

**Securing the Firewall and Connecting the Unconnected: Frontline Defenders Across West Africa
Final Baseline Report**

**West Africa
Frontline Grassroots Environmental and Human Rights Defender (HRD)
Focusing on Economic Social and Cultural Rights (ESCR)**



Green Advocates International
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We hope that this report helps to draw attention to this heart wrenching and acute under reporting of attacks, reprisals, and killings of defenders across West Africa and the Sahel including the attention that it deserves and needs.

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Acronym

ACA	Advocates for Community Action
ACHPR	African Commission on Human and People's Rights
ACJHR	African Court on Justice and Human Rights
AfCFTA	Africa Continental Free Trade Area
CAO	Compliance Advisory Ombudsman
CAT	Convention against Torture
ECOWAS	Economic Community of West African States
ESCR	Economic, Social and Cultural Rights
HRD	Human Rights Defender
ICCPR	International Covenant on the Civil and Political Rights
IFC	International Finance Corporation
INGO	International Non-Governmental Organization
ISHR	International Service for Human Rights
MRU	Mano River Union
MRU-CSO	Mano River Union Civil Society Organization
NHRI	National Human Rights Institutions
OECD	Organization of Economic Development
PAHRDN	Pan African Human Rights Defenders Network
OHCHR	Office of the High Commission for Human Rights
PILIWA	Public Lawyering in West Africa
RSPO	Roundtable for Sustainable Palm Oil
UN	United Nations
UNDP	United Nations Development Program
UNEP	United Nations Environmental Program
UDHR	Universal Declaration of Human Rights
WAHRD	West African Human Rights Defenders Network
WGEI	Working Group on Extractive Industries
WHRD	Women Human Rights Defender

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I. Introduction

The West Africa Frontline Grassroots Environmental and Human Rights Defender (HRD) Baseline report provides an overview of the situation of Defenders (HRDs) who focus on Economic, Social, and Cultural Rights (ESCR), specifically land and environmental rights on the frontline in communities in West Africa. The research for this report draws on interviews, desk research and the profiles of frontline grassroots defenders done in mid-2020 and early 2021. Originally the findings from the research were intended to be presented at a conference in Liberia in June 2020. However, because of the COVID 19 pandemic the proposed conference was postponed until 29-31 March 2021 and moved online.

The global conference named “*Securing the Firewall and Connecting the Unconnected: Frontline Defenders Across West Africa Conference*” (hereafter referred to as West Africa Frontline Grassroots Defenders conference) was hosted by Yale University School of Law and had simultaneous translation in English and French.¹ The West Africa Frontline Grassroots Defenders conference brought together experts, INGO staff, donors, students, and West Africa National and Frontline Grassroots Defenders from most of the 16 countries in West Africa. Others who attended were from Europe, the USA, Canada, Southeast Asia, and Latin America. Experts included Special Rapporteurs from both the United Nations and African Commission on Human and People’s Rights (ACHPR). Staff from Advocates for Community Alternatives (ACA), International Service for Human Rights (ISHR), Global Witness, Institute of International Education, Defend the Defender Coalition, ESCR-Net - International Network for Economic, Social, and Cultural Rights, Mano River Union Civil Society Natural Resources Rights and Governance Platform, Program on Human Rights and the Global Economy at Northeastern University School of Law, the Public Interest Lawyers Initiatives for West Africa, Swedwatch, Tulane University School of Law, West Africa Human Rights Defenders Network, West African Journalists Association, the Goldman Environmental Prize Foundation and Greenpeace also attended; as did donors such as the Open Society Foundation, and the Ford Foundation.

The West Africa Frontline Grassroots Defenders conference was highly participatory, with two half days of information sharing with Frontline Grassroots Defenders sharing stories of their experiences, tactics they use to protect themselves, and the needs they have in terms of enhancing their protection. The National HRDs, many of whom lead organizations in their countries and are part of broader regional and international coalitions, shared promising practices for seeking accountability at the national, regional, and international level – and doing so working in partnership with HRDs. Participants highlighted both their triumphs and the challenges they face. The final day focussed on providing feedback in working group sessions on the various sections of the report.

Staff involved in this project included Green Advocates International led by Alfred Brownell, who is the founder and lead campaigner at Green Advocates and serves as the strategic policy advisor and supervisor of the baseline assessment and the conference. Francis Colee is Head of Programs at Green Advocates International and is helping to coordinate this project. Peter Quaqua is the head of the Secretariat of the Mano River Union Civil Society Natural Resources Rights and Governance Platform and has been overseeing the conference preparations and beyond. Green Advocates works closely with the Mano River Union Civil Society Natural Resources Rights and Governance Platform who play an important role as the anchor and platform for Frontline Grassroots HRDs in West Africa.

Tania Bernath was hired as a consultant to the project. She interviewed key informants, carried out an extensive desk review, designed and authored both the inception and final reports.

Several law students from Yale Law School and Northeastern University School of law working under the supervision of Alfred Brownell provided comparative desk study research, analytical rewrite and reorganization of several sections including back stopping review of key data sources.

¹ For more information about the conference see West African Human Rights Defender Conference - Yale Law School

Methods and Data collection

The main methods used were semi-structured interviews which were complemented by an extensive desk review. Secondary information was also collected and provided to the researcher. Overall, over 35 key informant interviews (KII) were done. These included seven WHRDs and 23 HRDs from all 17 countries. There were also a select number of interviews done with individuals from organizations who support the work of the HRDs in the region.

Given the challenges of COVID restrictions, detailed interviews were done with more than seventy-eight (78) Frontline Grassroots Defenders by focal persons from organizations who support the work of Frontline Defenders in Ghana, Liberia, Guinea, Niger, Mali, Nigeria, Sierra Leone, Burkina Faso, and Mali to validate and ground truth the desk study and interviews by key informants. A selected variety of data gathered from these interviews were then developed into profiles of these Frontline Grassroots Defenders. An extensive Desk Review was done to compliment and corroborate information gathered in the interviews. One key reference was a conference report from the Peoples Summit held in Makeni Sierra Leone in 2019 that brought together HRDs from West Africa to share experiences.² Feedback and information from the West Africa Frontline Grassroots Defenders conference are also incorporated. The conference also served as validation as on the last day of the conference each aspect of the report was discussed, and feedback was sought and harvested to corroborate the findings.

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 both feasible and manageable. Therefore, this report is not an exhaustive study of every Defender who is at risk or every law that violates the rights of Defenders, nor every remedy and organization that is operating in West Africa. The focus of this report is to provide an overview of the type of environmental and human rights violations faced by National and Frontline Grassroots Defenders, an understanding of who the main perpetrators are, and provide an overview of available remedies, that have been tried and tested by those in the field starting with the individual Defenders to those actors at the international level.

Data Privacy and Protection

Regarding all interviews and all information gathered, consideration has been given to protecting the confidentiality and privacy of those being interviewed, more specifically Frontline Grassroots Defenders who were profiled for this report. As a precautionary measure, no specific names of individuals are used in the report. The names of those interviewed are provided in an annex however this annex will not be made public. Additionally, alleged perpetrators are not named individually or for instance, a company is not specifically named to protect the confidentiality of all parties. The only circumstance where names are used is if the information is already in the public domain such as when secondary sources are used or where the Defenders expressly requested that their names be made public as a protection mechanism.

The organization of the report

This baseline assessment provides an overview of the situation of Defenders in West Africa with a specific focus on those working on the frontline in communities, both rural and urban, slums and squatters across the region. The baseline assessment heavily draws upon the knowledge, skills, experience, and unique expertise of Defenders and draws attention to the work of Defenders and the

² The People's 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, DR Congo, Ivory Coast, Guinea, and Niger. The forum was organized by Green Advocates International in Liberia with funds provided by the Fund for Global Human Rights (FGHR). It was hosted by the Network Movement for Justice and Development (NMJD) and the Sierra Leone Network on the Right to Food (SiLNORF).

environmental and social impacts related to the operations and actions of multinational corporations, governments, and other non-state actors in the region. The baseline assessment specifically addresses:

- ✓ Who the Defenders are and what are the types of violations they endure?
- ✓ Who are the perpetrators of abuses against Defenders are, and how they operate?
- ✓ Strategies used by National and Frontline Grassroots Defenders to keep themselves safe.
- ✓ What are the legal and programmatic impediments are including trending violations and abuses related to attacks and reprisals?
- ✓ Informal and formal mechanisms that are available to individuals at the local, community, national, regional, and international levels for protection; and
- ✓ Where major gaps lie.

The West Africa Frontline Grassroots baseline is divided into three parts. The first part provides an overview of the situation of Defenders - making a distinction between National and Frontline Grassroots HRDs, including who they are, what they do, and the risks they face. It also includes a section on a potentially new set of Defenders aimed at proposing a broader definition of Defenders to include herders, farmers, and in some cases local or indigenous communities caught up in broad narratives of violent ideologies or inter communal conflicts who are fighting for their land, natural resources, livelihood, culture, religion, or a way of life. It also provides a broader situational analysis of the main alleged perpetrators and the main types of violations being perpetrated.

The second part provides an overview of the remedies, both formal and informal, from the individual defender - prevention level, to the community, national, regional, and international levels and includes an overview of the key players that supports or undermines the protection of Defenders.

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

- *A set of policy recommendations* aimed at building upon existing policies that are relevant to the situation of Defenders. Policy recommendations will be directed towards national, regional, international, and non-state actors who work and engage in West Africa. National recommendations by country are also included.
- *The community-based protection protocol* provides an overview of currently available remedies found at the various levels from the community through to the international level. All the examples provided were drawn from the direct experience of the HRDs from West Africa. These demonstrate approaches that are uniquely relevant to the West Africa context including the expertise, experiences, knowledge and skill sets of the HRDs themselves. The protocol is aimed at sharing the different remedies used so that others within the West Africa context can learn. Examples are provided in a user-friendly manner through Stories, Frequently-Asked-Questions and Case Studies.
- *An overview of the funding situation, the gaps that exist in the support and capacity infrastructure and next step actions.* Regarding funding it highlights which donors are currently engaged and the range of activities that are funded. It also highlights gaps that exist such as a lack of focus on documentation of human rights violations impacting both National and Frontline Grassroots Defenders and the next step actions that are needed.

II. 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. Many HRDs face substantial threats to their person, their families, and their organizations, because of their work. In 2019 alone, 212 individuals were murdered who are classified by Global Witness as environmental or land Defenders, bravely taking a stand to

defend human rights, their land, and the environment.³ While the abuses against Defenders in Asia and Latin America have received media coverage and international civil society interest, and HRDs' from West Africa especially land and environmental rights defender's challenges are less well-known.

Existing International and regional policies aimed to protect HRDs

Since 2000 when the United Nations Declaration on Human Rights Defenders, a protocol designed to protect HRDs worldwide, was created, there has been a plethora of policies and protocols developed. Examples of existing international and regional policies are highlighted in Table I below.

Table 1 Existing International and regional policies aimed to protect HRDs worldwide.

Date	Policies aimed at protecting HRDs
2000	UN Declaration on Human Rights Defenders
2014	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 Treaty ⁴
2017	Human Rights Defenders and Civic Space: Business and Human Rights ⁵
2017	The Cotonou Declaration on strengthening and expanding the protection of all HRDs in Africa ⁶
2018	2018 Global assessment carried by the UN Special Rapporteur situation of Human Rights Defenders ⁷
2018	The Escazú Agreement ⁸ a treaty aimed to guarantee the full and effective implementation in Latin America and the Caribbean of the rights of access to environmental information, public participation in environmental decision-making, and access to justice in environmental matters. It is seen as a model for Africa and specifically for West Africa.
2019	UN Human Rights Resolution to protect environmental HRDs
2019	Advisory note to the African group in Geneva on the legally binding instrument to regulate international human rights law, the activities of transnational corporations and other business enterprises
2021	EU Commissioner for Justice commits to legislation on mandatory due diligence for companies ⁹

The 2000 UN Declaration of Human Rights Defenders assigns the responsibility on governments to implement and respect 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 provided for in the Declaration.¹⁰

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 concerning human rights.¹¹

The 2016 Special Rapporteur for the situation of Human Rights Defenders report documented good practices and policies in the protection of HRDs and made concrete recommendations to states, business

³https://www.globalwitness.org/documents/19938/Defending_Tomorrow_EN_high_res_-_July_2020.pdf

⁴ <https://www.ohchr.org/EN/Issues/SRHRDefenders/Pages/Declaration.aspx>

⁵ <https://www.ohchr.org/en/hrbodies/hrc/wgtranscorp/pages/igwgontnc.aspx?>

⁶ <https://www.ohchr.org/EN/Issues/Business/Pages/HRDefendersCivicSpace.aspx>

⁷ <https://www.achpr.org/news/viewdetail?id=31>

⁸ <https://www.cepal.org/en/escazuagreement>

⁹ <https://www.ohchr.org/EN/Issues/SRHRDefenders/Pages/Declaration.aspx>

¹⁰ <https://www.ohchr.org/EN/Issues/SRHRDefenders/Pages/Declaration.aspx>

¹¹ OHCHR | WGTransCorp IGWG on TNCs and Human Rights

enterprises, NHRIs, donors, civil society organizations and other stakeholders focused on creating a safe and enabling environment for HRDs. Specifically, the report also articulates seven key principles that should inform the development and implementation of any measures to support and protect HRDs.

The Cotonou Declaration, a regional declaration on strengthening and expanding the protection of all Defenders in Africa, was adopted in 2017. The Declaration highlights special groups of Defenders 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, as well as sexual and reproductive health rights. Like the UN Declaration, it calls on civil society organizations, NHRIs, and governments from across Africa to ensure the promotion and protection of all human rights at local, national, and regional levels.

In 2019 the UN Human Rights Council (HRC) unanimously adopted a landmark resolution to protect environmental HRDs. The resolution was led by Norway with over 100 co-sponsors including from West Africa including Ghana, Senegal, and Burkina Faso. The newly adopted resolution:

- ❖ recognizes the important and legitimate role of environmental HRDs in protecting the environment and the high levels of risk they face in their work.
 - ❖ calls on governments to create a safe and enabling environment for HRDs,
 - ❖ ensure effective remedies for addressing human rights violations and combating impunity.
 - ❖ recognizes the need to develop protection mechanisms that account for the intersecting violations suffered by WHRDs, indigenous peoples, and rural and marginalized communities.
- recognizes the responsibilities of corporations and calls on them to respect human rights following the voluntary Guiding Principles on Business and Human Rights (UNGPs).

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.¹² 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 2012.¹³ It is not clear to some Nigerian HRDs whether this is just lip service considering that in Niger journalists that criticise the government or denounce human rights violations in the country are at risk. It is the case even though Article 23 of the Nigerian Constitution permits freedom of thought, opinion, and expression.

A recent decision by African governments has been to set up the Africa Continental Free Trade Area (AfCFTA). The AfCFTA is estimated to deliver a gross domestic product (GDP) of more than two trillion USD with a population of about 1.2 billion people raising concerns from civil society actors about what social and environmental safeguards are in place to protect the environment.

Although not specifically targeted for West Africa, the Escazú agreement is a treaty aimed to guarantee

HRDs are right to raise their concern about human rights and environment when faced with this new free trade area. The Escazu Agreement, enforced at the beginning of the year in Latin America tackles environmental rights because

the full and effective implementation in Latin America and the Caribbean of the rights of access to environmental information, public participation in the environmental decision-making, and access to justice in environmental matters. It is seen as a good and timely model for Africa as a direct response to the setting up of the Africa Continental Free Trade Area (AfCFTA).¹⁴ The AfCFTA aims to boost intra-African trade in goods and services and has been

¹² <https://www.wan-ifra.org/articles/2011/02/16/the-declaration-of-table-mountain>

¹³ <https://www.wan-ifra.org/press-releases/2012/07/21/liberian-president-commits-to-repealing-criminal-defamation>

¹⁴ Africa Union launches Africa Continental Free Trade Area: Status of trading among African countries (ey.com)

ratified by 13 out of the 15 ECOWAS Member States (except for Benin and Liberia). Several HRDs who were asked to comment on the AfCFTA expressed concerns about the lack of information on safeguards to protect human rights and the environment. One Liberian HRD commented that: “*What many experts are not describing is how such a mammoth undertaking would impact international, regional and national human rights and environmental standards as well as protection for environmental, land, and human rights defenders in the absence of a comparable regional instrument that would hold into check and respond to the potential human rights and environmental implications that would flow from such a massive undertaking.*” When asked for feedback on the potential for the Escazu agreement in the region, an NGO leader from Nigeria said: “*Replicating the Escazu Agreement in West Africa or across the African region could potentially respond to concerns about the absence of safeguards especially given the launch of the African Continental Free Trade Area.*”

HRDs are right to raise their concern about human rights and environment when faced with this new free trade area. The Escazu Agreement, enforced at the beginning of the year in Latin America tackles environmental rights because

The Special Rapporteur on Human Rights Defenders and Focal Point on Reprisals in Africa, Rémy Ngoy Lumbu, in his keynote address at the West Africa Frontline Grassroots HRDs’ conference said that HRDs were right to be concerned about the AfCFTA as is highlighted in the box to the left. In addition, Professor David Boyd and several participants during the panel discussion and the working group expressed unanimous interest in initiating a formal conversation to explore the possibility for researching and developing a road map for replicating the Escazu

Agreement more specifically in West Africa but generally, across Africa.

Background to the West Africa context for HRDs

Sixteen countries make up West Africa, including five anglophone, nine francophone, and two lusophone countries.¹⁵ Equatorial Guinea, although not part of West Africa or a member of ECOWAS, is included in this study because of the extreme challenge’s defenders face.

The post-independence decades in West Africa 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 violent conflicts in the region. For example, Ghana, Nigeria, Togo, Burkina Faso, Mali, Sierra Leone, Liberia, Côte d’Ivoire, Guinea Bissau, and Guinea have participated in elections and in some instances experienced a relatively peaceful passing of power from a ruling party to a political opposition party. However, much remains to be done.

Violent extremist organizations, such as Boko Haram and Al-Qaeda in the Islamic Maghreb (AQIM) are active in Nigeria, Niger, Burkina Faso, and Mauritania. Throughout the region, threats to political power and any threat that political leaders see to their access to resources is a major flashpoint for conflict, with elections often igniting violence and strife. Ethnic divisions, and economic and social disenfranchisement and exclusion continue across the region.

Major climate change and environmental impacts exist across the region, with catastrophic rainfall loss emerging over the last 50 years as well as overfishing, large-scale deforestation, harmful mining, oil & gas extraction, and other environmental crises.¹⁶ Conflict over natural resources is intense. Although not referenced at length in the report, impacts of climate change and environmental catastrophes such as oil spills, pollution, droughts, floods, extreme temperatures in the Sahel, the shrinking of Lake Chad bordering Nigeria and Niger referred to as an ecological disaster, the disappearance of fish for coastal

¹⁵ The 16 countries in West Africa include Benin, Burkina Faso, Cape Verde, Côte d’Ivoire, the Gambia, Ghana, Guinea, Guinea-Bissau, Liberia, Mali, Mauritania, Niger, Nigeria, Senegal, Sierra Leone, and Togo

¹⁶ https://www.eenews.net/assets/2011/10/03/document_cw_01.pdf

communities, and changes in sea level and the resulting impact on communities across West Africa have intensified conflicts, including those between pastoralists and farmers. Artisanal small-scale miners and artisanal fisherfolk often face a lack of protection, physical dangers, loss of livelihoods, and food insecurity.¹⁷

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. Most West African governments invite direct foreign investment to boost their economies and create jobs, there is little evidence that multinationals are contributing to the positive development of the countries. Rather, it is the very communities where such industries operate that are becoming more disenfranchised and poorer, while frequently multinationals and some individuals within government leadership appear to be making profits. Various reports show how some foreign companies, with the backing of the host and home governments, violated local community rights with impunity.¹⁸ All too frequently, poor people suffer from a range of human rights violations including displacement, denial of their livelihoods, and destruction of property.

Human rights abuses, corruption, and violence across the region increase the risks of the work of the National Defenders and Frontline Grassroots Defenders who focus on protecting their communities, livelihood, land, natural resources, and their rights to the environment. However, despite global recognition of the problems including the policies and conventions aimed to address the protection of defenders (particularly in Latin America and Asia), serious challenges remain to protection, as the types and nature of attacks on Frontline Grassroots Defenders in West Africa continue unabated.

Indeed, rather than seeing an improvement in the situation, there is a troubling West African regional trend towards shrinking civic spaces, criminalization, militarization, stigmatization, and cumbersome registration procedures which make it challenging for Defenders to operate independently. These troubling trends also show that Defenders are being killed, threatened, stigmatized, and harassed. There are also reports of increased government surveillance both on and offline. In many instances, arbitrary arrest and detention, frivolous criminal charges, false accusations, and unfair trials of Defenders take place.

¹⁷ See Report from the Special Representative of the United Nation Secretary General to United Nations Office for West Africa and the Sahel (UNOWAS) <https://www.un.org/press/en/2020/sc14245.doc.htm> and <https://undocs.org/s/2020/585>. “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-defence militias. Rights groups have raised concerns over reports of alleged abuses by these militias, as well as by security and defence 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 defence 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 defence forces between January and April, the alleged killing of civilians by Nigerian 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 Djibo, 200 km north of Ouagadougou

¹⁸ <https://www.business-humanrights.org/en/latest-news/liberia-panel-finds-palm-oil-giant-to-have-violated-the-land-and-cultural-rights-of-local-communities/>; https://www.mightyearth.org/wp-content/uploads/2017/09/chocolates_dark_secret_english_web.pdf <https://www.hrw.org/report/2018/10/04/what-do-we-get-out-it-human-rights-impact-bauxite-mining-guinea> <https://ti-defence.org/anti-corruption-and-accountability-missing-element-to-west-africa-stabilisation-and-peacebuilding-efforts/>

The deterioration of the situation of Defenders in West Africa reflects a lack of adequate protection for Defenders in the current context, and this baseline report provides recommendations to civil society, donors, and other stakeholders that can support Defenders and increase their protection.

III. Situational Analysis of 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

HRDs play a variety of roles and work as journalists, environmentalists, women and gender activists, indigenous peoples and land rights advocates, whistleblowers, trade unionists, lawyers, teachers, housing campaigners or individuals acting alone. They are those that act individually or with others, to promote or protect human rights as part of their jobs or in a voluntary capacity. As a result of their activities, they are subject of reprisals and attacks of all kinds, including smears, surveillance, harassment, false charges, arbitrary detention, restrictions on the freedom of association, physical attacks and even death.

human rights conventions are upheld around the world. During the West Africa Frontline Grassroots HRD conference, participants raised concerns about the definition of an HRD and some inquired about whether there was a common definition to designate a person facing reprisal, attacks, or killings as a defender.

The UN Special Rapporteur for the situation of Human Rights Defenders answered this question highlighting that HRDs play a variety of roles within their

society and is further highlighted in the box above. Firstly, HRDs referred to at the national level are those that lead organizations and coalitions and are known within their countries as fighting on behalf of ESCR issues, especially ESCR issues linked to land, natural resources, the environment, and indigenous communities, and are referred to as National HRDs. Secondly, there are the HRDs that work at the community level which are largely unknown outside of their communities but are fighting for their rights and ESCRs of those in their communities and are referred to as Frontline Grassroots Defenders and may include herder and farmer communities and their leaders caught up in inter communal violence and countering terrorism efforts by governments where there is an intersection between human rights, inter communal violence and terrorism described in greater detail below.

In Table 2 below a distinction is made between National and Frontline Grassroots HRDs which highlights who they are, what they do, how they do it, and what risks they face.

Table 2: Two types of HRDs and the main differences between them

National HRD	Grassroot Frontline HRDs
<p>Who they are: Known to the international community has links, well known in civil society, participates at the regional and international level Head of organizations, head of coalitions, lawyers, journalists, professionally trained, based in national or regional hubs in their country, well known by others in-country</p>	<p>Who they are: Unknown, do not even call him or herself an HRD, unknown outside of his or her community, Works in community and known within their community i.e., official community leader, or self-appointed, director or chairman of CBO, staff of CBO, active community member, farmer, the head of a natural resource user group, a youth leader, a women leader, head of a migrant community, a community radio talk show host, a local internet blogger, etc.</p>
<p>What they do: Working on behalf of an organization or coalition at the community level, defending the rights of vulnerable groups especially communities and community HRDs for the whole range of</p>	<p>What they do: Working to protect individual and community rights to land, cultural rights, or environmental rights being violated by government or another third party.</p>

rights including land, environmental, cultural, political, and civil rights.	
How they do it: 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.	How they do it: Engaging with company or government, educating the community about company activities, organizing communities, taking direct action (sometimes illegal and violent) also peaceful and patient.
Main risks: Risks included being unlawful arrest, arbitrarily detained, being fined, reputational risk accused of being anti-development, organization shut down, inability to carry out work fully due to restrictions at the national level.	Main risks: Losing land, access to livelihood, property rights, access to cultural sites, impact on health, and environmental degradation. Health risks. Some are at risk of losing their life, being arrested, detained, and assaulted. Losing the respect of their families or communities

National HRD

The National HRDs interviewed were almost all college-educated and professionally trained lawyers, journalists, community mobilizers, advocates, or researchers. The National HRDs are heads of organizations and belong to or head coalitions.

