

A MANUAL ON

**HUMAN RIGHTS AND LEGAL
PROTECTION PROTOCOLS FOR CSO
PARTNERS, STAFF AND HUMAN RIGHTS
DEFENDERS FACING RISK AS A RESULT
OF THEIR INFLUENCING WORK IN GHANA**

JANUARY, 2023



PREFACE

Civil Society Organizations (CSOs), Human Right Defenders and other actors involved in human rights protection and advocacy often focus more on the protection of others whilst neglecting their own security amidst threats and risks associated with the influencing work they do. These activists are variously referred to as human rights defenders, human rights activists, human rights advocates or human rights actors. Regardless of how they are called, they play key role in protecting and promoting human rights and strengthening the rule of law, often at great risk to themselves, their families and communities, and to the organizations and movements they often represent as a result of their influencing work. For instance, in 2004, the United Nations Special Representative on Human Rights Defenders worked on reports of at least 47 defenders who had been killed because of their work¹. Again, the report in 2018 stated that - “Since the adoption of the Declaration (on human rights defenders in 1998), at least 3,500 human rights defenders have been killed for their role in the struggle for human rights. Countless other human rights defenders have suffered all forms of indignities and abuses”². The situation is even worst in Africa largely due to instability, weak State Institutions, resource-based conflicts, and wars.

“Since the adoption of the Declaration (on human rights defenders in 1998), at least 3,500 human rights defenders have been killed for their role in the struggle for human rights. Countless other human rights defenders have suffered all forms of indignities and abuses.” Report of the UN Special Rapporteur on the situation of human rights defenders, 23 July 2018

It is a grave concern to Oxfam in Ghana and its CSO partners because these increasing reports of serious human rights abuses against human rights defenders including right abuses, violations, physical attacks and threats to integrity of defenders have become a threat to advocacy and influencing work. In recognition of the adverse effects of the risks and threats encountered by Human Rights Defenders and CSO advocates which can draw

¹ www.protectionline.org

² Report of the UN Special Rapporteur on the situation of human rights defenders, 23 July 2018

back progress for influencing work, the Center for Public Interest Law (CEPIL) in collaboration with Oxfam in Ghana developed this manual which seeks to contribute towards improving protection for human rights defenders, advocates and those involved in influencing

This manual provides practical guide on prevention and mitigation measures when faced with situation of risk. These include the legal and constitutional safeguards, provision of fallback mechanisms and relevant support systems to create an enabling environment to respect, protect and promote the rights of Human Rights Defenders and CSO advocates.

Indeed, it is the responsibility of governments as the primary duty bearers to ensure protection of people and human rights defenders within their jurisdiction as enshrined in the United Nations Declaration on Human Rights Defenders³ (UNDHRD). Employers and CSOs involved in advocacy work also have key roles to play in this regard and must also put in place measures to ensure that they are able to meet basic obligations to protect and save the lives of human rights defenders and activists.

The founding statement of human rights law is the Universal Declaration of Human Rights. Its famous preamble states that:

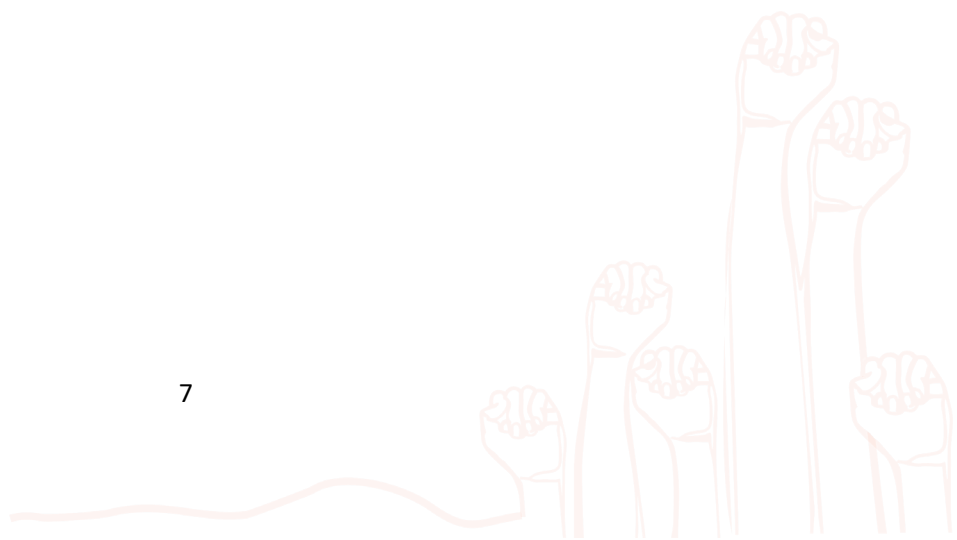
“All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood”

Protection issues are caused and manifested in different forms. The risks contemplated may be physical in nature, digital or legal. It may also manifest in the form of discrimination,

³ Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Respect Universally Recognized Human Rights and Fundamental Freedoms.

violence, abuse, exploitation, and deliberate deprivation, especially to the legal system in favor of the government. In some cases, it comes in the form of requesting advocates and their organizations to file their taxes, closure of offices, issuance of threats, negative publicity using the media, physical assaults, ban on travel, etc. Some of these issues may have existed before the campaign and may increase with the revelations and exposure of power brokers to pursue their agenda. Others may also arise because of how the advocacy is pursued, designed, and delivered, including the faces of the leaders of the advocacy.

Analysis of the threats and risks that human rights defenders and CSOs advocates face during crisis should form the basis for developing protection protocols to reduce and mitigate vulnerability to the risks in advocacy. It must also be acknowledged that CSOs involved in influencing and Human rights defenders must take appropriate steps to minimize threats and risks and ensure that their activities do not increase their exposure to these risks. There is the need for continuous training of Human Rights Defenders and CSOS involved in influencing to improve their knowledge on human rights protection and safety in advocacy.





Chapter One



CHAPTER ONE

1.0 Introduction

The rationale for the development of this manual is a strategic response to, and contribution towards addressing the risks, threats and vulnerabilities encountered by human rights defenders and CSO advocates involved in influencing work. Apart from providing information on available safeguards and protection mechanisms, it is could also serve as important tool for training and capacity building for CSOs and human rights defenders.

1.1 The Purpose of the Manual

This Manual helps CSOs and human rights defenders to understand, identify and be able to assess risk situation, and appreciate appropriately responsive action. The manual allows for flexibility to adapt to changing situation, unanticipated risk or threats and general preparedness mechanisms and protocols to address any emerging threat or risk to CSO staff influencing change. This Manual is unique in highlighting in detail the key grievance mechanism and serves as useful resource for staff involved in human rights advocacy and influencing work.

Many Human Rights Defenders including CSOs and those in the media continue to play key roles in protecting and promoting human rights and strengthening the rule of law, often at great risk to themselves, their families and communities, and to the organizations and movements they often represent. These are individuals who stand up for others who face discrimination - often at their peril.

This manual therefore serves as guide for the protection of human rights defenders at all levels, seeking to support and strengthen ongoing efforts to promote and encourage respect for their fundamental human rights. It also provides for interventions by the CSOs and other organizations for human rights defenders at risk and suggest practical means

of supporting and assisting human rights defenders. The manual will assist human rights defenders to identify, assess and report risk factors that pose danger to their lives and security.

1.2 Target Audiences

The primary audience of the Manual is practitioners within the CSOs space and other human rights advocates in Ghana and across the African continent. It is also helpful to those working at the national and sub-national levels engaging with communities, stakeholders, advocacy, and promoting transparency and accountability inter alia. Given the wide range of intervention areas covered by CSOs in advocacy and engagements, the cross-functional nature of implementing interventions that engages with and demand for services, holding duty bearers to account and other varied operations and relationships, that CSOs staff involves in and that pose danger and other associated risk to them as a result of their influencing work. This Manual outlines various protocols for CSOs staff, and for other persons who are within the category of human rights defenders including journalists.





Chapter Two



CHAPTER TWO

2.1 Human Rights Context in Ghana

The African continent is heavily reliant on the extractive resources to provide socio-economic infrastructure and support economic growth. While these significant extractive resources hold the promise to catalyse economic development and transformation, the history of the impact of the sector on national development has been sub-optimal. Most of these countries have failed to translate the extractive resources into tangible, equitable and sustainable development. The sector is characterized by challenges such as human rights violations, poor extractive sector governance, corruption, rent-seeking, weak institutional capacity and poor citizenry oversight among others.

Human rights violation is one of the major challenges affecting the people of Africa especially extractive-based communities and the rural poor who either do not know their rights or how to protect them. Usually, vulnerable women, children, Persons With Disabilities (PWDs), ethnic minorities, indigenous groups and migrant workers are most affected. Children for instance are forcibly recruited by armed groups, trafficked to work in tea and coffee plantations and also to engage in small scale mining.

Some key human rights violations appear in the forms of Displacement leading to loss of farmland as a result of mining and oil and gas extractions, loss of livelihood sources, loss of residential homes, inadequate compensation, threat to harm and even unlawful harm in some instances.

