

Defending Human Rights

A Resource Book for
Human Rights Defenders



Protecting
Human Rights Defenders
in the East and Horn of Africa

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Editing team:

Hassan Shire Sheikh

Nora Rehmer

Tumusiime Kabwende Deo

Caroline Magambo

Layout and Design:

Nora Rehmer

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Foreword

Hassan Shire Sheikh

Dear Readers,

Human rights defenders in the East and Horn of Africa face many challenges in defending the rights of others, often putting their own life at risk in the attempt to achieve justice for those who cannot speak out for themselves. The abuses they face at the hands of their home Governments or Government agents and non-state actors, are as innumerable as they are cruel, and often target to hurt the defenders in a lasting, irreversible manner.

It is this kind of situation that called for the formation of a network of human rights defenders in the sub-region that joins their voices in advocating for their rights as stipulated in national, regional and international human rights documents. These entail the right to defend the rights of others unobstructed, and with full respect of their rights as individuals and citizens of their given countries. To this end, the East and Horn of Africa Human Rights Defenders Network (EHAHRD-Net) was formed in November 2005 by more than 40 individuals and organisations working in the countries of the sub-region, i.e. Djibouti, Eritrea, Ethiopia, Kenya, Somalia and Somaliland, Sudan including South Sudan, Tanzania and Uganda. Together they seek to ensure maximum protection for human rights defenders by (1) protecting and defending them, (2) building their capacity and (3) advocating for more awareness and respect of their rights. Achieving this, will bring defenders and the people they dedicate their work to, closer to what still remains a distant vision: a region in which the human rights of every citizen as stipulated in the Universal Declaration of Human Rights (UDHR) are respected and upheld.

The East and Horn of Africa Human Rights Defenders Project based in Kampala, Uganda is the executing arm of the Network, coordinating its day to day activities and

implementing its strategic vision in the areas of protection, capacity building and advocacy.

This Resource Book is one effort along the Network's objectives, seeking to equip defenders in the region with knowledge for better self-protection and enhanced efficiency in their human rights work. Aware of the vast differences that exist in the circumstances defenders are working and the issues they are trying to address, this book endeavours to provide relevant and practical information for defenders in their daily struggle.

It is with great appreciation that we acknowledge the contribution of the authors to this resource book for their willingness to contribute to the underlying idea. Similar gratitude goes out to all those who provided expertise and comments to the improvement of this publication making it as beneficial as possible to its readers.

All this however, would not have been possible without the support of the International Development Research Centre (IDRC), Canada that generously supported the publication of this book. Their assistance is greatly valued.

Special thanks also goes to our long standing partners the National Endowment for Democracy, the Centre for Refugee Studies at York University and Amnesty International-Canada for their support in putting EHAHRDP on the ground.

We would like to dedicate this book to all those who have lost their lives in the struggle for human rights. Let us be united in making a better future,



Hassan Shire Sheikh
Chairperson
East and Horn of Africa Human Rights
Defenders Project/Network (EHAHRDP/Net)

Introduction

Country Profiles on the Situation of Human Rights in the East and Horn of Africa

Countries in the sub-region of the East and Horn of Africa continue to have a record of human rights violations and infringements on fundamental freedoms of their citizens, despite the fact that these States are signatory to relevant regional and international human rights instruments seeking to guarantee the respect of human rights and fundamental freedoms. Ironically, it is the States themselves that are perpetrators of these violations, despite their commitment to protect and defend the rights of their citizens. The following section seeks to provide a brief overview¹ on the situation of human rights and those defending the rights of others in the member countries covered by the East and Horn of Africa Human Rights Defenders Network.

Djibouti

The Republic of Djibouti became independent from France on 27 June 1977. Djibouti is run under a multiparty Constitution that was approved by referendum on 4 September 1992, with the President being elected by popular vote for a six-year term. The current system is often described as a strong Presidency with a weak legislature. The legal system of the country is based on legislation and executive decrees, the French civil law system, traditional practices and Islamic law (Shari'a).

The country's human rights record is marked by an infringement on basic freedoms and frequent violations of internationally recognized human rights. Among those is the abuse of official power apparent in the treatment of prisoners and

detainees, official impunity, arbitrary arrests and prolonged pre-trial detention. Discrimination on basis of sex, ethnicity, nationality and clan background exist, violating the provisions of equality and right to non-discrimination in national and international law. Despite the recognition of freedom of assembly and association in the Constitution, the Government of Djibouti actively restricts these freedoms by dispersing demonstrations forcefully and the harassing and intimidating opposition groups.² The same holds true for freedom of speech and the press despite provisions in national law stipulating the right to free speech and dissemination of information. To date, there are no private broadcasters in Djibouti. Government owns the principal newspaper *La Nation* as well as Radio diffusion-Television de Djibouti (RTD), which operates the national radio and TV. Practice of self-censorship among journalists is caused by repeated intimidation, such as surveillance or the removal of journalists from the newsstand. The government also closely controls all electronic media.

Few human rights organizations exist in Djibouti and the infringement upon the freedom of expression affects their ability to carry out their work effectively. The Ligue Djiboutienne des Droits Humains (LDDH), member of the EHAHRD-Net has repeatedly faced harassment by authorities. In March 2007, its Chairperson Mr. Jean-Paul Noel Abdi was sentenced to six months in prison over a report of a mass grave of civilians killed by Government forces. In October 2006 his travel to attend a sub-

¹ This section does not claim to be complete in its assessment of the human rights situation in the member countries of the Network.

² US Department of State (2007) Djibouti. Country Reports on Human Rights Practices 2006. Bureau of Democracy, Human Rights, and Labor. <http://www.state.gov/g/drl/rls/hrrpt/2006/78731.htm>.

regional conference in Uganda was blocked by the authorities.

Eritrea

The State of Eritrea is Africa's newest independent republic, having gained its independence from Ethiopia on 24 May 1993 after a 30-year-long armed struggle. Independence was formalized with international recognition following a UN-supervised referendum. It was supported by the equally new Ethiopian Government headed by Prime Minister Meles Zenawi, a former ally of the Eritrean Patriotic Liberation Front (EPLF) leader and new Eritrean President, Issayas Afewerki. Relations between the two countries gradually deteriorated and a bitter two-year border war was fought from 1998 to 2000.

After the war, the Eritrean President and one-party supporters discouraged and eventually stopped engagement with peaceful local criticism and suppressed democratisation demands from within and outside Eritrea. Former Government ministers and former EPLF central committee leaders who were at the forefront of a new movement, were accused of links with Ethiopia. The chief critics of the President (former comrades, founders and leaders of the EPLF) and many of the prisoners of conscience were humiliated by being called traitors, mercenaries and spies. On 18th September, 2001, eleven former leaders of the Government were arrested and all private press banned, while the attention of the international community was switched to the events of September 11 in the USA. This was immediately followed by the second wave of group arrests of independent journalists. Fourteen journalists from the private and State media were arrested and held incommunicado. To date, they have not been charged but continue to be held in unknown detention centres. No verified information is available on their condition. In November 2006, nine

journalists from the State media³ were arrested following defections by a number of their colleagues. The arrested were thought to maintain contact with the defectors. Eight of them had been released by the end of February 2007, however their movements are being monitored and restricted. The Eritrean people have for long been denied their fundamental rights by their own Government. The Government has arrested hundreds of citizens for expressing dissenting views, practicing an “unregistered” religion, avoiding the endless military conscription, attempting to flee the country or on suspicion of not fully supporting Government policies. Mass arrests began in September 2001. According to a Human Rights Watch report, the Constitution approved by referendum in 1997 has never been implemented, no national elections have been held since independence in 1993, no opposition political party is allowed to exist, no independent labour organizations are permitted, non-governmental organizations have been systematically dismantled and their assets confiscated.

The Government of Eritrea does not recognize the legitimate role of human rights defenders (HRDs) as set out in the UN Declaration on Human Rights Defenders and considers any human rights activism to be subversive or treasonable. In addition, international human rights NGOs are barred from the country and so there is no monitoring or reporting on human rights conditions in the country. Official associations of students, youth, women and workers do not promote or defend human rights. There is no Bar Association and the very few lawyers in private practice are unable to assert the right to provide legal defence counsel for detainees. To date, Eritrean human-rights groups can only operate from outside the country.

³ Independent media no longer exist in Eritrea.

Ethiopia

Unique among African countries, Ethiopia with a population of about 71 Million people maintained its freedom from colonial rule, with the only exception of Italian occupation from 1936 to 1941. In 1974 a military junta, the Dergue, deposed Emperor Haile Selassie who had ruled since 1930, and established a socialist State. Torn by bloody coups, uprisings, wide-scale drought, and massive refugee problems, the regime was finally toppled by a coalition of rebel forces, the Ethiopian People's Revolutionary Democratic Front (EPRDF), in 1991. Later on in 1994, a Constitution was adopted paving the way for Ethiopia's first multiparty elections in 1995.

However, with the deterioration of relations between Ethiopia and Eritrea, a bitter two-year border war was fought from 1998 to 2000 only put to bay by a peace treaty signed on 12 December, 2000. The final demarcation of the boundary, which was on hold, is currently under revival as Ethiopia "principally" withdrew its objections to an international commission's finding requiring it to surrender sensitive territory to Eritrea in November 2004.

The state of human rights in Ethiopia has been continuously deteriorating in the past years peaking in November 2005, when demonstrations organized by the opposition in response to the results of the General Elections held in May of the same year were followed by a major clampdown on independent press, NGOs and other civil society organization. The elections saw the ruling party, the Ethiopian People's Revolutionary Democratic Front (EPRDF) confirmed in power with Meles Zenawi retaining the post of Prime Minister (327 seats in Parliament). The main opposition party, Coalition of Unity and Democracy (CUD), officially gathered 109 seats, however alleged significant fraud and malpractice rejecting the outcome of the elections. Beforehand, criticism had been voiced about an unlevelled playing field.

Street demonstrations by opposition supporters led to violence and were dispersed with excessive use of force by security officials, leaving demonstrators dead and injured and thousands being arrested. Later inquiries confirmed the number of casualties at 187 demonstrators dead, and 765 others wounded. Investigations into the violence by local civil society were hindered and human rights defenders harassed for reporting on the incidents.

However, since then the political and social space has been reduced continuously, thereby infringing on basic rights of Ethiopians to freedom of expression, information and assembly among others. With most of the opposition leaders either imprisoned or in exile, pluralism and democracy has certainly declined.

Independent press has been severely affected by the arrest of leading journalists and the exile of outspoken media advocates like Kifle Mulat, President of the Ethiopia Free Press Journalists Association (EFJA). Self-censorship seems to be widespread with many newspapers turning to "light" news in fear of reprisals. Many publications have gone out of print since November 2005 with the editors imprisoned or forced into exile.⁴ It is furthermore reported that Government blocked the access to several independent websites to deny Ethiopians an independent view on issues. The introduction of a draft press law containing serious loopholes has been severely criticised for further limiting the freedom of expression. ARTICLE 19, an organization that promotes global freedom of expression, has criticized the law on a number of fronts, ranging from the imposition of criminal sentences to excessively broad definitions of prohibited behaviour.