Table 3 below highlights some of the key national organizations and their leaders in West Africa. The central work of these organizations and coalitions is on behalf of the communities related to protecting ESCR especially related to land, the environment, and business and human rights. These HRDs are well known in their own countries including well known to the international community. Many also participate in regional and international level meetings.

Table 3: National HRD organizations

Country	Executive Director	Organization/Coalition
Liberia	Alfred Brownell	Green Advocates International (GAI)
Côte d'Ivoire	Michel Youboue	Groupe de Recherche et de Plaidoyer sur les Industries Extractive (GRPIE)
Sierra Leone	Abu Brima	Network Movement for Justice and Development (NMJD)
Guinea	Aboubacar Diallo	Center for Commerce and International Development (CECIDE)
Nigeria	Chima Williams	Environmental Rights Action (Friends of the Earth Nigeria)
Ghana	Augustine Niber	Center for Public Interest Law (CEPIL)

Several of the HRDs that were interviewed are leading organizations that are doing ground-breaking work in support of communities across the region. Green Advocates International works in Liberia and across the region to support grassroots communities. GRPIE works throughout Côte d'Ivoire and in four other countries in the region. Network Movement for Justice and Development (NMJD) has been working in Sierra Leone for three decades and has sub-offices throughout the country and leads coalitions within Sierra Leone. The Centre for Commerce and International Development (CECIDE) in Guinea works across the country and carries out important research and provides support to communities. The Environmental Rights Action (Friends of the Earth Nigeria) focuses on human rights and environment-related law in defence of communities and people who have been impacted by multinational companies and other government actors. The Centre for Public Interest Law (CEPIL) in

Ghana was created after research carried out in mining communities showed the need for greater representation from communities living in these areas facing large-scale violations against them. CEPIL also carries out public interest law litigation on behalf of communities.

In addition, many of the National HRDs highlighted are working together in coalitions that play a role in supporting Frontline Grassroots Defenders such as the Public Interest Lawyering Initiative in West Africa (PILIWA) and the Mano River Union Civil Society Natural Resources Rights and Governance Platform (MRU CSO Platform). These coalitions are elaborated later in the report.

The working environment for National HRDs

Sharing their experiences National HRDs largely described a shrinking environment for human rights activism and respect for the rule of law. While there were some exceptions within West Africa, the majority of the HRDs shared how the criminalization of HRDs, repressive laws, and anti-development rhetoric put them in danger. Table 4 highlights characteristics of the working environment of National HRDs.

Table 4: Characteristics of threats in the working environment for National HRDs

Characteristics of the working environment found from the baseline assessment	Countries
At least one killing or extra judicial killing of an HRD	All countries except for Cape Verde
Being forced into exile, being forced to relocate, forcibly displaced	Liberia, Guinea, Benin, Niger, Equatorial Guinea, Nigeria,
Shrinking of civic spaces includes stigmatization, limits to press freedom, freedom of expression, and association	All countries highlighted except in the case of Cape Verde
HRDs are referred to as traitors, anti-development, anti-government, anti-investment, anti-country actors.	All countries except Cape Verde and Guinea Bissau
Unlawful arrests, unlawful detention, incommunicado detention,	Almost all countries except Cape Verde and Guinea Bissau
Judicial threats, criminalization's, trumped-up charges,	Liberia, Niger, Guinea, Nigeria, Niger, Sierra Leone,
A broader society lacking an understanding of the role of HRD in society	Liberia, Guinea, Niger, Equatorial Guinea, Niger, Côte d'Ivoire, Benin, Burkina Faso.

The shrinking civic space

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 agendas against Defenders. 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, an 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 the charges were dropped.
- 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 the government.
- In Côte d'Ivoire, a new criminal code makes offending the head of state a crime, ultimately threatening to further undermine the right to freedom of expression.

- In Burkina Faso, the criminal code was amended introducing overly broad offenses that could be used to restrict access to information and clamp down on HRDs. 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.
- In Benin, an article in the penal code prevents peaceful demonstrations making it easy to be accused and charged with any crime. Also, in Benin, a recent law related to the use of social media was imposed that curb both freedom of speech and expression. One HRD from Benin shared that, *“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.*
- 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,
- 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 demonstrate, on the pretext that demonstrations can create riots making it exceedingly difficult for protests to take place at all. An HRD from Mauritania shared the contradiction in the law he said, *“So, if you do not have permission, the demonstration is perceived as illegal, and you can be subjected to repression. The people here are very peaceful, it is the police who create problems. As there are always young protesters, this creates clashes. So, there are arbitrary arrests, even if the detention does not last, it's really hard to protest. “*
- In Guinea and Burkina Faso, terrorism laws have played a role in limiting civic space. Guinea’s prevention and repression of terrorism law contain provisions that could be used to criminalize the legitimate exercise of the right to freedom of expression. Similarly, in Burkina Faso in 2019, the National Assembly voted for a new law specifying that the state of emergency can be declared in a situation of ‘permanent crisis.’

HRDs being labelled anti-development, anti-country, and anti-investment

Across the region, Defenders who focus on land rights or environmental issues or highlight corruption are often considered to be 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. In Benin, for example, during a highly publicized anniversary celebration, the president famously said, *“We must sacrifice freedoms to go to development.”* Another Defender from Benin talked about how working on business and human rights issues he is considered a mercenary and prevented from traveling as highlighted in the box above.

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 Defenders who are most at risk are individuals who criticize private sector activities given the government’s desire to attract foreign direct investments. These defenders are often called anti-development, anti-country, and anti-investment. For example, in the previous administration, the then

Liberian President in her annual message to the Liberian legislature in January 2014, stated that NGOs are “*Super state structures undermining the sovereignty of Liberia*”. In the current administration, the government’s desire to attract foreign direct investment remains strong making journalists who criticize government officials or who express their political opinions remain most at risk in the current administration.

In Mauritania, the law against racial discrimination is a double-edged sword as highlighted by a Defender in the adjoining box. 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 Defenders. The “anti-development” rhetoric puts 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 a Defender in society. It may put a Defender’s family at risk or turn family members against Defenders.

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. It makes it difficult to realize this right for fear of not showing loyalty to the country. These rights are in contradiction to one another.

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 highlighted in 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 just before elections or referendums, criticism around corruption or related to a threat of losing power especially power over resources can end in arrests and prolonged detention can result. Arrests are often accompanied by being held incommunicado without access to a lawyer or family members and charges are either not made or are unclear. 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 linked to rising political tensions related to the threat to presidential power. In Liberia, Journalists are frequently harassed, detained, charged spurious fines, called terrorists, and their work is restricted by the government.

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

In Equatorial Guinea, under the same president for almost 40 years, Defenders regularly face interventions in their communications. Defenders that are considered too active face huge restrictions on their work with the constant threat that their activities will lead to a suspension. Defenders face social and economic exclusion including dismissal from work, ill-treatment or torture, suspension of the activities of the NGO or the NGO itself, arbitrary detention, or political trial for conspiring against the power, all this, in absolute impunity and no protection. In the Gambia even though the situation has improved since 2016 when a new president was voted into power, there are a growing number of arrests and detentions without charge of opposition members and those who challenge government action. In January 2020, 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 a Frontline Grassroots Defender 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,

a Frontline Grassroots Defender was subjected to arbitrary arrest and detention for leading a community initiative to protest the acquisition of a football field by a private company.¹⁹

Several of the Defenders interviewed have faced the threat of arrest or arrest, detention, and at least five of those interviewed have had to leave their country for both short and in some cases, indefinite periods further elaborated on in the report.

Frontline Grassroots Defenders

The Frontline Grassroots Defenders, described in more detail in Table 1 above, are Defenders that are often considered first responders and work in their community. Highlighted in Table 6 are Environmental Rights Defenders, Land Rights Defenders, Indigenous People Defenders, and Business and Human Rights Defenders. Additionally, by naming them in this way it opens them up to more options for judicial and non-judicial recourse that will be further explored in other components of the report.

Table 6 Types and Definition of HRDs relevant to this study

Types of HRDs	Definition
Environmental Defenders	Individuals and groups who, in their capacity and a peaceful manner, strive to protect and promote human rights related to the environment, including water, air, land, flora, and fauna. They may face threats from both governmental and non-governmental bodies.
Land Rights Defenders	Many of them are indigenous rights Defenders who face threats from governmental, non-governmental, and corporate bodies, including defamation, physical attacks, judicial harassment, and killings.
Women Human rights Defenders	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 in.
Indigenous People Defenders	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. The Tuareg and Fulani communities sometimes referred to as terrorists for defending their land could also fit into the category of indigenous people. ²⁰
Business and Human Rights Defenders	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 the international community to become involved.

According to reports, environmental HRDs are three times as likely to suffer attacks than other Defenders and reports that 77% of Defenders that were killed in 2018 worked on the land, indigenous peoples, or environmental rights.

¹⁹ Gambia: Key human rights concerns highlighted in a meeting with President Barrow | Amnesty International p.4

²⁰ 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.

Communities face multiple human rights violations

Although there are few clear statistics about the threats facing West Africa Frontline Grassroots Defenders, interviews with National HRDs highlighted that often those on the frontline face a range of human rights violations including lack of access to land, livelihood, and environmental concerns. In the active defence of these rights, those on the frontline often at risk of their political and civil rights being violated. Table 7 below highlights the threats faced by Frontline Grassroots HRDs across the region.

Table 7: Threats faced by Frontline Grassroots HRD

Characteristics of threats faced by Frontline Grassroots	Countries affected
Political and civil such as arrest, detention, harassment, frivolous criminal charges, media attack, stigmatization, and murder	Niger, Mali, Niger, Liberia, Sierra Leone, Burkina Faso, Ghana, Côte d’Ivoire
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 which start with fighting for their economic, social, and cultural rights such as land or environmental rights, their political and civil rights have come under attack including being arrest, held without charge, prolonged detention, murdered, job loss	Across the region but highlighted in Liberia, Sierra Leone, Guinea, Ghana, Niger, Nigeria, and Côte d’Ivoire.

There appeared to be some similar patterns found from interviews with National HRDs about what takes place in resource-rich communities when, mining, logging, agricultural and rubber companies come in. Firstly, companies are known to come in and take over land through a deal with the national or local government or local community leader with little or no consultation with communities. Therefore, members of communities are often not part of the deals that governments have with companies. Examples of this were highlighted in Liberia, Sierra Leone, Guinea, Ghana, Niger, Nigeria, and Côte d’Ivoire.

Relocations or resettlements of communities are often not properly done and can result in a whole range of rights of communities being violated. In Guinea, one National HRD shared: *“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 the displacement of the communities. What is worse is that where the communities are resettled are not adequate. There are no proper land, jobs, or access to medical care.”* The Guinean Defender went on to say 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.”*

Defenders from Sierra Leone, Nigeria, Senegal, Guinea, and Liberia highlighted those laws and policies around mining, land, and the environment are often unclear, unknown to the community, or are pro-

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.

business. In Sierra Leone, the mining law is particularly problematic for communities. One Defender from Sierra Leone also shared the contradiction about government speaking of development when in fact for communities, it does the opposite. The Sierra Leonean Defender highlighted the contradictions in the accompanying box. An HRD from Senegal lamented the lack of awareness that communities had

about their rights and highlighting: *“Communities don’t know their rights. Communities are not part of the deals that governments have with companies. Once deals are made, the 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.”*

Efforts by communities to find out about contracts or in some instances fight back have resulted in further violations in some cases even death. Peaceful efforts by community leaders to seek out information from the government or company representatives are often ignored. For example, a mining company came to a town in southeast Liberia, the Town Chief, responsible for administering land in communities, only found out about the appropriation of the land in a meeting hosted by the Liberian County Superintendent. When the Town Chief tried to find out details of the concession agreement, he was threatened with dismissal by the County Superintendent who had locked in a good deal with the mining company and had promised them that he could deliver the community. However, when the Town Chief started asking too many questions his brother and three other men in his community were arrested without cause and detained overnight in jail but never charged. It was a form of intimidation to silence the Town Chief.

The lack of recourse puts communities in a position where they must 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 instances, the approaches and strategies bought them more time to plan and strategize. And in other instances, there was a more intense backlash from the government or multinational. For example, in Liberia efforts have been made by Frontline Grassroots Defenders 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 measure by the community had a promising short-term benefit as it brought the palm oil company to the table where they were able to negotiate jobs to be provided for at least one member of each family in the communities that were impacted by the concession. It was a huge win for the affected communities to gain employment. But the win was short-lived as the action by the community-led to divisions in the community and the Frontline Grassroots Defender being alienated from the community. Eventually, the community realized that the division did not make sense and welcomed back the Frontline Grassroots Defenders 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 Defender is surprisingly similar. There is 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 Defenders try to act, there is evidence that 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 the southeast of Liberia, the Liberian police charged 23 people with a wide range of offenses 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. The charges the community members faced did not match the actions of a community peacefully protesting the actions of the palm oil company. This level of intimidation and threat had a chilling effect on individuals and community members making them think twice about raising any kind of concern in the future.

Frontline Grassroots HRDs often face a situation of multiple violations as not only are their land or environmental rights being violated but often when they take action to fight for these rights their political and civil rights are also violated.

Right to clean water and environmental contamination leading to a compromise in the health of the community including an increase in lung diseases and miscarriages among women was reported by a

Frontline Grassroots Defender in Mali. These violations resulted because Mali's two main gold operators were operating close to communities. While they had set up a community development fund, it appeared that that fund was being used by the local government to pay police salaries rather than being provided to the community.²¹

In Guinea, the lack of consultation that multinationals and the government have regarding relocation and resettlement of communities is the main cause of violations against Frontline Grassroots Defenders. In 2016, Kintinian, a community in Guinea, referred to as Area One, organized a peaceful protest in response to a proposed relocation of their community following the multinational company moving in

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.

and interested in taking over their land. A Frontline Grassroots WHRD from Kintinian lamented the response by the government who had sent in an elite security force that had wreaked havoc on their community highlighted in the accompanying box. In 2017, in another community in Guinea called Sangaredi a multinational mining company had taken over the land without proper consultation with the

community. The community protested and a riot broke out which resulted in mass arrest and detention by the police and the army.²² In still another community in Guinea in 2019 following the eviction and relocation of communities in the suburbs of Kaporo rail, the community filed a complaint with the Ministry of Town and Regional Planning Code which led to a temporary stop to the eviction of the community. As a direct result, three Frontline Grassroots Defenders were arrested and detained.

Numerous Frontline Grassroots Defenders shared that their efforts to raise issues peacefully would often go unheeded by the government or the multinationals. For example, when a multinational company came to Côte d'Ivoire and disrupted the life and livelihood of villagers, forcing them to relocate, two Frontline Grassroots Defenders carried out awareness-raising and sensitization meetings to encourage the government to act. The Frontline Grassroots Defenders said despite their peaceful efforts the government and the multinational company continued to relocate them and when they resisted, they continued to suppress, harass, intimidate, and arrest them.²³

In some instances, the situation has turned deadly with Frontline Grassroots Defenders either targeted or caught in the crossfire. In May 2019, two well-known Defenders of Burkina Faso were killed in what appeared to be an assassination in the province of Yagha in the northeast of the country, bordering Niger. According to Amnesty International, two Frontline Grassroots Defenders were on their way to a meeting with the High Commissioner of the Province, in the capital Sebba but never reached their destination. They were both found dead just outside the town. Later a third unidentified person was also found dead. The place had been 'cleaned up,' as not a single bullet casing was left at the scene.²⁴

Frontline Grassroots Defenders have also been killed in protests across the region related to issues around land and community rights. In Burkina Faso, in Yagha village, residents and protesting miners were reportedly shot leaving five people dead in 2014.²⁵ In the Gambia in June 2018, three peaceful protestors were killed, and many others were injured when armed policemen opened fire in the village of Faraba, just 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

²¹ Mano River Union Civil Society Natural Resources Rights and Governance Platform First Peoples' Forum on Corporate Accountability: Final Report. 2019

²² Ibid

²³ Ibid

²⁴ 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)

²⁵ Ibid

village council and stakeholders in the project, but the information was not received in time.²⁶ The week before the shooting, the National Assembly's Committee on the Environment had ordered the 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. A commission of inquiry was set up to investigate the deadly incident and recommended that suspected perpetrators should be brought to justice, but they were pardoned by the President.²⁷

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 Defender who wrote about it on social media was banished from the community by the paramount chief.²⁸ Also in Sierra Leone 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. Further 15 people were arrested, including a member of parliament, and more than 2,500 people were forcibly displaced.²⁹ One Frontline Grassroots WHRD, who was present when the two people were killed, highlighted that not only were the individuals shot by military personnel, but 18 members of a landowner's association were arrested, imprisoned, and faced trial.

Human rights situation in the Sahel³⁰

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 human rights concerns related to non-state actors. Increasingly the findings highlight that the Sahel's underlying conflicts have little to do with religion and that the climate crisis is an underlying factor exacerbating conflicts. Largely it is becoming clearer that youth gravitate toward armed movements because they lack jobs or other means of making a living, and others join because of ethnic, social, and political conflicts.

In the north of Mali, for decades 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 government of Mali is seeking to accommodate Tuareg concerns, while simultaneously countering 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.

Both HRDs and Frontline Grassroots Defenders interviewed expressed 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. The Special Representative of the United Nations Secretary-General to United Nations Office for West Africa and the Sahel (UNOWAS) also reflected these concerns in his latest report.³¹ At the West Africa, Grassroots Frontline Defenders conference both National and Frontline

²⁶ Ibid p.23

²⁷ Ibid; p.23

²⁸ Mano River Union Civil Society Natural Resources Rights and Governance Platform First Peoples' Forum on Corporate Accountability: Final Report.

²⁹ <https://www.escr-net.org/news/2019/sierra-leone-protect-land-rights-defenders>

³⁰ <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=22370&LangID=E>
<https://www.un.org/africarenewal/magazine/august-november-2018/strengthening-bonds-sahel>

³¹ See Report from the Special Representative of the United Nation Secretary General to United Nations Office for West Africa and the Sahel (UNOWAS) <https://www.un.org/press/en/2020/sc14245.doc.htm> and <https://undocs.org/s/2020/585> . "Describing the security conditions as "extremely volatile". In Burkina Faso alone, as of June, 921,000 people have been

Grassroots Defenders highlighted struggles over land between herders and farmers that were leading to violent clashes. They all spoke about the fact that their respective governments in Nigeria, Burkina Faso, and Niger, were not doing enough to address the situation and it was up to them to step in and use their skills in dispute and conflict resolution to address the situation. One HRD from Nigeria highlighted the situation as described in the box above.

Governments have shied away from the reality on the ground when it comes to the situation between herders and farmers. They cannot provide the needed support for which they are elected. This puts the pressure on HRDs to do something. These clashes, which shouldn't even be called clashes, are not documented and underreported. Thousands die on a weekly basis in Nigeria, let alone Burkina Faso and other countries. We will look at it from the viewpoint that climate change impacts these conflicts.

According to some Defenders, some of the actions taken by the government are considered justified as a measure to fight 'Islamic' terrorism. However, there are times when Defenders suspect that both the law and the action of the government are used in bad faith to restrict their work or justify the excessive use of force against enemies,

Defenders, or communities. In 2019, Burkina Faso and Guinea passed laws aimed at fighting terrorism, but many believe these laws have been put in to deliberately limit rights. In June 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. There has been concern from journalists because they restrict the activities of the media, making it impossible for them to denounce these new laws and a serious infringement on freedom of expression.³² Reporters without Borders and Amnesty International have also raised concerns about these laws.³³ Table 5 highlights some examples of these laws.

Table 5 Examples of laws limiting rights in some of the countries across the region.

Country	New Laws limiting rights
Burkina Faso	Amendments to the penal code in 2019 aimed at fighting terrorism and organized crime have been criticized for limiting free speech and press
Guinea	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 ³⁴

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-defence's militias. Rights groups have raised concerns over reports of alleged abuses by these militias, as well as by security and defence 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 defence 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 defence 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 Djibo, 200 km north of Ouagadougou.

³² The law deemed to be consistent with the Burkinabe Constitution by the Constitutional Council was signed by Burkina Faso's President on July 31, 2019.

³³ Laws Designed to Silence: The Global Crackdown on Civil Society Organizations – Amnesty International USA (amnestyusa.org)

³⁴ 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 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)

Nigeria	2015 Cybercrime law used largely to limit journalists
Mauritania	A law requiring a permit to demonstrate stifling freedom of expression

In December 2020, the UN Special Rapporteur on the situation of Human Rights Defenders recognized the imposition of new laws to fight terrorism as a growing problem and issued a report highlighting that

The legitimate expression of opinion should not be criminalized, and reporting terrorist acts are an essential aspect of accountability and responsibility. The role of the internet in repressing civil society actors must be recognized and protected.

many countries are using ‘anti-terrorism laws to silence HRDs.³⁵ The legal advisor to the UN Special Rapporteur on human rights while encountering terrorism during her opening remarks at the West Africa Frontline Grassroots HRD conference highlighted the importance of governments being clear on what constitutes terrorist activity and that emergency measures must not be used to crack down

on civil society actors as highlighted in the box above. During the conference, similar concerns were echoed by HRDs from Burkina Faso, Niger, and Nigeria raising questions about whether or not extremist groups may exist in response to the fact that governments do not respect the rule of law and human rights. It was particularly relevant concerning the discussion about the Fulani or Tuareg who may have turned to extremist measures to defend their land and livelihood. If this is the case there could be a major undercount in terms of the numbers of individuals impacted and killed defending their lives, lands, and livelihood.

At the West Africa Frontline Grassroots HRD conference, Frontline Grassroots HRDs from Mali, Niger, Burkina Faso, and Nigeria shared related experiences. One Frontline Grassroots HRD from Burkina Faso said that his attempts to resolve conflicts between herders and farmers ended up coming under scrutiny by the government and resulted in 12 people being killed by government security forces including his father and other community members. He and his family have been forcibly displaced to the capital city and cannot return to their village as they fear for their lives.

Participants were almost unanimous that since the threshold issues facing farmers and herders in the Sahel are land-rights and the extreme impacts of the climate crisis, there should be *no prohibition from designating them as defenders* when they face indiscriminate reprisals and killings in their attempts to protect their farmlands or grazing lands. They requested the various mandate holders to commission a comprehensive study of this issues to clearly and objectively establish under what conditions a farmer protecting farmlands, or a herder protecting rights to grazing lands, would be considered a defender.

The instability impacts our ability to do our human rights work and defend our communities. We live in a climate of fear and pervasive insecurity because of the presence of non-state armed groups.

There was also strong support for defenders who are operating or working in conflict or fragile states, in countries facing the acute and chronic impact of the climate crisis and in countries countering extremism and inter communal violence, that those Defenders be immediately designated as Defenders At Risk (DAR), requiring the highest level of protection and status by governments, inter - governmental organizations, civil society organizations, diplomatic missions, development partners and the private sector

Women Human Rights Defenders

The Special Rapporteur of the situation of Human Rights Defenders defines WHRD as female HRDs and any other Defenders who work in the defense of women’s rights or on gender issues. In the last few

³⁵ A/HRC/43/51 - E - A/HRC/43/51 (undocs.org)

years, similar to environmental and land rights, and indigenous HRDs there has been increasing recognition of the need for greater protection of WHRDs. 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, among others. WHRDs are also at risk of being rejected by their communities and of being revictimized if they report acts of violence.

WHRD are subject to the same types of risks as all Defenders, 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. WHRDs have long faced risks related to sexual and gender-based violence.³⁶ In Liberia according to a WHRD who worked in the community not only are women victims of land grabbing and destruction of crops, but the security checkpoints set up by the multinational company puts all HRDs at risk of arbitrary arrest and reportedly community women have been raped.

Interviews with WHRDs from Guinea, Ghana, Sierra Leone, and Senegal, highlighted challenges they faced including discrimination, violence, and backlash from their communities and societies. WHRDs were well represented at the West Africa Frontline Grassroots HRD conference with representation from Liberia, Benin, Sierra Leone, Nigeria, and Burkina Faso many of whom spoke about the specific concerns that they face as WHRD. 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: *“All actors are involved: customary authorities, local and central authorities. This depends on 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 suffering life-altering backlashes. In Guinea, a WHRD shared that young woman 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. The challenges that women face as WHRDs are highlighted in the accompanying box.

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.