These human rights violations constitute major focal area of work of human right defenders and CSOs involved in influencing. They work to empower communities to defend and assert their human rights and advocate to influence reforms of policies and laws to protect the rights of the vulnerable. In some cases, the human rights defenders encounter risks and threats especially where there is resistance from the powerful multi-national companies sometimes with connivance of the state authorities.

Human Rights are guaranteed under international law but working to ensure that they are realised and taking up the cases of those who have had their rights violated can be a dangerous activity in countries all around the world. Human Rights Defenders are often the only force standing between ordinary people and the unbridled power of the state. They are vital to the development of democratic processes and institutions, ending impunity and the promotion and protection of human rights.

The African Union has three mechanisms through which they fight human rights violations. These are:

1. The African Charter on Human and Peoples' Rights,
2. The African Commission on Human and Peoples' Rights (ACHPR) and
3. The African Court of Human and Peoples' Rights⁴

The term Human Rights Defenders (HRDs) refers to people who, individually or with others, act to promote or protect human rights through peaceful means, such as by documenting and calling attention to violations or abuses by governments, businesses, individuals or groups. Both the UN General Assembly and the Human

Article 1 of the UN Declaration on Human Rights Defenders reaffirms that “[e]veryone has the right, individually and in association with others, to promote and to strive for the protection and realization of human rights and fundamental freedoms at the national and international levels”

“Since the adoption of the Declaration (on human rights defenders in 1998), at least 3,500 human rights defenders have been killed for their role in the struggle for human rights. Countless other human rights defenders have suffered all forms of indignities and abuses.” Report of the UN Special Rapporteur on the situation of human rights defenders, 23 July 2018

Rights Council have reaffirmed the important role of human rights defenders at the local,

⁴ [https://www.europarl.europa.eu/RegData/etudes/briefing_note/join/2013/491487/EXPO-DROI_SP\(2013\)491487_EN.pdf](https://www.europarl.europa.eu/RegData/etudes/briefing_note/join/2013/491487/EXPO-DROI_SP(2013)491487_EN.pdf)

national, regional and international levels. In accordance with the UN Declaration on Human Rights Defenders, the term “human rights defender” is understood to include anyone who, individually or with others, acts to promote or protect human rights, regardless of their profession or other status.

2.2 Types of Activities undertaken by Human Rights Defenders

The main activities of CSOs and human rights defenders include:

1. documenting violations.
2. seeking remedies for victims of such violations through the provision of legal, psychological, medical or other support services.
3. combating cultures of impunity which serve to cloak systematic and repeated breaches of human rights and fundamental freedoms; and
4. mainstreaming human rights culture and information on human rights defenders at national, regional and district levels.
5. seeking accountability from duty bearers
6. criticism of government policies and actions

2.2 Nature and Areas of Work of Human Rights Defenders in Ghana

The key characteristic that defines human rights defenders is not who they are but what they do and the principles they stand for. Some human rights defenders work for the protection of all human rights; others work on specific human rights issues or the human rights of a particular group. In Ghana, common areas of work of Human Rights Defenders are as follows;

Table 1.0 Nature and areas of work for Human Rights Defenders in Ghana

Areas of work	Specific Human Rights	HRD/Organizations
Women	women's rights	Lawyers, CSOs and Journalist
Fulani Nomadic/Minority Groups	The rights of nomadic Fulani's /protection of Fulbe/minority groups	CSOs and Journalist
Persons with Disabilities	The rights of Persons With Disabilities (PWDs	Lawyers, CSOs and Journalist
Police and Military	The rights of military and law enforcement personnel	Lawyers, CSOs and Journalist
Democracy and good governance	Anti-Corruption/Anti-graft, Mismanagement of state resources	CSOs and Investigative Journalist
provide services to victims or seek to empower individuals to claim their rights.	Abuse and mistreatment of victims of offences/crime by state security	CSOs and Investigative Journalist
Press/Media	Press freedom for journalists	CSOs and Investigative Journalist
Advocacy and public campaigning	Tax justice, media freedom, other national level crisis	CSOs, individual advocates and Investigative Journalist

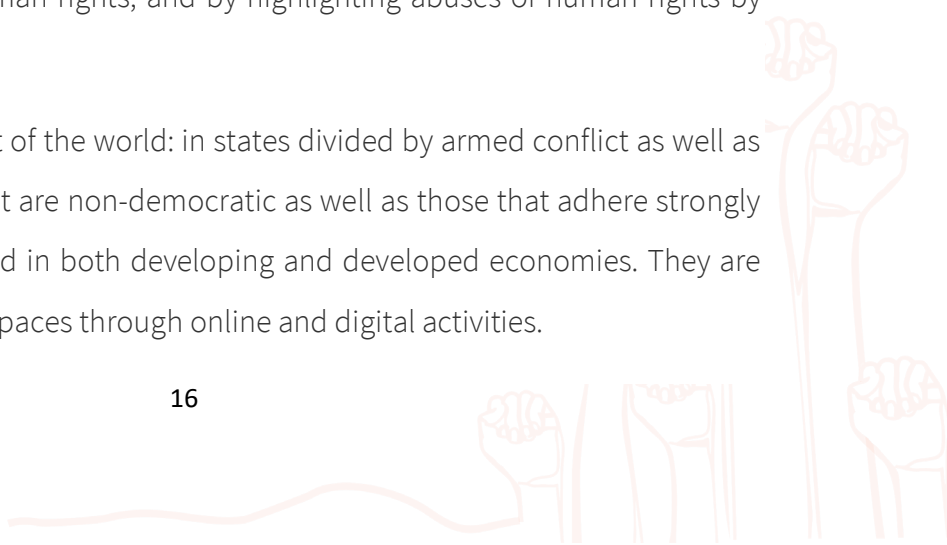


Monitoring, reporting and uncovering abuses.	Child labour, Child Trafficking, Child marriage, etc	CSOs and Investigative Journalist
Minority Groups	Minority groups, LGBT, MSM, FSW	Lawyers, CSOs, Individual advocates, Journalists etc
Labour front	Labour rights/Forced labour/exploitation of undocumented labour	Labour Unions, TUC, Lawyers, CSOs, Individual advocates, Journalists etc
Minority land rights	Women land rights	Lawyers, CSOs, Individual advocates, Journalists etc
Natural resource management and the environment	Small scale mining, oil and gas, deforestation, lumbering	Lawyers, CSOs, Individual advocates, Journalists etc

2.3. Role of human rights defenders in improving human rights protection

HRDs play an important role in the promotion and protection of human rights at the local, national, regional and international levels, including by collecting and disseminating information, by calling attention to violations by states of their obligations to promote and respect human rights, and by highlighting abuses of human rights by other actors.

HRDs are active in every part of the world: in states divided by armed conflict as well as in stable states; in states that are non-democratic as well as those that adhere strongly to democratic principles; and in both developing and developed economies. They are also active in transnational spaces through online and digital activities.



The work of HRDs can bring many benefits to their communities, from helping to make governments more accountable and fighting impunity, to protecting vulnerable communities from harm and providing assistance to victims, to enhancing respect for

When human rights defenders are threatened the principles of the United Nations are under attack. Human rights defenders are a great asset in enhancing our work to sustaining peace and sustainable development. These individuals and organizations are often the first to set off alarm bells and provide us with early warnings of impending crises, and they are key actors in the development of potential solutions in all areas of life. Let us embrace and support human rights defenders everywhere so they can continue to do their essential work.” Remarks by the UN Secretary General Antonio Guterres to the General Assembly, 18 December 2018

rights related to economic participation. Their work is a fundamental pillar of the international human rights system and is critical to inclusive, safe and prosperous societies.



Chapter Three

CHAPTER THREE



3. Risks and threats to Human Rights Defenders in Ghana

The work of Civil Society Organizations (CSOs) and those involved in human rights defence can expose them to various degrees of risk (see [Tabel 1.0](#)). They are often subject to intimidation, threats, job loss and restrictions on their freedoms of movement, expression, association and assembly. In many countries, HRDs are increasingly at risk of violence, harassment and human rights abuses and violations including enforced disappearance, extrajudicial killing, arbitrary arrest or detention, unlawful imprisonment, torture, sexual violence and unfair trials. Individuals from vulnerable and marginalized groups are particularly at risk, including women, LGBTI people, and Indigenous peoples. For example, the challenges and threats faced by women HRDs may be greater and different in nature than those faced by male HRDs. HRDs with intersecting identities experience heightened and specific risks. [Table 2](#) provides additional information on the risks faced by different groups.

In both democratic and non-democratic states, many governments seek to stifle civil society and jeopardize the work of HRDs, both online and offline, including by: enacting new legislation and regulations that limit the full enjoyment of fundamental rights and freedoms; imposing restrictions on civil society or media organizations, such as by taking away their legal status; criminalizing peaceful social protests; discriminating openly against individuals from marginalized and vulnerable groups; and using increasingly harsh tactics of intimidation, unlawful and arbitrary surveillance, threats and reprisals.

Non-state actors, such as businesses, individuals and groups, including criminal organizations or terrorist groups, may also target HRDs because of their work, often with the approval of governments, whether tacit or explicit. For example, in contexts where the activities of private enterprises are challenged by community members or corruption is being exposed, HRDs may be subject to targeted attacks to silence opposition and halt their work.

