

## Chapter 5: Catalogue of available protection measures and analysis

The programmes analysed in this book bring together, in greater or lesser detail, the different protection measures that are examined, but, first it is useful to make some general comments about them.

There are major budgetary differences between the programmes and while it is true that the Colombian programme is the most generously funded, the programme of the Ministry of the Interior and Justice also covers groups other than defenders, such as journalists, witnesses, demobilised guerrilla fighters, etc.). These budgetary differences mean that the programmes are able to offer different kinds of measures (transport costs, bullet proof vehicles, etc.). The catalogue of measures offered by the Colombian programme is more extensive than is contained in the Guatemalan and Brazilian proposals which, above all, offer police protection. Evidently, there is a theoretical advantage if a greater range of measures is available as they are more likely to meet a range of needs; but it should be borne in mind that, in practice, many of the measures are only offered on paper.<sup>1</sup>

 *Frequently, due to structural and budgetary limitations, more measures are listed than are actually available in practice. This is not good practice as it may provide an inflated image of the programme that is not reflected in reality.*

The programmes classify the measures they provide in different ways. Some refer to “preventive” and “protective” (or “protection”) measures. Others classify the measures offered as “soft” or “hard” (according to whether they use armed bodyguards or not). Some provide detailed descriptions of operational arrangements or protection “schemes”, while others open the door to less technical and more political approaches, such as Human Rights training for the security forces, etc. In order to be able to carry out a thorough analysis of the measures, they have been grouped according to a logic derived from risk assessment (see annexes): risk is proportional to the vulnerabilities of the defenders, and inversely proportional to their security capacities. It is therefore fundamentally important that measures should confront threats, reduce vulnerabilities and increase the capacities of defenders. First, it is important to understand that the vast majority of protection measures are intended to reduce vulnerability (means of communication, bullet proof vests, payment of transport costs to leave the zone of risk, etc.), and that practically the only measure intended to confront threats directly is the provision of armed bodyguards. Taken together these factors imply that the overall set of measures available does not deal with threat in a balanced way, but tends towards the technical and to approaches based on armed protection.

There have been cases where the funding for protection programmes has been diversified, with the result that defenders have been passed from one programme to another for a variety of reasons (for example, because they are internally displaced, or indigenous, or because of the kind of protection offered – for example if they have to leave their region or the country, etc.).

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<sup>1</sup> The UN Special Rapporteur on the situation of Human Rights Defenders, M. Sekaggya, has also expressed her concern at this:  
<http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=111&LangID=E>

👉 It is important to avoid the practice of “one defender for each funding source”, because it creates problems in coordination, delays in providing protection, and poor resource management.

📖 Although different funds exist for defenders, it is possible to integrate them effectively by adopting common criteria concerning admission to programmes and the implementation of protection measures

## 1. Measures to reduce vulnerability

### *Measures to reduce the exposure of defenders*

- **Evacuation**, removing a defender and their family from a zone. This usually involves (as an emergency measure, or with more planning) the payment of transport (terrestrial or air depending on the characteristics of the zone).
- **Temporary Relocation** in a different, risk free, zone (this may be outside the country, but is usually to another location within national territory).
  - Financial support (usually limited: for example the Colombian programme specifies that it will provide a “maximum of the equivalent of the minimum wage for three months, renewable”; the Brazilian programme stipulates that the support will be for a “fixed period”).
  - Financial support to help with moving costs.

A frequent problem has been the timely availability of funds to carry out an evacuation or a temporary relocation. In general it is necessary to increase the responsiveness of the programmes in these cases. More than once a non-governmental defenders’ programme or organisation has had to advance money and wait for it to be returned by the governmental programme.

- **Internships** (national or international): sometimes the relocation may involve an internship or a period of paid or unpaid collaboration with another Human Rights institution; these arrangements allow better use to be made of the period of relocation, reduce psycho-social effects and facilitate the exchange of experiences.
- Protection of **daily movements**:
  - Provision of a vehicle to facilitate mobility (with or without a driver or bodyguard according to the level of risk; risk is also taken into account when determining whether the vehicle should be bullet proof or not).
  - The use of secure transport means (private cars, or payment for taxis in order to avoid the use of public transport which might increase levels of vulnerability if the defender is obliged to wait at bus stops, use pre-established routes or walk to between bus stops and their place of residence or work, etc.).