Often, the work of an WHRD is seen as challenging traditional notions of family and gender roles in society, which can lead to hostility by the general population and authorities. Due to this, WHRDs are subjected to stigmatization and ostracism by community leaders, faith-based groups, families, and communities who consider them to be threatening religion, honour, or culture through their work.

In addition, the work itself or what they are striving to achieve (for instance, the realization of women’s rights or any gender-related rights) also makes them targets for attack. Their families also become targets for threats and violence, aiming to discourage WHRDs from pursuing their work. WHRDs 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 they needed to bring out creative ways of bringing issues out. Increasingly the plight of WHRDs is becoming more well-known and a few of them said that they must appear to be softer and

³⁶ The OHCHR and Frontline Defenders have more information on the issues WHRD 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 and see #Sexual Violence / Sexual Harassment | Front Line Defenders

not seem too strong or threatening to what society thinks women “*should be*” engaged with and working on. At times WHRDs 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” that women can speak about. There has been increasing attention to the plight of WHRDs both at the international and national levels.

The gender dimension of ESC rights violations

Concerns have also been raised that women are more severely impacted when multi-nationals 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- in many cases, they do not receive any at all. She said, “*Women are 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 said that, in her experience, women do not benefit in the same way as men.

Governments, Multinational, and community leadership interactions with communities

Hungry for direct foreign investment, governments across the West Africa region are inviting multinational companies 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 multinational companies. Judicial harassment, when courts use their position to harass individuals and justify the government’s position leaves both National and Frontline Grassroots Defenders in danger. Given that government actors often at the local and international level are behind it, avenues of recourse cannot be found within their national institutions.

National HRDs who were interviewed largely highlighted government security, security of the company, at times, community leaders or community members who they encountered as the greatest risk to them. They also highlighted that at times, state actors are complicit in the criminalization process. Multinationals also have a major role in putting HRDs and communities at risk with the backing of the respective governments. Government officials, such as lawmakers, judges, and prosecutors were also named. Even when laws that protect HRDs are on the books, the judiciary can silence detractors. One HRD from Equatorial Guinea highlighted how much power the government has over people’s lives as highlighted in the box above. Some HRDs have been taken to court by mining companies. In Sierra Leone, one National HRD who was working on behalf of the community was sued for libel by a mining company.³⁷ The HRD had to get a lawyer to represent him in court, but the case is deliberately being dragged out, putting a financial and psychological strain on the HRD.

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 the president's family.

In Mauritania, according to the Mauritania HRD interviewed, multinationals have the support of the authorities. 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 have direct contact with the populations.*”

³⁷ More information on the case of Joseph Rahall versus SOCFIN can be found <https://www.businesshumanrights.org/en/latestnews/sierra-leone-environmental-rights-group-sued-for-defamation-by-multinational-agribusiness-firm>

In Benin, there was a similar sentiment about multinationals being protected by the 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, government actors from the national government to local government officials take the side of and protect multinationals to the detriment of HRDs and communities. A Sierra Leone HRD shared that the government is so hungry for investment. He said, “*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 communities.*”

There also appeared to be differences in the companies’ records with the communities with some being worse offenders of the human rights of the communities than others. 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.*”

At times, 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 fewer rights to the community land. Later they found out that their traditional leader had been co-opted into selling off some of the communal lands that families relied on for subsistence farming for his 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 a deal 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.*”

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

The focus of the next section is to provide an overview of judicial and non-judicial remedies available for the protection of HRDs and Frontline Grassroots Defenders at the community, national, regional, and international levels. These were drawn largely from interviews with HRDs and experts.

Individual Level

National HRDs shared the various ways in which they kept themselves safe. Several Defenders highlighted the importance of taking personal responsibility for their safety. Adhering to a strict code of ethics was highlighted by one HRD from Benin 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 Côte d’Ivoire spoke about how important it was to keep a low profile which ranged from going into hiding or just being extra vigilant daily. For some, this meant picking their battles and at times, practicing self-censorship. Precautions during field work were also highlighted. Table 9 provides an overview strategy that HRDs used both individually and within their organizations and communities to keep themselves safe.

Table 9 Protective strategies while carrying out field work.

Conducting field work	Individual	Collective
Bring your food and water so as not reliant on others around you such as not having to accept food or water offered for fear that it could be poisoned.	X	
Keeping key people informed of travel plans but ensuring that it is just a need-to-know basis.	X	X
Establish a system such as taking a photo of the car license plate and send to a friend.	X	X

Travel with at least one other person.	X	X
Laying low during periods of potential unrest	X	
Taking precautions which include leaving work early, using different routes to get home, and setting up a nightly check-in with staff.	X	

One National HRD, who left Equatorial Guinea for his 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, the HRD who was interviewed 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 in the lead-up to elections or during elections, when violence can easily erupt, some Defenders 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, Defenders 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 the Defenders 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 Defender 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. Unsure how long he would be safe in Guinea, he decided to leave the country for a cooling-off period. Through 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 Defenders interviewed have been relocated to third countries for both temporary or more permanent periods, examples of which are included in Table 10 below. Frontline Grassroots HRDs also used this strategy by laying low for periods by relocating to a new community until the situation cooled down.

One Defender from Liberia shared that he has funding available for the relocation of community members who participate in his program because he is aware of the risks that they may face for their involvement in the work. In the last five years of his program, he has temporarily relocated five people within Liberia for periods of between three to six months each.

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

Country of origin	Time Frame	Comments
Guinea	3 months	Attended training in the US
Equatorial Guinea	Extended period	Currently in Spain
Liberia	Extended period	Currently in the US
Niger	3 months	Attended training in the UK for HRDs
Liberia	Indefinite period	First Ghana and now Uganda
Liberia	3 months	Within Liberia sent to another community within Liberia

Office and data security

Relevant to National HRDs is the importance of ensuring that office locations and premises are secured and in locations where there is a low level of risk. One Defender from Benin said that he specifically chose an office location where he had few neighbours. Another Defender said that he continually changes his location and has a system set up which he described as an “effective alert system”. In Côte d’Ivoire and Liberia precautions identified by Defenders included having cameras in and around their office premises, ensuring a security guard in place for 24 hours, and having a sign-in sheet for all visitors. Additionally, a protocol is set up that includes that anyone coming to the office without an appointment would need to wait outside until they have been approved to enter.

An issue raised at the West Africa Grassroots Frontline HRD conference was that many communities do not have good access to technology at all. The importance of ensuring that all Defenders have access to technology, smartphones, and good internet as a key part of their protection was highlighted by a conference attendee. This issue was exacerbated by the fact that one group of women from Burkina Faso wanted to participate but did not have good access to the internet and therefore could not participate. One of the conference organizers who is also an HRD highlighted that more should be done to make sure that everyone has access including that in-kind support could be provided to help address these issues as highlighted in the box above.

It isn't just all about funding. I want to take us back to yesterday and even today we had indigenous women in Burkina Faso who were struggling to share their stories and it was impossible because of technology. It is important that people have the tools like Wi-Fi and cell phones, smartphones. We must make a commitment to give smartphones to defenders, so they are able to document these things.

Data security

Increasingly HRDs are facing threats to their data security whether websites or emails being hacked, and critical data insecure on computers and laptops. Governments and others are becoming more sophisticated in their attacks. The majority of the HRDs who were interviewed did not feel as though they were well protected or had sufficient knowledge about how to protect their data. Interviews also revealed that data-related security strategies included having passwords on computers, keeping backups, password protecting sensitive documents, and having an encrypted email. One HRD from Liberia who partners with an international organization sends sensitive information abroad for safekeeping and backup. One HRD said, “*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 through often unprotected and unencrypted means. When Defenders are working together, they should be 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.

Feedback on the security of VoIP (voice over internet protocol) services like Skype, Zoom, WhatsApp, Signal, Slack, and Telegram varies. Some HRDs rely on access to the internet through internet cafes, which can be insecure. Feedback related to how best to address gaps in digital security is more of a focus on understanding how HRDs relate to and act with the digital security tools they choose to use. Understanding the risks and local realities and how HRDs are supported (or not) based on their specific contexts and threats are also critical. This can be called localizing a behavioural approach to digital security. Within the network of HRDs, there was a training that targeted approximately 25 HRDs including some from West Africa in Uganda related to data security in 2019.

Psycho-social support Although considered an important issue few National or Frontline Grassroots Defenders had access to or were receiving any form of psycho-social support. However, this was

discussed extensively at the West Africa Frontline Grassroots HRD conference where all participants including both HRDs, and staff of international organizations recognized the gap.

Regarding efforts to ensure that HRDs keep themselves, organizations, and communities safe some key tips include:

- Office locations and premises need to be carefully considered so they are protected and set up in a way that keeps staff protected.
- Consider partnerships with national/international partners where sensitive information could be shared abroad for safekeeping and backup.
- 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, all involved must be communicating using secure measures. If one person in a group of people does not follow recommended security protocols, this can be a risk to the entire group.

Community Level

Informal

At the community level, formal judicial mechanisms such as Justice of Peace courts and Paramount Chief courts exist throughout West Africa. There is evidence that 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 slightly less formal nature and since almost all of them are not courts of records, it is difficult to obtain formal data. 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. Unfortunately, these mechanisms were not discussed at the West Africa Frontline Grassroots HRD conference.

Numerous Frontline Grassroots HRDs shared their efforts to raise issues in a peaceful way using community strategies carried out by communities and at times they also received outside help. The efforts were either seen as stop-gap measures or a necessary step to engage in larger processes. Often Frontline Grassroots HRDs said despite their peaceful efforts the government and the multinational continued to suppress, harass, intimidate, and arrest them.³⁸ At times these efforts would go unheeded by the government or the multinationals.

Using local traditional and cultural practices for disruption

The Poro, 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. Examples include the use of traditions and cultural practices embedded in the community used to intimidate staff of multinational companies.

Community-based assessment protocols

Frontline Grassroots HRDs from Ghana, Sierra Leone, Guinea, Nigeria, Liberia, and Niger affected by the actions of multinationals companies often sought out the support of international organizations such as Action for Community Alternatives (ACA) or the regional network PILIWA highlighted earlier, to

³⁸ Mano River Union Civil Society Natural Resources Rights and Governance Platform First Peoples' Forum on Corporate Accountability: Final Report.

help them address the problems they faced. In one example ACA introduced the community-based assessment protocol used to engage communities in a participatory way and help equip them to engage in larger processes.

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

The first step in the implementation of the protocol is for a survey to be developed which is then carried out to collect information on the human rights impact on the community. The process is done with the full participation of communities with members both developing the survey and then using 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 which is further elaborated on in Annex 2 the policy and legal framework. 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 NHRIs.

Policies and Laws

One tool used with communities is an Environmental and Social Impact Assessment (ESIA) as highlighted in the accompanying box. An ESIA was used with success by a Guinean HRD who 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.³⁹ Another ESIA in Liberia 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.⁴⁰ As has been highlighted above, there are significant gaps in the legal and policy framework related to the protection of HRDs. In the 2018 report, the UN Special Rapporteur recommended that West African

An 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.

The model law provides for particular roles for institutions to be guardian, to ensure the implementation of these laws and the security of HRDs. They promote their actions and ensure that they can be implemented in a safe environment. This includes producing annual reports on the situation of HRDs at the national level, supporting defenders at risk, and setting up a specific mechanism for the protection of human right defenders.

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.⁴¹ There has been some movement on this issue with the adoption of the model law for the recognition and protection of HRDs.⁴² The ISHR who were present at the conference and have been behind the development of the model law stated that “*In West Africa, there are three countries that have adopted a national law for the protection of defenders.*” Currently, laws aimed to

³⁹ https://communitiesfirst.net/analysis-of-guinea-resettlement-reference-document_201903/

⁴⁰ Liberia natural resources deals not compliant with law, find auditors | Liberia | The Guardian

⁴¹ <https://www.business-humanrights.org/sites/default/files/documents/UNSR%20HRDs-%20World%20report%202018.pdf>

⁴² [model_law_full_digital_updated_15june2016.pdf \(ishr.ch\)](https://www.business-humanrights.org/sites/default/files/documents/UNSR%20HRDs-%20World%20report%202018.pdf)

protect HRDs exist in Côte d’Ivoire, Mali, and Burkina Faso. In the box above, ISHR explains the benefit of the specific laws to the protection of HRDs.

Increasingly more countries in West Africa are asking ISHR for support to help in the development of this law in their countries. Table 11 provides an overview of the status of the model law with developments highlighted in Burkina Faso, Côte d’Ivoire, Mali, Senegal, Togo, Sierra Leone, Liberia, and Niger. Besides the challenges highlighted with the implementation of the law especially by HRDs from Côte d’Ivoire, other concerns highlighted in the drafting of the law itself is that there has not been enough attention focussed specifically on the specific needs of WHRDs, written into the law, who face 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 Senegal, Liberia, and Senegal HRDs are eager to engage with ISHR to help them further develop the law. At the West Africa Frontline Grassroots HRD conference the issue of the need for working more closely with the National Human Rights Institutions (NHRI), was highlighted, and encouraged.

Table 11: Status of law that protects HRDs.

Country	Status of the model law
Burkina Faso	Adopted in 2017 however, does not have specific safeguards for WHRDs making it difficult for women to have access to justice.
Côte D’Ivoire	Adopted in 2017 but HRDs do not see the political will to implement it
Mali	Adopted in 2017 and have made it very accessible by publishing a passport on HRDs
Senegal	In discussion with ISHR on taking the legislation forward
Togo	The model law is now in draft form and CSOs have been calling on its domestication with support from the Ministry of Human Rights
Sierra Leone	Draft of 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
Liberia	Voted in favor of the resolution on the protection of HRDs

National Courts

Feedback from HRDs revealed that taking cases to National Courts as a remedy was not used very frequently. However, there has been some success in the National Courts that have led to temporary stop orders or setting legal precedents. Generally, however 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 many of the HRDs complained that cases often drag out for long periods. Often taking cases to court is not an option for many people because of the cost, time it takes, and fear of corruption. An HRD talked about the lack of trust in the courts in Senegal as highlighted in the accompanying box.

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.

Interviews with HRDs in Côte d’Ivoire highlight delays of up to five years in cases they have tried to take to the court. In Sierra Leone, the ACA is providing funding and technical support to NMJD who has taken a case to the national court against a diamond mining company in Koidu and its various subsidiaries and related companies. Despite delays due to Covid-19, there have been early successes that have been precedent-setting in Sierra Leone courts.

HRDs in Guinea, have also used the court to stop work temporarily. A community in Guinea filed a complaint with the Ministry of Town and Regional Planning regarding a company, which resulted in an order for work to be stopped until the matter could be reviewed. It was a successful strategy that lasted for several months.

National Human Rights Institutions (NHRIs)

National Human Rights Institutions (NHRIs) play a role as a national body empowered to monitor and review human rights abuses 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. NHRI follow the Paris Principles which serve as a guideline for institutions including that an institution shall:

- monitor any situation of violation of human rights which 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, and.
- 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).

As Table 12 demonstrates there are NHRI's in almost every West African country apart from Equatorial Guinea, Cape Verde, and Guinea Bissau. There are eight NHRIs in West Africa that are A status and therefore fully compliant with the Paris Principles. As indicated these include Ghana, Liberia, Niger, Nigeria, Sierra Leone, Togo, Côte d'Ivoire, and Mauritania. Mali and Senegal are B status and Benin is C status which indicates a need for improvement. The Gambia does not yet have a status as it is newly established and Burkina Faso's accreditation has lapsed.

Table 12 National Human Rights Institutions in West Africa

Countries	Status
Ghana, Liberia, Niger, Nigeria, Sierra Leone, Togo, Côte d'Ivoire, Mauritania	A
Mali, Senegal,	B
Benin	C
Burkina Faso	Lapsed
The Gambia	Established (2020)
Equatorial Guinea, Cape Verde, Guinea Bissau	Do not have

HRDs in Nigeria, Liberia, Ghana, and Mali all shared positive examples of working with NHRIs in their countries to address human rights issues associated with land and environmental issues. In Niger, the National Human Rights Commission played a critical role in these issues as the only human rights actor allowed to travel to the eastern regions of the country attacked by Boko Haram to document abuses against civilians committed by both Boko Haram and the military. The report was provided to the UN Office of the High Commissioner for Human Rights (OHCHR).⁴³

⁴³ The Danish Center for human rights supports the work of NHRIs in West Africa see more information <https://www.humanrights.dk/where-we-work/west-africa>

The Human Rights Commission of Sierra Leone (HRCSL) is also considered an effective institution for addressing human rights concerns. A representative from the HRCSL actively participated in the West Africa Human Rights HRD conference demonstrating a strong commitment to the protection of land and environmental HRDs. One of the key messages that he had for HRDs was the importance of documentation and evidence as highlighted in the box to the right. In April, the HRCSL completed a two-day monitoring exercise on the operations of Koidu Limited Mining Company in Kono district as part of their commitment to monitoring the work of mining companies to ensure their compliance with business and human rights standards in line with the UN Guiding Principles on Business and Human Rights (UNGPs).⁴⁴

Documentation is an issue. As a human rights commission we do a bit of documentation, but they are focused on big stories. We cannot make noise without the evidence. I want to encourage this to be treated seriously. It makes our work much easier than just waiting for the big stories. If there is evidence, it is easier. Word of mouth doesn't help, evidence does.

In Togo despite its A status, HRDs shared their lack of confidence in the NHRC. For example, they saw that the institution had little interest in taking on major human rights issues.

Following elections in Mali in 2013, the new president supported a reform of the law for a new commission. The process was repeatedly delayed because of the changing of key ministers and opposition among conservative officials. However finally in July 2016, the law was unanimously approved by the parliament.⁴⁵

In 2014, a civil society group from Burkina Faso sought the advice of the Danish Institute for Human Rights (DIHR) to write a bill for a new independent human rights commission. Workshops with civil society were held and a draft law developed. The law was the first law that the new Burkinabe Parliament adopted on 24 March 2016.

In mid-2015, the Independent National Human Rights Commission of Liberia (INHCL) in responding to attacks and reprisals against Frontline Grassroots HRDs established the Frontline Grassroot Defenders Hall of Fame. On African Human Rights Day that year, the INHRCL had a program where they inducted Frontline Grassroots HRDs that were facing reprisals into the Hall of Fame as a protective measure. Government agencies were invited and present at the program. The Acting Chair of the INHRC issued a warning to government agencies which resulted in a reduction in the number of attacks and reprisals against those HRDs.

Further developments in 2018 at the 13th international conference of the NHRIs was the adoption of the Marrakesh Declaration which was highlighted at the West Africa Frontline Grassroots HRD conference by numerous experts as a promising development for the protection of HRDs. The Marrakesh Declaration highlights the commitment of NHRIs to promote and protect HRDs through identifying key initiatives including:

- establishing accessible and inclusive national protection systems.
- establishing early warning systems for HRDs which includes working in collaboration with groups at risk.
- positive discourse on the importance and legitimate role of HRDs, particularly WHRDs including the use of innovative communication and the use of innovative technologies; and,
- Identifying cases where the implementation of the policy has had a disproportionate impact on HRDs in civic space.

⁴⁴ This is part of its mandate to monitor and document violations of human rights in Sierra Leone pursuant to section 7 (2) (f) of the HRCSL Act No. 9 of 2014.

⁴⁵ <https://www.humanrights.dk/where-we-work/west-africa>

Informal

Some of the informal approaches include engaging with organizations and coalitions at the national level. Other steps include engaging unofficially with government officials at the national level. National coalitions for protection and in some instances, recourse is also used. Media was also used as part of a protective strategy or when seeking recourse.

The majority of the National HRDs interviewed were part of the coalitions and networks. The coalitions and networks had a variety of purposes from the protection of HRDs to specialized focus on specific issues impacting the country.

Many of the coalitions in Table 13 below have been 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. One of the main purposes of these national coalitions is aimed at the protection of HRDs.

Table 13: Examples of National Coalitions across the region

Country	Coalition
Mali	Malian Coalition of Human Rights Defenders (COMADDH).
Sierra Leone	The Human Rights Defenders Network of Sierra Leone (HRDN-SL)
Liberia	Liberia Human Rights Defenders Coalition (LHRDC)
The Gambia	A Coalition of Human Rights Defenders in the Gambia (CHRDG)
Benin	The Coalition of Human Rights Defenders in Benin (CDDH-BENIN)
Burkina Faso	The Burkina Faso Coalition of Human Rights Defenders (CBDDH)
Niger	The Network for the Promotion of Human Rights and Democracy (NPHRD)
Côte d'Ivoire	Ivorian Coalition of Human Rights Defenders (CDDH)

- The HRDN-SL is a coalition of human rights civil society organizations and individuals working for the protection and promotion of human rights in Sierra Leone. Besides the HRDN-SL, there are 14 networks of which two networks are responding to large-scale land acquisition by foreign companies, and two to inappropriate exploitation of the country's natural/mineral resources. A study was done by NMJD about networks and social movements in-country showed a mix of quality and vision within the various networks.⁴⁶
- The COMADDH is set up in a strategic way to develop alliances by involving their partners in their activities. The partnership is well coordinated with a pool of technical and financial partners, by a pool of institutional partners, and by a pool of state authorities, communities, and influential people.
- The CDDH-BENIN's vision is to create an environment in Benin that is conducive to the protection of HRDs. Their coalition works across the country and engages at the community, national and international levels.
- The LCHRD is focused on working to help WHRD.
- The NPHRD is a collective of human rights associations and development NGOs that fight for the promotion of human rights and democracy.
- The CBDDH's most recent campaign protects domestic workers; women living with disabilities; WHRDs; sex workers; LGBT; those working in extractive industries; governance, democracy,

⁴⁶ Report on the social movements in Sierra Leone, a report by Network Movement for Justice and Development with support from UNDF, 2013

elections; and female journalists. The first part of their campaign has been to highlight the issue of these various groups and 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 which in turn has helped establish a Legal Assistance Fund.

- The CDDH has been in place for over 16 years and has 29 partners. They are active in the work of protection of HRDs

Engaging with government actors

Other informal strategies included engaging with government actors highlighted by HRDs in Nigeria, Guinea, Liberia, and Sierra Leone. Examples of this include engaging directly with the security agencies such as the police and the army. In some instances, this involved developing personal relationships with government officials and inviting them to conferences and other events.

HRD clinics, legal aid, or support in the community

The provision of legal aid or making paralegals available in communities was brought up by most of the Defenders. For instance, legal aid support is being provided at a preliminary level in several countries including Sierra Leone, Guinea, Nigeria, Niger, Cote D' Ivoire, Sierra Leone and Liberia. Legal aid includes direct support to HRDs and placing a paralegal in the community serving multiple purposes from education to directly engaging with the accountability mechanisms. Examples include providing a link between the community and the process of recourse such as helping communities to engage with a national court case, the case with the National Human Rights Institution, or further afield at the ECOWAS Community Court of Justice. Academic institutions, especially clinical programs at law schools could complement the work of legal aid or support provided by paralegals. Several HRDs suggested the need for specialized HRD clinics to respond not just to attacks and reprisals but to the waves of criminalization and stigmatization against HRDs, especially Frontline Grassroots HRDs. Specialize Defenders clinics could themselves serve as protection mechanisms.

Linking with media

Some of the HRDs interviewed have some link 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 but most of them were unanimous that there was a chronic under reporting of attacks, reprisals, and killings of defenders across the region. Some of the HRDs also saw engaging with the media as a strategy for their protection as they saw keeping issues on the public's radar helped them stay safe. Some engaged with media at all levels including local, national, and international levels. On the other hand, Frontline Grassroots HRDs received little visibility and media coverage about their work.

The under-reporting by the media and other organizations of attacks and reprisals against Frontline Grassroots HRDs across much of the region was discussed at length at the conference. The range of challenges faced by the media and journalists working in the Sahel was highlighted. The challenges included the impact of the growing number of counter-terrorism laws being enacted that undermine media freedom and free speech, especially in Burkina Faso as discussed earlier in the report. A Frontline Grassroots HRD from Nigeria spoke about how the Fulani people are called terrorists by politicians who influence public opinion through the media making it dangerous for the Fulani people and those that defend them. Another issue highlighted was the increasing number of journalists who self-censor and do not report on events for fear of being targeted. Some journalists who have tried to report the truth run the risk of being perceived by others as being a terrorist or collaborating with them and have been arrested and detained by government staff.

More generally underreporting was discussed at length at the conference highlighting that greater media attention would also help get the needed exposure on the human rights situation in the region.