The impact of such violations and abuses on the individuals themselves, on their families and communities, and on respect for human rights and the rule of law overall, is profound. Attacks against HRDs are attacks against everyone's human rights. According

to *Front Line Defenders Global Analysis 2018*, about 321 human rights defenders in 27 countries were targeted and killed for their work in 2018. More than three-quarters of these were defending land, environmental or Indigenous peoples' rights, often in the context of extractive industries and mega projects. At least 49% of those killed had previously received a specific death threat. In addition to physical attacks, the report highlights a continuing trend of restrictive legislation aimed at stifling human rights defenders.

3.1 Nature of Risk to CSOs and Human Rights Defenders in Ghana

Over the years, Human Rights Defenders including CSOs journalist, lawyers, those in civil society space and other individuals has experienced or are exposed to one risk or other based on the nature of their activism. Some of these risk factors are;

Table 2: Risk factors and associated definitions

SN	Nature of Risk	Definition/How to identify the Risk
1	Arrest and detention	This involves seizures, capture or taken the HRD into custody by authority of the law. There is however the situation where HRDs may face arbitrary arrest and detention, over frivolous criminal charges and false accusations.
2	Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment	This includes any act in which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for purposes such as obtaining information or a confession from him or a third person, punishing him for an act he or a third person has committed or is suspected of having committed, intimidating or coercing him or a third person, or any other reason based on discrimination of any kind, when such pain or suffering is inflicted by or at the of or with the consent or acquiescence of a public official or other person acting in an official capacity.

3	Threats of harm or death	It entails the inherent risk that someone will intentionally and often intimidate or harm the physical, psychological, or moral integrity of another person or their property. A threat is a declaration or indication, either implicit or explicit that has the conscious intention of causing harm, usually in order to gain something. The identification of a threat is critical for determining the likelihood of its realization. There are different types of threat, depending on, from whom (origin), why (objective), and how (means of expression) it is made. Threats can be direct or indirect, meaning you the individual can receive threats which will be direct. If the threats are giving to your managers or leads, since you are in the organization you will feel it indirectly.
4	Harassment	This involves any unwanted and unwelcome behavior that may offend or humiliate an individual, whether physical, verbal, written, or otherwise. Harassment can include various forms of discrimination or abuse. Harassment, if not addressed properly, can cause anxiety, stress, nervousness, and depression. It can also lead to physical confrontations and violent situations. This risk can come from government security, company security, and, at times, community leaders or community members whom they encountered.
5	Defamation Suits:	In law, defamation is the act of communicating false statements about a person to a third party that harms that person's reputation. The legal subcategories of defamation are libel and slander. Defamation in written words, pictures, or any other visual symbols in a print or electronic medium is referred to as libel. Slander is verbal defamation.
6	Strategic Lawsuit Against Public	These are lawsuit filed strategically by a corporation against a group or activist opposing certain action

	Participation (SLAPP SUIT)	taken by the corporation, usually in the realm of an environmental protest. Typical claims underlying a SLAPP suit are libel, slander or restraint orders. These kinds of suit are emerging strategies that are adopted against accountability issues levelled against companies, government and others HRD or CSOs. SLAPP suits are intended to censor, intimidate, and silence critics by burdening them with the cost of a legal defense until they abandon their criticism or opposition or advocacy for the accountability. In typical SLAPP suits, the affected does not normally expect to win the lawsuit. The main goals are accomplished if the CSOs or individual sued succumb to fear, intimidation, mounting legal costs or simple exhaustion and abandons the criticism.
7	Name Calling	The characterization of CSOs and their partners as traitors and anti-development, anti-government, anti-investment, anti-country actors.
8	Digital space risks	digital risks (surveillance, data leakage, spyware, etc..),
9	Office Closers	Raids in offices, closing operations of defenders such as office spaces, radio/FM stations etc
10	Anti-CSOs law restricting NGOs' capacity to operate	Anti-CSOs law restricting NGOs' capacity to operate. For instance, instituting compulsory requirements to ask for permissions to implement activities, denial of license/approvals, restrictions in the access of foreign funds,
11	Restrictions	Restriction in freedom of assembly and expression, censorship
12	Gender-based violence	Women, persons with Disability (PWDs) and other vulnerable groups face serious threats and risks due mainly to socio-cultural factors. Women in human right defenders are not spared as they become target

		especially women working in traditional patriarchal societies and in armed conflicts.
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3.2 Gender dimension of vulnerability to human rights defenders

Equality and non-discrimination are fundamental principles of the United Nations Charter, adopted by world leaders in 1945. Yet millions of women around the world continue to experience discrimination in the enjoyment of civil, cultural, economic, political and social rights. Effectively ensuring full enjoyment of human rights by women, girls, men, boys and people of diverse gender identities requires, first, a comprehensive understanding of the social structures, social norms and stereotyping, and power relations that frame not only laws and politics but also the economy, social dynamics, family life and community life⁵.

The impact of these risks and threats encountered by human rights defenders equally affects women and their level of vulnerability is even more than that of men.

Women human rights defenders' individual and collective action has been pivotal pushing for change across a wide spectrum of rights, including in the context of prevention, peace and security and sustainable development. Women human rights defenders (WHRDs) are all women and girls working on any human rights issue ("women defenders" and "girl defenders"), and people of all genders who work to promote women's rights and rights related to gender equality. It also includes any civil society actors who may not self-identify as human rights defenders or those who work on non-traditional human rights fields (journalists, health workers, environmental activists, peacebuilders, private actors, development and humanitarian actors, etc.)⁶.

⁵ <https://www.ohchr.org/en/women>

⁶ <https://www.ohchr.org/en/women/women-human-rights-defenders>



According to OHCHR, 49 women human rights defenders have been killed since 2016. It is said that, “Security for women human rights defenders is security for all human rights defenders.” It needs to be mainstreamed within the security policies and protocols of organisations. More is needed than just a strict risk assessment. It requires also:

- a) questioning roles and attitudes
- b) working on false assumptions and changing gender-driven attitudes.
- c) positive discrimination to assist changes
- d) security budget should consider including “condoms, the morning -after pill, triple-therapy, ...

Again, there is no guarantee of results. Sexual torture comes after physical aggression. By reducing the exposure to the latter, the probability of sexual torture will also decrease. In all cases, the reactive plan should include, at the very least, providing the victim with effective healthcare, including psychological care, followed by legal support⁷.

**“Security for women human rights defenders is
security for all human rights defenders.”**

**Eleanor Openshaw from ISHR's Women Human
Rights Defender Program.**

3.3 How Human Right Defenders and CSOs staff in Ghana respond to Risks Vulnerability

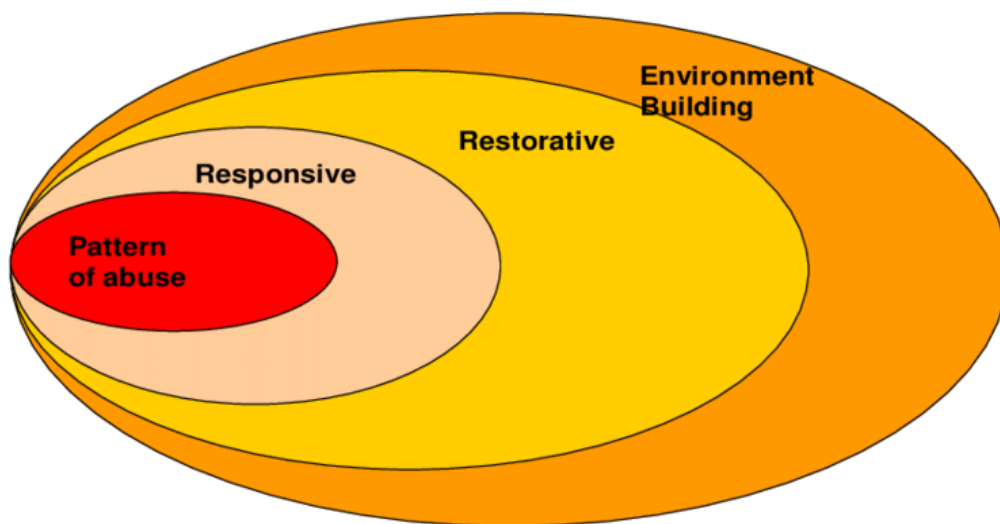
As a result of their influencing work, the higher the capacity factors for CSO staff (training received on how to prevent risk consequence, funding to address security issues inter alia) the lower the degree of vulnerability to the risk they face because of their influencing work.

⁷ <https://www.hrw.org/report/2021/02/10/left-undefended/killings-rights-defenders-colombias-remote-communities>

Protection mechanisms are one of the capacity factors that can reduce the risk levels for CSO staff and other partners.

When human rights defenders are at risk of or suffering from violence, coercion, and threats, CSOs activate measures to reduce their vulnerability through responsive, restorative, and building environment actions as shown in figure 1.