### *Measures to improve communications capacity*

Communications equipment for use in emergencies:

- Cellular telephones (or payment of pre-paid services for use in emergencies)

- Radios or radio telephones
- Satellite phones

### *Measures to protect defenders' offices, headquarters and homes*

- Security doors and windows
- Video entry phones, closed circuit television
- Metal detectors
- Bullet proof vests

### *Measures to increase the capacity of defenders to protect themselves*

The governmental programmes all mention a measure known as “Training in protection and self-protection”, although training processes are most frequently organised by non-governmental organisations.<sup>2</sup>

## **2. Measures to confront direct threats**

These measures are designed to deal with direct threats; that is, to reduce the possibility that a potential perpetrator will attack a defender directly. Most of these measures are based on the continuous or periodic presence of armed personnel, though the unarmed international accompaniment provided by NGOs such as Peace Brigades International should also be mentioned.<sup>3</sup> A protective presence may also be offered by national NGOs, United Nations staff, the International Committee of the Red Cross and other bodies including some state institutions such as Human Rights Ombudsman's offices.

### *Bodyguards or armed protection*

Bodyguards or armed protection details who provide a continuous or periodic presence of armed personnel; they may be offered to an organisation (for example to protect a place of work) or to threatened defenders (individual bodyguards). For defenders, armed protection is important in a number of ways, analysed below.

#### **Who provides the service?**

There are different ways in which Bodyguards may operate:

- Bodyguards provided by members of one of the security forces such as the police.

This is the most frequent mechanism because it has a broad reach (in theory it can be provided anywhere in the country). It has advantages but also disadvantages which have caused a great deal of concern among defenders (see the table below). As is detailed in the next point, several proposals have been put forward, as a result of these concerns, to create a specialised security body specialising in armed protection for defenders. In any case, as minimum defenders insist that mechanisms should be created to ensure that the bodyguards or drivers have “clean records”, with no connections with armed

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2 Among the few organisations that specialise in this field are Protection International and the Protection Desks that it has created in conjunction with national defenders' organisations in several countries around the world. For more information see [www.protectioninternational.org](http://www.protectioninternational.org)

3 For more information see [www.peacebrigades.org](http://www.peacebrigades.org), or “Unarmed bodyguards: International Accompaniment for the Protection of Human Rights”, by Liam Mahony and Luis Enrique Eguren, Kumarian Press, West Hartford, Connecticut, 2007.

groups or other security bodies that have participated in repressive actions. Defenders insist, too, that bodyguards should have received training in, and be sensitive to, Human Rights, and have finished their training recently. These demands are all made to avoid cases where bodyguards form a part of criminal networks that oppose the work carried out by defenders or where they might be co-opted and used to attack or gather information on those they are supposed to protect.

- Bodyguards provided by specialised bodies.

The Guatemalan proposal includes a suggestion for the creation of an Elite Security and Protection Corps – CESP (for its Spanish initials), within a state security body, but specialised in the protection of persons. The Colombian defenders' organisations have made similar proposals, specifically for the creation of a special unit to coordinate existing security schemes, whose design "should be agreed with the beneficiaries". There have been similar discussions in Brazil. These proposals are not only based on the hope that the bodyguards will be adequately trained to perform their role, but that the members of the units will also receive special recognition, developing an esprit de corps, and reducing the risk they will "sell their services".

- Bodyguards provided by "trusted" personnel.

That is, individuals in whom the defender has confidence, trained in weapons use (in Colombia and Guatemala these people are frequently demobilised guerrilla fighters). At times these bodyguards work on private contracts and frequently (for the purposes solely of providing this specific service) join some state security body; in Colombia for example several joined the state security agency, or DAS, after receiving additional training as bodyguards. This model is provided for in the Guatemalan proposal in cases in which "the beneficiaries [decide] for valid reasons not to accept protection from [official bodyguards]": the state would, in these cases, contract and train the bodyguard and provide their weaponry; they might be placed under the authority of the official body in charge of protection or, if contracted privately, under the CESP;<sup>4</sup> in this latter case they would, in the words of the proposal, "respond to the beneficiaries".

- Bodyguards provided by private security companies.

Currently, the Colombian programme offers bodyguards and armed protection contracted from a private security company. This has been widely criticised by defenders' organisations and by the UN Special Rapporteur on the situation of Human Rights Defenders, Margaret Sekaggya<sup>51</sup> (see following table), who propose that the model should be abolished.

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<sup>4</sup> Elite Prevention and Protection Unit (a police body to be created to provide protection), see the proposed Guatemalan programme, Section 3.4.