Regional and Pan African

At the Regional and Pan African Level, both formal and informal mechanisms have 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 of Justice and Human Rights (ACJHR).⁴⁷ Nonjudicial 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 in the ECOWAS Community Court of Justice against state actors. The ECOWAS Community Court of Justice is seated in Abuja, Nigeria. The Court has the 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, the ECOWAS Community Court of Justice has made rulings on human rights issues and the decisions are legally binding to the ECOWAS member states. In one example in 2008, the ECOWAS Court took a pioneering decision concerning slavery in Niger which resulted in Niger having to pay reparations. The judgment is historic because this is one of the first slavery cases ever to be won at the international level.⁴⁸

Interviews revealed that the ECOWAS Community Court of Justice has strong jurisprudence, and it is

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.

a relatively quick process of 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 spoke about how litigating at the ECOWAS Community Court of Justice part of their strategy was as highlighted in the box above. Concerns have been raised that

while verdicts are legally binding, some governments, such as the bigger countries such as Nigeria, do not always comply.

Several cases have been filed by PILIWA, on behalf of communities in West Africa.⁴⁹ 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, Sierra Leone, Côte d'Ivoire, and Guinea.

One verdict in June 2020 from the ECOWAS Court ruled that Togo violated the right to freedom of expression with multiple internet shutdowns in 2017 and then 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 message to other ECOWAS member states who have disrupted internet services during elections that they could be held to account if they disrupt internet services or do anything to stifle freedom of press or expression. Since 2016 elections have taken place in the Gambia (2016), in Mali (2018), in Benin (2019), and Guinea (2020), and Côte d'Ivoire (2021). Additionally, more elections are planned in Guinea, Benin, and Niger in the next year and this ruling puts the governments on notice.

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

⁴⁷ The African Court on Human and People's Rights was combined with the Court of Justice in Africa to form the African Court of Justice and Human Rights which has two key areas of jurisdiction including human rights and general. Many of the cases that would be seen at the African Court on Human and People's Rights are seen through the human rights section.

⁴⁸ An overview of the ECOWAS court cases can be found here: <http://prod.courtecowas.org/about-us-2/>

⁴⁹ <http://prod.courtecowas.org/wp-content/uploads/2019/03/29th-March-2019.pdf>

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 inhuman or degrading treatment, the right not to be arrested or detained arbitrarily, and the right to effective recourse," said Justice Gberibé Ouattara, reading the court's ruling.⁵⁰

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, NGO, or group of individuals.⁵¹ The Center for Economic and Social Rights (CESR), (discussed in more detail later in the report) 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. The petition focused on violations of the right to health, housing, and food in Nigeria's oil-producing region and was intended to draw attention to the massive environmental and social problems, broaden the range of human rights concerns considered by the ACHPR; and set a precedent for other economic and social rights claims before the African system. In the end, the ACHPR 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.⁵²

There are Special Rapporteurs and other mechanisms focussed, 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 meets with HRDs across the region.⁵³ The ACHPR Special Rapporteur on Human Rights Defenders & Focal Point on Reprisals is also a member of the Working Group on Indigenous People within the ACHPR. In these multiple roles once, the Special Rapporteur is made aware of human rights violations being committed against the population he will engage the relevant governments to stop the abuse. At the West Africa Frontline Grassroots HRD conference, he highlighted the importance of ensuring that companies respect the free prior and informed consent of communities. He also talked about the system of emergency reporting in place and the importance of having the information to be able to report the information to relevant governments as highlighted in the box on the former page. Another initiative in his power as a Special Rapporteur is to hold a panel discussion on the protection of HRDs at the annual ACHPR convening. It is a step to get the issues out in the public domain.

Companies must respect the free prior and informed consent of communities. When this does not happen, human rights defenders must report through the emergency reporting system in place so that I can follow up. Reporting these issues is a critical first step.

The Working Group on Extractive Industries, Environment and Human Rights Violations (WGEI) have a wide mandate focussed on understanding the impact of the extractive industries in Africa within the context of the African Charter on Human and Peoples' Rights. 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 main priority areas involve:

⁵⁰<https://www.reuters.com/article/guinea-mining-ecowas/west-african-court-finds-guinea-responsible-for-2012-mine-site-killings-idUSKBN27Q2DP>

⁵¹ <https://www.achpr.org/communicationsprocedure>

⁵² African Commission on Human and Peoples' Rights Communication procedure see <https://www.achpr.org/communicationsprocedure>

⁵³ African Commission on Human and Peoples' Rights Press release (achpr.org) 2019

- 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.
- developing of the internal rules and procedures for the WGEI: and,
- 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, WGEI has not carried out regional consultations on extractive industries and environment and human rights violations in West Africa only in other parts of Africa including South Africa, Kenya, DRC, and Ethiopia. While on missions these platforms have given visibility to the WGEI 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 which provides 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. Although none of the HRD’s interviewed had engaged with the WGEI several organizations have been involved in tackling the impact of the extractive industries on human rights and environmental protection in Africa in partnership with the WGEI.⁵⁴

The African Court of Justice and Human Rights

The African Court of Justice and Human Rights (ACJHR) is a continental court established by African countries to ensure the 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 below in Table 13 the (ACJHR) has jurisdiction to determine applications against state parties of the 30 African states with 11 of those countries in West Africa and six more who have made a declaration 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 Côte d’Ivoire.⁵⁵

Table 14: Countries that have signed the ratified the protocol

Countries	Action
Benin, Burkina Faso, Côte d'Ivoire, The Gambia, Ghana, Mali, Mauritania, Nigeria, Niger, Senegal, and Togo.	Ratified the ACHPR protocol
Benin, Burkina Faso, Côte d'Ivoire, Ghana, Mali, and The Gambia	Made a declaration giving an individual or NGO with observer status before the ACHPR the possibility to make an application.

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 also reportedly planning on withdrawing from the court which has raised concern with National HRDs in the country.⁵⁶To 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.⁵⁷

⁵⁴ <https://africlaw.com/2016/04/26/a-review-of-the-work-of-the-african-commissions-working-group-on-extractive-industries-environment-and-human-rights-violations-in-africa/>

⁵⁵ More details of the cases brought by individuals, NGOs and Communities can be found here African Court Cases | Statistic (african-court.org).

⁵⁶FIDH provides guidance as to how to engage with the African Court of Justice and Human Rights https://www.fidh.org/IMG/pdf/african_court_guide.pdf.

⁵⁷ 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).

Informal

Networks and Coalitions

Coalitions exist at the local, national, regional, and international levels. National networks have already been included earlier. More generally networks and coalitions play a range of roles in the protection and redress of HRDs at various levels. In Table 13 below some of the key 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.

Table 15 Regional and Pan African Networks

Networks	Support to National HRDs	Support Frontline Grassroots Defenders	Broader support
West Africa Human Rights Defenders Network	Yes	Yes	Yes
Public Interest Lawyering Initiative for West Africa (PILIWA).	Yes, but not the primary purpose.	Yes	
Mano River Union Civil Society Natural Resources Rights and Governance Platform MRU-CSO platform	.	Yes	
Centre for Economic, Social and Cultural Rights in Africa ⁵⁸		Yes	Yes
African Coalition for Corporate Accountability (ACCA ⁵⁹)		Yes	Yes
Maghreb Coordination Association of Human Rights	Yes		
African Court Coalition ⁶⁰		Yes	Yes
African Alliance for Natural Resources ⁶¹			Yes
Global Land Alliance ⁶²			Yes
Human Rights Net ⁶³	Yes	Yes	Yes
Coalition for Human Rights in Development in Africa ⁶⁴		Yes	Yes
SiLNoRF		Yes	Yes
Natural Resources Women's Platform (NRWP)		Yes	Yes
Women in Mining and Extractive (WoMe)		Yes	Yes

Protecting HRDs broadly

The WAHRDN is a regional West Africa network that focuses on 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.

⁵⁸ <http://www.cescra.org/>

⁵⁹ To date, there are 123 ACCA member organisations from 31 African countries of the those there is many from West Africa.

⁶⁰ <http://www.africancourtcoalition.org/index.php?lang=en>

⁶¹ <https://www.ianra.org/>

⁶² <https://www.globallandalliance.org/about>

⁶³ <https://hrcnet.nic.in/HRCNet/public/Home.aspx>

⁶⁴ <https://rightsindevelopment.org/about/>

WAHRDN has observer status at the 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 later in the report. Through its advocacy efforts, the WAHRDN strategy is based on close cooperation with diplomatic representations, foreign ministries, NHRIs, and regional and international human rights mechanisms to foster a safe working environment for HRDs.

Coalitions in support of WHRDs

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

Focus on the Frontline Grassroots HRDs

The work of MRU-CSO platform work 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, Côte d'Ivoire, and Guinea.⁶⁵ 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" in 2016 in Liberia and 2019 in Sierra Leone with participants from eight countries across West African including Sierra Leone, Liberia, Guinea, Côte d'Ivoire, Ghana, Mali, Nigeria, and Niger.

PILIWA, another active regional coalition, is comprised of lawyers working on human rights issues in the region.⁶⁶ Partnering with the MRU CSO platform with secretarial support from the ACA they collaborate with communities to defend communities' rights to facilitate development in the face of destructive resource extraction operations driven by foreign investment. PILIWA provides legal support to the members of the MRU CSO Platform, most of whom are project-affected communities caught on the frontline of cooperating 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, Côte d'Ivoire, and Guinea and at the regional level before the ECOWAS Community Court of Justice. PILIWA has also worked with the members of the MRU CSO Platform, most of whom are project-affected communities to use the non-judicial grievance mechanisms of the Compliance Advisory Ombudsmen (CAO) of the International Finance Corporations (IFC).

Community-based organizations (CBOs) in Ghana, Liberia, Nigeria, and Sierra Leone are members of the International Alliance 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

⁶⁵ 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 (CECIDE), Guinea.

⁶⁶ Advocates for Community Action (ACA) are 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.

empowerment programs, as well as monitoring states' compliance with the implementation of ESCR. Several of the HRDs linked to this coalition feel that their research and advocacy are 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. To date, CESR has done projects in Liberia, Nigeria, and Ghana. The OPERA framework explained in the box above has resulted in lessons learned related to specific countries, contexts, and themes.⁶⁷

There is 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 HRCnet's membership comprises 16 NGOs including coalitions working at the international level and across almost all regions and with reported 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.⁶⁸ The HRCnet 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 work in coordination and solidarity, or as a network, focused on engagement with 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. However, none of the HRDs specifically mentioned the HRCnet.

Other activities of the HRCnet includes:

- releasing HRDs from detention.
- helping HRDs engage with the international human rights system and strengthening their capacity to influence governments.
- supporting the coordination and collaboration between international and regional NGOs.
- Promoting accountability through seeking the establishment of commissions of inquiry or other independent expert mechanisms to investigate and promote accountability for gross human rights violations, and.
- monitoring and documenting human rights violations through the mandating of new Special Procedures or establishing new Special Procedures and other mechanisms.

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, the formal non-judicial remedies that exist include the Organization for Economic Cooperation and Development (OECD), the Compliance Advisor Ombudsman (CAO) process, and the Roundtable on Sustainable Palm Oil (RSPO) process. Additionally, other remedies exist through UN mechanisms such as the UN Human Rights Council (HRC), the Universal Periodic Review (UPR), and other Special Procedures such as Special Rapporteurs.

⁶⁷ 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>."

⁶⁸ <https://www.ohchr.org/Documents/Publications/OHCHRreport2019.pdf> p.223

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 understand and use the grievance mechanism to seek remedy and hold corporations accountable.

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).⁶⁹

All HRDs who take up fighting harmful business activity are particularly at risk giving the OECD National Contact Points (NCPs) a 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.⁷⁰ NCPs can act by seeking Embassy support to 1) help address identified risks to HRDs in NCP complaints, 2) can hold mediations in a third country to avoid risks for HRDs, and 3) invite NGOs to speak about reprisal risks during the multi-stakeholder engagement. OECD Watch highlights other steps HRDs can take if they suffer some sort of reprisal from making a complaint. The Independent Accountability Mechanism Working Group on Retaliation also commissioned a “Reprisals Toolkit.”⁷¹

Compliance Advisor Ombudsman of the International Finance Corporation

The IFC is a sister organization of the World Bank and a 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. Currently, communities in five countries in West Africa are under the CAO processes including Ghana, Guinea, Liberia, Nigeria, and Togo.⁷²

However, as one HRD pointed out for companies to be held accountable in this process governments and companies need to be under the IFC as shared by one HRD highlighted in the box above.

There are two kinds of companies--one 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

The Roundtable for Sustainable Palm Oil (RSPO) is another mechanism, that has been used effectively to address

The RSPO has developed a set of environmental and social criteria which companies must comply with 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.

environmental and human rights concerns and is described in the accompanying box. The RSPO has more than 4,000 members worldwide who represent links along the palm oil supply chain which have committed to producing, source and/or use sustainable palm oil certified by the RSPO.

UNDP and OHCHR

⁶⁹ 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.

⁷⁰ [http://independentaccountabilitymechanism.net/ocrp002p.nsf/0/ce43d67170fcd8f3482583a20026ab13/\\$file/guide_for_iam_s_on_measures_to_address_the_risk_of_reprisals_in_complaints_management_february_2019.pdf](http://independentaccountabilitymechanism.net/ocrp002p.nsf/0/ce43d67170fcd8f3482583a20026ab13/$file/guide_for_iam_s_on_measures_to_address_the_risk_of_reprisals_in_complaints_management_february_2019.pdf)

⁷¹ <https://www.oecdwatch.org/wp-content/uploads/sites/8/2019/06/Reprisals-NCP-system.pdf>

⁷² <http://www.cao-ombudsman.org/>

HRDs largely referred to UN agencies as strategic partners. The UN agencies that HRDs mentioned most frequently were UNDP and the Office of the High Commission for Human Rights (OHCHR).⁷³ Unlike UNDP, which is based in every country, OHCHR only has a country presence in Liberia, Guinea, and Mauritania and a regional office in Senegal. In Guinea Bissau, OHCHR is part of the peacekeeping mission and Nigeria has a human rights advisor.

Recognition of the protection of environmental HRDs has been highlighted by the United Nations Environment Programme (UNEP), a UN agency in charge of the environment. UNEP’s presence in West Africa is in Côte d’Ivoire.⁷⁴ UNEP and OHCHR recently signed an agreement to step up protection-related activities including monitoring human rights violations targeting HRDs.⁷⁵ UNEP has developed a policy of supporting environmental HRDs which includes an array of proposed activities.

UN Mechanisms

Table 16 provides an overview of UN mechanisms that OHCHR engages with HRDs on at the international, regional, and country level. These different mechanisms are further elaborated on below.

Table 16: UN Mechanisms

UN Mechanism	Related work to protect HRDs, the environmental and land rights
UN Human Rights Council	The Human Rights Council is comprised of 47 Member States that meets at least three times per year in Geneva. It is mandated 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.
Universal Periodic Review	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 published in advance of the review and can also lobby delegations directly as to the questions they should ask and recommendations they should make.
The Special Procedures of the Human Rights Council	The special procedures of the HRC are independent human rights experts with mandates to report and advise on human rights from a thematic or country-specific perspective. ⁷⁶ The system of Special Procedures is a central element of the UN human rights machinery and covers all human rights: political, civil, economic, social, and cultural.
Treaty Bodies	The treaty bodies are international committees of independent experts that monitor State parties’ implementation of the core international human rights treaties. ⁷⁷

Recently there has been recognition by the UN that HRDs in some countries face the 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”.⁷⁸ So far it is not clear how effective they have been at protecting individuals. However, there are treaty bodies that have also recognized the need

⁷³ Further highlights the work of OHCHR globally <https://www.ohchr.org/EN/Countries/Pages/WorkInField.aspx>.

⁷⁴ <https://www.unenvironment.org/explore-topics/environmental-rights-and-governance/what-we-do/advancing-environmental-rights/uneps>

⁷⁵ <https://news.un.org/en/story/2019/08/1044361>

⁷⁶ 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

⁷⁷ See: http://www.ishr.ch/sites/default/files/documents/ishr_simpleguide_eng_final_final_dec15.pdf

⁷⁸ 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

to address reprisals suffered by HRDs who engage with mechanisms and have created dedicated rapporteurs or focal points on this matter as are highlighted in Table 16.⁷⁹

The UN-HRC's UPR covers all member states of the UN and is a valuable tool.⁸⁰ Many of the National HRDs who were interviewed for this project regularly engage in the UPR process. Frontline Defenders have engaged with the UPR and raised concerns related to the protection of HRDs in Nigeria (2018), Togo (2016), and Mauritania (2015).⁸¹

Enabling HRDs in West Africa to communicate and interact with international institutions like the UN is largely only used by National HRDs who have access to the procedures and mechanisms. While engaging with these mechanisms plays an important role in realizing the rights of HRDs much more coordination is needed between the National HRDs that access the mechanisms and the Frontline Grassroots HRDs. National HRDs highlighted that interacting with such bodies brings important human rights information to relevant stakeholders. For example, engaging with the UPR process has provided opportunities to raise concerns about the protection of HRDs in West Africa on a country-by-country basis.

Additionally, the work of the Special Rapporteur for the situation of HRDs, the Special Rapporteur on the rights of indigenous peoples,⁸² and other relevant special procedures were also highlighted by

All the Special Rapporteurs present at the conference emphasized the importance of reporting to them and providing evidence for them to follow up with. They all emphasized the importance of evidence as without there is no movement forward.

National HRDs as important to engage with. In the last several years there have not been any visits from the Special Rapporteur for the situation of HRDs to West Africa. 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. The participation of Special Rapporteurs at the West Africa Frontline HRD conference included the UN Special Rapporteur on Human Rights Defenders, Special Rapporteur on human rights and the environment, representation for the Special Rapporteur on human rights while countering terrorism, and the Special Rapporteur for the rights of Indigenous People. One of the main messages of the Special Rapporteurs centered on the importance of reporting violations emphasizing that with evidence of human rights violations being perpetrated against HRDs, they can follow up with the governments as a first step in holding them to account for their actions. During a conference session frontline grassroots defenders highlighted the importance of holding governments in West Africa and the Sahel accountable as they are not only failing to protect defenders but are often the main violators, siding with multinationals over their own citizens. The Frontline Defenders also highlighted an urgent need for a monitoring mechanism and that underreporting has been further exacerbated by COVID 19 making it difficult to verify cases of human rights violations in West Africa.

Informal

Activities that support the protection of HRDs can be broken down into the following types of support. Table 17 below divides up the support into three different categories.

⁷⁹ ISHR has a number of useful guidance see 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 on the Rights of Persons with Disabilities, Guidelines on the Participation of Disabled Persons Organizations (DPOs) and Civil Society Organizations in the work of the Committee, UN Doc. CRPD/C/11/2 (2014).

⁸⁰ The official information about the UPR and schedule for reporting can be found at UPR-Info.

⁸¹ <https://www.frontlinedefenders.org/en/upr-reports>

⁸² <https://www.ohchr.org/EN/Issues/IPeoples/SRIIndigenousPeoples/Pages/SRIPeoplesIndex.aspx>

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

Hardware and Direct Support for direct protection activities	Indirect	Program support
Staffing: Security Guards	Psychosocial and training support	Funding for programs
Physical infrastructures such as fencing and walls	Capacity-building support to organizations and groups	Legal aid
Developing a security plan and Data Security	Networking activities, conferences,	Strategic Litigation
Relocation in the event of an emergency		Training regarding mechanisms

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 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 support through international NGOs and international partners who provide remedies that serve as protection and support for HRDs highlighted below.

INGOs

Within the categories of support highlighted, non-governmental organizations such as Amnesty International, Human Rights Watch, Oxfam, ISHR, FIDH, Frontline Defenders, Global Witness, and ACA largely provided 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 18 below.

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

Institution	Relocation grants	Resiliency Grants	Training and capacity building, meetings	Advocacy, urgent actions	Strategic litigation	Legal Aid
Frontline Defenders	Yes		Yes	Yes		
Protection International EU	Yes		Yes			
FIDH	Yes		Yes		Yes	
ISHR	Yes		Yes	Yes	Yes	
Freedom House				Yes		
Amnesty International			Yes	Yes	Yes	
Oxfam						

Human Rights Watch				Yes		
ACA	.		Yes		Yes	Yes
Natural Justice		Benin and Guinea			Yes, Benin and Senegal	
Lifeline Embattled CSO Assistance Fund	Yes	Yes				

Type of support provided to HRDs.

As is highlighted in these tables between support from development partners, INGOs, or coalitions the main support is emergency funding/resettlement support/resiliency grants, training, advocacy and urgent actions, strategic litigation, and legal aid.

→ *Emergency Support*

As is reflected in Table 18, 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 two 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.⁸³ 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. On top of that 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 defenders. 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, focuses 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 unusually wide range of technical mechanisms; a powerful presence in Brussels; bravery in tackling difficult issues; constructive engagement.”⁸⁴

→ *Training and capacity building*

HRDs highlighted the training and capacity-building support they received from ISHR. ISHR has been engaging with countries to help establish the model law to protect HRDs in their respective countries as discussed earlier. HRDs interviewed also recognized ISHR as helpful especially related to the support they received on the model law. In a 2019 evaluation of their program ISHR’s training programs, including its signature Human Rights Defenders Training Programme (HRDAP) was mentioned. In two separate evaluations, ISHR was recognized for their work on the model law in one evaluation states “*Impressive results include a Model Law for Protection of Human Rights Defenders which several countries have adapted 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.*”⁸⁵ Other HRDs also talked about the training they received

⁸³ For an overview of CSOlifeline work see <https://www.csolifeline.org/>

⁸⁴ https://um.fi/documents/384998/0/REVIEW_Human_Rights_Advocacy_of_INGOs_2020.pdf p. 87

⁸⁵ ISHR: An Evaluation Cartner, Holly May 2017

regarding engaging the UN and the Special Procedures. ISHR has also been successful in strengthening standards and developing tools that are relevant to HRDs.

→ *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 human rights violations committed by the diamond mining company was enhanced by reports by Amnesty International. Amnesty International, Frontline Defenders, and other international actors regularly release urgent actions when HRDs are 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 highly effective in getting the situation of an at-risk HRD into the public domain. Some HRDs have recommended 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.

V. 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 failing to protect National and Frontline Grassroots HRDs and are often the main violators siding with multinationals over their citizens.

Without the protection of governments, Defenders 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 to support and ensure protection for Frontline Grassroots Defenders who are largely unknown outside their communities and villages. The Frontline Grassroots Defenders are largely left to protect themselves and use strategies that are locally available rather than relying on outside support. Ultimately however the goal is for greater protection for all Defenders using both formal

For the first 10 years doing HRD work I didn't realize I was one until some years ago and no idea of the danger I was exposed to through my work. I didn't realize the full implication until I was contacted by another HRD who trained me on personal security and online safety. That is something that so many HRD need. We expose ourselves to danger by the work we do, that kind of basic training is necessary... Some of the risks are quite preventable if we are well informed.

remedies and informal remedies or a combination of the two that have been set out in this report.

The most important action taken by a Defenders is the action taken to protect him or herself. The importance of being aware of the environment is key. During the West Africa Frontline Grassroots HRD Conference, a Frontline Grassroots WHRD from Nigeria shared how she never saw herself as a Defenders or the danger she was putting herself in and only later discovered how much more she could have done to protect herself if she had more knowledge and the story is further explained in the accompanying box.

At the community level, formal mechanisms include Peace Courts and Paramount Chiefs courts. At the national level, the available strategies at the formal level 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 the national court, and 4) working alongside the NHRI in countries to document violations. National coalitions operate that bring together HRDs within countries to work together collectively for justice and accountability. At the regional level, there was a strong interest expressed by Frontline Grassroots Defenders in replicating the Escazu Agreement in the region and building a viable environmental rights movement. 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 ACHPR. At the international level, the UN,

development partners, and international NGOs provide options for support through funding, advocacy, and engagement with the media.

The available remedies that exist at the community, national, regional, and international levels are summarized in Table 19 below.

Table 19 Overview of available remedies at all Levels

Level	Formal	Informal
Individual		Personal Risks assessments
Organizational	Security Guards	Organizational Risk Assessments
Community	Peace Courts Paralegals	Community Level Actions Using local tradition 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 to 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 an issue.
Regional	Bring the case to ECOWAS Community Court of Justice	Being a part of 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	INGO providing Emergency relocation grants, training and capacity building, advocacy and urgent actions, legal aid, exposure

VI. Annexes

Annex 1: Set of legal and policy recommendations.

Background

Human Rights Defenders (HRDs) protect both civil and political rights like free speech and the right to life, and economic, social, and cultural rights such as rights to housing and public health.⁸⁶ HRDs also work on environmental issues like climate change, access to water, and land rights. The environment is integral to human survival, and often environmental destruction directly stems from the violation of other human rights. HRDs also often work to protect the rights of indigenous communities and women.

Between 2016 and 2020, 386 of the 3619 reported violations against HRDs around the globe were related to land and environmental rights, and 105 people were working to protect the rights of indigenous peoples.⁸⁷ People working 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."⁸⁸

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. HRDs work as activists, lawyers, journalists, NGO workers, 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 those that could not be prevented.