Figure 1. Egg Protection Model



Source: Susanne (2008)

1. Undertaking responsive actions that seek to ameliorate the immediate effects of violence and abuse. It also intends to put a stop to it and prevent its recurrence.
2. Undertaking remedial actions to restore dignity and ensure well-being.
3. Undertaking environment-building action to create and strengthen institutional framework conducive to respect and promote the rights of human rights defenders. The institutional framework should be resourced to enable the society to function through effective institutions, policies, and programs.

Although the egg framework emerged from an exchange among agencies with protection mandates, it is now widely used by non-mandated agencies as well (Allaire, 2013). The ICRC has identified five ways in which these three types of protection action can be carried out – persuasion, support, substitution, mobilization, and denunciation (ICRC, 2005; 2012).

There are various perspectives on the criteria for choosing the most appropriate type of protection action based on context. These criteria include:

- a) The political will and capacity of the state to respond,
- b) The willingness and capacity of civilian communities to help themselves based on their assets and capabilities,
- c) Humanitarian agencies' capacity to respond through partnership and collaboration
- d) The protection and security risks that the action would create,
- e) The political risk it would cause in terms of security and access for the humanitarian organization,
- f) The duration of the action,
- g) The agency's operational experience with similar interventions, and
- h) What other actors are deciding to do?

There is emphasis on protection as all interventions and initiatives aimed at ensuring full respect for the human rights of persons of concern. The significant increase in international attention on protection has called for increased resources and capacity to enhance the safety, security, and dignity of human rights defenders. It is important for humanitarian actors to activate measures to reduce the vulnerabilities of human rights defenders to violence, coercion, and threats.

There remain intriguing facts about threats to human rights defenders in so-called democratic states, especially in Africa. There are instances where victims are even targeted based on their actual or perceived ethnic, religious, or political affiliation. In many cases, the intent and impact of such violence was to forcibly displace and disperse the targeted community, with corrosive effects on social cohesion. It is not uncommon to observe these situations in places like the Central African Republic, the Democratic Republic of the Congo, Iraq, Mali, Myanmar, Nigeria, Somalia, and South Sudan. In those cases, there were selective targeting of victims from specific ethnic, religious, or political groups mirroring the fault lines of the wider conflict or crisis (UN, 2018).

3.3 Risk Assessment Matrix

This risk assessment metrics an aid for CSO staff and partners to utilize in assessing the various potential risk factors that potent danger to them at any point in time. The high the risk factor, the need to take urgent action to make a formal complaint or report to the appropriate institution for action. The table below contain the level of risk, the scoring and likelihood level.

Table 3: Risk Assessment Matrix for CSO staff and other partners

CATEGORIZATION		
LEVEL	Scoring	Likelihood
HIGH RISK PRIORITY HAZARDS (WITH CRITICAL OR CATASTROPHIC IMPACT)	3 or 4	High
MODERATE RISK PRIORITY HAZARDS (WITH MARGINAL OR CRITICAL IMPACT)	2 or 3	Moderate
LOW RISK PRIORITY HAZARDS (WITH NEGLIGIBLE IMPACT)	1	Low

RISK ASSESSMENT MATRIX						
	Impact to Critical Business Assets					
	People	Building	Equipment	Data	Inventory/Product	Operations
	1=Negligible 2=Marginal 3=Critical 4=Catastrophic	1=Negligible 2=Marginal 3=Critical 4=Catastrophic	1=Negligible 2=Marginal 3=Critical 4=Catastrophic	1=Negligible 2=Marginal 3=Critical 4=Catastrophic	1=Negligible 2=Marginal 3=Critical 4=Catastrophic	1=Negligible 2=Marginal 3=Critical 4=Catastrophic
Nature or Risk						

Arrest and Detention						
Torture						
Threat of Harm						
Threat of Death						
Harassment						
Defamation Suits:						
Strategic Lawsuit Against Public Participation (SLAPP SUIT)						
Name Calling						

Digital space risks						
Office Closers						
Anti-CSOs law restricting NGOs' capacity to operate						
Restrictions						

Categorization: The categorization of the risk assessment is to help each organization categorize:

- a) Level: The level is from low, Medium, to High
- b) Scoring: 1 – Negligible Impact, 2 – Marginal Impact, 3 – Critical Impact, 4 – Catastrophic Impact
- c) Likelihood: From low, Medium, to high

Risk Assessment Matrix: The Matrix is to be used as a tool to help assess risk during project implementation. The matrix also provides the platform to evaluate the degree of damage that the identified risk can cause to the entire organization. The identified risk are separated into External and Internal.

The nature of risk can be identified in table 2



Table 4: Risk Monitoring and Tracking Tool for CSO staff and partners

WHAT IS THE RISK FACTOR/ HAZARDS?	WHO IS AFFECTED?	WHAT ARE THE MITIGATING FACTORS TO THE RISKS?	WHAT FURTHER ACTION IS REQUIRED?	WHO NEEDS TO TAKE ACTION?	WHEN IS THE ACTION TO BE TAKEN?	WHAT IS THE STATUS OF THE RISK NOW?





Chapter Four

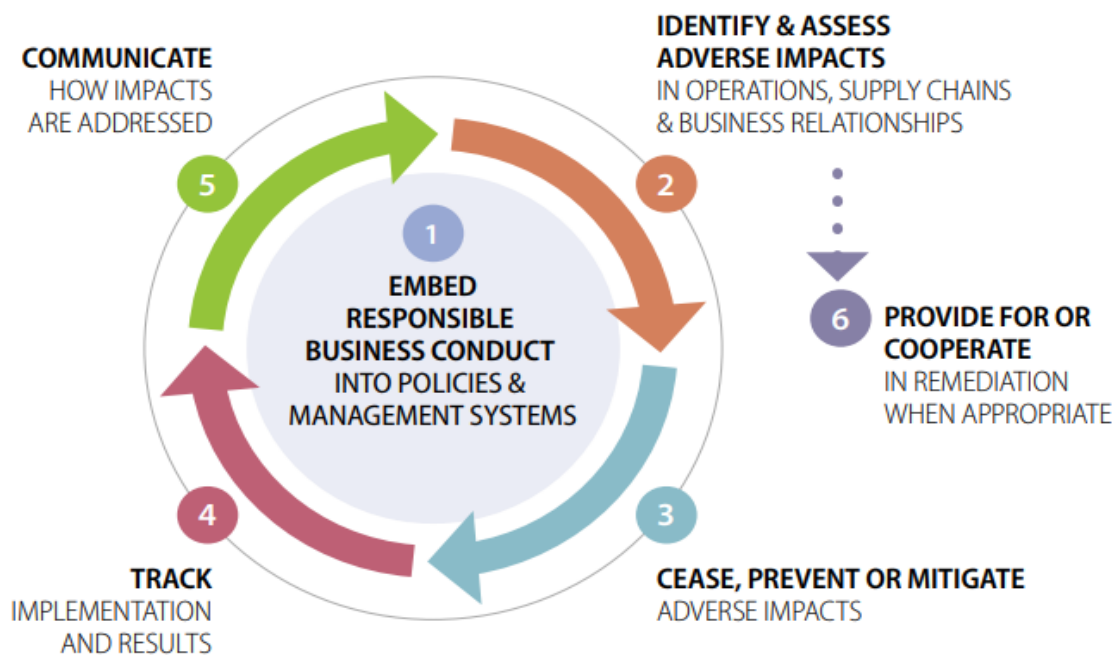


CHAPTER FOUR

4.0 Responsibility for the conduct of Human Rights Defenders and CSOs Staff undertaking Influencing work

This aspect of the manual adopts the OECD's analytical framework for analysing risks and mitigation measures to help explain the importance of conducting effective analysis of situations as sine qua non before embarking on the said intervention. it recommends users to devise, adopt and disseminate a combination of policies on issues that articulate the enterprise's commitments to the principles and standards in line with plans effectively canvassed by CSO partners.

Figure 2: A Wheel for Identifying, tracking, mitigating and communicating risks/threats that CSO staff face in their influencing work.



Source: OECD Guidance for Responsible Business Conduct, 2018

4.1 Protection Protocols for Staff of CSOs and Other Human Rights Defenders

4.2 General Protection Protocols

Staff of some civil society organizations as well as other human Rights defenders in Ghana continue to face undue pressure, with associated risk factors as a result of their influencing work. Below are some personal security tips for CSO staff personal security protocols;

1. Observe and notice any threat or risk as a result of your influencing work.
2. Write down and monitor all the threats and insecurity incidents/risk
3. Analyze each incident using the Risk Assessment Matrix
4. Report immediately to the appropriate institution based on whether risk is high or medium
5. Continue to monitor and assess risk if the level is low based on the matrix analysis

4.3 Steps for CSO staff to take in reinforcing their personal security in Ghana

Some strategies each worker can take in adverting or mitigating risk one is likely to face includes:

- i. Take Personal responsibility for your own safety.
- ii. Adhering to a strict code of ethics under these protocols
- iii. Reinforcing protective barriers and mitigation measures for self
- iv. Suspending activities during high-risk situations or activities that potent high risk
- v. Improving security in the office and at home by installing security cameras etc.
- vi. Letting someone know your location at each time.
- vii. promptly lodge a complaint or reports of any security threats or risk to the appropriate institutions.

