Improve mechanisms to hold police accountable for excessive force and enforce accountability measures.</li> <li>• End the monitoring of private conversations online.</li> </ul>
Togo	<ul style="list-style-type: none"> <li>• Strengthen legislation on HRD protection in line with model legislation, including an enforcement mechanism.</li> </ul>

	<ul style="list-style-type: none"> <li>• Strengthen human rights commissions mechanism against torture, including taking away the government’s power to elect members.</li> <li>• Repeal laws that limit freedom of expression and assembly, including provision allowing for electronic surveillance, restrictions on protests, and defamation charges.</li> <li>• Curb police brutality and hold authorities accountable for extrajudicial acts.</li> </ul>
--	---

## Annex 2: Community Based Human Rights Protection Protocol

The community-based human rights protection protocol is the collection of the experiences, knowledge, skills, strategies, and lesson learned of Frontline Defenders. The aim of the protocol is to highlight, step-by-step, what individuals and communities can do to protect their own rights and the rights of communities to land, livelihood, and environment.

### Case Studies

1. **Innovate and utilize community customary collective protection mechanisms pioneered by frontline defenders and indigenous peoples.** Through a process of free, prior informed consent amongst members these mechanisms focus on local tradition, rituals, taboos, spiritual, and cultural instructions for disruption.
2. **Develop protection checklists to help keep communities in check or on alert.** Checklists of preidentified protection measures help individuals become critically aware of their own surroundings and strategies to protect themselves.
3. **Develop a security risk assessment and protocol to keep individual and staff safe, including contingency planning for worst case scenarios.** Security risk assessments and protocols helps actors be prepared for challenges.
4. **Women working together in coalition as a form of protection.** Working together in groups or coalitions can make it more difficult for individuals to be singled out and targeted.
5. **Use peaceful methods first. Start by knowing and following the law and be sure to document.** Use strategies such as public awareness campaigns and sensitization meetings to engage the government and get opportunities to advocate for the community can mitigate risks.
6. **Use policy analysis as a weapon to engage and hold the government accountable.** Reviews of legal authority for existing laws that are harmful or that could be improved can challenge the laws’ legality and create opportunity for change.
7. **Use community-based assessment tools.** Surveys assessing the human rights impacts of businesses on communities can be used in future advocacy.
8. **Ensure community unity.** Consensus among community members is critical to building community protection.
9. **Share experiences and networking.** Communicating with other communities about shared challenges and experiences can help with solidarity, community protection, and strategy development.
10. **Bring cases to court at the national and regional level.** Litigation can protect individuals and communities in specific instances and lead to longer term protection.
11. **Use national human rights institutions.** NHRC’s offer opportunities for individual protection and community-based protection strategies.

12. **Improve accessibility to real remedies for justice at the regional level.** These regional solutions can be more accessible for some individuals and communities and can help avoid some of the challenges associated with addressing challenges at higher levels.
13. **Hold companies accountable through the OECD process.** Issues can be addressed through the OECD complaint process and getting enforcement support from the OECD.
14. **Utilize the Compliance Advisor/Ombudsman of the IFC.** Companies under the IFC are under pressure to respect the laws in the countries they are working in, so utilizing the CAO can put pressure on the companies to abide by relevant laws.
15. **Share impacts and violations as a basis for collective protections.** More than just sharing experiences, communities can work together for collaborative advocacy efforts and solutions.

*Table 7: Accountability to support community-based protections.*

Country	Remedy	Frontline/HRD	Learning points as to how can contribute to community-based protections.
Guinea Liberia	ESIA	National HRD in support of Frontline Grassroots HRD and communities	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.
Gambia	Participation in the UPR and HRC process	National HRD to represent the key issues	Once recommendations in support of protection of HRD are made the government must respond, ultimately resulting in a change on the law, policy, and practice of government.
Sierra Leone	National court case	Frontline HRDs to bring a case to court with support from National HRD and regional coalition	Educates community members on the process of taking an issue to court, demonstrating that they have both rights and remedies serving as an empowerment tool.
	African Court of Justice	National/Frontline HRD	Resulted in concrete legally binding results against government in individual cases demonstrating that remedies can be sought outside of the country.
Guinea Liberia	ECOWAS Comm. Court of Justice	National/Frontline HRD	Resulted in concrete legally binding results against government in individual cases demonstrating that remedies can be sought outside of the country.
Guinea Liberia	OECD	National/Frontline HRD bringing cases to the OECD with support	Provides Frontline Grassroot HRDs an opportunity to engage in an international process that provides an internationally recognized remedy providing community protection.
Guinea Liberia	CAO of the IFC	National/Frontline HRD	Provides Frontline Grassroot HRDs an opportunity to engage in an international process that provides an internationally recognized remedy providing community protection.
Ghana Liberia	NHRI	National/Frontline HRD	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.

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

Overall findings regarding funding indicate that 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 reduced their budgets. While public donors are three times as significant as private donors, there are other benefits to private funding. 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 the international level rather than project funding in specific countries. Generally, the work that Frontline Grassroots HRDs undertake is not funded directly by major donors. Largely, the National HRDs are the only ones positioned to access funding from private and public sources. National HRDs highlighted that they received very limited funding from being part of coalitions.

Non-governmental organizations who were mentioned by National HRDs included 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. Other types of support include legal aid, strategic litigation, advocacy, raising the profile of HRDs, capacity building, and provision of training resources.

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.<sup>7</sup> 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.

#### **Gaps**

- Greater parity in funding between Frontline Grassroots HRDs and National HRDs.
- Better monitoring and evaluation systems and baseline data.
- Better records of how human rights issues are resolved.
- Increased viability of existing mechanisms.
- More support for engagement with mechanisms of redress at the various levels.

#### **Next Steps to support and empower Frontline Defenders Across West Africa**

- Empower people, reach out to the unconnected defenders, adequately respond to the under-reporting of attacks and reprisals, and deliberately support and co-create a robust monitoring and reporting project across the region with frontline defenders.
- Help people understand the law in order to prevent problems before they arise.
- Invest in legal aid for the most vulnerable and train frontline defenders as paralegals.
- Increase participation in justice by using a climate and human rights lens to probe the herder-farmer conflicts and the extremist defender's nexus in the Sahel.
- Directly support local and regional frontline grassroots s defenders' network to be more viable and enable a conversation to institutionalize environmental rights in the region.

---

<sup>7</sup> <https://amnestyeu.azureedge.net/wp-content/uploads/2019/09/Defending-Defenders--An-Assessment-of-EU-Action-on-HRDs.pdf>