⁴ Ethiopian Human Rights Council (2006) Statement on the occasion of the World Press Freedom Day, 3 May 2006. Find a list of newspapers that are out of circulation, the names of jailed editors and publishers and other information.

Leaders and members of the largest teachers' union criticising the Government were arrested and the whereabouts of some of them has been kept secret from their families.

Government's attempt to appear transparent by setting up an Inquiry Commission into the violence following the elections in May 2005 was jeopardized when the verdict of the Commission was forcibly reversed from declaring that the Government had actually used excessive force during the demonstrations following the elections. The top two judges of the Commission fled Ethiopia after refusing to change the verdict.

On April 9th, 2007 the High Court of Ethiopia acquitted eight journalists and publishers of Amharic-language newspapers who had been jailed since the massive Government crackdown in November 2005 and charged with "treason", "outrage against the Constitution and Constitutional order", "impairment of the defensive power of the State" and "attempted genocide", all of which carried death penalties. Among those acquitted was Kifle Mulat, exiled President of the banned Ethiopian Free Press Journalists Association (EFJA) who had been charged with "outrage to the constitution and the constitutional order" over EFJA's criticism on Government's use of violence against demonstrators, opposition leaders and human rights defenders. However, six other journalists remain in detention facing the sole charge of "outrage against the Constitution".

The situation above shows the increased challenges faced by human rights defenders in Ethiopia. Since the 2005 elections, the room for civil society has severely reduced. Main human rights organisations like the Ethiopian Human Rights Council (EHRCO) are hampered in conducting their work as their staff members have repeatedly been harassed with some of them ending up in exile. Some prominent human rights defenders remain in detention while on trial, among them Prof. Mesfin Woldemariam, 76, Founder and Chair until 2005 of the

Ethiopian Human Rights Council; and Daniel Bekele a human rights lawyer and Policy, Research and Advocacy Manager of the Ethiopian office of ActionAid, an international development agency, who was engaged in the Global Call for Action against Poverty (GCAP).

Kenya

Kenya is the strongest economy in the East and Horn of Africa and has faced, unlike many of its neighbours, no armed struggle or coup d'état since its independence in 1963. However, its political history is marked by division and abuse of power.

The victory of the National Rainbow Coalition (NARC), an alliance of more than ten opposition parties in the 2001 elections promised an end to the widespread mismanagement, corruption and limitation of basic freedoms that had marked the 23 years of KANU rule under the Presidency of Daniel arap Moi.

However, many voters and civil society members are disappointed over the slow pace of reform in terms of civil liberties and respect for human rights that is accredited to the perpetuation of the repressive State apparatus established under Moi's regime. Many observers criticize NARC's reluctance towards institutional change that hampers an opening of society and maintains extensive powers in the hands of the Presidency and executive.

Corruption is one of the major issues affecting good governance and the delivery of services to the population. The creation of an independent commission to curb corruption in 2003 was seen as a good sign; however, its inability to see to the prosecution of the cases questions its efficiency. Several corruption scandals have involved top government officials with little legal action taken against them. This questions the Government's commitment to uphold the rule of law. The resignation of John Githongo, formerly head of

Transparency International, as Minister of Governance and Ethics over these, is one case in point of the Government's inability to effect change.

The upcoming elections scheduled for December 2007 have seen a deepening of the ethnic divide within the NARC Government, a problem that has marked Kenya's political history since independence. Ethnic affiliations and strategic alliances are used to gather political support and redistribute the dividends of power in return. Neo-patrimonial tendencies are deep-rooted in accessing and maintaining power.

NARC's consultative process for drafting a new Constitution saw the involvement of a wide range of civil society forces recommending the creation of a Senate and the position of an Executive Prime Minister elected by the National Assembly. This would have reduced the extensive powers in the hand of the President. However, with Government's support, the NARC majority in the Assembly voted for a revised version reducing the power of the Prime Minister, omitting the creation of a Senate, and increasing the President's power. However, when put to referendum in November 2005, the Kenyan electorate rejected the draft. This can be interpreted as an important assertion by the Kenyan population of their rights. Civil society and media are considered to have played a vital part in informing and organising the public.

Kenya's court system has come under scrutiny by the international community. Several independent assessments reached the conclusion of an inefficient and incompetent system with judges being prone to political repression. The appointment of new judges by President Mwai Kibaki in 2003 stirred criticism due to the in-transparency of the selection criteria.

The drafting of anti-terrorism legislation witnessed wide-spread criticism from civil society and international human rights organisations due to vague formulations

used and extensive powers granted to security organs in cases of suspicion related to terrorist activities. Investigations and arrests made in this regard often did not adhere to international standards of human rights and were characterised by torture, physical abuse and detention without access to lawyers and in undisclosed locations.

The situation in prisons is marked by high congestion and violence against prisoners. Security forces still use force to extract information and withhold the right to legal representation. In 2005, Amnesty International reported violations, including police torture, use of violence against public demonstrations, and harsh prison conditions resulting in as many as 45 prisoner deaths under suspicious conditions at a prison in Meru (eastern Kenya) in 2004.⁵

The media is considered vibrant, critical and outspoken. The media landscape is diverse with a good number of independent newspapers, radio stations and TV channels. It plays a vital role in unearthing malpractice and reporting on human rights issues. Government does not limit access to information and allows for full access to the internet. However, several journalists have faced harassment. This falls in line with Amnesty International's judgment of increased harassment and intimidation of the media and journalists by authorities. Outstanding was the raid of *The Standard* newspaper offices in February 2006 allegedly in connection with a story relating the first family to drug trafficking and corruption which saw three journalists arrested and questioned. Another journalist had to leave Kenya for a period of several months after repeated threats to his personal security. The involvement of security officials suggests a connection of Government authorities in his harassment.

NGOs can generally operate freely in Kenya. However, in several instances human rights defenders have been subjected

⁵ Freedom House: Country profile Kenya. <http://www.freedomhouse.org>

to ill-treatment, such as the dispersal of peaceful protesters demanding for a referendum on the draft Constitution with teargas and water canons in March 2005. In August of the same year, 22 demonstrators against the allocation of public land to private investors in Kitale town were detained. Upon visiting the detainees, a prominent human rights defender, Father Gabriel Dolan, was arrested and charged with “incitement of violence” as well as other charges.

In general, Kenya is seen as having made progress in the observance of human rights in recent years. However, recent developments connected to the approaching elections and resulting assertions of powers suggest a potential of increased compromise of human rights standards seen in the latest tactics against media freedom and independent work of human rights bodies. Kenya’s greatest challenge remains a reform of its institutional framework and introduction of a new constitution reflecting the views of the Kenyan people as expressed in the consultation process.

Somalia

Somalia’s 10 Million Cushitic community makes up one of the most culturally, linguistically and religiously homogeneous people in the world. The community is however divided along clan lines. The four principal clans are the Dir, Darod, Hawiye and Rahanweyn (also known as Digil and Mirifle). Beyond these clans, there are Somali minorities, which include Banadiri, Bantus and other caste groups throughout Somalia.

The former Somali Republic came into existence on 1 July 1960 following the unification of the newly independent British and Italian Protectorates. The Universal Declaration of Human Rights was incorporated into Somalia’s Constitution at independence in 1960 when Somalia joined the United Nations. During the period of parliamentary democracy from 1960 to

1969, the country’s human rights record was generally good, even though the political system became increasingly corrupt and autocratic.

In October 1969, a military junta under Siad Barre took power and suspended the Constitution, banned all political parties and independent civic organizations, stifled the free press and detained without trial all members of the overthrown civilian Government. In January 1991, the United Somali Congress (USC) forces in Mogadishu and the Somali National Movement (SNM) in the northwest overthrew the Siad Barre military regime. With the military regime ousted, the repressive structures of government and the military were dismantled. At the same time the Somali state collapsed under factional, clan-based fighting, leaving the country awash with weapons and untrained and unrestrained militia forces.

The state of Somalia later disintegrated as two rival USC factions in Mogadishu and their allies fought each other, neither succeeding in establishing a central government. Mobilised by the “warlords”, General Mohamed Farah Aideed, Ali Mahdi Mohamed, Colonel Omar Jess, General Aden Gabiyo, General Mohamed Said Hersi 'Morgan', various militia forces were responsible for civilian massacres, rape and torture, the indiscriminate use of landmines, and the looting and destruction of public and private property. Some 25,000 people were estimated to have been killed in Mogadishu alone between 1991 and 1992 as a result of indiscriminate shelling between the forces of Farah Aideed and Ali Mahdi. So-called “clan cleansing” caused massive population movements as groups sought to gain control of urban and rural assets.

Following 14 failed peace conferences for the world’s longest crisis of state collapse, mostly attended by warlords and held outside the country, the Intergovernmental Authority on Development (IGAD) finally organized the Somali Peace Process in Nairobi and after two long years of

painstaking negotiations, the process culminated in the selection of 275 members of the Transitional National Federal Parliament (TNFP) and the election of the Interim President in October 2004, who appointed a Prime Minister, who in turn formed a cabinet. However, the Transitional Federal Government (TFG) never took control of the country but remained weak with most of its members in exile. In mid-2006, events took a sharp turn with the emergence of the Islamic Courts Union (ICU) in Mogadishu with well trained militias and independent funding sources. Though the ICU restored relative peace in the areas under their control at the time, and opened for the first time in 15 years the main Mogadishu seaport and the airport, the failed patterns of Taliban style were quick to emerge on the civic and political, as well as social and cultural rights fronts. Somalia was soon to experience its worst insurgency in a long time.

December 2006 witnessed renewed fighting with the TFG's ally Ethiopia taking Mogadishu and the surrounding areas. The involvement of the Ethiopian Government troops has created intense urban guerrilla fighting around Mogadishu, causing the death of over 1,000 people, while hundreds have either been forced to flee to neighbouring countries or are internally displaced with little more than they could carry. An African Union Peace Keeping Force was agreed upon with Uganda being the first African country to send troops to Somalia in March 2007. However, since then fighting has intensified between militias and Ethiopian troops, causing civilian deaths and the flight of hundreds out of Mogadishu.

The continuous fighting in Somalia since 1991 has fostered a persistent pattern of gross human rights violations of both international human rights and humanitarian law. Such abuses include the use of excessive force by various armed groups within civilian populated areas, political and clan-based unlawful killings, the widespread

rape of girls and women of all ages, and kidnapping of international aid workers as well as prominent members of minority communities and of course the repression of the media.

Human rights defenders have become a regular target though the current situation makes it often difficult to ascertain responsibility for violations of their rights. The dangers they face include; targeted assassinations that decapitate the top leadership of the organization (with the assailant or the organizer of the assault typically never brought to justice), arbitrary detention without trial by the authorities, torture and degrading treatment, banning of an organization, confiscating of defender's work, travel bans, or threats that force the HRD to flee and seek asylum elsewhere. HRDs' ability to protect the rights of others and ensure their own personal safety is severely compromised and calls for active intervention from the international community, the warring factions, as well as human rights defenders from all over the world. The non-existence of the rule of law and a functioning law and order sector makes it most unlikely that the perpetrators of this crime will ever be brought to justice.