<sup>51</sup> <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=111&LangID=E>

<p align="center"><b>Comparative table of the different models of armed protection</b></p>		
	<p><b>Potential advantages</b></p>	<p><b>Objections</b></p>
<p><b>Bodyguards provided by permanent members of a security body</b></p>	<p>Present everywhere in the country.</p> <p>Probably cheaper.</p> <p>Possible access to police intelligence information on possible aggressions against defenders (if such information exists and is transmitted to the protection programme).</p> <p>There might be more people available in a given operation and greater fire power (weapony).</p>	<p>Lack of experience and commitment (availability depends on other police priorities) or resources (at times the defender is obliged to pay for the bodyguard's food).</p> <p>Lack of awareness: it is common for the bodyguards to be prejudiced against human rights defenders (who are viewed as "Defenders of Guerrillas" or of "Criminals", or as people who present obstacles to the work of the security forces).</p> <p>Possible direct or indirect links repressive structures within the security forces.</p> <p>Risk that they will carry out surveillance or leak information on or against the defenders or their contacts and their work (cases have been documented).</p> <p>Need to coordinate with the protection programme (they are separate institutions).</p>
<p><b>Bodyguards provided by a specialised bodies</b></p>	<p>Better training and more dedicated.</p> <p>Less risk of structural relationships with repressive sectors, less risk of surveillance or leaking of information.</p> <p>Potentially, improved coordination with the protection programme.</p> <p>Possible access to police intelligence information concerning possible aggressions against defenders (if such information exists and is transmitted to the protection programme).</p> <p>There might be more people available in a given operation and greater fire power.</p>	<p>Probably more costly to create.</p> <p>Bureaucratic delays might create delays in its establishment.</p>

<p><b>Bodyguards provided by “trusted” personnel</b></p>	<p>Greater social and political commitment with the work of defenders.</p> <p>Absence of the risk of structural connections with repressive sectors, of surveillance or of leaking information.</p>	<p>Less access to police intelligence information on possible aggressions against defenders (if such information exists).</p> <p>Might lead to conflicts with the security forces (if these are hostile to defenders), such as arrests if they act in confused circumstances, etc.</p> <p>Generally limited firepower (because of the number of bodyguards and weapons).</p> <p>The relationship of confidence between the bodyguards and the defenders may create conflicts of interest or the bodyguard may not act with due professionalism.</p> <p>Dilution of state responsibility.</p>
<p><b>Bodyguards provided by private security companies</b></p>		<p>The state is responsible for providing protection, and a private company is not a state body; it is therefore very difficult for the state to delegate its authority and responsibility (given that state agents owe high degrees of accountability, whereas this is much more diffuse for a private bodyguard).</p> <p>Companies tend to be created by former members of security bodies and may be infiltrated by sectors that repress defenders (cases have been documented in Colombia).</p> <p>In contrast to the situation with state officials there is no due control of the employees of private companies.</p> <p>The bodyguards do not have the basic training provided to state agents and many fewer have received Human Rights training.</p>

This table setting out potential advantages and objections should be read bearing in mind risk and the needs of defenders. For example, if there is a high risk of surveillance and espionage being carried out against a defender’s contacts, armed police bodyguards may not be a viable option for the defender. But sometimes it is not possible to choose, and the defender is left feeling that they have to decide between a bodyguard and nothing. At other times defenders might opt for a form of protection other than a Bodyguard, such as international accompaniment (see the comments on this in chapter 1), or – in situations of risk – accompaniment by a member of the defenders’ or another organisation.

In this connection the proposed programme in Guatemala envisions support in developing “accompaniment by national and international organisations (...) to respond to situations of imminent risk” (including, for example, by facilitating visas for international companions).<sup>5</sup>

A possible alternative is to use unarmed guards, a mechanism which is frequently used, for example, to guard business premises. Sight should not be lost of the fact that these different models of accompaniment and the employment of bodyguards should always be analysed in the light of existing risks, because frequently, in particular circumstances, one or other alternative may not provide viable protection.

### **How are bodyguards deployed?**

Bodyguards or armed protection details are usually provided on a continuing basis or for long periods of time, day and/or night. They consist of an operation (or “scheme”) employing one or more bodyguards, with or without a vehicle, who accompany a protected person according to set security protocols. On leaving a building they exit before the protected individual, check out the enclosed or semi-enclosed places the protected person will enter, plan transport routes and in general apply technical criteria that have been designed taking into account the daily routines of the person they are protecting. These actions are necessary because the bodyguards cannot be “in two places at one time”. The effectiveness of bodyguards is based on their ability to dissuade potential aggressors from attacking (they share this with national and international companions), if an attack is planned, they should detect or, if eventually necessary, repel it without injury to the protected person or to themselves.