Purpose of the Policy Recommendations

In this section, the policy and legal situation of Frontline Grassroots HRDs across West Africa will be discussed to highlight positive and negative trends and provide recommendations to support their work and aid in improving protection for these key activists and advocates. In the first part, the focus will be on the laws, regulations, programs, and policies that impact HRDs and their work in each country, followed by an assessment of trends across Western Africa, including positive trends like HRD -specific legislation and peaceful transfers of power. Negative trends such as corruption, extremism, restrictions on the right to assembly, and freedom of the press will also be mentioned. The report will conclude with an annex of recommendations for civil society, governments, the private sector, and development partners to better support and protect environmental, land, and HRDs in West Africa.

Current Legal Status of HRDs across West Africa including Equatorial Guinea

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. 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.

Freedom of expression is a crucial right and one that is controversial across the region. While there are existing regulations that protect freedom of expression in international, regional, and national laws across West Africa⁸⁹. Despite these policies, examples of the deprivation of this right exist in several

⁸⁶ <https://www.ohchr.org/en/issues/srhrdefenders/pages/defender.aspx>

⁸⁷ <https://www.protectdefenders.eu/en/stats.html?yearFilter=all®ionFilter=&countryFilter=#mf>

⁸⁸ https://www.frontlinedefenders.org/sites/default/files/global_analysis_2019_web.pdf p. 7

⁸⁹ 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 (ACHPR), and the Model Law on Access to Information in Africa. The ACHPR stated in a 2014 decision that

countries in West Africa. 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, and that same year the Parliament of Togo added a new article to the penal code that added fines for false news. The right to assemble, also known as freedom of assembly, is guaranteed under international, regional, and national laws⁹⁰. 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 Union Act, Public Order Act, and the Electoral Act in Nigeria.⁹¹

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 UDHR and Article 22 of the ICCPR. According to the UN's Special Rapporteur on Freedom of Association, requiring groups to register can negatively impact vulnerable groups and governments must remove a barrier for organizations.⁹²

Other issues and circumstances that occur in West Africa that can have adverse impacts on HRDs include the existence of terrorism and extremism, corruption, and corporate influence. These circumstances can make it more difficult for HRDs to conduct their operations safely and increase the risk of violations of rights like the right to life and security of person, not be subjected to torture, and not be arbitrarily arrested. Many countries have laws created to combat extremism that stifle the freedom of expression, press, assembly, and association based on the overly broad or vague language used to target HRDs. HRDs are labelled as “‘foreign agents’ conducting ‘anti-national activities’, ‘operatives with dual roles’, ‘internal enemies’, ‘terrorists’ or ‘spoilers of peace, development or social harmony.’”⁹³

HRDs are then often caught between trying to hold the government accountable for their overzealousness and at the same time can become a target by extremist groups for protecting HRDs. HRDs' work is especially important in conflict zones where they often help others access civilian populations for humanitarian relief and legal support for victims.⁹⁴

Government corruption also exacerbates threats that HRDs face because it leads to unfair elections and impunity for human rights violations. Unfair elections can lead to a situation where a new government does not support human rights. This in turn leads to the closing of space for civil society especially if HRDs are speaking out against issues that are politically unpopular such as unfair elections. Lack of political will is one of the core reasons why initiatives to better protect human rights and HRDs often fail.⁹⁵ Governments harass HRDs through both judicial and non-judicial means. Governments often support corporations and development projects, letting these actors take advantage of communities and violate human rights for the sake of resources and to enrich themselves. Impunity, through lack of accountability mechanisms or lack of enforcement of existing laws, for human rights violations encourages further violations and weakens the confidence in the rule of law.⁹⁶ Impunity persists when violations are not investigated. Some guidelines exist that help addresses these issues.⁹⁷

Efforts to address accountability at the International, regional, and national level

imprisonment for defamation violates the right to freedom of expression. Despite these policies, examples of the deprivation of this right exist across the country

⁹⁰ Some examples of international conventions include article 21 of the International Convention on Civil and Political Rights (ICCPR), article 11 of the African Charter, Article 8 of the African Charter and on the Rights and Welfare of the Child, and articles 12, 27, and 28 of the African Charter on Democracy, Elections, and Governance.

⁹¹ <https://africandefenders.org/wp-content/uploads/2018/12/StateofHRD2016EnglishFinal-2.pdf> p. 20

⁹² <https://africandefenders.org/wp-content/uploads/2018/12/StateofHRD2016EnglishFinal-2.pdf> p. 38

⁹³ <https://undocs.org/en/A/HRC/43/51> p.9

⁹⁴ <https://undocs.org/en/A/HRC/43/51> p.3

⁹⁵ <https://undocs.org/en/A/74/159> p.10

⁹⁶ https://urgentactionfund.org/wp-content/uploads/downloads/2017/12/UAF_UCB_REPORT.WEB-FINAL.pdf p. 1

⁹⁷ <https://undocs.org/en/A/HRC/43/51> p.9

As a result of the underreporting of human rights violations in West Africa, the response has not adequately addressed these issues especially for environmental and land defenders, women, and indigenous people. There have been some efforts such as the UN Human Rights Council (HRD) to protect environmental HRDs as well as the formation of the Zero Tolerance Pledge for governments and businesses.⁹⁸ Finally, the recent decision by African governments to set up the Africa Continental Free Trade Area (AfCFTA) is estimated to deliver a gross domestic product (GDP) of more than two trillion USD and with a population of about 1.2 billion people has raised concerns about social and environmental safeguards including protecting human rights and the environment. The process has set into motion conversations in the region among CSOs 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 HRDs especially environmental and land rights HRDs.

The Escazu Agreement is fully aligned with the principles of the African Commission on Human and People’s Rights (ACHPR) and steps take over the years to protect HRDs. These include:

- 1999: The Grand Bay Declaration, the body stated the importance of the UN’s 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.
- 2003: the Kigali Declaration, which demonstrated further support for the protection and support of HRDs.
- 2004 the Resolution on the Protection of African Human Rights Defenders, which created the Special Rapporteur for Human Rights Defenders in Africa. The Special Rapporteur accepts complaints.⁹⁹
- the Maputo Protocol which protects women¹⁰⁰
- Principles and Guidelines on the Right to a Fair Trial and Legal Assistance in Africa and the Declaration of Principles on Freedom of Expression in Africa
- 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 the profession as an HRD, and which stated that HRDs add value to society.¹⁰¹

Legal developments

There have been more recent efforts to protect HRDs which include the development of the model law which is aimed at specifically drawing up legislation that looks at the situation of HRDs in the country. To date, Burkina Faso, Côte d’Ivoire, and Mali have adopted the legislation. Other countries working on the model law include Togo, Senegal, Sierra Leone, and Liberia. One of the gaps however is the need for a mechanism to ensure greater accountability for the protection of HRDs.

Institutional developments

One of the proposed mechanisms is the National Human Rights Institutions (NHRI). Eight of the 17 countries (16 in West Africa and Equatorial Guinea) have A status which means they are aligned with the Paris Principles. The remaining have more work to do to ensure they are aligned as outlined in Table 1 below.

Table 1 Overview of the NHRIs in West Africa

Countries	Status
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⁹⁸ <https://www.globalwitness.org/en/campaigns/environmental-activists/defending-tomorrow/> p.25

⁹⁹ <https://undocs.org/en/A/HRC/43/51> p.3

¹⁰⁰ https://defendingwomen-defendingrights.org/wp-content/uploads/2014/03/WHRD_IC_Global-Report_2012.pdf p.24

¹⁰¹ Ibid p.31

Ghana, Liberia, Niger, Nigeria, Sierra Leone, Togo, Côte d' Ivoire, Mauritania	A
Mali, Senegal,	B
Benin	C
Burkina Faso	Lapsed accreditation
The Gambia	Newly established
Equatorial Guinea, Cape Verde, Guinea Bissau	Do not have

Judicial developments

Additionally, regarding the protocol of the African Court, Benin, Burkina Faso, Côte d'Ivoire, The Gambia, Ghana, Mali, Mauritania, Nigeria, Niger, Senegal, and Togo have ratified the ACHPR protocol. Additionally, of these countries, Benin, Burkina Faso, Côte d'Ivoire, Ghana, Mali, and The Gambia Made a declaration giving an individual or NGO with observer status before the ACHPR the possibility to make an application. In April 2020 Côte d'Ivoire announced that it was withdrawing from the court discussed further below. Additionally, the Government of Benin is also reportedly planning on withdrawing from the court which has raised concern with National HRDs in the country. To date, there have been several cases that have challenged West African governments.

International legal signed and ratified

Additionally, most of the countries in West Africa have ratified the major international conventions including 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). The exceptions are provided below on a case-by-case basis.

Trending Legal, Policy and Situational Analysis of HRDs by country

This section will address policies, legislation, and regulations that relate to the work and treatment of HRDs on a country-by-country basis. 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.

Benin

Benin was once considered one of the more stable democracies in West Africa. This changed when President Patrice Talon took office in 2016. 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 2018.¹⁰² In the months leading up to the election, bans on protests were issued in some areas, and protests that did occur were met with police violence. On the day of the election, the internet was shut down and protesters were disbanded by gunfire. In addition to police violence against protesters in these cases, arbitrary arrests, torture of suspects, and lack of food and water for prisoners have prevailed in recent years. These actions and treatments of protesters threaten HRDs wellbeing and their rights to freedom of expression and assembly.¹⁰³

Journalists and HRDs have also been 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.¹⁰⁴ As of the beginning of 2020, 17 people had been prosecuted under this censorship law. This includes

¹⁰² <https://freedomhouse.org/article/benins-unrest-reflects-broader-worrying-trend-west-africa>;
https://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=web&cd=&ved=2ahUKEwj3J3SK29_sAhWHmOAKHWCCDmIQFjADegQIBBAC&url=http%3A%2F%2Fcoslepi.info%2Fwp-content%2Fuploads%2F2018%2F09%2FMIEUX-COMPRENDRE-LE-CODE-ELECTORAL-DU-BENIN-2018.pdf&usg=AOvVaw3MTMuSK0BQpiuWpFxmWZBt

¹⁰³ <https://www.amnesty.org/fr/latest/news/2020/01/benin-au-moins-personnes-poursuivies-en-moins-de-deux-ans/>

¹⁰⁴ <https://freedomhouse.org/country/benin/freedom-world/2020>

Aristide Fassinou Hounkpevi and Ignace Sossou who spoke out about the choice of an ambassador appointment and tax evasion, respectively.¹⁰⁵

Despite the rampant corruption and its impact on civil society, the government experiences relative immunity for its actions. The National Anti-Corruption Authority, which hears complaints about 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.¹⁰⁶ However, some believe that it has been used to target journalists and the government's political opposition. Finally, Benin the Commission Béninoise des Droits de l'Homme (CBDH), is not 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 ACJHR. 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 the ICCPR, the ICESCR, the CEDAW, and the CAT.

Overall Recommendations include:

The government 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 across all issue areas)
- ✓ should alter the digital media law that is being used to censor HRDs to make them compliant with their human rights obligations and a system should be put in place to differentiate between differing views and actual false news
- ✓ improve the anti-corruption mechanism to allow for better utilization as a tool to hold governmental actors accountable while not abusing the rights and security of HRDs.
- ✓ must document human rights violations, this is unlikely to occur under the current leadership.
- ✓ reinstate the ability of individuals and NGOs to bring complaints to the African Court.
- ✓ 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 that includes a mechanism for implementation and involve the Coalition of Human Rights Defenders in Benin
- ✓ Training or education for HRDs to empower them to document human rights abuses.

Burkina Faso

President Roch Marc Christian Kaboré won the 2015 election, seeing a peaceful transfer of power. The country is expected to hold elections this year (2020).¹⁰⁷ 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.¹⁰⁸ Terrorist attacks by Islamist militants have undermined the progress that HRDs have made in the country.¹⁰⁹

In 2017, the country passed a law to protect HRDs, a great step forward, however, there is no protection mechanism in place to ensure the implementation of the law. The law defines HRDs without the requirement of a prior registration as such and protects against reprisals, arbitrary detention, and

¹⁰⁵ <https://www.amnesty.org/en/countries/africa/benin/report-benin/>

¹⁰⁶ <https://freedomhouse.org/country/benin/freedom-world/2020>; <https://www.icij.org/investigations/west-africa-leaks/press-freedom-fears-after-west-africa-leaks-reporter-convicted-in-benin/>

¹⁰⁷ <https://www.ndi.org/2020-burkina-faso-presidential-and-legislative-elections>

¹⁰⁸ <https://freedomhouse.org/article/west-africas-democratic-progress-slipping-away-even-regions-significance-grows-0>

¹⁰⁹ https://www.frontlinedefenders.org/sites/default/files/global_analysis_2019_web.pdf p.14

execution. It does not specify protection for WHRDs however.¹¹⁰ Some advocates blame terrorism by extremist groups for the lack of progress on creating a protection mechanism for the law.¹¹¹

Other recent laws created in response to the 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.¹¹² Due to the overly broad nature of the law, it could potentially be used to restrict access to information and censor HRDs. The law has already led to self-censorship by journalists who fear the ramifications of being found to violate it. Also in 2019, the government extended a state of emergency in multiple provinces, allowing them to restrict freedom of assembly. A rally in Ouagadougou was dispersed by police forces using tear gas and the *city* later banned a march planned by a local NGO. The police are also known for arbitrarily detaining people they associate with Islamic militants or terrorist attacks.¹¹³

HRDs face dangerous ramifications for their work outside of potential legal ramifications as well. 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. Yagha is known for mining-related conflicts between mining companies, residents, and security forces.¹¹⁴

Regarding available mechanisms, HRDs in Burkina Faso can file complaints with the African Commission on Human and Peoples Rights.¹¹⁵ The human rights commission accreditation lapsed in 2012. The government has ratified the ICCPR, ICESCR, CEDAW, and CAT.

Overall Recommendations include:

The government should:

- ✓ create an implementation and protection mechanism for their HRD law.
- ✓ must re-instate their human rights commission.
- ✓ repeal 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 with the involvement of HRDs

Cabo Verde

Cabo Verde is one of the most stable democracies in the region, with competitive elections, progressive laws about gender quotas for elections, and a recently created Corruption Prevention Council (CPC). The CPC is meant to run independently from actors like prosecutors and investigators.¹¹⁶ Additionally, freedom of the press is guaranteed by the Constitution. However, during elections, the press cannot publish opinions on parties or candidates within a certain amount of time of the election, under 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.¹¹⁷

One problem that Cabo Verde faces is capacity issues in their legal system. Detainees often experience delays in hearings. The Bar Association launched a legal aid program in 2019 to help speed up the court

¹¹⁰ <https://www.ishr.ch/news/burkina-faso-ensure-full-implementation-important-new-law-human-rights-defenders>

¹¹¹ See https://www.frontlinedefenders.org/sites/default/files/global_analysis_2019_web.pdf p.14.

¹¹² https://www.frontlinedefenders.org/sites/default/files/global_analysis_2019_web.pdf p.7;

<https://freedomhouse.org/country/burkina-faso/freedom-world/2020>; <https://www.refworld.org/docid/3ae6b5cc0.html>

¹¹³ <https://freedomhouse.org/country/burkina-faso/freedom-world/2020>

¹¹⁴ <https://www.business-humanrights.org/en/latest-news/fahadou-cisse-democratic-youth-organisation-of-burkina-faso-organisation-democratique-de-la-jeunesse-odj/>

¹¹⁵ <http://www.claiminghumanrights.org/burkinafaso.html?L=0>

¹¹⁶ <https://freedomhouse.org/country/cabo-verde/freedom-world/2020>

¹¹⁷ <https://freedomhouse.org/country/cabo-verde/freedom-world/2020>

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 government ratified the ICCPR, ICESCR, CEDAW, and CAT however the ACJHR has not been ratified.

Overall Recommendations include:

The Government should:

- ✓ 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 (ICC) 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 for crimes committed during those years. The year before, political opposition to current President Alassane Ouattara received arbitrary prison sentences of 30 months due to their involvement in a political rally.¹¹⁸

HRDs including journalists can face serious consequences for speaking out. In 2019, the country updated its criminal code to censor the media and criminalize publishing 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 officers have responded to rallies with violence, including the use of tear gas and water cannons. HRDs who are arrested may not have access to an attorney if they cannot afford counsel, and therefore may stay in pretrial detention for long periods.¹¹⁹ In 2019, Konan Yao Hubert was arrested following a peaceful protest the establishment of a gold mine near his community. During the arrest, which was done without an official warrant, he was assaulted after he resisted arrest. He was sentenced to five years in prison for "incitement and disturbance of public order," among other charges, eight months after his arrest.¹²⁰ In 2017, six journalists were arrested for covering mutinies and detained without a lawyer for two days.¹²¹

However, the country has made some improvements in its response to poor treatment of HRDs. In 2014 the government passed its Law on the Promotion and Protection of Human Rights Defenders making it the first African country to pass legislation dedicated to the protection of HRDs. The law specifically identifies the need to protect WHRDs.¹²² The law does not have a mechanism to aid in its enforcement.

The human rights commission in Côte d' Ivoire 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.¹²³ 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.¹²⁴ Côte d Ivoire has ratified the ICCPR, ICESCR, CEDAW, and CAT.

¹¹⁸ <https://www.protecting-defenders.org/sites/protecting-defenders.org/files/UNSR%20HRDs-%20World%20report%202018.pdf> p.28

¹¹⁹ <https://freedomhouse.org/country/cote-divoire/freedom-world/2020>

¹²⁰ <https://www.frontlinedefenders.org/en/case/human-rights-defender-konan-yao-hubert-trial>

¹²¹ <https://www.protecting-defenders.org/sites/protecting-defenders.org/files/UNSR%20HRDs-%20World%20report%202018.pdf> p.29

¹²² <https://www.ishr.ch/news/cote-divoire-new-law-will-strengthen-protection-human-rights-defenders>

¹²³ <https://www.protecting-defenders.org/sites/protecting-defenders.org/files/UNSR%20HRDs-%20World%20report%202018.pdf> p.27

¹²⁴ <https://www.theafricareport.com/27305/cote-divoire-pulls-out-of-the-african-court-on-human-and-peoples-rights-protocol/>

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 the implementation and enforcement of the law.
- ✓ Further, revise the criminal code to prevent restrictions on the freedom of press and assembly.

Equatorial Guinea

Equatorial Guinea is the only country in this report that Freedom House lists as “Not Free.” The current president, Teodoro Obiang Nguema Mbasogo has been in power since the 1979 military coup and detains or exiles any political opposition. Those who protested President Mbasogo’s 2016 re-election faced police violence, torture, and imprisonment. While the government committed to improving anti-corruption measures to receive a \$283 million loan from the International Monetary Fund (IMF), the country does not have any anticorruption mechanisms, still holds unfree elections, and the government has multiple ties to extractive industries.¹²⁵

Freedom of the press is also severely restricted even though constitutional protections exist. Due to fear of violence, many journalists practice self-censorship. The government actively prevents public access to online platforms run by political opposition and regularly prevents internet access during times of “political tension.”¹²⁶ The Press, Printing, and Audio-visual 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 to be “defamatory.” The criminal code as well includes provisions on libel and defamation. Justo Enzema, Samuel Obiang Mbana, and nine others were arrested in 2017 after participating in a press conference for the President’s political opposition.¹²⁷

Civil society space is equally limited for those outside the media as well and HRDs are subject to routine harassment and the constant risk of losing their livelihoods and their freedom through arbitrary arrests and convictions. The government is also known to conduct surveillance of HRDs leading to a culture of fear. HRDs are regularly threatened and harassed and often experience arbitrary arrests. HRDs working through NGOs also experience many restrictions. Organization registration, through Law No. 1/1999, requires NGOs to register and submit information on donations. In 2018, Alfredo Okenve, a leader of the Center for Development Studies and Initiatives, was viciously attacked, and two years prior the government ordered him to suspend his organizations’ activities.¹²⁸ In 2017 artists Ramón Esono Ebal’ and Benjamín Ndong were both targeted when they used their platforms for activism.¹²⁹

The National Human Rights Commission is not accredited as in line 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 ACHPR.¹³⁰ The country is also not a member of ECOWAS and thus not subject to the ECOWAS Community Court of Justice. They have however ratified the ICCPR, ICESCR, CEDAW, and CAT. The country is also not a member of the ICC.

Overall Recommendations include:

The international community should make aid contingent to the Government if they agree to:

¹²⁵ <https://freedomhouse.org/country/equatorial-guinea/freedom-world/2020>

¹²⁶ Ibid

¹²⁷ Ibid

¹²⁸ <https://www.protecting-defenders.org/sites/protecting-defenders.org/files/UNSR%20HRDs-%20World%20report%202018.pdf> p.37

¹²⁹ Ibid p.36

¹³⁰ http://www.claiminghumanrights.org/equitorial_guinea.html?&L=0

- ✓ allow political opposition to participate in elections to create a more democratic system.
- ✓ decrease the targeting of HRDs working on the election system.
- ✓ repeal laws restricting freedom of speech, media, and assembly
- ✓ enact laws protecting civil society and HRDs
- ✓ Creating 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 intervened. 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.¹³¹ In 2017, during President Barrow's first year as president, eight former soldiers were arrested for planning to overthrow the president. The new government created an official commission to investigate corruption and abuses carried out by Jammeh's regime.¹³²

The circumstances for HRDs in the country 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 the assembly was used by the former President Jammeh to prevent protests, remains, and sedition laws were upheld by the Supreme Court in 2018.¹³³ The Constitution also has an article (35(2)) that allows for derogation of rights during states of emergency.¹³⁴ President Barrow recently imported equipment like water cannons for use as a precaution against counter-protesters at his rallies.¹³⁵ Through section 59 of the Criminal Code, police can arrest HRDs without a warrant if they are accused of inciting violence.¹³⁶ 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.¹³⁷

NGOs working on environmental issues too reported that they are still targeted by security forces.¹³⁸ HRDs in Faraba were killed protesting a sand minding contract¹³⁹ for which the community had not been consulted. Others HRDs were arrested. In 2018, HRDs protesting a corporation's dumping of waste in the sea were detained.¹⁴⁰

In 2017 the National Human Rights Commission Act passed. It is unclear if it currently meets the Paris Principles. The country is a member of the African Union and has ratified the protocol for the African Court and is therefore subject to both the ACHPR and ACJHR. The Gambian government ratified the ICCPR, ICESCR, and CEDAW, though they have only signed the CAT.

¹³¹ <https://www.protecting-defenders.org/sites/protecting-defenders.org/files/UNSR%20HRDs-%20World%20report%202018.pdf> p.37

¹³² <https://freedomhouse.org/country/gambia/freedom-world/2020>

¹³³ Ibid

¹³⁴ <https://www.protecting-defenders.org/sites/protecting-defenders.org/files/UNSR%20HRDs-%20World%20report%202018.pdf> p.39

¹³⁵ <https://freedomhouse.org/country/gambia/freedom-world/2020>

¹³⁶ Ibid

¹³⁷ <https://www.protecting-defenders.org/sites/protecting-defenders.org/files/UNSR%20HRDs-%20World%20report%202018.pdf> p.39

¹³⁸ <https://www.frontlinedefenders.org/en/case/charges-brought-against-human-rights-defender-madi-jobarteh>

¹³⁹ <https://www.hrw.org/news/2018/06/20/gambia-fully-probe-anti-mining-protesters-deaths>

¹⁴⁰ <https://www.protecting-defenders.org/sites/protecting-defenders.org/files/UNSR%20HRDs-%20World%20report%202018.pdf> p.40

Overall Recommendations include:

The Government should:

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

Ghana

Ghana is the second country in West Africa that Freedom House designates as “free.” 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 which allows citizens access to public and private institutions.

Like many other countries mentioned so far, freedom of assembly is guaranteed through the constitution, but that does not mean it is always upheld. Though better than other countries, Ghana’s government still occasionally censors the press, targeting journalists through harassment and arrest.¹⁴¹ In January of 2019, Ahmed Hussein-Suale was killed after he helped expose corruption in the soccer industry.¹⁴² 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 known for arbitrarily arresting and holding individuals without charges as well.¹⁴³

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 waiting to hear the decision. The country has also ratified the ICCPR, ICESCR, CEDAW, and CAT. Additionally, Ghana ratified the protocol for the African Court.