Somaliland

The Republic of Somaliland declared independence from the rest of Somalia in May 1991 but since then has failed to obtain international recognition. However, to date it remains a separate entity from the rest of Somalia with its own legislative, executive and judicial system. Unlike Somalia, it has experienced relative peace since its breakaway. It is however isolated internationally and largely deprived of international aid because of its lack of international recognition. Moreover, government institutions are not strongly developed and the economic infrastructure is generally weak.

The police and militia members are the most perpetrators of human rights violations in

Somaliland. Police brutality and violence in prisons are reported frequently.

The media until lately has been considered relatively free with several independent newspapers being published on daily or weekly basis. Broadcasting remains a State domain. However, the Government's unlawful arrest of three staff members of Haatuf Media Network on January 2nd 2007, turned attention to the state of press freedom in Somaliland. Yusuf Gabobe and two other journalists were arrested over a series of articles alleging the First Lady's involvement in misappropriation of Government property. Government's handling of the case deviated largely from national legislation and international standards, and called for a mission of EHAHRDP to Somaliland to lobby for a fair trial to be accorded to the journalists. This and the active intervention of external actors eventually led to the release of the journalists.

Local NGOs go about their work with relative freedom. However, human rights defenders in the past have faced harassment and temporary detention for their criticism. Continued monitoring of the situation of human rights defenders in Somaliland is needed.

Sudan

Sudan, spatially the largest country in Africa, gained her independence on 1 January 1956. Sudan is encompassing a very diverse population of about 40 million. It comprises of Arab-speaking Muslims in the north and non-Arab-speakers, and Christians in the south (including the populous Dinka and Nuer), but also non-Arab-speaking Muslims in Darfur in the west. Since independence, Sudan has always been divided along ethnic, linguistic, geographical and religious lines.

Raging civil wars have been very long-lasting in Sudan, the first from 1955 to 1972 and the second starting in 1983 until 2005

when a peace agreement was signed between the Government and the main rebel movement operating in Southern Sudan, the Sudan People's Liberation Movement/Army (SPLM/A). However, fighting persists in the western region of Darfur and on a smaller scale in other parts of the country. The Darfur conflict, with its large-scale atrocities, has received global attention but even before, war in Sudan has been responsible for at least 2 million deaths (mostly from war-induced famine), 4-5 million internally displaced and about half a million others refugees.

Explanations for these wars and therefore mass killings, have been given both in terms of an exploitative development policy and in terms of differing identities and historical grievances. In particular, the Khartoum policy of Arabization and Islamization of the Christian-dominated south, together with the introduction of Shari'a law, deprivation of regional autonomy and the redrawing of internal boundaries to minimize the oil resources of the south, have been the major causes of insurgency. Since independence, the country has been experiencing different types of Governments - democracies and military dictatorships. The current regime, which came to power in 1989, is considered by many as a military dictatorship with a strong Islamist agenda, which has long resisted compromises to end the various wars.

On January 9, 2005 the Khartoum Government signed a Comprehensive Peace Agreement (CPA) with the leaders of South Sudan, ushering in at least a six-year period of nation building and cooperation. This called for wealth-sharing, power-sharing, and security arrangements between the two parties. The agreement also provides for a ceasefire, withdrawal of troops from Southern Sudan, and the repatriation and resettlement of refugees. The CPA mandates that the Government holds national elections at the end of a five-year interim period and with the establishment of the National Population Census Council, plans are on

schedule for a population census to be conducted in 2007 in preparation for national elections. The Transitional Constitution of the year 2005 marked a new stage in the relationship between the State and its citizens. Despite the signing of the Comprehensive Peace Agreement (CPA) between the Central Government in Khartoum and southern-based rebels, many of the national reforms specified in the CPA, including the establishment of a National Human Rights Commission, are lagging well behind schedule.

Despite the provisions in the Interim National Constitution guaranteeing freedom of expression, the media faces continued restrictions and observers have noted a sharp rise in “arbitrary arrests, pre-print censorship, harassment, and bureaucratic restrictions of Sudanese and international media in 2006.”⁶ Human rights defenders and journalists continue to experience violations of their rights through harassment, arrests and detention without charge, and other forms of intimidation. Sudanese security forces have been identified as the perpetrators of these violations.

Tanzania

The United Republic of Tanzania got its independence on 29 October 1964 and moved from one-party state to a multi-party system in 1992 after the merger between Tanganyika and Zanzibar.

Human rights in Tanzania are guaranteed and protected under the Bill of Rights, which was incorporated in the Tanzanian Constitution in 1984 under Part III of Chapter One. The Bill of Rights came into force in 1988. The rights contained therein include the right to equality before the law, to life, to work, to own property, to personal freedom, to privacy and security, and the

right to freedom of movement, expression, religion, association, and participation in public affairs.

However, violations of these rights occurred when Tanzania held its second multiparty General Elections for President and Parliament in the year 2000 leading to the re-election of Benjamin Mkapa. Though the conduct of these elections proved to be better than previous ones, it was still characterised by malpractices and bias towards the ruling party in the semi-autonomous islands of Zanzibar and Pemba. Demonstrations by the opposition resulted in deaths of more than 40 people. An agreement was later struck between the Chama Cha Mapinduzi (CCM) and the opposition Civic United Front (CUF) to resolve the crisis.

The 2005 elections saw a postponement in the mainland due to the death of one of the Presidential candidates while selected unrest took place in Zanzibar over alleged malpractice by the CCM. Mkapa’s successor was the previously designated Jakaya Mrisho Kikwete as CCM retained its majority in Parliament.

Despite the existence of more than 15 parties, the political space is still widely dominated by the ruling party. Many of the opposition parties suffer from inefficiency and factionalism.

Some of the human rights abuses prevailing in the country include; harsh prison conditions which are life-threatening, restriction of movement for refugees by the authorities and societal violence against women, and use of excessive force against inmates or suspects by the police and prison guards, at times resulting in death.

The media in Tanzania has only limited influence and is mainly concentrated in major urban areas. Flourishing of broadcasting media has been hampered by lack of investment despite the liberalisation. However, a number of FM stations have opened. Generally the situation of the media is positive but its effectiveness to critically

⁶ Human Rights Watch (2007) World Report 2007. Sudan: Events of 2006. <http://hrw.org/englishwr2k7/docs/2007/01/11/sudan14715.htm>

report on hard issues has been described by a Tanzanian journalist as being biased towards economic interests of the publishers.

The freedom of press is however more constrained in the semi-autonomous Islands of Zanzibar and Pemba, with reforms of press law not being enacted there. No independent newspapers and broadcasting are allowed on the islands. However, access to mainland press and broadcasting is possible for the local population. The Government there often reacts to criticism with allegations of threats to national unity. In 2005 it banned a leading columnist and in 2003 closed a weekly newspaper.

Freedom of assembly and association is constitutional. Civil society is vibrant and some organisations have been able to influence the legislative process through lobbying and advocacy. However, a NGO Bill passed in 2002 contained serious flaws “including compulsory registration backed by criminal sanctions, lack of appeal to the courts, alignment of NGO activities with government plans, prohibition of national networks and coalitions of NGOs, and inconsistencies with other related existing legislation.”⁷

Uganda

Uganda achieved her independence from Great Britain on 9 October 1962. Shortly after independence the country degenerated into tyranny, chaos, violence, war and economic collapse. By 1986, Uganda’s human rights record was appalling with human rights violations on a continued and massive scale.

Violations in Uganda have not only been against human rights but also against those who work to protect the rights of others. Particularly, in the 1970s and 1980s, Uganda was notorious for its human rights abuses

and the killing of those who spoke out against the ruthlessness of their leaders. First during the military dictatorship of Idi Amin from 1971-79 and then after the return to power of Milton Obote, who had been ousted by Amin. Unlawful killings by security forces, disappearances, security forces’ use of torture and abuse of suspects, vigilante justice, harsh prison conditions, official impunity, arbitrary arrests, incommunicado and lengthy pre-trial detentions, restrictions on the right to a fair trial and on freedom of speech, the press, and association, marked this period of Uganda’s history.

With the coming to power of the National Resistance Movement/Army (formerly NRA) under Yoweri Kaguta Museveni in 1986, rights violations significantly reduced. However, the situation has been steadily deteriorating in recent years with the NRM’s attempt to maintain its grip on power. The recent alteration of the Constitution to remove term limits for the President is but one such example.

The re-election of Yoweri K. Museveni for a third term as President was marked by an unlevelled playing field. The main opposition party, Forum for Democratic Change (FDC), was hampered by the temporary detention of its leader and presidential candidate Dr. Kizza Besigye. Prosecution of Besigye under several charges (most turned out to be State-manufactured) decisively hampered his campaign. Election-day violence was reportedly low; however, irregularities were reported throughout the country in shape of incomplete voter registers that made hundreds miss out in casting their vote. The sub-sequence challenge of results in the courts of law by the FDC was not successful.

The media has received the most resounding “beating” from the government in the recent past with journalists either being arrested or facing criminal charges because of their work, while media houses have either been closed or threatened with closure. On 17 November 2005, police and intelligence

⁷ Freedomhouse: Tanzania country profile. <http://www.freedomhouse.org>

personnel raided the offices of the Daily Monitor Publications after the newspaper had run a paid advertisement from the FDC calling for contribution towards a fund for a legal defence of political prisoners in Uganda. Police claimed that the FDC breached the law because it had not obtained permission to fundraise. The Government's expulsion of a foreign journalist, Blake Lambert, a Canadian freelance reporter, on 9 March 2006, is another example of a crackdown on independent media.

The judiciary in Uganda once considered as relatively strong and independent, was defied by Government more than once in the recent past with the re-arrest of alleged members of a rebel movement, the People's Redemption Army (PRA), which is said to be linked to the opposition party FDC. The incident at the court led to a scuffle between court and security officials and later culminated in the use of teargas to disperse the crowd, which had turned up for the court hearing. Judges and lawyers went on a temporary strike to demonstrate their disapproval of Government's defiance of law and orders. Principal Judge James Ogoola said that he hoped the suspects who satisfied the requirements for bail would be released on the court's terms. "I am concerned for court, for liberty in this county, and for the peace of this country," he said.

The use of violence and teargas by security officials in controlling or rather dispersing crowds has been peculiar in 2007. Demonstrations or any other kind of public rallies are to be authorised by Government and a directive is soon to be passed gazetting a particular venue for demonstrations. This is considered an infringement on people's right to freedom of assembly and freedom of speech.

Security organs continue to use "safe houses", i.e. undisclosed detention centres, where suspects are held and tortured for undefined periods of time.

Human rights defenders and other members of civil society can operate relatively freely in Uganda. However, the introduction of the NGO Bill in 2006 has raised concern among the civil society as it provides for the inclusion of military personnel in the decision-making organs responsible for their registration, while disallowing NGO representation in this forum. Furthermore, the terms of operation and registration were toughened.