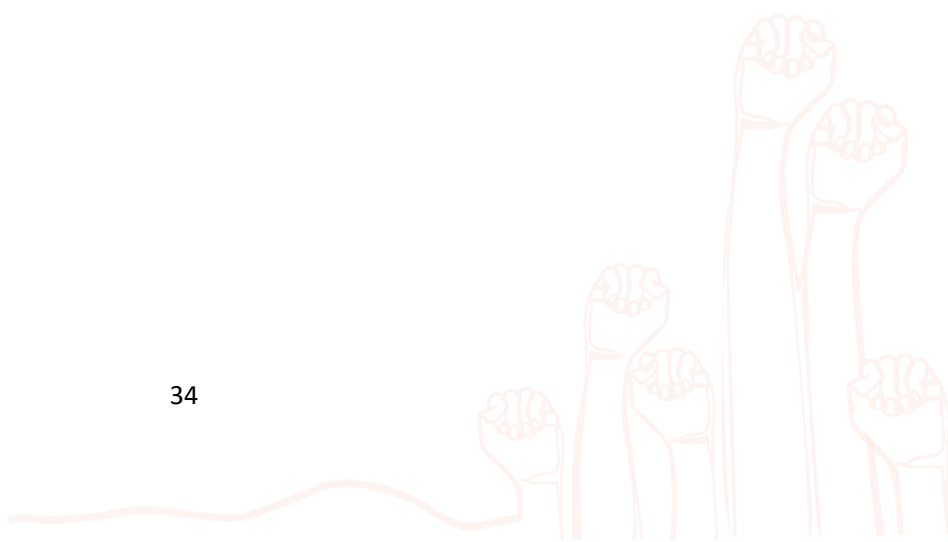
4.4 Protocols to reinforce and mitigate CSOs insecurity and improve operations in their influencing work.

The following protocols serve as measures of eliminating or reducing the risk factors associated with the work of CSOs and Human Right Defenders:

Table 5: Protocols and detail description of action required

Protocols	Detail Description
Use of data entry system at workplaces.	where CSOs/partner organizations use data entry system in their workplaces to account for staff movement within and out of their premises. Such data can include streamlining reporting mechanism of attacks and other related risk factors. Depending on the magnitude of risk, the affected CSO should escalate it to the media and other international human rights bodies to enable them hold governments and related agencies accountable for wrongful happenings.
Multi-stakeholder Initiatives (MI).	Strong CSO platforms including coalitions and movement as fundamental for the protection of staff and other human rights defenders due to the work they do. relationship with the multi stakeholder provides a healthy relationship and a calm environment to conduct all civil societies activities.
Establishing strong grassroots Movement.	CSOs to develop strong linkage with other remote CSOs and NGO's especially at the grassroot level. Strong CSOs movement is a fundamental advocacy requisite in times of threat or risk associated with civil society actors.
Establishing strict travel protocols	which may include sharing travel plans on a need-to-know basis, can protect the organization and its staff. As an example, you could tell only a few people about your travel plans and then set up a daily check-in. As a result, failing to meet the check-in deadline would indicate a problem. Not only that, but staff should be encouraged to travel in groups of at least two people.
Use vehicles with remote sensors and tracking devise	CSO staff should use vehicles with trackers to track all traveler's on their journey to especially remote or dangerous territories.
Third Parties Access to offices	Administrative privileges must not at any time be given to third parties to have access to any office space without strict surveillance. Not only are they less trustworthy than people within the organization, but someone outside the

	office may also be difficult to reach in emergency situations.
Use of CCTV Cameras at offices.	All partner CSOs should strive to install in their offices CCTV cameras to record events in and around their premises. Such recordings can aid in admission or prove of criminal culpabilities. The CCTV cameras must be installed from the reach of intrusion by outsiders.
Making formal Complaint.	CSO staff or Human Rights Defenders must make a formal complaint/Report of any threat, either verbal, physical or any act that causes apprehension to the staff member concern, particularly if it relates to the work he does. Such complaints should be lodge with the Ghana Police Service at any of their nearest station and to their organizations.
Partner Capacity Strengthening including funding.	building the capacities of CSO staff in key personal security issues, preparedness and response. Further support with funding to pay for services of security in the offices of partner CSOs.





Chapter Five



CHAPTER FIVE

5. Human Rights and Legal Protection Protocols

Human rights and legal protection protocols are provided in various legal instruments in Ghana ranging from the Miranda rights as contained in the 1992 Constitution and other provisions in the constitution and various statutes.

5.1 National Protections Instruments

It goes without saying that human rights protections and understandings are ultimately most reliant on developments and mechanisms at the national level. The laws, policies, procedures, and mechanisms in place at the national level are key for the enjoyment of human rights in each country. It is therefore crucial that human rights are part of the national constitutional and legal systems. National standards have a more direct impact and national procedures are more accessible to citizens than those at the regional and international levels.

Table 6: Legal Instruments, definitions and Legal Protection for CSOs staff and Human Rights Defenders

Legal Instruments/ Articles and Provisions	Basic Definitions/Explanation	Legal Protection offered all including CSO staff
Miranda Rights on Arrest and detention	A person arrested and detained must be informed of your rights, popularly referred to as “Miranda Rights”.	You have the rights to remain silent. Anything you say can and will be used against you in a court of law. You have the right to talk to a lawyer and have him present with you while you are being questioned. If you cannot afford to hire a lawyer, one will be appointed to represent you

		<p>before any questioning if you wish.</p> <p>You can decide at any time to exercise these rights and not answer any question of make any statement.</p>
1992 Constitutional Provisions	The 1992 Constitution of Ghana contains provisions provides protection for the fundamental human rights of the people.	Some of these provisions reflect the rights noted as “Miranda Rights above.
Article 14 of 1992 Constitution - Protection of Personal Liberty	“A person who is arrested, restricted or detained shall be informed immediately; in a language that he understands, of the reasons for his arrest, restriction or detention and of his right to a lawyer of his choice”.	A person arrested must be brought before a court within forty-eight hours after the arrest, restriction or detention.
Article 15 of 1992 Constitution - Respect for Human Dignity	The dignity of all persons shall not be violated and no person, whether or not he is arrested, restricted or detained, shall be subjected to torture or other cruel, inhuman or degrading treatment or punishment; or any other condition that detracts or is likely to detract from his dignity and worth as a human being.	A person arrested must not be abused, maltreated, mistreated or tortured in any way.
Article 19 - Right to Fair Trial	A person charged with a criminal offence shall be given a fair hearing within a reasonable time by a court.	<p>A person charged with a criminal offence should be;</p> <p>presumed to be innocent until he is proved or has pleaded guilty;</p> <p>informed immediately in a language he understands,</p>

		<p>and in detail; of the nature of the offence charged;</p> <p>given adequate time and facilities for the preparation of his defence;</p> <p>permitted to defend himself before the court in person by a lawyer of his choice;</p> <p>afforded facilities to examine, in person or by his lawyer, the witnesses called by the prosecution before the court,</p> <p>permitted to have, without payment by him, the assistance of an interpreter where he cannot understand the language used at the trial.</p>
Section 7 Criminal and other Offences Procedure Act, 1960 (Act 30) – Notification of Substance of Arrest	It provides that except when the person arrested is in the actual course of the commission of a crime offence or is pursued immediately after escape from lawful custody,	<p>The police officer or a person making the arrest shall inform the person arrested of the cause of arrest</p> <p>if the police officer or other person is acting under the authority of a warrant shall notify the person to be arrested of the content of the warrant.</p> <p>if so required shall show the warrant to the person to be arrested.</p>
Section 46 of Prisons Service Act, 1972 (NRCD 46)	It provides that no Prison Officer shall use force against a prisoner unless reasonable force to prevent escape or riot.	Provides for the safe custody and welfare of prisoners as well as reformation and rehabilitation of prisoners.