 *A bodyguard who is not committed, or is passive, will not be able to repel an attack, nor react appropriately if it occurs.*

### **Discontinuous armed presence**

This mechanism involves organising patrols around an office or place of residence. Its principal objective is not usually to act in response to aggressions at the moment they occur but to prevent them happening in the first place. If patrols are to be effective they should be irregular but sufficiently frequent that a potential aggressor cannot predict when the next one will be. They should be carried out several times a day especially at moments of high risk (such as when a defender enters or leaves the office, at dusk, etc.; frequency can also vary according to changes in the overall level of risk). Patrols should consist of more than “just passing by” requiring an active attitude including counter surveillance activities (to detect if others have the premises being protected under surveillance) and when possible carrying out enquiries locally (that is, to carry out intelligence on the protected area), in order to be able take note of danger signals and to act on them. It is also important, as the Guatemalan proposal notes, to take into account levels of illumination in the zone, parking areas, traffic flow and the layout of entrances, stairways, doors, lifts and the like.

 *Bad practices that have been detected in police patrols include the low frequency with which they are carried out, and their routine nature (the car “just drives by” and “always at the same time”).*

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<sup>5</sup> See Guatemalan proposal, Section 4.

📖 In order to ensure that visits are carried out at greater frequency, or at least gather evidence of which agents are not fulfilling their duties, some organisations who have counted with these measures have agreed with the police that they would maintain a register of the dates and times of visits made to their offices along with the badge numbers, names and signatures of the officers involved

The practice of discontinuous armed presence can also include provision of direct telephone lines to guarantee a rapid police response if a security incident occurs. For a period in Colombia a networked communications system was established, using radio telephones to link defenders and a specially assigned unit in the National Police, which defenders could use to communicate immediately with the police and arrange for a patrol to be sent to the scene of events. In Guatemala there was a similar experience using the standard emergency telephone number (110) available to the whole population but which was adapted to include a special service for defenders. It is not entirely clear, on balance, how effective these measures were since positive reports on their functioning were matched by negative ones.

### **The process of assigning bodyguards**

First, the protection programme and the defenders themselves (both organisations that support the programmes and beneficiary organisations and individuals) should monitor accurately the ways in which the measures work. The following section highlights some of the most frequent problems encountered and suggests ways of overcoming them.

- Substantial or formal disagreement concerning the level of risk faced by the defender or of the kind of security detail they should be offered.

If the body carrying out the risk assessment is not the same as the one providing the armed protection there might be disagreements about the level of protection required by the defender. In a similar vein, the limited resources available to pay for bodyguards and the even lower social status of defenders mean that the police are likely to see defenders as a low priority for protection.

On other occasions the disagreements may have political or ideological roots as occurs for example when high ranking police officers oppose Human Rights activities, when the attacks on defenders come from the security forces themselves or when a police chief identifies with a local government that does not share the government line and is prepared to act against it.

There are several ways to deal with these situations. At the technical level it can be useful for the entity that provides the bodyguards to participate in some way in the risk assessment, so that they can contribute their perspectives and it may be possible to win their commitment. Similarly, it may be useful if the personnel who work as bodyguards are not linked operationally to the core bodies of the police. But if the underlying problem is a lack of political will, the solution has to be to create that will: to increase perceptions of the social significance and value of defenders, and to ensure that orders handed down from above are respected. During the research we have learnt of a range of responses to these difficulties and there are no clear conclusions as to which is most effective, because each depends on the particular context. But the general conclusion is that it has not proved possible to generate the political will needed to overcome the

obstacles to implementing protection measures (let alone the broader measures that are discussed in the next chapter).

- Coordination between the Programme and the Body that Provides the Bodyguards.

A recurrent problem is the lack of coordination between programmes and the armed body that provides the bodyguards, whether initially or during deployment. This obstacle also occurs when different security bodies are involved. The lack of coordination has budgetary implications too, a question that at first appears minor but that is in fact sensitive: who pays the costs of the bodyguards (food, petrol, journeys outside the city, etc.)? It is all too frequent that the defender ends up paying for food and other related costs.

The programmes propose different ways of dealing with these coordination difficulties. The Colombian programme defines a “protection route”, a strategy intended to articulate and coordinate the actions of authorities at national, departmental and municipal level. This “route” defines the responsibilities of each level in some detail.<sup>6</sup> The programme also establishes a unique data base to record the details of beneficiaries. Guatemala saw the creation of the Human Rights Unit of the Criminal Investigation Division of the National Civilian Police (subsequently renamed the Special Criminal Investigations Division, or DIEC for its Spanish initials), whose function is to respond to crimes committed against defenders and contribute to their investigation in coordination with the prosecutors who are responsible for them. For a period, despite having only a small team that required help with training and resource problems, this Unit demonstrated considerable capacity to operate and to attend cases throughout the country to the extent that initial results promised that it might be possible to end impunity. Regrettably poor coordination with the prosecuting authorities and obstructive attitudes meant that many of these cases were never brought to a final conclusion.