Meanwhile, peace talks with the Lord's Resistance Army (LRA) rebels currently hosted by Southern Sudan have been on and off. More than one million people remain internally displaced, living in poor conditions as a consequence of the 20-year conflict between the Ugandan Government and the LRA rebel movement. The LRA has been notorious for its atrocities targeting civilians and abduction of hundreds of minors in Northern Uganda. Besides the LRA's record of human rights violations, the Ugandan army operating in the north and east of the country has been accused of violence against civilians including rape and torture

References

- Amnesty International
<http://www.amnesty.org>
- British Broadcasting Corporation (BBC)
<http://www.bbc.co.uk>
- Freedom House
<http://www.freedomhouse.org>
- Human Rights Watch
<http://www.hrw.org>
- International Crisis Group
<http://www.crisisgroup.org>
- U.S. Department of State
<http://www.state.gov/g/drl/rls/hrrpt/2006/>

International and Regional Instruments for the Protection of Human Rights Defenders

Musa Gasama

This presentation provides background to the *United Nations Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms* (commonly known as the “Declaration on human rights defenders”) and an overview of the Declaration itself. The presentation also describes the following international and regional special protection mechanisms (mandates and methods of work):

1. the UN Special Mechanism
2. the African Regional Mechanism
3. the European Union Mechanism

Readers are encouraged to promote the implementation of the international standards contained in the UN Declaration on human rights defenders that protect human rights defenders around the world and to use and strengthen the mechanisms described in this presentation.

Background to the UN Declaration on Human Rights Defenders

Today, the promotion and protection of the right to defend human rights constitutes a theme with growing interest worldwide. However, the international campaign to draw international attention to the situation of human rights defenders became more and more organised and focused during the early 1980s.

In Africa, a series of consultations had great impact in the elaboration of the UN Declaration on human rights defenders. The sub-regional and Pan-African campaigns that took place in Arusha Tanzania, in Bengerville, in Rabat in 1998 and in Johannesburg, South Africa in 1998 before

the adoption of the UN, were clear demonstrations on the part of NGOs’ interest and commitment to defend the right to defend human rights, and to campaign for a better campaigning environment for defenders throughout the continent. The outcomes of these campaigns in Africa were fed into the Paris Summit of December 1998 and into the text of the UN Declaration on human rights defenders.

In response to the critical situation facing defenders, by resolution 53/144 of 9 December 1998, the General Assembly of the United Nations unanimously adopted the Declaration on human rights defenders. This was after more than a decade of lobbying and campaigning and negotiation. The chronology of events in the drafting process started in February 1980 and ended in February 1997, and the General Assembly adopted the Declaration on 9 December 1998, that is, 18 years of discussions, the slowest moving exercise of its kind in the UN history!

The UN Declaration on human rights defenders

(A) General comments

The adoption of the UN Declaration on human rights defenders in 1998 was a milestone. By adopting the Declaration, member states recognized;

- the plight of HRDs worldwide
- the existence of the right of HRDs to defend human rights,
- the need for international cooperation in the protection of this right to defend human rights.

The Declaration is not a treaty or a convention, thus not a legally binding instrument. However, it:

- Represents international cooperation to protect the rights of human rights defenders worldwide.
- Recognises the legitimacy of human rights activities and the need for these activities and those who carry them out to be protected.
- Provides the legal framework to defend human rights defenders.
- Codifies the international standards that protect the activities of human rights defenders around the world.
- Reaffirms that individuals, groups, institutions and non-governmental organizations have an important role, and a responsibility in contributing to the promotion of the right of everyone to a social and international order in which, the rights and freedoms set forth in the Universal Declaration of Human Rights and other human rights instruments can be fully realized.
- Articulates existing rights in a way that makes it easier to apply them to the practical role and situation of human rights defenders. It specifies how the rights contained in the major human rights instruments apply to human rights defenders.
- Contains principles and rights based on human rights standards protected in other international instruments, such as the right to freedom of expression, association and assembly, and the right to freedom of movement.

(B) Duties of States and everyone

The Declaration outlines some specific duties of States and the responsibilities of everyone with regard to defending human rights, in addition to explaining its relationship with national law. States have a

responsibility to implement and respect all the provisions of the Declaration. Articles 2, 9, 12, 14 and 15 make particular reference to the role of States and indicate that each State has a responsibility and duty:

Article 2: Each State shall adopt such legislative, administrative and other steps as may be necessary to ensure that the rights and freedoms referred to in the present Declaration are effectively guaranteed.

The Declaration emphasizes that everyone has duties towards and within the community and encourages us all to be human rights defenders. Articles 10, 11 and 18 outline responsibilities for everyone to promote human rights, to safeguard democracy and its institutions and not to violate the human rights of others. Article 11 makes a special reference to the responsibilities of persons exercising professions that can affect the human rights of others, and is especially relevant for police officers, lawyers, judges, etc.

(C) The role of national law

As regards the role of national law, Articles 3 and 4 outline the relationship of the Declaration to national and international law with a view to ensure the application of the highest possible legal standards of human rights.

For a clear interpretation of the Declaration, it is important to note that article 3 should always be read with article 4.

Article 3: Domestic law consistent with the Charter of the United Nations and other international obligations of the State in the field of human rights and fundamental freedoms, is the juridical framework within which human rights and fundamental freedoms should be implemented and enjoyed and within which, all activities referred to in the present Declaration for the promotion, protection and effective realization of those rights and freedoms should be conducted.

Article 4: Nothing in the present Declaration shall be construed as impairing or contradicting the purposes and principles of the Charter of the United Nations or as restricting or derogating from the provisions of the Universal Declaration of Human Rights, the International Covenants on Human Rights and other international instruments and commitments applicable in this field.

(D) Rights and protections accorded to human rights defenders

Articles 1, 5, 6, 7, 8, 9, 11, 12 and 13 of the Declaration provide specific protections to human rights defenders, including their rights:

Article 1: Everyone 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:

- To seek the protection and realization of human rights at the national and international levels;
- To conduct human rights work individually and in association with others;
- To form associations and non-governmental organizations;
- To meet or assemble peacefully;
- To seek, obtain, receive and hold information relating to human rights;
- To develop and discuss new human rights ideas and principles and to advocate their acceptance;
- To submit to governmental bodies and agencies and organizations concerned with public affairs criticism and proposals for improving their functioning and to draw attention to any aspect of their work that may impede the realization of human rights;

- To make complaints about official policies and acts relating to human rights and to have such complaints reviewed;
- To offer and provide professionally qualified legal assistance or other advice and assistance in defence of human rights;
- To attend public hearings, proceedings and trials in order to assess their compliance with national law and international human rights obligations;
- To unhindered access to and communication with non-governmental and intergovernmental organizations;
- To benefit from an effective remedy;
- To the lawful exercise of the occupation or profession of human rights defender;
- To effective protection under national law in reacting against or opposing, through peaceful means, acts or omissions attributable to the State that result in violations of human rights;
- To solicit, receive and utilize resources for the purpose of protecting human rights (including the receipt of funds from abroad).

(E) Other comments

The Declaration is seen by some critics as an unsatisfactory result, considering the time it has taken member states to agree on a text and the fact that it contains certain articles that still limit rights of defenders.

The mandate of the United Nations Special Representative of the Secretary General on human rights defenders

In 2000, less than two years after the adoption of the Declaration, the UN Commission on Human Rights unanimously adopted resolution 2000/61 that called on

the Secretary General to appoint a Special Representative on human rights defenders. This was the first mechanism to be created at the international level to protect human rights defenders in accordance with the rights enshrined in the Declaration. Ms. Hina Jilani, a noted human rights attorney from Pakistan, was appointed as the first Special Representative.

The Special Representative undertakes activities in complete independence of any State, is not a United Nations staff member and does not receive a salary. The Special Representative's mandate, as set out in paragraph 3 of Commission on Human Rights resolution 2000/61, is to conduct the following main activities:

- To seek, receive, examine and respond to information on the situation and the rights of anyone, acting individually or in association with others, to promote and protect human rights and fundamental freedoms;
- To establish cooperation and conduct dialogue with Governments and other interested actors on the promotion and effective implementation of the Declaration;
- To recommend effective strategies better to protect human rights defenders and follow up on these recommendations.

The Commission on Human Rights urged all Governments to cooperate with and assist the Special Representative and to provide all information requested. The Special Representative was asked to submit annual reports to the Commission and to the General Assembly.

(A) A broad approach to implementation of the Declaration

The Special Representative's formal mandate is a very broad one, requiring the identification of strategies, priorities and activities to implement it. The "protection"

of human rights defenders is the Special Representative's overriding concern. Protection is understood to include the protection of defenders themselves and the protection of their right to defend human rights.

The protection strategy and action in favour of human rights defenders should be understood as all those efforts including political, legal and practical, which help improve the environment in which human rights defenders operate.

The most effective protection measures are those that have collective implications and those that are driven by political will. Promoting and protecting the rights to defend human rights is basically protecting not only the right to do human rights work but also to protect those doing the work and protecting the work itself. In other words, it is about protecting the legal rights as well as the physical integrity of the person and the work environment.

(B) A broad approach to the definition of the term 'human rights defenders'

The Declaration does not mention any wherein the text the term 'human rights defender'. It refers to "Individuals, Groups and Organs of Society". Of course, this is a reflection of the difficulty that existed during the negotiation and drafting process. Not only the period it took to adopt this Declaration was too long but also the title of the Declaration reveals the difficulty that characterized the whole process. However, the absence of a one sentence definition could imply that there is opportunity for the mandate holder to adopt an inclusive and broad based approach to the target group.

Whatever the case may be, the following issues need to be retained in considering who comes under the protection of the Declaration:

Human rights defenders are identified above all by what they do and it is through a

description of their actions and of some of the contexts in which they work that the term can best be explained.

Human rights defenders must be defined and accepted according to the rights they are defending and according to their own right to do so. What is most important in characterizing a person as a human rights defender is not the person's title or the name of the organization he or she works for, but rather the human rights character of the work undertaken. Many people serve as human rights defenders even if their day-to-day work is described in different terms, for example as "development". Many people act as human rights defenders outside any professional or employment context.

In Africa, Human Rights Defenders include persons who may not define themselves as such, but whose operations in activism or academia or otherwise do have human rights consequences often for a greater majority of Africans.

The term "human rights defender" is a term used to describe people who, individually or with others, act to promote or protect human rights. It has been used increasingly since the adoption of the Declaration on human rights defenders in 1998. Until then, terms such as human rights "activist", "professional", "worker" or "monitor" had been most common. The term "human rights defender" is seen as a more relevant and useful term. The examples usually given of the activities of human rights defenders are not an exhaustive list. The critical test is whether or not the person is defending a human right.

(C) A regional approach to implementation of the Declaration

The holder of the UN mandate has always expressed the need to implement the UN Declaration from a regional approach and this was her message to the African Commission on Human and Peoples' Rights session that was held in Pretoria in May

2002. The responses from the Americas, the EU and Africa are encouraging. The challenge in this regard, is the Middle East and Asia where there is no similar regional body.

(D) Contacts with human rights defenders

First and foremost, the Special Representative tries to be accessible to human rights defenders themselves by:

- Being available to receive information from defenders, including allegations of human rights violations committed against them and using this information in identifying concerns to be raised with States;
- Regularly attending national, regional and international human rights events (including the annual session of the Commission on Human Rights), which provide opportunities for contact with defenders from around the world.