Overall Recommendations include:

The government should:

- ✓ strengthen laws protecting HRDs in journalism.
- ✓ put measures should be put in place to prevent arbitrary arrests and hold police accountable for excessive force like torture.
- ✓ 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 ran for, and won, a third term. HRDs who spoke out against the changes to the Constitution received threats and nine protesters were killed.¹⁴⁴ Results from local elections held in 2018, the first held since 2005, were disputed and officials were accused of bribery.¹⁴⁵ President Condé’s opponent in the most recent 2020 election claimed the election was fraudulent.¹⁴⁶

In 2016 two media laws were passed that limit freedom of the press and therefore the rights of HRDs. The first law, a criminal code, pertains to the defamation of public figures while the second pertains to

¹⁴¹ <https://freedomhouse.org/country/ghana/freedom-world/2020>

¹⁴² <https://www.bbc.com/news/world-africa-47002878>

¹⁴³ <https://freedomhouse.org/country/ghana/freedom-world/2020>

¹⁴⁴ <https://www.amnesty.org/en/latest/news/2019/11/guinea-human-rights-red-flags-ahead-of-presidential-election/>

¹⁴⁵ <https://freedomhouse.org/country/guinea/freedom-world/2020>

¹⁴⁶ <https://www.aljazeera.com/news/2020/10/24/guinea-election-president-conde-wins-third-term-in-office>

similar offenses online and added provisions related to the spread of false information.¹⁴⁷ In the past year alone, at least 50 people have been killed during protests, with 200 more injured and over 70 arbitrarily detained¹⁴⁸ Many acts that fall under the category of torture are not defined in the country's criminal code, leading to human rights abuses. The National Anti-Corruption Agency is underfunded and reports directly to the president.¹⁴⁹

Lack of consultation with communities regarding forced relocation for development is a big problem in Guinea. In 2016, Kintinian community members peacefully protested resettlement and were met with police violence. The following year in Sangaredimm the people protesting a mining company's land-grabbing were arrested.¹⁵⁰ Three years later HRDs who raised concerns about resettlements without compensation were intimidated and harassed by both the government and the involved corporation.

Guinea's Human Rights Commission is not fully accredited and does not meet the aspirations of the Paris Principles. A new body, the Provisional Commission for National Reconciliation, was established in 2011 to address human rights abuses.¹⁵¹ There is a provision in the Constitutions (article 23 of the 2010 Constitution) that states "the State shall promote the well-being of its citizens and protect and defend human rights and HRD." Despite the continued practice of torture, the country ratified CAT, as well as the ICCPR, ICESCR, and CEDAW. Guinea is a member of the African Union but has not ratified the protocol for the ACJHR.

Overall Recommendations

The government should:

- ✓ enforce article 23 of the Constitution.
- ✓ hold the police accountable for the human rights violations committed against protesters.
- ✓ repeal legislation limiting freedom of the press should be removed.
- ✓ NHRI should be brought in line with the Paris Principles.

Guinea-Bissau

Guinea-Bissau is still recovering from a military coup in 2012, which 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 a legal mechanism to enable public access to government information.¹⁵² Corruption is a pervasive problem.¹⁵³

Though the country's Constitution provides for freedom of expression, information, and assembly, there is no law designed to protect HRDs. 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.¹⁵⁴ Police corruption is rampant, leading to practices like arbitrary arrests, and experience impunity for their actions. Police violently disbanded a student march in early 2019 and did not allow

¹⁴⁷ <https://freedomhouse.org/country/guinea/freedom-world/2020>

¹⁴⁸ <https://www.amnesty.org/en/latest/news/2020/10/guinee-au-moins-personnes-tues-en-toute-impunite-dans-des-manifestations/>

¹⁴⁹ <https://freedomhouse.org/country/guinea/freedom-world/2020>

¹⁵⁰ Mano River Union Civil Society Natural Resources Rights and Governance Platform First Peoples' Forum on Corporate Accountability: Final Report.

¹⁵¹ <https://www.protecting-defenders.org/sites/protecting-defenders.org/files/UNSR%20HRDs-%20World%20report%202018.pdf> p.42

¹⁵² <https://freedomhouse.org/country/guinea-bissau/freedom-world/2020>

¹⁵³ Ibid

¹⁵⁴ <https://www.protecting-defenders.org/sites/protecting-defenders.org/files/UNSR%20HRDs-%20World%20report%202018.pdf> p.45

people to assemble at all a few months later. In October, a protester was killed when demonstrating for a new voter registration process. Some election-related rallies could proceed peacefully.¹⁵⁵

Guinea-Bissau's National Human Rights Commission is not compliant with the Paris Principles. The country is a member of the African Union through the protocol for the African Court is not ratified. Guinea-Bissau has only ratified the ICESCR and CEDAW, with the ICCPR and CAT only having signatures.

Overall Recommendations include:

The government should:

- ✓ address corruption, specifically in the police force and accountability among police officers to combat human rights abuses against HRDs.
- ✓ Increased access to governmental information could help with accountability and corruption within the government.
- ✓ enact legislation to protect HRDs specifically.
- ✓ NHRI should meet the Paris Principles.

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. In 2017 President George Weah came to power. Corruption remains a problem in Liberia. The country does have a Freedom of Information Act, though it is rarely used, and transparency guidelines are not fully implemented. Journalists 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 uses access to media to restrict HRDs as well, instituting internet blackouts and blocking access to social media during protests.¹⁵⁶

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.¹⁵⁷ Cases highlighted were carried out during the Ellen Johnson Sirleaf administration which includes: In 2015 police responded to a peaceful protest at a Palm Oil plantation with violence, using tear gas and attacking protesters.¹⁵⁸ More than 30 protesters were arrested and 15 of them were arbitrarily held with a hearing for almost a year.¹⁵⁹ One detainee, Fred Thomson died after 49 days in prison due to "unknown" causes.¹⁶⁰ When Green Advocates spoke out against the same plantation, Alfred Brownell, the HRD who founded the organization, was targeted.¹⁶¹

Advocates generally support 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 ACJHR Liberia also signed the Table Mountain Declaration in 2012 demonstrating a commitment to freedom of the press.

¹⁵⁵ <https://freedomhouse.org/country/guinea-bissau/freedom-world/2020>

¹⁵⁶ <https://freedomhouse.org/country/liberia/freedom-world/2020>

¹⁵⁷ <https://www.protecting-defenders.org/sites/protecting-defenders.org/files/UNSR%20HRDs-%20World%20report%202018.pdf> p.4

¹⁵⁸ https://www.lifemosaic.net/images/uploads/New_Snake_Oil_-_July_2015_-_Final_lores.pdf p.1

¹⁵⁹ <https://mongabay-images.s3.amazonaws.com/19/RSPO-Field%20verification%20report,%20revised.pdf> p.13

¹⁶⁰ <https://www.business-humanrights.org/pt/ultimas-not%C3%ADcias/liberia-riot-on-the-plantation-in-depth-account-of-may-2015-protests-at-golden-veroleum-site-causes-aftermath/>

¹⁶¹ <https://www.protecting-defenders.org/sites/protecting-defenders.org/files/UNSR%20HRDs-%20World%20report%202018.pdf> p.49

Overall Recommendations

The government should:

- ✓ provide better protections for HRDs against corporate actors and extractive industries.
- ✓ Pass legislation aimed to protect HRDs, including a mechanism to help implement the law.
- ✓ not block access to the internet during protests and should decriminalize all press-related crimes.
- ✓ stop using the legal system to harass HRDs and
- ✓ hold police accountable who arbitrarily arrest protesters.

Mali

Unrest within the government and the country has created a difficult environment for HRDs. In 2019, amid protests about the inability to address the violence across the country, Prime Minister Soumeylou Boubèye Maïga resigned. The former Finance Minister, Boubou Cissé was appointed as the new Prime Minister. The government then opened the Inclusive National Dialogue to bring together impacted parties from across the country to address the security crisis in the country.¹⁶² In part due to chaos from the 2012 military coup, Islamic militants were able to establish themselves in the country.¹⁶³ 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.¹⁶⁴

HRDs face government censorship and carry out self-censorship. Defamation is a criminal offense. In 2017, Madou Kanté, a blogger, was shot and wounded due to activism on corruption and another journalist Salif Diarra received death threats.¹⁶⁵ HRDs who choose to speak out face restrictions on their constitutional right to assemble as well as their ability to use online platforms.¹⁶⁶ In 2017, an HRD was killed when police fired at protesters in Konsiga. A protest of the government's failure to address violence in the country involved police shooting and killing eleven HRDs in August of 2020. A state of emergency has been in place since 2015, which allows police to impede protests. Police officers who act outside "any judicial structures" often do not face any repercussions.¹⁶⁷

These examples of violence demonstrate that the laws that are in place are not being enforced. In 2018 the government passed legislation meant to protect HRDs, the Law on Human Rights Defenders, which made Mali the third African country to pass such legislation. The law includes provisions protecting HRDs' homes, engagements with international bodies, the right to receive funding, and includes specific protections for women and HRDs with disabilities.¹⁶⁸ However, the law does not have an implementation mechanism. 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.¹⁶⁹ Additionally, Mali's NHRI is not fully compliant with the Paris Principles. The government has ratified the ICCPR, ICESCR, CEDAW, and CAT and the ACJHR.

Overall Recommendations

The government should:

- ✓ create an enforcement mechanism to help enforce the HRD law that is done in conjunction with HRDs
- ✓ to ensure that cases are presented through the Mali Democratic Inquiry Space.
- ✓ NHRI should be brought into full compliance with the Paris Principles.

¹⁶² <https://freedomhouse.org/country/mali/freedom-world/2020>

¹⁶³ <https://www.protecting-defenders.org/sites/protecting-defenders.org/files/UNSR%20HRDs-%20World%20report%202018.pdf> p.50

¹⁶⁴ <https://freedomhouse.org/country/mali/freedom-world/2020>

¹⁶⁵ <https://www.protecting-defenders.org/sites/protecting-defenders.org/files/UNSR%20HRDs-%20World%20report%202018.pdf> p.53

¹⁶⁶ <https://freedomhouse.org/country/mali/freedom-world/2020>

¹⁶⁷ <https://www.nytimes.com/2020/07/16/world/africa/mali-protesters-killed-keita.html>

¹⁶⁸ <https://freedomhouse.org/country/mali/freedom-world/2020>

¹⁶⁹ Ibid

- ✓ hold police accountable for actions especially those that are extrajudicial or illegal.

Mauritania

The recent peaceful transfer of power from Mohamed Ould Abdel Aziz to President Mohamed Ould Ghazouani moved the country from “not free” to “partly free” according to Freedom House. However, HRDs remain concerned, especially those that scrutinize the government.¹⁷⁰

Though freedom of opinion, expression, and assembly are all constitutionally protected it is not the case in practice. Defamation is a criminal offense. A 2019 protest related to alleged election fraud led to the government cutting internet access for the entire country for eleven days. Two months prior two bloggers were arrested and detained for two months because they shared information on the corruption of government officials. In addition to accusations of corruption by both individuals and NGOs, the government has been accused of operating without transparency, especially about mining and fishing licenses, land distribution, tax payments, and government contracts.¹⁷¹

The police are also notorious for corruption. Torture and abuse in prisons are common, police often assault suspects, and they arrest people without stating the charges.¹⁷² Black HRDs and women are particularly vulnerable to human rights violations. HRDs working on anti-slavery are also especially at risk. NGOs face many restrictions as well, with the Law on Associations giving the government control over authorization and legalization of organizations¹⁷³. The country ratified the ICCPR, ICESCR, CEDAW, and CAT. Mauritania is not a member of ECOWAS and thus is not under the jurisdiction of its court. They are subject to the ACJHR.

Overall Recommendations

The government should:

- ✓ take steps to ensure that the NHRI is compliant with the Paris Principles
- ✓ repeal laws that restrict NGOs.

Niger

Though the current leadership in The Niger was democratic however there were many irregularities in the elections. Couple with instability due to militant groups, HRDs and their rights face many restrictions. Starting in 2015 a state of emergency was issued in the region of Diffa, and later further extended in 2017. This state of emergency contributes to harassment of HRDs.¹⁷⁴ Corruption and lack of access to governmental information is also a concern.

In 2019, Niger re-joined the Extractive Industries Transparency Initiative, an important step considering the lack of transparency of government information on mining, uranium, and oil.¹⁷⁵ HRDs working on environmental rights and corporate accountability are some of the most vulnerable in the country. In 2014, Ali Idriss was arrested and judicially harassed, along with nine other HRDs, for opposing a uranium extraction deal and calling for publication of the terms of the deal as required by law.

The Constitution does stipulate protections for expression and assembly, though it does not explicitly mention HRDs. The Constitution also states that international treaties take precedence over the country's

¹⁷⁰ <https://freedomhouse.org/country/mauritania/freedom-world/2020>

¹⁷¹ *Ibid*

¹⁷² <https://www.protecting-defenders.org/sites/protecting-defenders.org/files/UNSR%20HRDs-%20World%20report%202018.pdf> p.127

¹⁷³ *Ibid* p 127

¹⁷⁴ *Ibid* p.54

¹⁷⁵ <https://freedomhouse.org/country/niger/freedom-world/2020>

laws.¹⁷⁶ 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.¹⁷⁷ However, the police force is often unaware of the law. Though the government claimed in 2016 that no journalists had been detained since 2011, they contradict reports by NGOs. In June Samira Sabou was detained and charged with defamation for a social media post about corruption.¹⁷⁸

A recent law prohibiting protests on “business days” has also interfered with HRDs’ freedoms. In 2019 police disbanded protests related to electricity and water cuts, citing this law. Authorities must authorize protests, and they arrest those who choose to protest without permission. HRDs are also often detained for extended periods, with the state of emergency allowing police to arrest in mass and detain anybody suspected of linkages with terrorists.¹⁷⁹ In 2018 26 people were arrested after a peaceful rally including four HRDs who did not participate in the protest including Moussa Tchangari (journalist), Nouhou Arzika (NGO president), Lirwana Abdourahmane (lawyer), and Ali Idrissa (NGO coordinator). They were each detained for four months before trial and received three-month sentences related to provoking a gathering through their writings and posters. In 2021, the parliament passed legislation to permit wiretapping to help curb terrorism which could further impede HRD’s work and violate their rights.¹⁸⁰

The National Commission for Human Rights is in full compliance with the Paris Principles and operates without government obstruction. However, the National Commission for Human Rights and the Commission, and the Office of the Ombudsman lack resources. Niger has ratified the ICCPR, ICESCR, CEDAW, and CAT. They are also a member of the African Union and have ratified the ACJHR.

Overall Recommendations

The government should

- ✓ improve enforcement of their existing laws, repeal laws that deprive constitutionally guaranteed rights, and create new legislation to specifically protect HRDs.
- ✓ be better educated on the Press Law.
- ✓ repeal laws limiting protests to business days and laws requiring authorization for protests.
- ✓ uphold the Constitution.
- ✓ put mechanisms in place to protect HRDs from reprisals due to conflation with terrorism.

Nigeria

Political unrest due to corruption and instability due to extremist groups has contributed to a dangerous 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.¹⁸¹ 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.¹⁸² Both the government and security force responses to conflict with Boko Haram have led to violations of the rights of HRDs and have led to impunity for State actors.¹⁸³

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

¹⁷⁶ <https://www.protecting-defenders.org/sites/protecting-defenders.org/files/UNSR%20HRDs-%20World%20report%202018.pdf> p.54

¹⁷⁷ Ibid p.55

¹⁷⁸ Ibid p.55

¹⁷⁹ <https://www.frontlinedefenders.org/en/case/journalist-samira-sabou-arrested-and-charged>

¹⁸⁰ <https://www.aljazeera.com/news/2020/5/30/niger-adopts-new-wire-tapping-legislation-on-curbing-terrorism>

¹⁸¹ <https://freedomhouse.org/country/nigeria/freedom-world/2020>

¹⁸² Ibid

¹⁸³ <https://www.protecting-defenders.org/sites/protecting-defenders.org/files/UNSR%20HRDs-%20World%20report%202018.pdf>

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 cyberstalking¹⁸⁴. Cyberstalking has been included in the Cybercrime Act of 2015 although it has not been considered well defined.

Though there is no HRD-specific legislation, many rights are supposedly constitutionally guaranteed, including the right to assemble.¹⁸⁵ 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.¹⁸⁶ As with the government, police are known for their corruption as well. Many officers have been accused of extortion and bribery, disregarding due process, prolonging pretrial detentions, extrajudicial killings, and torture.¹⁸⁷ Protests recently broke out in the country to protest police brutality.¹⁸⁸

Nigeria's NHRI recently came back into compliance with the Paris Principles. The Commission specifically lists HRDs as a focus area.¹⁸⁹ The ICCPR, ICESCR, CEDAW, and CAT have all been ratified, as has the African Union's protocol for the African Court.

Overall Recommendations

The government should:

- ✓ create an HRD-specific law that includes an enforcement mechanism including the clarification of the Cybercrime Act to ensure that it does not target HRDs,
- ✓ repeal or revision of the Public Order Act that eliminates the Act's infringement of the right to assemble.
- ✓ ensure that mechanisms are put in place to hold police accountable for extrajudicial violations.

Senegal

Senegal recently moved from being considered "free" to "partly free" by Freedom House in terms of press freedom. This new classification was due in 2019 where political opposition was stifled and 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.¹⁹⁰

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.¹⁹¹ The code allows for the imposition of traffic management on internet usage and the slowing down or complete denial of access to certain website.¹⁹²

Freedom of assembly is also stifled by requirements for advance government approval of protests.¹⁹³ HRDs who do not adhere to this law can receive a fine and three-year prison sentence, while those who

¹⁸⁴ <https://freedomhouse.org/country/nigeria/freedom-world/2020>

¹⁸⁵ Ibid

¹⁸⁶ <https://www.protecting-defenders.org/sites/protecting-defenders.org/files/UNSR%20HRDs-%20World%20report%202018.pdf>

¹⁸⁷ <https://freedomhouse.org/country/nigeria/freedom-world/2020>

¹⁸⁸ <https://www.nytimes.com/2020/10/20/world/africa/Nigeria-protests-shooting.html>

¹⁸⁹ <https://www.nigeriainights.gov.ng>

¹⁹⁰ <https://freedomhouse.org/country/senegal/freedom-world/2020>

¹⁹¹ Ibid

¹⁹² <https://www.protecting-defenders.org/sites/protecting-defenders.org/files/UNSR%20HRDs-%20World%20report%202018.pdf>

¹⁹³ <https://freedomhouse.org/country/senegal/freedom-world/2020>

organized unapproved gatherings can receive up to five years imprisonment. Twelve HRDs in 2015 were imprisoned for 21 days for involvement in a banned protest. During the 2012 elections, a temporary ban on all public demonstrations was ordered.¹⁹⁴

HRDs working on environmental rights have been targeted. Mustapha Gueye was murdered by illegal loggers in 2018 because of his opposition to logging.¹⁹⁵ In 2013 21 HRDs in Niayes were arrested because they opposed a visit by State officials assessing compensation for farmers for land annexations for mining. Ibra Fall, Gora Wade, and Djibril Bèye were charged with illegal assembly and plundering machinery.¹⁹⁶

Senegal's human rights commission is not fully compliant with the Paris Principles and has not been active on the topic of HRDs.¹⁹⁷ Senegal ratified the ICCPR, ICESCR, CEDAW, and CAT, as well as the protocol of the ACJHR.

Overall recommendations

The government should:

- ✓ should be transparent about government contracts and bilateral agreements.
- ✓ should ensure that the Press Code and the Code on Electronic Communications do not violate HRDs' rights to freedom of expression and press.
- ✓ repeal the law that requires advance approval for protests should be repealed, and the law should instead be created that specifically protects HRDs' rights.
- ✓ encourage the National human rights commission to make sure that the focus plays a role in the protection of HRDs.

Sierra Leone

Sierra Leone's civil war ended in 2002 and conditions are generally considered to have improved since then. Corruption is a problem and in 2019 the former president was investigated for corruption. Transparency has been a problem with an ineffective Right to Access Information Commission created in 2013. Sierra Leone is a member of the Extractive Industries Transparency Initiative and makes their mining lease agreements public.¹⁹⁸

Despite this transparency, Sierra Leone is extremely dangerous for HRDs working on land rights and mining. Six members of the Malen Landowners and Users Association were arrested in 2014 after peacefully attempting to prevent land grabs by a Belgian company. The HRDs were released two years later after trials on arbitrary charges. In 2010, Kadiatu Koroma suffered a miscarriage when she was beaten and raped while protesting a mining company's trespassing on her community's land. Two years later police fired at villagers near Bumbuna who were protesting the same company's encroachment onto their land. One person was killed.¹⁹⁹ These circumstances are brought on by a lack of government regulation of international investors threatening property rights. In 2019 police faced off with residents disputing a palm oil firm in Pujehun District which led to two deaths.²⁰⁰

Journalists working to cover human rights violations like these face serious reprisals as libel and sedition laws that persist in Sierra Leone. Those that speak out online face internet shutdowns and the

¹⁹⁴ <https://www.protecting-defenders.org/sites/protecting-defenders.org/files/UNSR%20HRDs-%20World%20report%202018.pdf> p.62

¹⁹⁵ <https://www.business-humanrights.org/en/latest-news/mustapha-gueye/>

¹⁹⁶ <https://www.protecting-defenders.org/sites/protecting-defenders.org/files/UNSR%20HRDs-%20World%20report%202018.pdf> p.62

¹⁹⁷ Ibid p.61

¹⁹⁸ <https://freedomhouse.org/country/sierra-leone/freedom-world/2020>

¹⁹⁹ <https://www.protecting-defenders.org/sites/protecting-defenders.org/files/UNSR%20HRDs-%20World%20report%202018.pdf> p.66

²⁰⁰ <https://freedomhouse.org/country/sierra-leone/freedom-world/2020>

government reportedly monitors discussions on social media platforms.²⁰¹ People taking their opinions to the streets to express their right to assemble face excessive police force including the 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 must confront the Non-Governmental Organizations Policy Regulations which, passed in 2017, introduced measures like registration requirements and rules on taxation and fees.²⁰²

Sierra Leone's human rights commission is a potential source of remediation as it is accredited in accordance with the Paris Principles. The human rights commission works with the HRD Network, an organization that monitors and documents human rights violations. Sierra Leone has not ratified The African Court however the ICCPR, ICESCR, CEDAW, and CAT are ratified.

Overall recommendations

The government should:

- ✓ create legislation specific to the protection of HRDs by involving HRDs
- ✓ protect land rights and hold companies accountable for property rights violations.
- ✓ repeal policy regulations that impede the work of NGOs.
- ✓ hold police accountable for excessive force and improve accountability measures
- ✓ should also stop monitoring private conversations online.

Togo

The Gnassingbé family, also known as the leaders of Togo, is the longest-ruling dynasty in Africa. After President Gnassingbé Eyadéma died in 2005, his son took over the presidency with the support of the military through fraudulent elections. 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.²⁰³ 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 passed reinstating the presidential term limits, though it is not retroactive.²⁰⁴

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.²⁰⁵ This new penal code also reinstated fines for defamation. In 2019 Togo modified their freedom of assembly to include time and place restrictions as well as limits on the number of protests.²⁰⁶

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, like torture even though the penal code criminalizes it, and the judicial system has its corruption problems as well.²⁰⁷

²⁰¹ Ibid

²⁰² <https://www.protecting-defenders.org/sites/protecting-defenders.org/files/UNSR%20HRDs-%20World%20report%202018.pdf> p.64

²⁰³ <https://www.nytimes.com/2020/10/06/opinion/international-world/togo-activists-autocracy.html>

²⁰⁴ <https://freedomhouse.org/country/togo/freedom-world/2020>

²⁰⁵ <https://www.nytimes.com/2020/10/06/opinion/international-world/togo-activists-autocracy.html>

²⁰⁶ <https://www.protecting-defenders.org/sites/protecting-defenders.org/files/UNSR%20HRDs-%20World%20report%202018.pdf> p.68

²⁰⁷ Ibid p.70

Togo's human rights commission is fully compliant with the Paris Principles. As of 2016, the human rights commission created a mechanism against torture, though the body is not fully independent from the government due to the President's power to appoint some of the mechanism's members.²⁰⁸ The ICCPR, ICESCR, CEDAW, and CAT are ratified. The African Court protocol is also ratified. Togo is also working to pass model legislation for the protection of HRDs.

Overall recommendations

The government should:

- ✓ strengthen legislation on HRD protection in line with the model legislation and include a mechanism to help with enforcement.
- ✓ empower the human rights commission's mechanism against torture to be independent and no longer elected members.
- ✓ Repeal laws that limit freedom of expression and assembly especially provisions allowing for electronic surveillance, restrictions on protests, and defamation charges.
- ✓ curb police brutality needs by holding authorities accountable for extrajudicial acts.

Five Policy Actions

Listed below are five policy actions that are critical to a range of governments, multinational organizations, national human rights institutions, donors, civil society organizations, the ACHPR, ECOWAS, the UN, and other stakeholders. These policy actions aim to create a safe and enabling environment for National and Frontline Grassroot HRDs. During the conference, the working group panel on the Policy Recommendations discussed and subsequently endorsed the five policy actions presented. There were unanimous endorsements for researching and designing a road map for replicating the Escazu agreement in West Africa as well as the need to set up specialized Defenders' Clinics at universities and law schools to provide legal aid support to Frontline Grassroots Defenders.