In relation to bodyguards’ expenses, the Colombian programme stipulates only that a circular will be sent the regional and local authorities requesting them to include the costs associated with the protection programmes in their budgets. The Brazilian programme establishes that “the necessary collaboration and support”, including economic assistance, will be offered to police forces.<sup>7</sup>

 The supervision of bodyguards should not be the sole responsibility of the programmes, but should also involve defenders’ organisations. To enable this, organisations themselves need to develop their own policies covering their interactions with armed protection; they should do this in cooperation with other organisations and without obliging individual defenders to manage the difficulties associated with accepting protection from bodyguards

- Distrust for the police felt by defenders or the populations they work with.

In the three programmes analysed, defenders maintain high levels of distrust towards the police forces that provide their bodyguards. There have been numerous cases of espionage carried out against defenders, as well as direct actions against them

<sup>6</sup> Decree 1740 of 2010, Section IV.

<sup>7</sup> Procedural Manual, p.31.

committed by the security forces. Among the most resonant of these cases has been that of the illegal interceptions of communications involving defenders and other social and political groups in Colombia by the army and the state intelligence agency, the DAS.<sup>8</sup> Bodyguards are also able to facilitate the processes that criminalise defenders: cases are on record where they have provided evidence against them. The same risk exists with the officials who undertake risk assessments, as these agents are able to obtain abundant information on defenders and their work.

Some of the ways in which attempts have been made to address these activities include – in addition to the necessary investigations and legal proceedings – the proposals that have already been discussed to create special independent police units, and the importance of establishing an accessible contact point within the police with whom it is possible to develop a relationship of trust and who can take measures and even carry out internal investigations when the circumstances so dictate.

It is common for the population groups with which defenders work to resist collaboration with a person who has armed accompaniment, whether these are members of the state security forces or not. In these cases there is usually an understanding of the risk involved, a factor that explains why defenders tend to describe openly the risks they face. It is common practice, too, for the bodyguard to be a person who does not have contact with the local population or know the localities where they live (for example in cases where witnesses or the leaders of movements have chosen to operate with a low public profile). This also generates multiple conflicts in the programmes because at times defenders may go to a place without informing their bodyguards, ask them to remain at a distance while they carry out their work, or “dismiss” them at a certain time and then carry on with their activities. However, this latter alternative is not always possible because such cases have been defined by the Colombian programme as “improper use” of the protection measures and may lead to their suspension.

 If the levels of risk allow it, protection measures should be compatible with the work carried out by defenders. Both the Colombian Constitutional Court and the Inter American Court of Human Rights have stipulated that protection measures should be appropriate to the needs of defenders and consulted with them. The Brazilian draft law for the protection of defenders puts it in the following way: “Measures that lead to the interruption of the human rights defender’s work in his/her area of activity will only be implemented if strictly necessary for his/her security or that of his/her collaborators”<sup>9</sup>

- Bodyguards who generate risks

In certain circumstances police bodyguards may generate risks for defenders. For example, defenders who work in the Brazilian favelas state that their levels of risk increases when they enter localities accompanied by uniformed police (and the police say the same). We are not aware of simple solutions to cases such as these in which

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<sup>8</sup> Protests at these acts of espionage and other actions against defenders have been widely expressed, including by the UN Special Rapporteur on the situation of Human Rights Defenders, M. Sekaggya: <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=111&LangID=E>

<sup>9</sup> Article 10 (see annexes).

different kinds of risk are combined, namely those that defenders face and those faced by their bodyguards. On many occasions this situation has led to interruptions in the provision of armed protection in zones of risk, a factor which seriously limits their capacity to protect.

### **3. Other protection measures**

It is clear that the majority of the measures proposed by the programmes are reduced to the physical protection of threatened defenders. However, all defenders agree that the best form of protection would be to end impunity: if cases are investigated, if perpetrators are arrested and then tried and sentenced the result would be a major advance in protection. Another significant advance would be the creation of a social environment in which the work of defenders is positively valued. In this, as so often, defenders' organisations themselves have been pioneers developing wide-ranging, prolonged, campaigns. For its part, the proposed Guatemalan programme includes a series of measures that go beyond physical protection and, similarly, the Colombian programme has also included certain – though much more limited – aspects of this kind. The next chapter focuses on other protection measures, of broader scope, that go beyond the physical measures analysed here.