(E) Contacts with States

The Special Representative maintains regular contacts with States through forums such as the annual sessions of the Commission on Human Rights in Geneva and the General Assembly in New York, during which the Special Representative presents annual reports to States, responds to their questions and can meet with individual State delegations to discuss issues of concern, including individual cases. More specific contacts are conducted on a bilateral basis in meetings or in writing and these are used by the Special Representative to raise specific issues of concern with individual States and to seek State support. For example, in addressing a case, or in obtaining an invitation to visit.

(F) Contacts with other key actors

The Special Representative meets during the

year, with numerous other actors of relevance to the mandate and its activities, including national Parliaments; regional intergovernmental organizations; and groups of States having a commitment to improving the role and situation of human rights defenders.

(G) Individual cases

The Special Representative takes up with the States concerned individual cases of human rights violations committed against human rights defenders. Information on such cases is received from a variety of sources, including State authorities, non-governmental organizations, United Nations agencies, the media and individual human rights defenders.

As information arrives, the Special Representative first seeks to determine if it falls within her mandate. Secondly, every effort is made to determine the probable validity of the allegation of human rights violation and the reliability of the source of the information. Thirdly, the Special Representative makes contact with the Government of the State where the alleged violation is said to have occurred. Contact is usually conducted through either an **urgent action** or an **allegation** letter addressed to the State's Minister for Foreign Affairs and copied to its Diplomatic Mission to the United Nations in Geneva. The letter provides details of the victim, the human rights concerns and the alleged events. The primary objective of the letter is to ensure that State authorities are informed of the allegation as early as possible and that they have an opportunity to investigate it and to end or prevent any human rights violation.

Urgent action letters are used to communicate information about a violation that is allegedly ongoing or about to occur. The intention is to ensure that the appropriate State authorities are informed as quickly as possible of the circumstances so that they can intervene to end or prevent a violation. For example, a death threat

reportedly made against a human rights lawyer in response to his or her human rights work would be addressed through an urgent action letter.

Allegation letters are used to communicate information about violations that are said to have already occurred and whose impact on the human rights defender affected can no longer be changed. This kind of letter is used, for example, in cases where information reaches the Special Representative long after the human rights abuse has already been committed and reached a conclusion. For example, where a human rights defender has been killed, the matter would be raised with the State through an allegation letter. Allegation letters focus primarily on asking the State authorities to investigate the events and to conduct criminal prosecutions of those responsible.

In both types of letter, the Special Representative asks the Government concerned to take all appropriate action to investigate and address the alleged events and to communicate the results of its investigation and actions.

(H) Country visits

The Special Representative is mandated to conduct official visits to States. Some States have issued standing invitations, and in other cases the Special Representative writes to the Government requesting that an invitation be extended. These visits provide an opportunity to examine in detail the role and situation of human rights defenders in the country, to identify particular problems and to make recommendations on how these could be resolved. By the nature of the mandate, the Special Representative is required to look critically at the situation of human rights defenders in a country. Nevertheless, the process is intended to provide an independent and impartial assessment, which will be of use to all actors in strengthening both the contribution of defenders to human rights and their

protection.

(I) Annual reports to the UN General Assembly and the UN Human Rights Commission

The Special Representative submits annual reports to both the General Assembly and to the Human Rights Commission detailing her year's activity, findings and recommendations, including all cases she handled.

Since the establishment of the mandate, during sessions of both the General Assembly and the Human Rights Commission, she has successfully been obtaining strong public reports condemning behaviour of States towards defenders operating at national level, making emphases on the fact that some defenders are more vulnerable during national election periods when trying to participate in the national election process.

Also based on the reports, she has successfully been obtaining strong resolutions condemning behaviour of States towards defenders operating at national level. The most recent one, requests all concerned United Nations agencies and organizations, within their mandates, to provide all possible assistance and support to the Special Representative in the implementation of her programme of activities; and invites relevant United Nations bodies, including at the country level, within their respective mandates and working in cooperation with States, to give due consideration to the Declaration and to the reports of the Special Representative; and requests in this context the Office of the United Nations High Commissioner for Human Rights to draw the attention of all relevant United Nations bodies, including at the country level, to the reports of the Special Representative.

Contact details for sending submissions and for further correspondence:

United Nations Special Representative of the Secretary General for human rights defenders

Ms. Hina Jilani

OHCHR

Palais des Nations

CH-1211 Geneva 10

urgent-action@ohchr.org

African Commission on Human and Peoples' Rights — Special Rapporteur on Human Rights Defenders

At its 35th Ordinary Session, held from 21 May to 4 June 2004 in Banjul, The Gambia, the African Commission on Human and Peoples' Rights (ACHPR) decided to appoint Commissioner Janaiba Johm, as the new Special Rapporteur on Human Rights Defenders in Africa for a period of two years. Currently the position is held by Mm. Reine Alapini-Gansou, a lawyer from Benin. The ACHPR is the first regional human rights body to create a specific special procedure to deal with the protection of defenders' rights.

The decision to appoint a Special Rapporteur on human rights defenders responds to the grave risks faced by defenders in Africa and the need to create a specific instance within the Commission to examine, report and act upon information concerning the situation of defenders on the continent.

The Commission decided to entrust the Special Rapporteur with the following mandate:

- To seek, receive, examine and to act upon information on the situation of human rights defenders in Africa;
- To submit reports at every Ordinary Session of the African Commission on the situation of human rights defenders in Africa;

- To 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, human rights defenders and other stake holders;
- To develop and recommend effective strategies to better protect human rights defenders and to follow up on his/her recommendations;
- To raise awareness and promote the implementation of the UN Declaration on Human Rights Defenders in Africa.
- To carry out her mandate, the Special Rapporteur receives and examines information from a wide range of sources including NGOs, and issues urgent appeals regarding violations against human rights defenders in the region.

Since her appointments, the Commissioner has also maintained regular contact with human rights defenders through her participation in international and regional forums. Next year, the Special Representative will begin carrying out country visits to assess the situation of human rights defenders.

The Special Representative has also encouraged individuals and NGOs to submit cases concerning human rights defenders to the African Commission. Under the African Charter on Human and Peoples' Rights, the ACHPR is empowered to receive and consider from individuals and organisations (Article 55). Anybody can submit a communication to the ACHPR denouncing a violation of human rights. The complainant or author of the communication need not be related to the victim of the abuse, but the victim must be mentioned. All communications must be written, and addressed to the Secretary or the Chairman of the ACHPR. There is no form or special format that must be followed in writing the communication.

Contact details for sending submissions and for further correspondence:

African Commission on Human and Peoples' Rights (ACHPR)
90 Kairaba Avenue
P.O. Box 673 Banjul
The Gambia
Tel: (+220)39-29-62
Fax: (+220)39-07-64
E-mail: achpr@achpr.org, idoc@achpr.org
Website: www.achpr.org

The European Union Guidelines on Human Rights Defenders

The purpose of these Guidelines is to provide practical suggestions for enhancing EU action in relation to this issue. The Guidelines can be used in contact with third countries at all levels as well as in multilateral human rights fora, in order to support and strengthen ongoing efforts by the Union to promote and encourage respect for the right to defend human rights. The Guidelines also provide for interventions by the Union on behalf human rights defenders at risk, and suggest practical means to support and assist human rights defenders. An important element of the Guidelines is support for the Special Procedures of the UN Commission on Human Rights, including the UN Special Representative on Human Rights Defenders, and appropriate regional mechanisms to protect human rights defenders. The Guidelines will assist EU Missions (Embassies and Consulates of EU Member States and European Commission Delegations) in their approach to human rights defenders. While addressing specific concerns regarding human rights defenders is their primary purpose, the Guidelines also contribute to reinforcing the EU's human rights policy in general.

The EU supports the principles contained in the UN Declaration on the Human Rights Defenders. Although the primary responsibility for the promotion and protection of human rights lies with States,

the EU recognises that individuals, groups and organs of society all play important roles in furthering the cause of human rights. The activities of human rights defenders include: - documenting violations; - seeking remedies for victims of such violations through the provision of legal, psychological, medical or other support; and - combating cultures of impunity, which serve to cloak systematic and repeated breaches of human rights and fundamental freedoms.

The EU acknowledges that the activities of Human Rights Defenders have over the years become more recognised. They have increasingly come to ensure greater protection for the victims of violations. However, this progress has been achieved at a high price: the defenders themselves have increasingly become targets of attacks and their rights are violated in many countries. The EU believes that it is important to ensure the safety and protect the rights of human rights defenders. In this regard, it is important to apply a gender perspective when approaching the issue of human rights defenders

The operational part of the Guideline is meant to identify ways and means to effectively work towards the promotion and protection of human rights defenders in third countries, within the context of the Common Foreign and Security Policy.

Monitoring, reporting, and assessment.

EU Heads of Mission are already requested to provide periodic reports on the human rights situation in their countries of accreditation. The Council Working Party on Human Rights (COHOM) has recently approved the outline of fact sheets to facilitate this task. In line with these fact sheets, Missions should address the situation of human rights defenders in their reporting, noting in particular the occurrence of any threats or attacks against human rights defenders.

Role of EU Missions in supporting and protecting human rights defenders.

In many third countries, EU Missions (Embassies of EU Member States and European Commission Delegations) are the primary interface between the Union and its Member States, and human rights defenders on the ground. They therefore, have an important role to play in putting into practice the EU's policy towards human rights defenders. EU Missions should therefore, seek to adopt a proactive policy towards human rights defenders. They should at the same time be aware that in certain cases EU action could lead to threats or attacks against human rights defenders. As such, they ought where appropriate to consult with human rights defenders in relation to actions which might be contemplated upon. Measures that EU Missions could take include: - co-ordinating closely and sharing information on human rights defenders including those at risk; - maintaining suitable contacts with human rights defenders including by receiving them in Missions and visiting their areas of work. Consideration could be given to appointing specific Liaison Officers where necessary on a burden-sharing basis for this purpose; - providing, as and where appropriate, visible recognition to human rights defenders, through the use of appropriate publicity, visits or invitations; - attending and observing where appropriate, trials of human rights defenders.

Promotion of respect for human rights defenders in relations with third countries and in multilateral forums.

The EU's objective is to influence third countries to carry out their obligations to respect the rights of human rights defenders and to protect them from attacks and threats from non-State actors. In its contacts with third countries, the EU will, when deemed necessary, express the need for all countries to adhere to and comply with the relevant international norms and standards, in

particular the UN Declaration. The overall objective should be to bring about an environment where human rights defenders can operate freely. The EU will make its objectives known as an integral part of its human rights policy and will stress the importance it attaches to the protection of human rights defenders. Actions in support of these objectives will include: - where the Presidency, or the High Representative for the CFSP or EU Special Representatives and Envoys, or European Commission are making country visits, they will, where appropriate, include meetings with, and raise individual cases of human rights defenders as an integral part of their visits to third countries; - the human rights component of political dialogues between the EU and third countries and regional organisations, will, where relevant, include the situation of human rights defenders. The EU will underline its support for human rights defenders and their work, and raise individual cases of concern whenever necessary; - working closely with other like minded countries notably in the UN Commission on Human Rights and the UN General Assembly; - promoting the strengthening of existing regional mechanisms for the protection of human rights defenders, such as the Focal Point on human rights defenders at the African Commission on Human and Peoples' Rights, and the Special Human Rights Defenders Unit within the Inter-American Commission on Human Rights, and the creation of appropriate mechanisms in regions where they do not exist.