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

There is a lack of understanding of the scale of violations against HRDs in West Africa. A set of possible actions could include:

- ✓ Identifying and agreeing who is an HRD and recognize that wide range of HRDs that are diverse and come from different backgrounds, cultures, and belief systems. The significance of gender dimension to the protection of HRDs.
- ✓ Further discussion is needed on what defines an HRD including herders and farmers and people referred to as an "extremist group". The Office for the High Commission for Human Rights, (OHCHR) 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 Coalition, Amnesty International, Human Rights Watch and others need to widely consult on the designation of what qualifies an HRD to be considered an environmental and land rights defender so there is unanimity and universality about the designation of HRDs.
- ✓ Setting up monitoring systems at the community and national level aimed at tracking the number and types of violations taking place, the alleged perpetrator, 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 as recourse mechanisms. Multilateral

²⁰⁸ <https://freedomhouse.org/country/togo/freedom-world/2020>

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

- ✓ Local, national, and regional civil society organizations and coalitions that 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 HRDs need to be engaged at the regional and international level with the UN agency's 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.
- ✓ bringing the attention to organizations such as Human Rights Watch and Amnesty International, Global Witness, and Greenpeace to encourage documentation work in this area to bring more attention to the issue.

Policy Action 2: Putting the HRD or Frontline Grassroots HRD at the center by building their capacity to take 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 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 are tailor-made and driven by interests, aspirations, and strategic direction of the HRDs in a manner that is respectful and takes cognizance of the cultural, specific needs, local context, and specific 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. They should be flexible, adaptable, and tailored to the specific needs and circumstances of HRD.
- ✓ Training and capacity building for HRDs and Frontline Grassroots HRDs in basic documentation
- ✓ Provision of tools such as cameras, smartphones, motorbikes, and bicycles to help facilitate the documentation efforts. Frontline Grassroots HRDs need to be empowered to document the violations being committed against them.

Policy Action 3: Strengthen the legal and policy framework across the region country by country

- ✓ Carry out a country-by-country diagnostic analysis of laws, programs, and policies that repress HRDs and take steps to repeal those laws. Develop specific legislation on the protection of HRDs in each country. Laws that are hindering and impeding the work and protection of HRDs need to be assessed and reformed as needed to ensure protection concerns are covered including for WHRDs and those most at risk
- ✓ Monitoring and keep 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 an opportunity for greater protection of HRDs however it is important to monitor its use and effectiveness.

Policy 4: Ensure that Frontline Grassroots HRDs have access to justice where they are and be able to understand and utilize all legal and policy options at the community, national, and international level

- ✓ To address the 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 tailor-made specialized Defender’s clinics specifically targeting HRDs as a protection and implementation mechanism to reverse and respond to criminalization across the region.
- ✓ At the national level addressing protection-related issues can be done in a variety of 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.
- ✓ NHRI should be further resourced to serve as an effective HRD protection mechanism. The mechanism needs to be responsive, independent, and capacitated to investigate complaints on threats or violations against HRDs promptly and effectively and initiate appropriate disciplinary, civil, and criminal proceedings against perpetrators, as part of systemic measures to prevent impunity for such acts.
- ✓ At the regional level monitoring, the outcome of cases being heard in the ECOWAS Community Court of Justice is critical. Equally so 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, the information must be reported upwards. The more accurate the data the greater the understanding and the greater the ability for the international community to act.
- ✓ 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.

Policy Action 5: Provide HRDs and their organizations with funding and capacity-building support to ensure they are fully accounted for

- ✓ A major gap highlighted by almost every HRD was the difficulty in obtaining funding for protection activities and building the capacity of staff. Many of the HRDs said that it was hard to keep staff on because they could not pay them regularly.
- ✓ Frontline Grassroots HRDs need more access to administrative and operational funding and in-kind funding for greater access to the internet and enhanced technology.
- ✓ The need for an alternative flexible funding mechanism targeting Frontline Grassroot HRDs.

Of the five actions highlighted the institutions that are most relevant to carry them out are highlighted in Table 1. Further specific asks for the various stakeholders are highlighted further highlighted.

Table 1: Prioritization for action

Institutions	Policy 1	Policy 2	Policy 3	Policy 4	Policy 5
Governments		X	X	X	X
NHRI		X	X	X	
MNCs		X	X		
ECOWAS					X
AC					X
UN agencies	X	X	X	X	X
Development partners	X	X	X	X	X
Media Institutions	X			X	
Private Foundations					X

All governments should:

- ✓ officially recognize the vital and legitimate work of HRDs by disseminating and raising awareness about the UN Declaration for Human Rights Defenders and actively protect HRDs.
- ✓ Address the anti-development rhetoric that puts the lives of HRDs at risk.
- ✓ Enact policies and legislation that account for specific protection of vulnerable groups like women and indigenous persons.
- ✓ Increase the independence of investigative and judicial bodies and install safeguards against undue influence or interference from internal or external actors.
- ✓ Set up protection mechanisms that are accessible to HRD operating in conflict-affected and rural areas.

All National Human Rights Institutions should:

- ✓ include a focus area on the protection of HRDs.
- ✓ create early warning systems.
- ✓ include programming on protection about physical security, digital attacks, and psychological support.
- ✓ conduct a systematic review of existing legislation to ascertain compliance with international standards.
- ✓ should develop concrete action plans to support and protect HRDs and establish focal points to ensure effective implementation and evaluation of such plans.
- ✓ 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.
- ✓ Benin, Burkina Faso, Cabo Verde, The Gambia, Guinea, Guinea-Bissau, Equatorial Guinea, and Senegal specifically must improve their NHRIs and be supported to reach A status.
- ✓ Consult widely with a broad range of stakeholders including governments, the private sector, funders, and academic institutions to explore and map out the potential, challenges, and opportunities for designing a road map to replicate the Escazu agreement in West Africa.

Multinational companies and other non-state actors should:

- ✓ have a role in protecting HRD as a precondition for being able to be in a country and should work closely with government and other actors in support of HRDs and communities.
- ✓ 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.
- ✓ avoid supporting countries that have not met their human rights obligations and use their influence to encourage governments to improve the protection of HRD.

The African Commission and ECOWAS should:

- ✓ prioritize the issue of land and environmental HRDs in West Africa and provide training to Frontline Grassroots HRDs on how best to access these institutions.
- ✓ Special Rapporteurs should request country visits to access countries in West Africa for fact-finding missions.

The UN should:

- ✓ strengthen the protection of HRDs and prevent violations against them, including through the 'Rights Up Front initiative
- ✓ 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.

- ✓ encourage governments and private philanthropies to support defender's organization so that they are able to connect the unconnected defenders.
- ✓ consult widely with governments including NHRI, the private sector and defenders' organization to develop a comprehensive list of defenders' protection indicators toolkits or benchmarks to monitor and evaluate how governments are protecting defenders across West Africa and globally. These defenders' indicators tool kits could then be use by the NHRIs, defenders' organizations and other stakeholders to report annually on the situation of defenders.
- ✓ commission a comprehensive study of this issues to clearly establish objectively under what conditions would a farmer protecting farmlands or a herder protecting rights to grazing lands be consider a defender.
- ✓ facilitate selected joint peer review field visits between a number of governments, the private sector, and defenders to monitor the application and use of the defenders' indicators toolkits as well as review what policies, laws and programs are in place to protect defenders.

National HRDs and Civil Society should:

- ✓ educate HRDs on their human rights and encourage the use of the "Human Rights Defender" identifier and 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:
 - Taking part in national consultations.
 - submitting information for the national report.
 - attending the review.
 - holding an affiliated event.
 - screen the webcast of the review.
 - lobby the government to accept the recommendations.
 - make an oral statement or submit a written statement during the report's adoption.
 - monitor implementation, engage with the government; and,
 - submit a mid-term report between reviews.

Private Foundations, Philanthropies, and Donors should:

- ✓ provide long-term, sustainable, flexible financial support to HRDs and their organizations and networks, providing for their 'holistic protection'. Implement internal due diligence standards to avoid supporting projects that violate human rights or detrimentally impact the work of HRD.
- ✓ incorporate the Guiding Principles on Business and Human Rights into company policies and internal and external regulations.
- ✓ avoid providing support to governments that have not met the above recommendations and that are not meeting their human rights obligations and encourage governments to improve the protection of HRD and should implement the Zero Tolerance Pledge into their institutional policies.
- ✓ set up of a flexible funding mechanism targeting frontline grassroots defenders local in remote communities. Also funding that meets the special informality and needs of indigenous communities

Annex 2: Community Based Human Rights Protection Protocol

Introduction/Background

The community-based human rights protection protocol aims to serve as a guide to assist HRDs both national and Frontline HRDs in defending themselves and their communities. The strategies suggested are drawn from experiences that correlate with the work they do and the risks that HRDs and communities are faced with. The examples were largely drawn from interviews with Frontline Grassroots HRDs who provided the ways they protect themselves and their communities from protection strategies they used to protect themselves to strategies used to hold government and multinationals accountable. These examples were reinforced through the discussions from the conference and the aim is to continue to build on the experiences and update them. The aim of the Community based human rights protection protocol is to highlight step by step what individuals and communities can do moving forward to protect their rights and the rights of community's 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 are presented in a way that can be used by all.

These are presented in a variety of ways including through:

- (1) Case studies that have taken place and lessons that can be drawn from them which are highlighted in the learning points.
- (2) Stories that help highlight events that have happened and what those involved have learned from them.
- (3) Frequently Ask Questions 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
- (4) Step by Step description brings to light an approach that is explained one step at a time and illustrates how strategies can be used as collective or community-based protection strategies.
- (5) Checklists such as protection checklists that are easy to use.

Examples are drawn from across the region how individuals and communities prepare themselves to take on governments and multinationals in the protection of their rights. Good preparation and protective strategies mean knowing what is available at the legal and policy level. During the West Africa Frontline, Grassroots HRD conference participants were requested to provide examples of strategies they used to protect themselves. All the examples provided were already part of the existing draft further validating the current protocol.

In the conference, the working group panel on Community Based Protection Protocol focussed their deliberations on the additional research that would be needed to design a Community Based Protection protocol highlighting features such as to empower and build the capacity of defenders, enabling defenders to put into place security measures for their protection as well as designing strategic visioning and programmatic framework to support the work of defenders.

To make this as practical as possible this section is organized into three parts. First are activities that are classified under 1) the Security toolbox, 2) Training and capacity building 3) Strategic directions, visioning and planning highlighted in detail below.

Part 1: Security Toolbox

The activities under the security toolbox center on activities that individuals in their communities can take to keep themselves safe. The suggestions range from protection checklists to understanding the importance of community unity. Participants pointed out the need to be creative and utilize series of community based customary collective protection mechanisms pioneered by frontline defenders and indigenous peoples focusing on local tradition, rituals, taboos, spiritual, and cultural instructions for disruption.

1. Checklist: Developing protection checklists to keep communities in check.

Protection of communities, organizations, and networks begins with individual actions and accountability for one's behaviours 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 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 be concerned with making sure he or she has a network of members of his community ready to stand with him or her in case of an arrest. Table 1 is a protection checklist that can be done as individual precautions or as a collective.

Table 1 Protection Checklist

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

2. Case study: Developing a security risk assessment and contingency planning

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

The key to individual, organizational or community safety is being prepared. Some key questions:

- ✚ **How do I keep myself safe in my environment?**
- ✚ **What do I need to do to also keep my organization or my community safe?**
- ✚ **What can we do collectively as a community or organization to keep ourselves safe?**
- ✚ **What are the risks that I face, my organization faces, and my community face?**

A first step taken by the Liberian HRD was to be careful about who he associated with. These associations extended to who he selected to his board of directors, therefore, choosing a board member that he perceived as neutral. The Liberian HRD was also careful who he was seen in public with and who he worked in coalition with. For instance, he advised that staff of the organization not attend a “peace march” even though it was about an issue that staff members felt strongly about. He felt it was risky because he did not know who would participate and 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

Protection’s strategies for the collective:

- ✓ **Low profile by not bringing attention to yourself or your organization i.e., not being too present on social media.**
- ✓ **High profile as a strategy to bring attention to yourself as a safety measure.**
- ✓ **Choosing your associations carefully both who you choose to be on the board of your organization to who 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.**

plans and then setting up a daily check-in. Not meeting the check-in time would signal a problem. Also, another precaution was to always travel in a group of at least two people and unmarked cars. Taking public transport was also not advised.

In times of potential unrest such as during periods in the lead-up to elections or during elections, when violence can easily erupt, this HRD also 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, this HRD 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 easily obtainable emergency money, a rallying point set, and a plan to meet staff and family members in a designated location including one over a country border.

3. Case Study: Collective mobilization and organizations for actions

As a result of the impacts and abuses, 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.

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 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.

4. *Case Study 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. The burying of umbilical cords establishes the community members' links and connection to the land, and this enables the collective protection for the land, natural resources, and the inhabitants.²⁰⁹

Ancestral Accountability: Legacy for future generations as 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.

5. *Story: Women working together in the coalition as protection*

WHRDs often work together in groups or coalitions, so it is more difficult to single them out. In Sierra Leone and Liberia, coalitions have been created including Women, Mining and Extractives, and Natural Resource Women's Platform. In Guinea, one Frontline Grassroots WHRD, who supports women's organizations to strengthen their economic and social empowerment through the right to access secure land impacted by development projects, helps build woman's capacity, carries out action research, conducts advocacy and lobbying—which has resulted in women's collectives being built to claim their rights from mining companies.

6. *Story: Use peaceful methods first*

In Côte d'Ivoire, in response to a multinational company arriving in a village in Côte d'Ivoire that disrupted the life and livelihood of the village forcing villagers to relocate, two Frontline Grassroots HRDs carried out awareness-raising and sensitization meetings as a strategy to engage the government and allow them to do the right thing and act on behalf of the community.

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

Using peaceful methods first shows goodwill to both the government and the multinational company and shows that you are trying to allow them 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 act against the community.

This strategy helps the community get the leg up and remain in its integrity even if the government acts in bad faith.

7. *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 realized that for effective action, unity is needed.

- A Frontline Grassroots HRD 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 favourable to the community. Initially, he suggested setting 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

²⁰⁹ <https://www.creekbank.net/259/> or birth tree: <https://old.jamaica-gleaner.com/pages/history/story0079.html>

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 piece:** The community realized how important unity was and promised to stay unified so they could never be manipulated by the company again. This community learned that the outside company did not have their best interests at heart and for them to be successful in resisting the company's bad practices they needed to work together.

→ In Ghana, one Frontline Grassroots HRD shared efforts he made to fight for his community against the government and gold companies especially for polluting water sources. His efforts threatened the government who thought they could buy him off by bribing him to leave the country. When he refused their bribe, he was arrested and taken to jail. When a group of Women HRDs found out what had happened, they organized and protested his arrest. The protest by the women gave the government unwanted attention ultimately resulting in the Frontline Grassroots HRD being released from prison due to the publicity and pressure the Women HRD's protest brought to the situation. The case was eventually dropped highlighting the importance of unity and bringing these bad practices to light.

✚ **Learning piece:** This case highlights the importance of unity within the community but also exposure of the bad practices of the government and multinationals as a means for community protection.

8. 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 with human rights violations being perpetrated against them. One national HRD in Côte d'Ivoire recognized that many of the communities faced similar challenges once a multinational company moved in. 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. 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. It was through these community-to-community information sessions, that the key tactics and lessons were shared, and individuals were able to learn and meet the challenges they faced with the multinationals in their communities. Sharing experiences and bringing what one learns from one context to a new similar one is a form of solidarity and community protection which sometimes requires the initiative taken from the outside.

Part 2 Training and Capacity Building

Training and capacity building is aimed to encourage new experiences to learn new skills. Training and capacity building ranges from engaging with government agencies and the media to learning how to carry out assessments that can help to change the power dynamic in communities. Participants discussed and recommended different peer to peer learning and teaching to show how frontline grassroots defenders share impacts and violations as a basis for collective protections.

1. Stories: Strategies for engaging with government agencies

Strategies for engaging government agencies can also lead to greater community protection. Examples from Sierra Leone, The Gambia, Liberia, and Nigeria offer some good examples of how to engage the

government on the important issues to HRDs by using a combination of roles to engage with relevant government agencies to help them do their job and solve issues in the community.

- The People's Forum held in Sierra Leone brought HRD and Frontline Grassroots HRDs from the region to the conference where organizers had invited government representatives from the Minister of Lands, Housing and the Environment and the Anti-Corruption Commission. Not only was this an opportunity for these officials to speak but also listen. Just by being there, they listened to the stories of participants to help build a greater understanding and empathy for the problems of the HRD. Being 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. Additionally, having the government officials at the conference and speaking publicly is also 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 have been 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 government offices to provide both direct and indirect protection to HRD. 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 a select police officer who 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 government officials about the law to build 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 have an impact on 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 judgment, 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.
- 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. The way it works is if an HRD is in danger, information is provided to the Government security forces where the non-state armed groups operate. It is unclear how effective the system is in protecting HRDs in Mali. One 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 also 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 fewer violations.

Learning point: 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.

2. *Step by step: Policy analysis to engage and hold the government to account.*

A Guinean HRD conducted an Economic and Social Impact Assessment (ESIA) of a government policy that was used to guide the work of multinationals who wanted to work in their country. The finding was that it 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, community members, or experts such as rural planners, agricultural engineers, environmental technical staff, and sociologists despite this being required and good practice.

Firstly, the HRD asked for a delay of six months so that the government could review and amend the policy. Second, it put both the government and the multinational community on notice and showed them that they were being monitored. Last, it showed the community itself that there are steps that can be taken with the government to ensure the community's 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.²¹⁰

Step by Step approach that HRDs and Frontline Grassroot HRDs should take:

- ❖ Establish what laws and policies exist at the national level that guides the conduct of multinationals with communities.
- ❖ Engage with an HRD Coalition to conduct an ESIA to review the agreement made between government and multinationals to ensure that they are human rights compliant.
- ❖ If there is no ESIA done or once it is done it is not human rights compliant use the courts or NHRI to demand that government and multinational halt all activities until it is done.
- ❖ During the stop orders, HRD and National HRD coalitions join the affected communities together to ensure they are educated on the relevant issues.
- ❖ All efforts need to be made to then ensure that the policy or law is well known and understood by the government and the potentially affected communities.
- ❖ Monitoring the compliance of the law or policy is also critical 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.

3. *Case study: Using community-based human rights assessment tools*

²¹⁰ <https://communitiesfirst.net/2019/03/21/guinea-analysis-resettlement-impacts-100000/>

Frontline Grassroots HRDs from Ghana, Sierra Leone, Guinea, Nigeria, Liberia, and Niger were affected when multinational companies moved into their communities sought outside support from a regional organization based in Ghana to address the problems they faced.

In one example in Nigeria, a community organized itself to assist in bringing a case against one multinational company using a community-based assessment tool. The first step was to develop and use a survey to document the impact that the company's activities had on the community.

Community Based Assessment Tool measures the human rights impact of the business activities on communities. The first step is for a survey to be developed which is then carried out to collect information about the human rights impact on the community. The process is done with the full participation of communities with members both helping in the development of the survey and then using the survey to collect the information from the community.

Going through the process of developing the tool and the community's participation in it not only gathered the needed information for the court case but helped the community understand the issue in depth including how it was impacting 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 understand the power dynamics more fully 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 Point The strength of this approach is that many people in the community became aware of the situation based on gathering data about what was happening themselves. 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. It ended up that 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 tool were able to gather the needed information for their court case.

4. *Frequently Asked Questions: Working with the media*

Table 4: Linking with networks, coalitions, and the media.

Networks	Linking with the media as a strategy for protection
West Africa Human Rights Defenders Network	Yes, and sometimes work with international media and journalists as well as regional and national media.
Public Interest Lawyering Initiative for West Africa (PILIWA).	Works with international and national media to highlights key cases
Mano River Union Civil Society Natural Resources Rights and Governance Platform	Works with international and national media to highlights key cases.
SiLNoRF	Works with international and national media to highlights key cases

Networks and coalitions exist on many levels and 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 greater potential for community protection. See the FAQ for more information below.

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

Many of the 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. The idea was that getting the issues in the public domain kept them safe.

- ***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 the environmental issues are often complex and therefore many of the 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. 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 engagingly. The HRD also explained that the journalists that are engaged on these issues are also aware of the risks in the same way that he, as an HRD, is. So far, however, there have not been any direct attacks on the journalists regarding these issues except for media blackouts that have been imposed by the government forbidding stories about a specific issue from coming out.

- ***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 are aware of the importance of ensuring that legal cases do not unfold behind closed doors. It is important to engage journalists in the work 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.

- ***What are strategic ways of engaging networks, coalitions, and journalists and making them understand and care about the issue?***

In Sierra Leone, journalists came in handy 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. One lawyer close to the Sierra Leone case said, “*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 have used the media as a protection mechanism.

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

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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 a lot of political pressure to help in moving processes along. In Sierra Leone, journalists were used strategically.

➤ *Is it ever advisable not to use the media in the protection of Frontline Grassroots HRDs?*

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

➤ *Why is how the media report on issues so important?*

It is so important to pay attention to how events are reported as writing stories can play a role in uniting people, or it can further divide them. Events that bring journalists, HRDs and community leaders together are important to understand the challenges and get to know the truth.”

One journalist at the West Africa Human Rights HRD conference spoke about the importance of how words are used—which can unify and further divide.

Journalists and HRDs alike have a lot of power to make a positive difference as highlighted in the box above.

5. *Story: People’s Forum brings 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 HRD from across the region where new methods have been born. Following the 2016 meeting, a community legal defence team called Public Interest Lawyering Initiative for West Africa (PILIWA) was born. PILIWA has aimed to provide legal support to communities caught on the frontline of cooperating 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, Côte 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 who come from communities across the region to share and learn from one another. One HRD from Ivory Coast who attended the People's Summit highlighted the value of the meeting which he highlights in the box above.

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. I see other participants from other countries in West Africa who are facing similar troubles speak up during the forum motivated me to speak up during the forum and I am further motivated to continue the struggle for my communities upon my return back to the Ivory Coast.

6. Step by Step: 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 remedy a human rights violation such as getting someone released from jail. The decisions are legally binding to the ECOWAS member states. The Court has the 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, the court has made rulings on human rights issues. Concerns however have been raised that while verdicts are legally binding some governments, such as the bigger countries such as Nigeria, do not always comply.

MRU CSO Platform and PILIWA have filed several cases on behalf of Frontline Grassroots HRD and communities in West Africa. 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 contaminating 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. Legal support from PILIWA took the case before the ECOWAS Community Court of Justice.²¹¹

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

Côte 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 responsibilities,
- c) Document the impact on the communities and highlight goals and expectations.

National-level action

- a) Engaging with media and target the national justice system.
- b) Determine if the case will be moving forward within the court system at the national level.

²¹¹ Mano River Union Civil Society Natural Resources Rights and Governance Platform First Peoples' Forum on Corporate Accountability: Final Report.

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 multipronged 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 processes further building their sense of community protection through accountability and justice.

Part 3: Strategic direction, visioning and planning

Strategies that fall under strategic direction include examples of action taken by Frontline Grassroots HRDs that have led to results. These are examples of incremental change through engagement with the existing mechanisms of accountability whether they are a nation or regional court or a national human rights commission. Several participants indicated that collective planning at the community level to pursue complaints and litigation against perpetrators of violence against defenders often serves as a platform for collective protection, especially where it is driven by the shared interests of the communities and frontline grassroots defenders.

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

At the national level, remedies exist that will be further elaborate on how they have served to support the protection of the Frontline Grassroots HRDs and their communities. Engaging in court proceedings has many purposes—these can be used as stopgap measures or to solve problems outright however the process also takes time. Therefore, it is important Court procedures have also been used to buy time for communities.

Court cases can be used as a stop-gap measure giving communities time to find more permanent solutions. In Guinea, a collective complaint was filed against the Ministry of Town and Regional Planning which resulted 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 HRD from Guinea who was able to alert the media about what was going on. 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.

Learning point: The important lesson that his case highlights 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. In developing strategies short-term goals should also be considered.

- *National Court:* NMJD in Sierra Leone used funding and technical expertise provided by the regional coalitions (PILIWA and MRUCSO) platform to take a national diamond mining company in Koidu and its various subsidiaries and related companies to the national court. Despite all the delays because of COVID-19's early successes in the class action lawsuit was that for the first time in Sierra Leone they were able to temporarily freeze the assets of the company. In the end, the asset freeze was lifted but small wins cannot be underestimated.

- Small wins like these helps to build momentum for community engagement and catalyses community protection as community members become engaged and start to learn that processes are not straightforward and take time.
- *ECOWAS*: Following the hiring of a recent law graduate in Sierra Leone with financial support from Advocates for Community Action (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. In this case, a 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 court case taking place. The first step that the lawyer engaged in 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 regularly serves as a form of accountability, learning about these mechanisms as questions that the community has can be answered as they arise. Engaging communities in the process is a form of community protection.