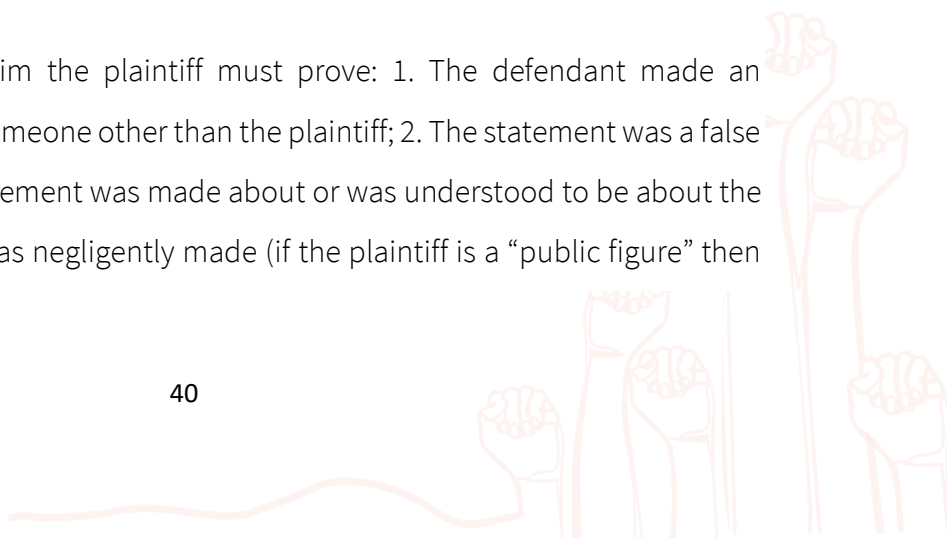
Right to Information Act, 2019 (Act 989)	Act 989 binds all public and relevant private institutions that receive public resources or perform public functions, to release official information upon request subject to the exemptions that are necessary and consistent with the protection of public interest in Ghana.	The law provides for procedures to access public information, to apply for review or appeal where the request for information is denied. The Act also provides for appeal to the High Court by a person who is aggrieved by the denial of access to information after exhausting internal review mechanisms.
The Whistle Blower Act, 2006 (Act 720)	Provides legal protections and remedies to all people – employees and citizens – who report crime and misconduct in the public interest and disclose information that relates to unlawful or other illegal conduct or corrupt practices of others	It provides for the protection against victimization of persons who make these disclosures. provide for a Fund to reward individuals who make the disclosures and provide protection for Civil Actors engaged in the promotion of good governance and accountability in Ghana.
The Ghana Police Service established by Police Service Act, 1970 (Act 350)	Prevents and detect crime, to apprehend offenders and to maintain public order and safety of persons and properties among other functions.	The Police Service works with the Ministry of Justice and Attorney General's Department in the prosecution of criminal cases including assault, causing of harm and murder which most often confront persons in the civil space.
Public Order Act, 1994 (Act 491)	The Public Order Act abolished the permit system, which	CSOs including any other group do not require permit to protest or hold demonstration or picket

	previously restricted the right to demonstrate or picket.	against particular policies of government, or any other issues that might be deemed inimical to public interest.
Gender based laws include Article 17(1) and (2) of the 1992 Constitution. The Ghana National Gender Policy of 2015	These constitutional provisions guarantees gender equality and freedom of women and men, girls and boys from discrimination on the basis of social or economic status among others.	several of the human rights defenders and staff of CSOs are women who equally face the risks and threats associated with human rights advocacy. a knowledge of these laws will lead to protection and safeguard for the women human rights defenders.
Electronic Communications Act, 2008 (Act 772)	Act 772 of 2008 seeks to facilitate electronic communications and related transactions in the public interest and to remove barriers to electronic communications and transactions.	Section 28 of the Electronic Communications Act, 2008 (Act 772) provides for prohibited Acts including liability for criminal negligence, electronic trafficking, unlawful access to stored communication, forgery etc

5.4.2 Libel and slander as defamation suits that threatens CSO staff and other Human Rights Defenders

The words “Slander” and “Libel” are frequently confused and used incorrectly. “Slander” is a spoken defamation while “Libel” is written or printed defamation.

To prove a defamation claim the plaintiff must prove: 1. The defendant made an unprivileged statement to someone other than the plaintiff; 2. The statement was a false statement of fact; 3. The statement was made about or was understood to be about the plaintiff; 4. The statement was negligently made (if the plaintiff is a “public figure” then



actual malice must be shown); 5. Actual damage naturally arising out of the statement or that the statement was slanderous per se or libelous on its face.

It is important to add that, Ghana repealed its criminal libel and seditious laws through the (Repeal of the Criminal and Seditious Laws – Amendment Bill) Act 2001) – a law by which many journalists had previously been jailed for doing their job.

5.4.3 Common Defenses to Defamation Claims

Several defenses exist and are commonly used to defend against defamation cases:

Truth - Truth is an absolute defense in a defamation case. If the defendant can show that the allegedly defaming statements are, in fact, true, then the plaintiff is not entitled to a judgment. Any plaintiff considering filing a defamation case in court should consider the possibility that the defendant will assert a truth defense. Any defendant should remember that winning a truth defense requires proof to the court that the statement is true.

Not a Statement of Fact/Opinion - Defamation cases only deal with statements of fact, not opinions. A fact is something that can be proven or disproven, while an opinion is the type of statement that cannot be proven true or false. In determining whether a statement is an opinion or a statement of fact, the court looks at the context of the statement. Falsely stating, “John Efo punched Joe in the nose,” would likely be defaming because it accuses John Efo of a crime, while the statement “Stella is a jerk,” is unlikely to be defaming, since it is a subjective opinion.

What Is Defamation?

Defamation is a false and unprivileged Statement of fact that is Harmful to someone’s reputation that is published negligently or maliciously.

NB: Defamation suits is also stated in Table 2

Fair Comment and Criticism/Plaintiff is a Public Figure - Statements of fair criticism and comment on matters of public interest are protected. Plaintiffs who are public figures

must prove that a defendant had actual malice rather than mere negligence in making the false statements, if those statements were in the realm of the area where he/she is a public figure.

Privilege - Some statements, for example, the testimony given under oath in a judicial proceeding, are considered privileged. Defamation only deals with unprivileged statements.

Libel-Proof Plaintiff - A person whose reputation is tarnished as to have no value, such as a convicted serial killer, cannot prove damage.

Death - Although it is not nice to speak ill of the dead, the dead cannot sue for it.

Table 7: Legal protection for libel and slander for CSO staff and other Human Rights Defenders

Protocols to prevent defamation (slander or Libel)	Legal Defenses available for Libel
<p>Avoid making statements that you know are not true. Never say anything that you know isn't true, particularly in advertisements and media whether social media or traditional media;</p> <ol style="list-style-type: none"> 1) Cross check on the veracity of information before publishing 2) Give equal opportunity to both sides to tell their story 3) Stick to facts; avoid opinions that could be construed as facts. ... 4) No name-calling. ... 	<ol style="list-style-type: none"> 1) Truth. It is a complete defence to a claim to show that the statement is true. 2) Honest Opinion or fair comment. 3) Public interest. 4) Good motives and justifiable ends 5) Reportage. 6) Privileged communication. <ul style="list-style-type: none"> Absolute Privilege. Qualified Privilege.

5) Let readers reach their own conclusions. ... 6) Don't retweet or link to someone else's potential defamatory material. 7) Be quick to fix any errors or negligence in your work 8) Apologise if be and retract the statement	7) Common law Qualified Privilege.
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5.5 International Framework for Protection of Human Rights Defenders

At the international level, there exists formal non-judicial remedies for the protection of human rights and human rights protocols for Human Rights Defenders and those that are at risk due to their influencing work. At the United Nations and African Union levels, various conventions and treaties have been designed and rectified by many nations including Ghana. These protocols are detailed below:

5.5.1 United Nations Conventions and protocols

The United Nations human rights bodies do have some quasi-legal enforcement mechanisms. These include the Human Rights Council and the Universal Periodic Review, United Nations Special Rapporteur and the committees established under the treaty bodies among others.

The Human Rights Council is comprised of 47 Member States that meet at least three times per year in Geneva. Its mandate is to strengthen the global promotion and protection of human rights, and to address human rights violations and situations of concern including threats against persons defending human rights.

The special procedures of the Human Rights Council are independent human rights experts with mandates to report and advise on human rights from a thematic or country-specific perspective. The system of Special Procedures is a central element of the United Nations human rights machinery, and covers all human rights: civil, cultural, economic, political, and social.

Also, the Universal Periodic Review (UPR) is another mechanism that addresses all countries and all human rights. The UPR is designed to ensure equal treatment for every country when their human rights situations are assessed. The ultimate aim of this mechanism is to improve the human rights situation in all countries and address human rights violations wherever they occur.

A process for each country takes place every four to five years and CSOs are able to feed into the process formally by submitting reports of specific rights violations in their countries which are incorporated into a compilation prepared by the Office of High Commissioner for Human Rights (OHCHR) and published in advance of the review and can also lobby delegations directly as to the questions they should ask the representatives/officials of the government and recommendations they should make to the government to redress the violations or the threat of it.

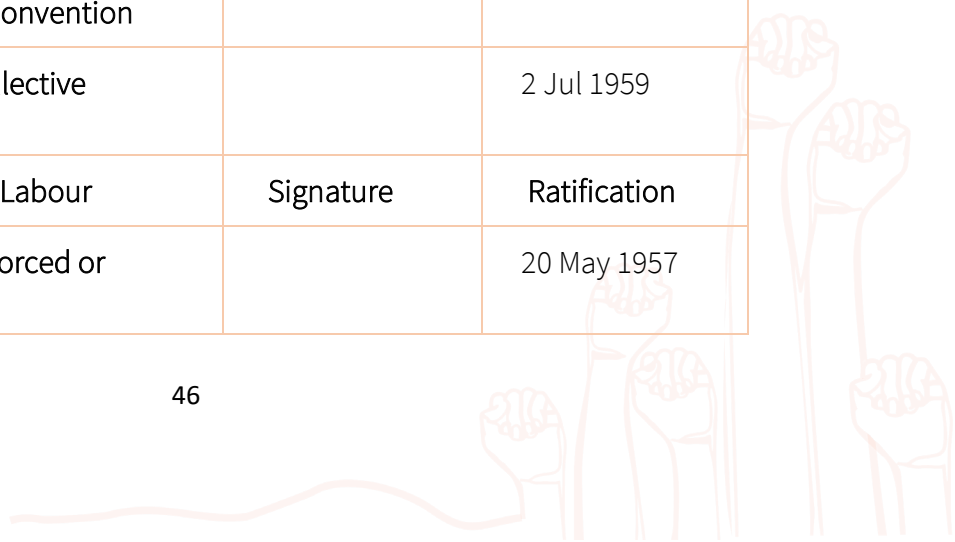
Table 8: Protocols of human rights defenders Ghana signed unto.