Practical support for Human Rights Defenders including through Development Policy.

Programmes of the European Community and member States aimed at assisting in the development of democratic processes and institutions, and the promotion and protection of human rights in developing countries are among a wide range of practical support mechanisms for assisting

human rights defenders. These can include but are not necessarily limited to the development co-operation programmes of member States. Practical support mechanisms can include the following: - bilateral human rights and democratisation programmes of the European Community and member States should take further account of the need to assist the development of democratic processes and institutions, and the promotion and protection of human rights in developing countries by, inter alia supporting human rights defenders through such activities as capacity building and public awareness campaigns; - by encouraging and supporting the establishment, and work of national bodies for the promotion and protection of human rights, established in accordance with the Paris Principles, including National Human Rights Institutions, Ombudsman's Offices and Human Rights Commissions. - assisting in the establishment of networks of human rights defenders at an international level including by facilitating meetings of human rights defenders; - seeking to ensure that human rights defenders in third countries can access resources including financial, from abroad; - by ensuring that human rights education programmes promote inter alia, the UN Declaration on Human Rights Defenders.

Conclusion

However, despite the protection accorded by the Declaration, and after 5 years of practical implementation, the situation of human rights defenders is not better at all. The environment in which human rights defenders operate, is becoming more and more hostile, limiting space for negotiation. Those who stand up for human rights continue to pay a high price for their courage. Their work puts them in positions of great personal and professional risk, including risk to their family members, friends and associates.

Civil society has not taken advantage of the

content of the Declaration. Promoting the implementation of the Declaration at national level is still a major challenge.

There is a need for African civil society to develop and adopt an inclusive broad concept and definition of the term 'human rights defender' to include those promoting and protecting civil and political rights, as well as those promoting and protecting economic, social and cultural rights, including social movements, anti-economic globalisation movements, peace activists, pro-democracy and anticorruption activists, feminists movements, those fighting for minority and indigenous rights, those working on equal access to health, education, water and healthy environment and right to development.

The Continuation Committee that was created in 1998 to keep the momentum never took off the ground for lack of ownership of the process by African NGOs. Networking and network building at national, sub-regional and regional levels has been considered by many as one of the

most effective tools civil society should use to campaign for a better human rights environment.

Africa needs a human rights protection strategy that will offer greater protection, visibility and legitimacy to human rights defenders in Africa, so that they can more effectively carryout human rights work, and by so doing, expand the environment in which human rights defenders are able to exercise their right to defend human rights.

Musa Gasama is the Deputy Director of the International Service for Human Rights (ISHR) based in Geneva, Switzerland. This paper was delivered during the Human Rights Defenders Conference for East and Horn of Africa, held at Entebbe, Uganda, October 30 – November 4, 2005.

Human Rights Defenders under Threat: A Field Security Approach to Their Work

Luis Enrique Eguren

The challenges faced by human rights defenders working under threat, pose the need for comprehensive and dynamic systems to cope with the security requirements. Knowing their work context or “taking care”, cannot answer all the questions: we must take a step further and discuss a system for security management. In this paper, we propose an overall framework for a security management process and an incremental approach to security management, as well as some reflections on basic concepts like risk, vulnerability and threat. We also include some proposals to improve and develop the level of security for human rights defenders to work. All these topics should allow NGOs and defenders to better undertake strategies for coping with the increasing security challenges of human rights work.

Introducing some key ideas

In the last few years, general awareness has increased about the enormous risk human rights defenders face due to their work. That risk can be detected easily when defenders work in a hostile context (this is the case when the laws of a country penalise some aspects of human rights work); defenders are also seen as at risk when the law in their country fully sanctions human rights work, but impunity prevails for those who threaten or attack human rights defenders. The context becomes even worse when there is an armed conflict in place.

Beyond a few chaotic situations (in which a defender's life may be in the hands of the soldiers at a check point), we cannot state that the violence against defenders is indiscriminate; in most scenarios such violence is linked to clear military or politico-military objectives for the aggressors. Knowing adequately the conflict scenario

and understanding the politico-military logic are key elements to correctly manage human rights defenders' security.

This paper does not offer “tailor-made solutions” ready to be applied, but examines strategies which are necessary to improve the defender's security management. In the last few years, international humanitarian NGOs have developed their own security strategies and procedures with respect to security management. As all too often happens, these developments have not been adapted and transferred to the human rights defender's world, and this is a pending task.

We have to be aware, anyway, that the main source of risk for defenders is the fact that the threats too often become actual attacks, given the aggressor's will and the means and impunity they enjoy. For this reason the most important tool to protect defenders is political action because, beyond technical advice, the big issue still to be addressed is that the need for governments and civil society to exert the required pressure and take the necessary action against those who day after day threaten, harass and kill human rights defenders.

Nevertheless, defenders could achieve significant improvements in their security if they followed certain strategies and proceedings which have been tested and are effective. Knowing that this is a partial, but useful, effort, we want to have a look now at some proposals to improve defenders' security.

Security Management versus Security Proceedings

Generally speaking, we can say that most threatened human rights defenders do not have a security strategy. Even the few ones who do have it (normally in the context of

their NGO's work), their security plan may consist of a series of protective measures, contingency plans and safety rules, which may be useful as security guidelines but do not grasp the fact that that security requires an adequate overall management, and it means much more than a security plan. Security cuts through all aspects of an NGO's work: it has to do with activities (as any targeting the agency may suffer can be a consequence of its operations), with assessing a changing context (and conflict scenarios can change quickly), with flows of information (recording and assessing security incidents), with personnel (from recruiting to training and team building), with budgeting and funding and so on.

The question still pending is: how can we achieve the necessary integration of security into all aspects of the management of an NGO's work? We know that limitations prevail, and those limitations on security are the same as those on the human rights work: scarce resources, few personnel, improvisation, a high level of pressure and repression, etc.

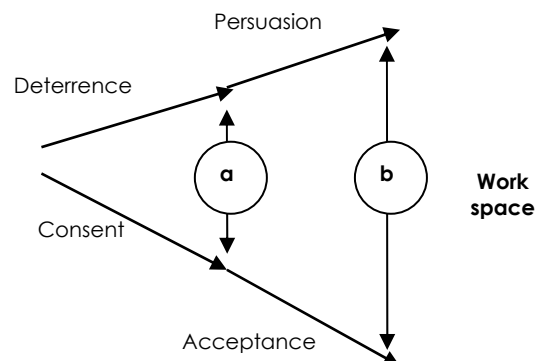
Security strategies and work space: A consent/dissuasion triangle

All security strategies can be summarized in one sentence: to keep the work space open. For that we need to seek, as a minimum, consent (of government, of armed actors and civil society) and ideally acceptance (a further step).

Speaking strictly in terms of security, the defenders' work space requires certain consent by the parties in conflict, especially the armed ones, and ideally a request from some part of the sectors affected by the conflict. This consent can be explicit (a formal permit from the authorities) or implicit, and will be more solid if an armed actor perceives some benefits from the defenders' work, or lower if he perceives costs. In this case, the consent will be given by the political costs carried by an attack on

the defenders. All this is especially relevant when defenders are working in a scenario with more than one armed actor.

The work space can be represented as a triangle which relates the continuum consent-acceptance and the continuum deterrence-persuasion:



The enlargement of workspace can be achieved with time (following its acceptance by means of a strategy of persuasion, which should take into account planning for the needs of the population, image, procedures, integration etc.), or by an acceptance by part of the armed actors (a difficult balance, represented in space "b"). But normally in areas of conflict the space remains limited to that which follows from consent of the armed actors, a mixture of dissuasion and persuasion (reduced to space "a").

Risk, threats and vulnerability: Capacities in security

Risk is an inherent part of the work in conflict scenarios. There is no widely accepted definition of risk, but we can say that risk refers to "possible events, however uncertain, that result in harm"⁸.

⁸ López y Luján (2000), pag.23

In any given scenario, all human rights defenders may face a common level of danger, but not all defenders are equally vulnerable under that general **risk** merely through being in the same conflict scene.

Vulnerability (the possibility that a defender will suffer an attack and harm of whatever kind) varies for each entity, according to several factors, so that a UN agency is not as vulnerable as a small national NGO.

The level of risk of an NGO is in accordance with the received **threats** and vulnerability to those threats, as can be seen in the following equation⁹:

$$\text{Risk} = \text{threats} \times \text{vulnerability}$$

Threats are the possibility that someone will harm somebody else (their physical or moral integrity or property), through purposeful, often violent action¹⁰. Threat assessment is the analysis of the likelihood of a threat becoming action.

An NGO can face many different threats in a conflict scenario. The main threats are the ones which are aimed to hinder or to change the NGO's work or influence its personnel's conduct ('*targeting*'). Targeting is closely related to the work done by the defenders and by the interests of the armed actors; in other words, whether a defender becomes targeted or not depends on the impact of their work on the armed actors.

Vulnerability (the degree to which defenders are susceptible to loss, damage, suffering and death, in the event of an attack) varies for each defender or NGO, and also varies with time. Vulnerability is a relative dimension, because all people and groups are vulnerable, but each one, according to their circumstance and

conditions has their own **level** and **type** of vulnerability. For example, a human rights defender is more vulnerable when s/he is out on the road than when located in their office (if it is well protected).

The vulnerability of an NGO can be seen to be affected by various factors, such as exposure (the degree to which the staff and property of an NGO remains in dangerous or unprotected places), the impact of the work programme (if the NGO's work has a negative impact on whichever armed actor, it makes the NGO vulnerable) etc¹¹.

Capacities are the strengths and resources available for a group or individual to achieve a reasonable degree of security (or respect for their/his/her human rights). Examples of capacities are training (in security, in legal issues, etc), group work as a team, etc.

The risk created by threat and vulnerability can be reduced if defenders have enough capacities (the more the capacities, the lesser the risk):

$$\text{Risk} = \frac{\text{threats} \times \text{vulnerability}}{\text{capacities}}$$

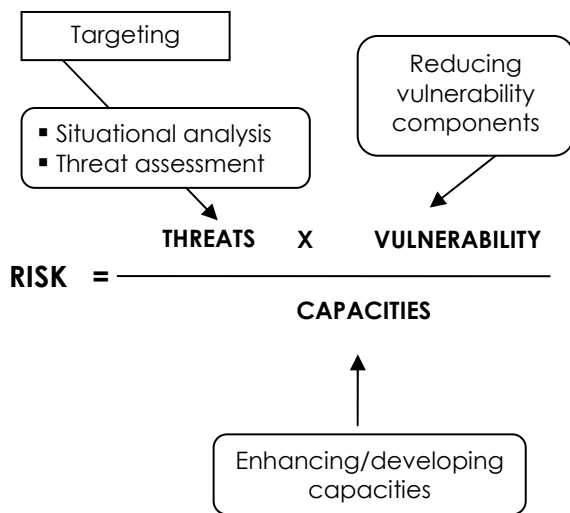
Summarising the former paragraphs in the schema we are working with, in order to reduce the risk to acceptable levels we have to:

- Reduce the threats
- Reduce/improve the vulnerability factors
- Increase the security capacities by training in security, risk assessment etc.