Learning point: By taking the case to court and keeping the affected community involved and updated has been the main achievement of the court case. 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 the outcome the involvement of the community in the case has benefitted the community by increasing their understanding of these processes. The community will be able to share their experiences with other communities in Sierra Leone, giving them a sense of power and pride.

2. Case study: Strengthening the legal framework to protect HRDs

Ensuring legal protections are critically important for the protection of individual and community based HRDs.

Carry out a situational analysis to determine whether the current laws adequately protect HRDs. For countries that have strong legal protection or a model law in places such as in Mali or Côte d’Ivoire, the course of action will be different than in 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 at the national level for HRDs. With the countries that have not yet adopted the laws, the first step is to start that process such as Guinea, Senegal, and Sierra Leone who are just beginning the process.

Efforts should also be made to understand the strategy used by the International Land Coalition 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 to take depending on the status of the laws in the country to protect HRDs.

Table 2 Situational analysis leads to one approach or the other on the law.

If a strong or model law is not in place	If the model law or strong legal framework in place
→ Become acquainted with the resources available by ISHR and reach out to the ISHR staff.	→ Once the model law is adopted significant effort must be made to sensitize the relevant government

<ul style="list-style-type: none"> → Organize a process where a whole range of HRD and Frontline Grassroots HRDs can contribute to the development of the law to ensure that fully addresses their full range of needs. → HRDs and other civil society actors should inform and guide the development of proposals for national law and create a checklist and accountability tool for 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. 	<p>agencies, HRDs, and civil society actors.</p> <ul style="list-style-type: none"> → HRDs should engage legislators and policymakers and provide them with copies of the model law so they are aware. → A monitoring framework needs to be drawn up to monitor how the law is working and whether there are any gaps in the law. → A monitoring framework should also be set up and worked through the NHRIs in the country or through a coalition.
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3. Case Study: Engaging with 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 how committed an NHRI is in the country. For instance, the NHRIs in Ghana, Liberia, Niger, Nigeria, Sierra Leone, and Togo are A status which means 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 positively utilized the commissions to bring about and strengthen individual and community protection.

- In Nigeria, HRDs have said that they have used the NHRC of Nigeria effectively to address cases. The NHRC of Nigeria focuses on seven human rights themes two of which are the protection of HRDs and environmental violations in the Niger Delta making it 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 the environment, Niger Delta, and development. In addition, the thematic team has the responsibility of identifying NGOs and international partners that the Commission can partner/ collaborate with 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. There have been times that 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 providing a form of community protection.

- In Mali, HRDs spoke about the National Human Rights policy that is accompanied by an action plan. They hope to establish a National Directorate of Human Rights. However, currently, they 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 community 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 a 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) is considered a strong institution, HRD’s reported that has become a reliable institution for justice tin Sierra Leone. In Togo despite its A status, HRDs did not show much confidence in the NHRC. They saw that the institution had little interest in taking on major human rights issues.

Checklist: Determination as to 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 come out and publicly condemned?**
- 6) **What kind of human rights information do they gather?**
- 7) **How is their work monitored?**

These lessons prove that despite an 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.

4. Step by Step: Engagement with African Court

Engagements with regional and international mechanisms such as the African Court of Justice and Human Rights (The African Court) should be considered by HRDs especially those whose governments have ratified the African Court. The African Court promotes and protects the human rights of Africans across the continent. Complaints can be made by an individual, NGO, or group of individuals whose rights have been or are being violated.

✚ *The first case to go to the African Court dealing with workers’ rights (Mali).*

A group of 135 Malian workers was contaminated with lead during their work between 2000 and 2013 for the Australian Laboratory Services (ALS) in Mali, an ore processing laboratory.²¹² 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

²¹² 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)

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 that 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 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 failed to investigate the allegations in question and where appropriate, to prosecute and convict those responsible more than five 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:

- To acknowledge and publicly admit its responsibility for the violation of the mentioned rights, to the detriment of ALS former workers.
- To recognize, without further delay, the occupational disease which ALS former workers are suffering because of their broad and prolonged exposure to highly toxic products.
- To recognize, without further delay, their right to medical care which will allow them to live their illness in dignified conditions.
- To carry out investigations that 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.
- To 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.
- To 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 Court 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 labour law by companies providing clear community protections.

5. *Story: Nigeria going through the OECD process.*

An Italian company has been drilling for oil in a small village in the southeast of Nigeria since the 1960s. A complaint was filed to the OECD process stressed the devastating impact that 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 bring 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 the 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.²¹³

Learning point: What is so valuable about the process is that if once a complaint is deemed admissible it kicks in a whole system of accountability.

- ❖ OECD Watch helps civil society, individuals, and communities harmed by irresponsible corporate behaviour understand and use the grievance mechanism to seek remedy and hold corporations accountable.
- ❖ 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 to play in the protection of HRDs.
- ❖ The OECD, governments, and NCPs have joined global efforts to prevent and respond to reprisal risk.²¹⁴
- ❖ OECD Watch highlights other steps HRDs can take if they suffer from some sort of reprisal from making a complaint. The Independent Accountability Mechanism Working Group on Retaliation (IAMWGR) commissioned a “Reprisals Toolkit.”²¹⁵
- ❖ 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 invite NGOs to speak about reprisal risks during multi-stakeholder engagement which makes them a critical tool for community-based protection.

6. *Story: Using the CAO of the IFC effectively across the region.*

The IFC is a sister organization of the World Bank and a 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. Currently, communities in five countries in West Africa are under the CAO processes including Ghana, Guinea, Liberia, Nigeria, and Togo.²¹⁶ Liberia and Guinea provide specific examples highlighted in the box below.

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

Liberia	Guinea
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 burial and cultural sites desecrated. The Frontline Grassroots HRD in charge also suffered human rights violations.	A local community filed a complaint with CAO with support from Guinean organizations and IDI. ⁱ 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.

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.

²¹³ https://complaints.oecdwatch.org/cases/Case_489 There is another Nigerian case that is currently being reviewed. [://complaints.oecdwatch.org/cases/Case_549](https://complaints.oecdwatch.org/cases/Case_549)

²¹⁴ [http://independentaccountabilitymechanism.net/ocrp002p.nsf/0/ce43d67170fcd8f3482583a20026ab13/\\$file/guide_for_iam_s_on_measures_to_address_the_risk_of_reprisals_in_complaints_management_february_2019.pdf](http://independentaccountabilitymechanism.net/ocrp002p.nsf/0/ce43d67170fcd8f3482583a20026ab13/$file/guide_for_iam_s_on_measures_to_address_the_risk_of_reprisals_in_complaints_management_february_2019.pdf)

²¹⁵ <https://www.oecdwatch.org/wp-content/uploads/sites/8/2019/06/Reprisals-NCP-system.pdf>

²¹⁶ <http://www.cao-ombudsman.org/>

⚡ **Learning point:** 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. The key to this remedy is that the process comes to the community with the focus on being heard. This can contribute to community protection.

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

Another international process is the Roundtable on Sustainable Palm Oil (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)²¹⁷, 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.²¹⁸

8. *Step by step: Targeting the home country of a multinational company*

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

1. In both cases, the engagement with HRDs in the respective countries was the first step.
2. Building solidarity with HRDs from the respective countries was the next step.
3. Traveling to Australia and India also took place respectively 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:** The engagement with HRDs from the relevant countries and making those contacts can lead to stronger and more effective alliances down the road. It raises the profile and enhances the skills and experiences of the HRD that can bring back these experiences and utilize these networks in the future for other cases that may take place with other companies from the respective countries. Raising the profile has a direct impact on providing community protection.

9. *Story: 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 that triggered collective protection strategies by communities.

Table 3: Overall of violations and responses of Frontline HRDs in Liberia

Company actions	First step tactics used to protect land and community rights	Impact on HRD	Tactics for greater community protection
Palm Oil company no consultation with the	Sought consultation Laid the roadblocks.	Founding chairman CBO in concession area	Green Advocates gave him moral support.

²¹⁷ See also <https://www.ohchr.org/Documents/Issues/IPeoples/FreePriorandInformedConsent.pdf>

²¹⁸ See more <https://www.eschr-net.org/caselaw/2020/bloteh-v-golden-veroleum-liberia-appeals-panel-roundtable-sustainable-palm-oil>

community, cleared land, destroyed crops, no discussion- no compensation, finally gave jobs, divide and rule within the community	Seized the tractors.	lost job, community and family turned against him, son lost a job at the company, motorbike sabotaged,	Later when got a job back focussed on community unity.
Rubber company Land grab, destruction of livelihood, destruction of burial sites.	Filed complaint with the CAO of the IFC. Masked dancers came out to disrupt the work of company-demanding dialogue	Chairman of CBO Arrested twice by local authorities more than one week, tear gas in eyes	Green Advocates Lay low, wants more legal aid funding for transportation and communication.
Logging company only speaks to Chief about jobs, no explanation of concession agreement, restricting access to water, failed promises of development, environmental violations, lousy contracts, lack of access to land for livelihood,	Education to the community, monitoring the behaviour and attitude of the companies, unleashing elephants,	CBO chairman is turned on by community-they think he is after their jobs	Talks through elders, carries out town hall meetings, radio talk shows, and training
Rubber Environmental degradation dumping of wastewater, air pollution, impacted on livelihood,	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.	Green Advocates, laying low and seeking support in a hospital
Logging Landgrab, the government gave land to the company without involving the town chief,	Standing ground, asking for conditions of the concession agreement in the meeting,	Town chief threatened with dismissal, brother and three others arrested and detained- no charge, lost his farm and access to livelihood,	Got job back by appealing to contacts in the National government
Palm New company since 2019-no agreement or information about the relationship with the community, Reduction in salary amounts, lack of adequate and safe drinking water, no schools,	Part of CBO, connected to the national coalition, engaged with the 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	Uses cell phone to gather people and motorbike instead of walking, wants more training, capacity building, and business opportunities for communities.

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.

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 4: 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 communities
The Gambia	Participation in the UPR and HRC process	National HRD to represent the key issues	Once recommendations in support of the protection of HRD are made, the government must respond ultimately resulting in a change in the law, policy, 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 the court demonstrating that they have both rights and remedies serving as an empowerment tool
	African Court of Justice	National/Frontline HRD	This resulted in concrete legally binding results against the government in individual cases demonstrating that remedies can be sought outside of the country.
Guinea Liberia	ECOWAS Community Court of Justice:	National/Frontline HRD	This resulted in concrete legally binding results against the government in individual cases demonstrating that remedies can be sought outside of the country in a relatively quickly
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: Funding, gaps, and strategic plan for next steps

Introduction

The strategic plan for the next steps is the third component accompanying the baseline, policy recommendations, and 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. During the conference, the working group focussed their deliberations on the urgent need for a flexible funding mechanism for frontline grassroots defenders to respond to their unique protection needs, what can be done to facilitate access to defenders who do not have access, and to provide contacts and information to obtain funding. There were unanimous recommendations to invest in legal aid, specifically the need to set up a specialized defender's clinic and train frontline grassroots defenders as paralegals.

Main Findings

➤ *Funding at the global level*

Overall 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 fall 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 funding for HRDs is mainly channelled to Freedom House and the National Endowment for Democracy (NED). The majority of those interviewed received funding from NED who provides small flexible grants on a rolling basis. The US is also the main contributor to the Lifeline Embattled CSO Assistance Fund highlighted in more detail earlier in the report.

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 it was found that there was little flexibility built in to be able to use the 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.¹¹Private 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 National Endowment for Democracy (NED). Smaller family foundations were also highlighted and included the 11th Hour Fund who has specific projects in Guinea and supports some projects regionally. Corporate foundations such as the Facebook Foundation and the Orange Foundation were also mentioned as having some flexibility.

➤ *Regional funding options*

The newly formed African Transitional Justice Legacy Fund (ATJLF) is a public charity to rebuild communities and promote survivor agency in transitional societies based in Accra, Ghana. The ATJLF supports community-based, survivor-led transitional justice projects and processes in Côte d'Ivoire, The Gambia, Guinea, Liberia, Mali, North-eastern Nigeria, and Sierra Leone. They support smaller

organizations 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 approach in the sub-region.
- Creating positive changes in people’s lives (mainly survivors of conflicts and brutal dictatorships)
- Consolidating existing gains in transitional justice initiatives in West Africa and beyond, through strategic partnerships with continental and sub-regional intergovernmental institutions
- Serving as a route for supporting skills development and knowledge management initiatives of civil society, local and national government authorities, and regional institutions, and
- Creating lasting positive impacts at the country, regional and continental levels.
- Supporting 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.

While one of the HRDs interviewed said 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 the international level rather than project funding in specific countries.

➤ *Coalition funding.*

Largely National HRDs highlighted that they received limited funding from being part of coalitions which incentivized organizations to join them. Mostly however HRDs liked to join coalitions for protection and networking. 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 almost impossible to break-in. For those agencies that had received funding from the UN, they 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*

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 the 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. An overview of the organizations and what they do in support of HRDs are highlighted in Table 1 below.

Table 1: Examples of organizations and networks supporting the protection of HRDs

Institution	Relocation grants	Resilience Grants	Training and capacity building, meetings	Advocacy, urgent actions	Strategic litigation	Legal Aid	Frontline Defenders
Frontline Defenders	Yes		Yes	Yes			
Protection International EU	Yes		Yes				

FIDH	Yes		Yes		Yes		
ISHR	Yes		Yes	Yes	Yes		
Freedom House				Yes			
Amnesty International			Yes	Yes	Yes		
Oxfam							
Human Rights Watch				Yes			
ACA	.		Yes		Yes	Yes	Yes
Natural Justice		Benin and Guinea			Yes, Benin and Senegal		
Lifeline Embattled CSO Assistance Fund	Yes	Yes					

➤ *Type of support provided to HRDs.*

Donor and other support from organizations and partner- INGOs, or coalitions includes emergency funding/resettlement support/resiliency grants, training, advocacy and urgent actions, strategic litigation legal aid.

➤ *Emergency Support*

Emergency funding for relocation grants is one of the most common direct protection activities that National HRD benefits from. This activity is primarily run through the Lifeline Embattled CSO Assistance Fund which has 18 public donors and two 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.ⁱⁱⁱ 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.²¹⁹

➤ *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.

²¹⁹FIDH 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.²¹⁹ 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 BROU, 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.”

➤ *Program support for court cases*

Support that the International Federation for Human Rights (FIDH) provided 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 2019.²²⁰

Most emergency support rarely reaches HRDs, especially Frontline Grassroots HRDs. Funding is also rarely project level support. Where there is even 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.

However even if some of these organizations are doing positive work, according to a Liberian the support rarely reaches as highlighted in the box to the left. Most donors including both private foundations and public funding require a level of articles of incorporation, formal recognition by governments, bank accounts, websites, email accounts, board of directors, management staff, and that HRDs are registered. This is not possible in remote villages and where most Frontline Grassroots HRDs are living and working.

Movements and organizations like Namati²²¹ 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 various levels. These networks and coalitions highlighted their protection work, whether they provide support to National or Frontline Grassroot HRDs or do something different altogether. Further explanation is provided below.

➤ *Protecting HRDs*

The WAHRDN is a regional West Africa network that has as its focal point individuals in countries in West Africa throughout the region. The overall head of WAHRDN is based in Senegal and the individual is also the head of the Amnesty International office in Senegal working on behalf of HRDs. 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, the 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. Additionally, there does not appear to be strong links between coalitions. Largely the work that Frontline Grassroots HRDs undertake 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*

Even though some HRDs shared that at times their advocacy work is enhanced by organizations such as Amnesty International or Human Rights Watch, through media support and outreach in western countries, they would have preferred direct capacity-building support instead of these organizations

²²⁰ 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.

²²¹ For more information about Namati see <https://namati.org/what-we-do/>

establishing their branches in the region. 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 but they hoped that Amnesty would have provided the support and empower his organization 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 getting the situation of an at-risk HRD into the public domain. Attention and visibility are drawn to several HRDS but, little capacity is built for the HRDs organization to sustain such a campaign after Amnesty International’s exit. Additionally, these may also only support well-known HRDs rather than all the Frontline Grassroots HRDs given they do not have access or contacts to these networks.

➤ *Focus on the Frontline Grassroots HRDs*

The work of MRU-CSO platform work 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, Côte d’Ivoire, and Guinea.²²² 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 extraordinarily little relationship with or cooperation with diplomatic representations, foreign ministries, NHRI, and regional and international human rights mechanisms to foster a safe working environment for HRDs.

Table 2: International development partner support for HRDs²²³

Institution	Available funding at the country level	Diplomatic	Training and capacity building, meetings	Advocacy, urgent actions	Linking with other funding
EU	Yes	Yes		Yes	
US					Yes
Finland	Yes			Yes	
Netherlands					
Norway		Yes			
Switzerland					
UK	Yes			Yes	
Canada	Yes		Yes		

²²² 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 (CECIDE), Guinea

²²³ For more information see <https://www.ishr.ch/diplomatic-support>

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), the practical guide 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 looks at 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.²²⁴

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 the 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 propagating these approaches across different countries, and cultivating good practices.

While all the countries listed do not have a presence in all West African countries, the US, France, and EU have a 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 programs, 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 doesn't work.”*

Overall Gaps

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

Table 3: Comparison of gaps

²²⁴ Amnesty International Evaluation of EU focus on Human Rights Defenders more found at www.amnesty.org

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

➤ *Current gaps indirect 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. According to one HRD from Liberia, he 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 there appears to be both commitments and guidance readily available.

In terms of follow up, different funding models, for national and grassroots HRD should be developed and be funded differently. There is an ecosystem in which they are operating in which they are thriving. How do we sustain support--- and I use that word deliberately instead of funding...? How do we support grassroots and frontline HRDs to further support the excellent work they are doing?

At the West Africa Frontline Grassroots HRD conference, there was recognition of the lack of support provided to HRDs for their protection. The lack of available support for Frontline Grassroots HRDs especially. One of the funders highlighted the importance of meeting people where they are and provided with tools and support their needs as highlighted in the accompanying box.

Gaps in the documentation of human rights violations.

Few of the HRDs or coalitions had monitoring and evaluation systems regarding protection issues. One main gap is the lack of baseline information on human rights violations that provides an overview of the problem.

The other main issue highlighted by many of the participants at the West Africa Frontline Grassroots HRD conference is the lack of capacity on how to conduct documentation in terms of both tools and knowledge. The main issues that came out included the importance of:

- collecting credible data on human rights violations.
- having the skills such as knowing what kind of information is important to collect.
- having the tools such as a camera or phone to document; and,
- knowing what to do with the information such as where and how to send it to get the response that leads to change.

Documenting human the protection of HRDs would mean keeping records of what is taking place to build up the evidence around the situation of HRDs as is highlighted in the accompanying box. Currently, there are no mechanisms in place in any of the countries in West Africa that look at 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 changing the law. The new model law for the protection of HRDs offers an opportunity for greater protection of HRDs however it is important to monitor its use and effectiveness.

Ideally, monitoring and evaluating the protection of HRDs would mean keeping track of the number and types of violations taking place, the alleged perpetrator, the method of recourse, and the outcome of the process.

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

At the national level addressing protection-related issues can be done in a variety of 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, monitoring the outcome of cases being heard in the ECOWAS Community Court of Justice is critical. Equally so 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.

➤ *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 of the 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, the information must be reported upwards. The Working Group of Extractive Industries (WGEI) and other mechanisms at the pan African and international level exist that deal directly with these key issues. However, a major gap is a generally little focus on West Africa for instance about the WGEI beyond a panel discussion on “Extractives industries, environment and human rights in Africa looking at cases from Cameroon, Liberia and Kenya” in April 2013 little interaction of these institutions appear to take place.

Greater support is needed for both enabling the work of established mechanisms such as the WGEI but 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 the process of establishing a Common African Position on the United Nations (UN) process towards a Legally Binding Instrument on Transnational Corporations and Other Business Enterprises concerning human rights which if made viable could be a viable 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 for accountability for human rights violations at the various levels require time, expertise, and support. Organizations and coalitions currently largely take on these initiatives, but these efforts are labour-intensive and do not provide quick results. Beyond understanding the legal mechanisms skills in community engagement and organizing are also needed. Table 12 below highlights the type of support, the remedy provided, and by which entities.

Table 4 Remedies for HRDs at the community, national and international Level

Type	Remedy	Relevant Countries	Support and Guidance
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Funding and Technical Support	Paralegal support or/access	Sierra Leone	ACA/PILIWA
Funding and Technical Support	Community Human Rights Protocol	Nigeria, Sierra Leone	ACA and PILIWA /MRU CSO Platform/Green Advocates
Redress	Class action lawsuit in domestic court against company	Sierra Leone	ACA and PILIWA
Redress	African Court of Justice	Mali	FIDH
Redress	ECOWAS Community Court of Justice:	Sierra Leone Guinea	ACA/PILIWA /MRU CSO Platform
Redress	OECD	Nigeria, Mali	ACA
Mediation	CAO of the IFC	Liberia	Green Advocates International
Advocacy	Targeting third country directly	Senegal, Nigeria	ACA
Redress	Commission of Human Rights and Administrative Justice	Ghana	ACA

Next Steps

Overall, there is an urgency to understanding and supporting HRD and especially Frontline Grassroots HRDs in their communities across the region. The National HRDSs and Frontline Grassroots HRDs interviewed and those who provided feedback through the West Africa Frontline Grassroots HRD conference identified several priority areas for immediate next steps to take. Interestingly, some of these immediate next step's actions are also aligned with the principles of the Justice for All task force 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. Therefore, a more dynamic model of legal empowerment invests in organizations 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. 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 HRDs throughout the region are acute and there is a dire need to respond to address these shortfalls, especially given the under-reporting of attacks and reprisals against HRDs in the region especially Frontline Grassroots HRDs.

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 several CSOs organized paralegals to operate within communities and offer highly cost-effective assistance, Frontline Grassroots HRDs have indicated that they prefer to be capacitated and trained as paralegals. Frontline Grassroots HRDs feel they should be trained rather than capacitating others to come in. Frontline Grassroots HRDs could be trained and supported as paralegals offering them a small honorarium, smartphones, digital cameras, and motorbikes to provide outreach support among their members and monitor, documents and reports on attacks and reprisals in their communities. Frontline

Grassroots HRDs 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 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 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. Well-designed legal aid programs provide incentives to address the underlying problem.

✚ *Increase participation injustice.*

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 NHRI, ECOWAS Community Court of Justice, ACHPR, and the ACJHR 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.

Low Hanging Fruits and Post conference Follow up Activities.

During the working group several participants volunteers to serve on a post conference follow up committee. As a result of series of follow up conversation and meeting, the following were recommended as immediate post conference follow up activities:

- a) Formal presentation of the Baseline Assessment report, the Community Based Protection Protocol, the Policy Recommendations and the Nest Steps and Funding Actions to Partner organizations and Frontline Grassroots Defenders in the West African region.
- b) Developing a concept paper and facilitating the Formal Launching and Setting up of the West African Frontline Grassroots Defenders Network hub within the Mano River Union Civil Society Natural Resources Rights and Governance Platform. The concept note will outline the operational structures, goals, and objectives of the of the West African Frontline Grassroots Defenders Network.
- c) Formal Launching and Setting up of the Pilot West African Frontline Grassroots Defenders Network Monitoring, Visibility, Documentation and Reporting Framework to respond to the under reporting of attacks, Reprisals, and killings. (Guinea-, Liberia-, Nigeria-, Ghana, Mali, Sierra Leone-, Cote D' Ivoire-, Burkina Faso- and Niger.

- d) Hold meetings with and solicit the support of major media and communication institutions in West Africa including the West African Journalist Association to encourage them to respond and take interest in investigating and responding to the acute under reporting of attacks, reprisals and killings of Frontline Grassroots Defenders across West Africa and the Sahel
 - e) Initiating a formal conversation to explore the potential and possibility for researching and developing a concept note to design a road map for Replicating the Escazu Agreement more specifically in West Africa but generally, across Africa.
 - f) Initiating a formal conversation with International human rights and environmental organizations and networks, Universities and law schools in the United States, Europe, West Africa and other regions to explore the potential and possibility for designing a road map to set up a specialized environmental, land and human rights defenders clinic to provide legal aid support and paralegal training to defenders and defenders support organization in the West African region to respond to the attacks, reprisals and killings of defenders.
 - g) Initiate conversations and explore the potential for identifying and setting up of a strategic pool fund supported by several Foundations to support Frontline Grassroots Defenders and local, national, and regional organizations supporting Frontline Grassroots Defenders and their work across West Africa
 - h) Conduct additional research and design a Community Based Protection Protocol for the West African Frontline Grassroot Defenders.
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