International Bill of Human Rights	Signature date	Ratification date
International Covenant on Economic, Social and Cultural Rights	7 Sep 2000	7 Sep 2000
International Covenant on Civil and Political Rights	7 Sep 2000	7 Sep 2000
Optional Protocol to the International Covenant on Civil and Political Rights	7 Sep 2000	7 Sep 2000
Second Optional Protocol to the International Covenant on Civil and	7 Sep 2000	7 Sep 2000

Political Rights, aiming at the abolition of the death penalty		
Prevention of Discrimination on the Basis of Race, Religion, or Belief; and Protection of Minorities	Signature	Ratification
International Convention on the Elimination of All Forms of Racial Discrimination	8 Sep 1966	8 Sep 1966
Women's Human Rights	Signature	Ratification
Convention on the Elimination of All Forms of Discrimination against Women	17 Jul 1980	2 Jan 1986
Optional Protocol to the Convention on the Elimination of Discrimination against Women	24 Feb 2000	3 Feb 2011
United Nations Convention against Transnational Organized Crime		12 th March, 2012
Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime Preamble, supplementing the United Nations Convention against Transnational Organized Crime		
Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime		
Slavery and Slavery-Like Practices	Signature	Ratification
Slavery Convention		
Protocol amending the Slavery Convention	Not signed	
Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery	Not signed	



Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others	24 Sep 2003	
Protection from Torture, Ill-Treatment and Disappearance	Signature	Ratification
European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment	Not signed	
Protocol No. 1 to the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment	Not signed	
Protocol No. 2 to the European Convention for the Prevention of Torture and inhuman or Degrading Treatment of Punishment	Not signed	
Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment	7 Sep 2000	7 Sep 2000
Rights of the Child	Signature	Ratification
Convention on the Rights of the Child	29 Jan 1990	5 Feb 1990
Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflicts	24 Sep 2003	
Convention concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour	Not signed	13 Jun 2000
Freedom of Association	Signature	Ratification
Freedom of Association and Protection of the Right to Organise Convention		2 Jun 1965
Right to Organise and Collective Bargaining Convention		2 Jul 1959
Employment and Forced Labour	Signature	Ratification
Convention concerning Forced or Compulsory Labour		20 May 1957



Equal Remuneration Convention		14 Mar 1968
Abolition of Forced Labour Convention		15 Dec 1958
Discrimination (Employment and Occupation) Convention		4 Apr 1961
Employment Policy Convention	Not signed	
Convention concerning Occupational Safety and Health and the Working Environment	Not signed	
Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families	7 Sep 2000	7 Sep 2000
Education	Signature	Ratification
Convention against Discrimination in Education	Not signed	
Refugees and Asylum	Signature	Ratification
Convention relating to the Status of Refugees		
Protocol Relating to the Status of Refugees		
Nationality, Statelessness, and the Rights of Aliens	Signature	Ratification
Convention on the Reduction of Statelessness		
Convention relating to the Status of Stateless Persons	Not signed	
War Crimes and Crimes Against Humanity, Genocide, and Terrorism	Signature	Ratification
Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes Against Humanity	Not signed	
Convention on the Prevention and Punishment of the Crime of Genocide		

Rome Statute of the International Criminal Court	18 Jul 1998	20 Dec 1999
Law of Armed Conflict	Signature	Ratification
Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field		2 Aug 1958 (rat/acced)
Geneva Convention for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea		2 Aug 1958 (rat/acced)
Geneva Convention relative to the Treatment of Prisoners of War	Not signed	2 Aug 1958 (rat/acced)
Geneva Convention relative to the Protection of Civilian Persons in Time of War		2 Aug 1958 (rat/acced)
Protocol Additional to the Geneva Conventions of 12 August 1949, and Relating to the Protection of Victims of International Armed Conflicts (Protocol I)	12 Dec 1977	28 Feb 1978 (rat/acced)
Protocol Additional to the Geneva Conventions of 12 August 1949, and Relating to the Protection of Victims on Non-International Armed Conflicts (Protocol II)	12 Dec 1977	28 Feb 1978 (rat/acced)
Terrorism and Human Rights	Signature	Ratification
International Convention Against the Taking of Hostages		
International Convention for the Suppression of Terrorist Bombing		
International Convention for the Suppression of the Financing of Terrorism	12 Nov 2001	6 Sep 2002
International Convention for the Suppression of Unlawful Seizure of Aircraft	16 Dec 1970	16 Dec 1973

International Convention on the Prevention and Punishment of Crimes Against International Protected Persons		
U.N. Activities and Employees	Signature	Ratification
Convention on the Privileges and Immunities of the United Nations		
Convention on the Safety of United Nations and Associated Personnel	Not signed	
African Regional Conventions	Signature	Ratification
African [Banjul] Charter on Human and Peoples' Rights		
African Charter on Human and Peoples rights on the rights of persons with disabilities		
Convention Governing the Specific Aspects of Refugee Problems in Africa	10 Sep 1969	19 Jun 1975
Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa	Not signed	
Protocol to the African Charter on Human and Peoples' Rights on the Establishment of an African Court on Human and Peoples' Rights	9 Jun 1998	
African Charter on the Rights and Welfare of the Child	18 Aug 1997	

5.5.2 Core International Human Rights Treaties and Monitoring Bodies

Table 9: Core International Human Rights Treaties and Monitoring Bodies

International Human Rights Treaties	Monitoring Bodies
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International Covenant on Civil and Political Rights (ICCPR)	Human Rights Committee
International Covenant on Economic, Social and Cultural Rights (ICESCR)	Committee on Economic, Social and Cultural Rights (CESCR)
International Convention on the Elimination of All Forms of Racial Discrimination (ICERD)	Committee on the Elimination of Racial Discrimination (CERD)
Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)	Committee on the Elimination of Discrimination against Women (CEDAW)
Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT)	Committee Against Torture (CAT)
Convention on the Rights of the Child (CRC)	Committee on the Rights of the Child (CRC)
Convention on the Rights of Persons with Disabilities (CRPD)	Committee on the Rights of Persons with Disabilities (CRPD)
International Convention for the Protection of All Persons from Enforced Disappearance (CPED)	Committee on Enforced Disappearances
International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (ICMW)	Committee on the Protection of the Rights of All Migrant Workers and Members of their Families (CMW)

5.5.3 Who to Make a complain.

1. Any individual who claims that her or his rights have under the covenant or convention have been violated by a State party to that treaty may bring a communication before the relevant committee.
2. Complaints may also be brought by third parties on behalf of individuals provided they have given their written consent or where they are incapable of giving such consent. For example, where parents bring cases on behalf of young children or guardians on behalf of persons unable to give formal consent, or where a person is in prison without access to the outside world, the relevant committee will not require formal authorization to lodge a complaint on another's behalf.
3. A complaint can be brought only against a State that satisfies two conditions.
 - a) First, it must be a party to the treaty in question, having ratified or otherwise accepted it.
 - b) provided that the State has recognized the competence of the committee to receive such complaints.
4. "communication" or a "petition", need not take any form.
5. It is not necessary to have a lawyer prepare your case, though legal advice usually improves the quality of the submissions.

5.5.4 Information Required in making a complaint.

1. The claim should be in writing and signed.
2. It should provide basic personal information: name, nationality and date of birth.
3. Specify the State party against which your complaint is directed.
4. If you are bringing the claim on behalf of another person, you should provide proof of their consent, as noted above, or state clearly why such consent cannot be provided.
5. Set out, in chronological order, all the facts on which your claim is based.
6. Your account must be as complete as possible and that the complaint contains all information relevant to your case.
7. You should also detail the steps you have taken to exhaust the remedies available in your country, that is steps taken before your country's local courts and authorities.

8. You should state whether you have submitted your case to another means of international investigation or settlement.
9. You should state why you consider that the facts you have outlined constitute a violation of the treaty in question.
10. Identify, if possible, the articles of the treaty that have allegedly been violated.
11. The information must be in one of the secretariat's working languages.
12. provide all documents of relevance to your claims and arguments, especially administrative or judicial decisions on your claim by national authorities.
13. Provide copies of relevant national laws if any.
14. If your complaint lacks essential information, you will be contacted by the secretariat with a request for the additional details.

5.6 African Union Human Rights Systems

At the Pan African level both judicial and quasi-judicial mechanisms exist for the protection of fundamental rights especially those provided under the African Charter on Human and People's Rights (ACHPR). Key provisions under this provides certain protection for of the rights citizens of member states including activist, staff and CSOs partners, especially in their influencing work. The notable Pan African level protection mechanisms are; the African Commission on Human and People's Rights and the African Court of Justice and Human Rights.