⁹ Ver Koenraad van Brabant y REDR en la bibliografía seleccionada.

¹⁰ Dworken (1999).

¹¹ The necessary limit on the length of this document prevents us from including more detailed schema on the nature and function of the main factors of vulnerability.



We must keep in mind that risk is a dynamic concept and changes with time, following changes in threats, vulnerabilities and capacities. It poses the need to assess risk periodically, and especially if there are changes in the work context, in threats or in vulnerability. For instance, risk increases dramatically when an armed actor feels surrounded; vulnerability increases when new personnel start working without proper training.

Security measures like video cameras or an armoured vehicle may reduce the risk by improving vulnerability factors, but those measures do not confront the main source of risk, which come from threats and the will to execute them, if the actions against defenders enjoy impunity. For these reasons, all major interventions in protection should aim to reduce such threats, in addition to reducing vulnerability factors.

Planning the work and security

Security management should be integrated in each of the stages analysed when planning the work.

Security occupies a specific niche when analysing the scenario and setting the aims and objectives of the work, as well as when

planning the work, following it up and evaluating its results. The security guidelines occupy a specific place (in the planning stage) in the overall process, where they become living documents which receive feedback from the follow up and evaluation stages.

Coping with security challenges: security management as an incremental process

Security management is never complete, and is always partial and selective. There are limits that constrain the system¹²; cognitive limits (not all factors affecting security can be grouped and treated simultaneously) and limits in the process (the timing and sequence imperatives necessary to create awareness, develop consensus, train people, ensure an adequate personnel turnover, implement activities, etc.). Security management can rarely attempt a comprehensive, long-term view: Its contribution relies on its ability to prevent incidents and to point to the need for organisational integration and co-ordination to cope with such incidents. Maybe this is not very ambitious, but we also have to take into account that few resources are usually allocated for security, so that we never can be comprehensive. Pragmatism is a must in security management.

As we mentioned before, when reviewing the security practice of an NGO you may find some kind of security guidelines or plans or measures or patterns of behaviour in progress. There are many forces at stake, from stereotypes about security practice to a reluctance to increase the existing workload by incorporating new security activities. Security practice is typically fragmented, evolutionary and largely intuitive. In terms of security management it is necessary to proceed step by step, making incremental

¹² Quinn, James B.: "Strategic change: logical incrementalism". Sloan Management Review Summer 1989 (pp. 45-60)

changes to improve performance. Security strategies and procedures tend to emerge from “strategic subsystems”, each of which covers a specific area of work (logistics, a field team specially concerned with its security, a headquarters manager under pressure by a donor’s concerns for security, etc.). Incrementalism¹³ in security management opens the door to informal processes and allows space for a nucleus of change agents at work. Precipitating events (such as security incidents) prompt urgent, interim decisions that shape the security practice and that, if properly managed, become part of a widely shared consensus for action among members of the field and management teams.

Some key concepts for the security and protection of human rights defenders

Human rights defenders are ordinary people who assume a level of risk

No one was born to be a human rights defender. Defenders are ordinary people who assume a risk, either in their work or in their activities aside from their work, and generally they do it in the context of their normal lives, shared with their families and friends. All these factors have a clear influence on defenders’ perception of risk, and therefore on their security strategies. At any given moment in which a defender starts receiving threats for the first time, and in continuing her/his work s/he continues to receive those threats, it can be the beginning of a highly stressful situation for the defender. Both the stress and the defender’s coping mechanisms should be taken into account when we approach their security needs.

When defenders face risk, they do so as others do: They develop adaptive behaviour

and try to simplify the decision-making process, within the norms of social and group conditioning. Psychological studies on how people face risk have shown that risk is better accepted when it is voluntarily assumed, when the individual perceives that s/he has some control on the risk, and when this risk becomes familiar¹⁴. From a sociological point of view, risks are social constructs, which are related to socio-cultural factors linked to social structures¹⁵. For this reason, each social sector highlights some risks and forgets others. Accordingly, research in cultural anthropology has shown¹⁶ that every person has a certain tendency to assume risks, and this tendency depends on the reward associated to those risks and on the individual perceptions of those risks. It is very important to recognise that the avoidance of risk is human beings does not only respond to the perceived probability that harm produces, but also the willingness of exposure to risk, the compensation received for this exposure, or the equity in the distribution of risk.

The daily exposure to risk may create an apparent “indifferent behaviour”, linked to the denial of risk, and which leads the individual to undertake the normal work without security measures and even rejecting to talk about the subject¹⁷.

Taking into account these facts, when approaching security issues with defenders, it is very important to consider the risk perception by defenders (linked to social and group factors, and individual behaviour) and consider also concepts like personal and group commitment, social justice, capacities for analysis, teamwork, etc.

¹³ There are many studies about incrementalism and strategic planning. The approach reflected in this document draws on the work by C.E. Lindblom and James B. Quinn, among others.

¹⁴ Crouch and Wilson (1982; pp. 85-6), cited in López and Luján (2000; pp. 71)

¹⁵ López and Luján (2000; pp.72)

¹⁶ Adams (1995:15)

¹⁷ Beristain (1999; pp. 48-9)

Impacts of traumatic events

Human rights defenders either witness traumatic events or are victims of them: Their impact affects the mental health and the group and individual behaviour of defenders. A common reaction is to become overloaded of work due to the increase of emotional demands linked to the traumatic events (anger, frustration, depression, etc). Sometimes defenders feel extremely guilty (for not being able to prevent the traumatic event) and then they may develop high risk behaviour,¹⁸ which cannot be confronted by security strategies which do not take into account the psychological component associated to such behaviours.

Analysis of the work context

It is very important to know and to analyse the work context in order to define which are the right security strategies, and guidelines to be applied. Similarly, it is also important to anticipate possible future scenarios, in order to prevent reactions from the armed actors which put defenders into danger.

This brings us to the second point: it is not enough simply to analyse the scenario, as there is a need to make an *anticipated analysis*, seeing how each intervention fits into the scenario and studying the reactions that the actors in this scenario can have before this presence ("how the others see us") and before these interventions.

It is also important to take into account the dimensions of a scenario. We can undertake analysis at macro level (studying a country or a region), but we also have to analyse how those macro dynamics function in the area where we are working, that is to say, to know the micro dynamics. For instance, paramilitaries in a locality may act in a different way to that which we expect, following a regional or national analysis;

and it is necessary to be aware of these local characteristics.

It is also important to avoid having a fixed view of a scenario, because they evolve and change, and we should undertake periodical reviews of them.

Integration in the area of work: authorities, life forces, social fabric

A fundamental factor in security (and in general, in all aspects of humanitarian work) is adequate integration (to a greater or lesser degree) in the area of work, establishing and maintaining communication and adequate relations with authorities, security forces, and de-facto authorities, as much as with existing social structures, whether at the community level, NGOs, churches etc.

Security cooperation among NGOs and other institutions

Real security co-operation among NGOs and other institutions is often underdeveloped, due to the lack of information, mutual trust or interests, differences in mandates and missions, etc.

The spaces for co-operation between NGOs and organisations, which they can create, allow for at least two possible levels of integration of actions in the matter of security:

- a) Exchange of information on the changes in the scenes of work and on security incidents.
- b) Development of some common strategies for the problems of security that are defined as priorities.

As a minimum, at least level (a) is desirable, although evidently better results follow with (a) and (b); but it is difficult to pursue and maintain this level of co-operation for reasons stated before, and for others, which are beyond the limited length of this article to explain. Nevertheless, information

¹⁸ Beristain (1999)

sharing and joint strategies are powerful tools to improve security of human rights defenders.

Coping strategies: risk management by the group

Groups under threat apply different coping strategies to alleviate the perceived risk. These strategies will be very different depending on the environment (rural, urban), the type of threat, the social, economic and legal resources available, etc. Most of these strategies can be implemented immediately and respond to short term objectives, therefore being tactics more than elaborated strategies. Most of them respond to subjective perceptions, and at times the coping strategies may cause some level of harm to the group, especially if such strategies irreversible.

Coping strategies are closely related to the type and severity of threat and to the capacities and vulnerabilities of the group.

When implementing protection, we have to take into account coping strategies, reinforcing the effective ones, trying to limit the harmful ones and respecting the rest of them (especially the ones linked to cultural concepts or religious beliefs).

Among the coping strategies we can list:

- Reinforcing protective barriers, hiding valuables.
- Avoidance of behaviours which may be put into question by one or another armed actor (especially if the military hegemony of the territory where the group lives is under dispute).
- Using places to hide in moments of high risk (places of difficult access, like mountains or jungle), changing houses, etc. Sometimes the whole family hide, sometimes only the defenders do it. Hiding may take place

in the night, or for several weeks' periods.

- Negotiation with State or Government or with illegal armed actors.
- Making denounces before legal bodies or to public opinion.
- Networking (with other groups in similar situation), joint protests, demonstrations, etc.
- Establishing (or promoting) "safe areas".
- Looking for armed or political protection by one of the armed actors.
- Forced migration (displacement or refuge), family by family or massive migrations. They can be planned displacements or improvised fleeing.

When analysing coping strategies, we should take the following things into account:

- Sensitivity: if the coping strategies are able to respond quickly to the security needs of the group.
- Adaptability: if the coping strategies allow for a quick adaptation to the new circumstances, once the risk of attack is over (for instance, a defender may have several options to hide or to live for a while at other peoples houses). These strategies may seem weak or unstable, but often they have a great endurance.
- Sustainability: capacity to endure with time, in spite of threats or non-lethal attacks.
- Effectiveness: capacity to adequately protect.
- Reversibility.

Protecting others

For the purposes of this paper, we will understand as protection, the set of

activities, which can be undertaken in order to contribute to the security of others. The binomial security-protection becomes two sides of the same coin, so that they can share analysis and strategies. From a tactical point of view, they nevertheless have some differences in some approaches and proceedings.

Defenders, in addition to keeping an eye on their own security, undertake protection activities for others: other defenders, victims, social sectors, etc. In the same way, other entities (for example international NGOs) undertake protection activities for defenders.

Protection strategies are complex, because they must take into account factors which affect others' security (following, for example, the threats-vulnerabilities-capacities schema), but also what others do to protect themselves (their coping strategies). In order to deal with this complexity, we have developed an Operational Framework for Field Protection (OFFP), applicable to human rights defenders¹⁹. This OFFP should be more interpretative than a simple checklist: It must reflect the interaction and synergies and clashes of the full spectrum of entities working in protection, in order to assess the impact of the widest range of protection activities in a more systematic manner that is currently the case.

An Operational Framework for Field Protection (OFFP) is a comprehensive and flexible tool to serve, integrate and harness the protection activities undertaken by the involved government, local organisations and NGOs, the affected population and international agencies and NGOs. The OFFP can be used individually by any of these entities, while delivering or considering delivering protection activities, or by groups of these entities, as well as a sector-wide approach.

¹⁹ This work is still in progress and has been conceived to be also applied to IDP, humanitarian workers, trade unions, etc.