5.6.1 The African Commission on Human and People's Rights

The African Commission on Human and People's Rights is a quasi-judicial organ of the African Union, tasked with promoting and protecting human rights and collective (peoples') rights throughout the African continent, as well as with interpreting the African Charter on Human and Peoples' Rights, and considering individual complaints of violations of the Charter. The Commission has three broad areas of responsibility:

- I. Promoting human and peoples' rights
- II. Protecting human and peoples' rights



III. Interpreting the African Charter on Human and Peoples' Rights.

The Commission is mandated to "collect documents, undertake studies and research on African problems in the field of human and peoples' rights, organize seminars, symposia and conferences, disseminate information, encourage national and local institutions concerned with human and peoples' rights and, should the case arise, give its views or make recommendations to governments.

5.6.2 Criteria of making complaint to the commission

In furtherance of the aimed of the African Commission at both promoting and protecting the human rights of Africans across the continent, complaints of human rights violation can be made by an individual, an NGO, or a group of individuals. The criteria include;

1. The complaint must indicate the author(s) as the African Commission will not accept anonymous complaints⁸.
2. The complaint must also be compatible with the Charter of the AU or with the present Charter,
3. The complaint is not written in disparaging or insulting language directed against the State concerned and its institutions or to AU
4. The complaint is not based exclusively on news disseminated through the mass media especially where the complaint is submitted on behalf of a victim of human rights violation,
5. The complaint must be submitted after exhausting local remedies, if they are available, unless it is obvious that this procedure is unduly prolonged,
6. The complaint must be submitted within a reasonable period from the time local remedies are exhausted or from the date the Commission is seized with the matter, and

⁸ Article 56 of the African Charter on Human and People's Rights

7. The complaint must not be in respect of cases which have been settled by those States involved in accordance with the principles of the Charter of the United Nations or the Charter of the AU or the provisions of the present Charter.

5.6.2 Special Mechanisms Under African Commission on Human and Peoples Rights

The Commission has the power to create subsidiary mechanisms such as special rapporteurs, committees, and working groups. The Commissions determine the mandate and the terms of reference of this subsidiary mechanism who report on its work to the Commission at each ordinary session of the Commission. Several working groups and special rapporteurs were created one being the Special Rapporteur on Human Rights Defenders

5.6.3 Special Rapporteur on Human Rights Defenders

The African Commission on Human and Peoples' Rights established the Special Rapporteur on Human Rights Defenders with the mandate to:

- i. seek, receive, examine and act upon information on the situation of human rights defenders in Africa;
- ii. submit reports at every ordinary session of the African Commission;
- iii. cooperate and engage in dialogue with Member States, National Human Rights Institutions, relevant intergovernmental bodies, international and regional mechanisms of protection of human rights defenders and other stake holders;
- iv. develop and recommend effective strategies to better protect human rights defenders and follow up on his/her recommendations; and
- v. raise awareness and promote the implementation of the UN Declaration on Human Rights Defenders in Africa⁹.

The African commission provides activists, staff, partners and CSOs the opportunity for the protection of their rights and provide mechanisms that can use to seek redress for

⁹ <https://www.achpr.org/specialmechanisms/detail?id=4>

violations of the human rights protocols, though the procedure for accessing these mechanisms is somewhat onerous.

5.6.4 The African Court on Human and People's Rights

The African Court on Human and Peoples' Rights (the Court) is a continental court established under Article 1 of the Protocol to the African Charter on Human and Peoples' Rights by African countries to ensure protection of human and peoples' rights in Africa. It complements and reinforces the functions of the African Commission on Human and Peoples' Rights. The African Commission has an additional task of preparing cases for submission to the Court's jurisdiction.

The Court has jurisdiction to determine applications against state parties who have ratified the Protocol to the African Charter on Human and Peoples' Rights, of June 1998. 30 African states including Ghana have made a declaration giving an individuals or NGO observer status. The court is seated in Arusha Tanzania and its procedural requirement for the filling of applications follows the criteria for accepting complaints before the African Commission. The African Court of Justice and Human Rights affords another avenue for CSOs, Staff and partners for seeking redress for the violation of the human rights protection protocols set out in this document, against the government of Ghana.

5.7 Regional and Pan African Institutional Mechanisms

At the Regional level the sources of protection and recourse for the violation of protected human rights include the Economic Community of West African States (ECOWAS) Community Court of Justice, which citizens of member countries including staff of CSOs can access to seek justice and protection against violations.

5.7.1 ECOWAS Community Court of Justice

In West Africa, the citizens of ECOWAS member states can file complaints against human rights violations of state-actors in the ECOWAS Community Court of Justice provided under the Supplementary Protocol to the ECOWAS Community Court of Justice. The Court has competence to rule on human rights violations brought before it 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 ECOWAS court.

This court is in Abuja, Nigeria, though it occasionally moves to conduct sittings in member states. The ECOWAS court has the jurisdiction to enforce the provisions of the African Charter on Human and Peoples Rights (ACHPR) which guaranteed rights of peoples, from which some of the human rights protection protocols in this document are derived from. The decisions of the ECOWAS Court of Justice are legally binding to the ECOWAS member states. The court has made rulings on human rights issues and is a formidable regional institution for the protection of human rights protocols.

Staff, partners and human rights defenders whose human rights have been violated by state institutions and other non-state actors can bring complaints against Ghana before the ECOWAS Court for redress.

5.8. Conclusion and Key Highlights

This manual on human rights protection protocols for human rights defenders, CSOs involved in influencing and other human rights actors is first and foremost a framework that provides guides for all users. The Manual helps CSOs and human rights defenders to understand, identify and be able to assess risk situation, and appreciate appropriately responsive action. The manual allows for flexibility to adapt to changing situation, unanticipated risk or threats and general preparedness mechanisms and protocols to address any emerging threat or risk to CSO staff influencing change. This Manual is unique in highlighting in detail the key grievance mechanism and serves as useful resource for staff involved in human rights advocacy and influencing work.

KEY HIGHLIGHTS

1. Human Rights Defenders must themselves be conscious of their security in every endeavour. A defender at risk must care about security 24 hours a day, 7 days a week in all aspects of their lives, including during free time.
2. This manual provides practical guide on prevention and mitigation measures when faced with situation of risk. These include the legal and constitutional safeguards, provision of fallback mechanisms and relevant support systems to create an enabling environment to respect, protect and promote the rights of Human Rights Defenders and CSO advocates.
3. It is the responsibility of governments as the primary duty bearers to ensure protection of people and human rights defenders within their jurisdiction as enshrined in the United Nations Declaration on Human Rights Defenders¹⁰ (UNDHRD).
4. Equally, Employers and CSOs involved in advocacy also have key roles to play in this regard and must put in place measures to ensure that they are able to meet basic obligations to protect and save the lives of their staff, human rights defenders and activists. The underlying question is always: “is there a security risk attached to...” If the answer is “yes”, the issue needs to be explored and decisions taken about whether there are ways to fulfil a personal need within a protected environment or whether the need must be postponed until safer times or simply dropped as incompatible with the security needs of a human right defender¹¹.
5. Identify and assess actual and potential adverse impacts, risk and other associated threats that potent danger to their influencing work
6. Cease, track, monitor, prevent and or mitigate risk or threats adverse impacts.
7. Communicate and or escalate any threat with the CSOs community.
8. Provide for or cooperate with appropriate institutions in remediation where necessary.

¹⁰ Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Respect Universally Recognized Human Rights and Fundamental Freedoms.

¹¹ Protection International-Protection manual for Human Right Defenders, 2009

9. If possible, try and gather as much information about the aggressor(s). It might help there and then to concentrate on something and it will definitely help to file the legal case and reduce the probability of impunity.
10. There is the need for capacity building through continuous training of Human Rights Defenders and CSOS involved in influencing to improve their knowledge on human rights protection and safety in advocacy.
11. Donors and partners must prioritize providing funding to build systems that provides security and safety for human rights defenders and CSOs involved in influencing and advocacy.
12. CSOs and Partners require Risks/Security Management Policies as part of mandatory policies necessary for their existence and functionality. without which donor should not partner them or insists of its availability.
13. Always and consciously recognize the differential gender impact of the risks and threats on women and men and employ strategies that suit each situation. The analysis must also include impact on PWDs and other vulnerable groups. This may have implications for organizational budget to meet the needs of women human right defenders, PWDs and other vulnerable groups involved in Human Rights defence.



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¹ Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Respect Universally Recognized Human Rights and Fundamental Freedoms.

¹ Protection International-Protection manual for Human Right Defenders, 2009

¹ <https://www.achpr.org/specialmechanisms/detail?id=4>

¹ Article 56 of the African Charter on Human and People's Rights

¹ <https://www.ohchr.org/en/women>

¹ [https://www.europarl.europa.eu/RegData/etudes/briefing_note/join/2013/491487/EXPO-DROI_SP\(2013\)491487_EN.pdf](https://www.europarl.europa.eu/RegData/etudes/briefing_note/join/2013/491487/EXPO-DROI_SP(2013)491487_EN.pdf)

www.protectionline.org

¹ Report of the UN Special Rapporteur on the situation of human rights defenders, 23 July 2018