The Operational Framework for Field Protection has six stages:

1. Context and scenario analysis;
2. Risk analysis (threats, vulnerabilities, capacities);
3. Coping strategies of the affected group;
4. Actions taken by other institutions;
5. Actions to be taken: Strategies and Plans;
6. Impact evaluation.

These 6 steps can be taken together with the defenders whose security-protection is being reviewed, in order to get to a common protection framework, which is the final aim of the whole process.

Further steps in security and protection of human rights defenders

We will list here a non-exhaustive proposal of objectives to be achieved for the security and protection of human rights defenders:

- Training in security management and planning (given the variety of human rights defenders, this training should be adapted to the different contexts and capacities).
- To integrate security in the regular work planning.
- To provide the necessary resources for defenders' security management: human resources, funds, technical means, etc.

In order to achieve these objectives, we can take at least these next steps²⁰:

The Operational Framework for Field Protection (or another tool with a similar purpose) can be applied to review the

²⁰ The Research and Training Unit of the PBI European Office is already working on this, together with other NGOs such as ESCO International.

security and protection needs of defenders under threat in selected scenarios.

- Training seminars or workshops in security and protection: Training can include the joint analysis (applying the OFFP) quoted in the previous point, so that both steps could be taken at once.
- Seminars or workshops to follow up and support the developments and the security plans developed after the trainings (those workshops should be held 6-12 months after the initial training).
- Producing security and protection manuals and reference documents.
- Further research in order to improve defenders' security and protection.

The Research and Training Unit of the European Office of PBI is currently working on these topics, and our aim is to expand this work by means of collaboration with other NGOs and institutions, which have the shared goal of responding properly to the security and protection needs of human rights defenders.

Bibliography

ADAMS, J.: *Risk*. University College London Press. London, 1995.

AXWORTHY, Lloyd: *Human security: Safety for people in a changing world*. Department of Foreign Affairs and International Trade. Ottawa, Canadá. 1999.

BERISTAIN, Carlos: *Reconstruir el tejido social*. Editorial Icaria. Barcelona, 1999.

CROUCH, E.A.C., and WILSON, R.: *Risk/Benefit Analysis*. Ballinger. Cambridge (Mass.), 1982.

DWORKEN, Jonathan T.: *Threat Assessment*. Institute for Public Research. Virginia (USA), 1999.

EGUREN, Enrique: “*Beyond security planning: towards a model of security management*”. Journal of Humanitarian Assistance. Septiembre 2000. Bradford, R.U.

LÓPEZ CERREZO, J., y LUJÁN, J.: *Ciencia y política del riesgo*. Alianza Editorial. Madrid, 2000.

MAHONY, Liam y EGUREN, Enrique: *Unarmed Bodyguards: International Accompaniment for the Protection of Human Rights*. Kumarian Press. Connecticut, 1997.

PAUL, Diane: “*Protection in practice: Field-level strategies for protecting civilians from deliberate harm*”. RRN Network Paper 30. Overseas Development Institute, London, 1999.

VAN BRABANT, Koenraad: *Operational Security Management in Violent Environments*. Good Practice Review 8. ODI. London, 2000.

VAN BRABANT, Koenraad: “*Mainstreaming the Organizational Management of Safety and Security*”. HPG Report 9. ODI, London, Marzo 2001.

Luis Enrique Eguren is a long-time advisor to Peace Brigades International (PBI). He is a Medical Doctor and a Consultant for human rights and security issues. He has authored several publications on security management for human rights defenders.

Trauma and Coping Strategies for Human Rights Defenders

Maria Teresa Dremetsikas and Michele Millard

As a Human Rights Defender, you face many risks in your work. Many of you have been abused, tortured and otherwise traumatized – either directly, or as a result of witnessing and documenting the stories of others. Coping with the after-effects of your experiences can be very difficult, particularly in circumstances of exile and isolation, which are traumatic experiences themselves. Access to decent health care and short or long term professional trauma counselling (according your individual needs) is necessary, along with community support. In some cases, it can be difficult to get appropriate clinical treatment – either the services are not there, or because of generalized fear in the population, treatment is not available to the traumatized person. It is therefore important to develop a network of community support where you can find understanding and acknowledgement. Community support can be narrow or broad, depending on the unique circumstances of the individual. It can encompass fellow human rights defenders, family, friends, religious leaders, teachers, media, institutions, community groups, and more. The community is significant not only because of the personal support it provides you, but also because of its power to advocate for an intervention – to push the authorities (not just the government, but also religious authorities) to acknowledge that something did happen, to understand the reasons why it happened and to provide redress and compensation for what happened.

It is vital to develop meaning for one's experiences in order to process and integrate them. An understanding of how trauma can affect you is also essential; as it helps you develop appropriate coping strategies in your daily life so you can continue to function as a whole human being. It is

important for human rights defenders to realize that their experiences are not unique phenomena, but a result of carefully thought out strategies of oppression, with clearly defined goals. This understanding, grouped with appropriate medical interventions, attention to self-care, a sense of belonging and feeling of support from the community, can assist you in coming to terms with your traumatic experiences.

This section will hopefully assist you in developing a basic model of support that you, as a Human Rights Defender can build upon in your work, and can be adapted to your needs and the environment at hand. It is based on a model of care developed by the Canadian Centre for Victims of Torture (CCVT) in Toronto, Canada and the work of the Cordelia Foundation in Hungary.

Torture and Organized Violence

Torture and organized violence is not something that “happens”. They are not irrational, chaotic, mad acts of insane people. They are carefully planned, rational strategies of social control. The techniques of torture and organized violence have history and they are taught. Different countries have their preferred practices and specialties. Individual perpetrators will consciously tailor the violations to the individual. One may experience torture and organized violence as an individual, however, the main audience is the larger community. The whole purpose is to destroy the individual physically, psychologically and spiritually in order to intimidate, demoralize and suppress his or her larger community. It is no accident that community leaders are often the first targets. It should be no surprise that human rights defenders are specifically singled out. When a strong leader is taken from a community, held for a

time without any communication and nobody knows what is happening and there is no one you can approach for help, and then if she or he survives and is placed back into the community damaged, scarred and traumatized, it sends a strong message to the rest of the community not to struggle, to speak up, or to demand justice and equity. It can be a very effective tool of oppression. The fact that people continue to struggle and to speak up and denounce abuses is testament to their courage and commitment. But one cannot deny that they often pay a very high price.

Part I

Torture, Organized Violence and Health

Experiences of the Canadian Centre for Victims of Torture (CCVT)

Since its inception in 1977 CCVT has identified the effects of torture and war on the health of individuals, including adults and children. There are many short and long term effects of torture and organized violence:

Physical

- pain, transitory and chronic
- broken bones and joint pain
- haematomas (bruising)
- damaged teeth and gums
- cardiopulmonary disorders
- infertility and sterility
- impotence
- gastro-intestinal disorders
- hearing impairment
- damage to internal organs
- gynaecological abnormalities
- damaged motor apparatus
- spinal damage and injury to vertebrae
- scar tissue
- hypertension
- bladder infection and urinary tract disorder
- amputated body parts
- paralysis and/or numbness

- sexual disorder
- headaches

Psychological

- depression
- guilt, including survivor guilt
- paranoia and suspiciousness
- phobias
- sleep disturbances, including insomnia and nightmares
- impaired memory, loss of memory
- hypersensitivity
- concentration difficulties
- fear of authority
- irritability
- panic attacks
- suicidal feelings, suicide attempts
- nervousness
- flashbacks and intrusive thoughts
- expectation of a foreshortened future
- diminished ability to experience intense ranges of emotion
- diminished expectations of life and its possibilities
- excessive concern for children, relatives and friends
- decreased self-esteem
- introversion
- lethargy
- generalised fear
- sorrow and grief

While physical damage may eventually heal (although sometimes it does not), the psychological and spiritual damage, can be much more challenging to deal with. Shame, humiliation, fear and isolation are significant elements of this kind of trauma, and it can be very difficult for a person to reach out for help. However, in coping with torture, war and human rights abuses, it is not enough to focus on the individual alone. People exist within family, community, social, political and economic structures and each has an affect on the other. Quality of life is measured by many things and health is an important factor. Health itself is a complex idea – are we talking about physical, mental or spiritual health? How do they relate to

each other? Is one more important than the other? A person who has experienced trauma will probably need some kind of medical and psychological help. But is it enough to just go to a doctor and get bandaged up? What happens when you return home? How do you speak to your neighbours and friends who may be fearful and intimidated themselves? What happens if you have to return to a community scarred by continuing violence and abuse that has strict taboos on talking about certain things? Can you become healthy in an unhealthy environment?

Social determinants of health are the economic and social conditions under which people live, that determine their health. There have been recent discussions among authorities in the field to formally incorporate violence as a social determinant of health which currently includes:

- income inequality
- social inclusion and exclusion
- employment and job security
- working conditions
- contribution of the social economy
- early childhood care
- education
- food security
- housing

It is clear that mentioning social and physical environments alone is not enough to address traumatic effects and the expression of violence has to be considered as a separate issue in order to raise awareness of the breadth of its damage and possible ways to approach the issue.

In an effort to address the needs of survivors of violence during war and torture perpetrated against individuals, families and communities, CCVT uses as a framework the concept of psychosocial trauma and destruction as defined by Ignacio Martin-Baro. Martin-Baro was a Spanish Jesuit priest and a psychologist working in El Salvador in the 1980's. His work has been published by the University of Harvard Press. When he was approached by his

Harvard colleagues who wanted to translate his work, he replied: "In your world, it is publish or perish. In mine, it is publish *and* perish." And indeed, he was assassinated in 1989 by a death squad in El Salvador in a massacre along with his housekeeper, her daughter and a number of other priests and intellectuals working in the field.

His theory explained how "trauma cultures" emerge. This concept also provides a framework in which CCVT implements its model of service delivery to survivors of torture. It is a holistic model that integrates services to meet the specific needs of survivors of torture. It involves "in house" services and a vast (complex) network of individuals and organizations that provide services to CCVT's clients or connects them to other networks where their needs can be met.

According to Martin-Baro, there are three components of psychosocial trauma:

1. While the individual remains the principal victim of organized violence, the nature of the trauma rests in its social origins.

Torture and organized violence are primarily social problems, and not the discrete acts of individuals. It occurs as a method of social control and because permission has been given on many levels. The perpetrator has been given permission by his or her direct supervisor, the supervisor by his or her commander, and on up the hierarchy. Society can also be complicit in this through their silence and denial that these actions are occurring.

2. Since the trauma is socially produced, both the individual victim and the precipitating social causes require treatment and remedy.

It is not enough to bandage the individual. If she or he is then sent out into the very same circumstances that allowed the trauma to occur, then re-

traumatization will occur. If torture and organized violence is a social problem, then its solution must also be social.

3. The trauma will remain chronic when the factors that brought it about remain intact.

Psychosocial trauma includes an understanding that organized violence creates conditions for “trauma cultures” to flourish, when:

- Social polarization and inequality exist;
- Institutional lies and **circles of silence** obscure social reality;
- Organized violence and war damage individuals and their families and personal networks, but also the societies of which they are members.

Denial is the main defense mechanism used by the individual, the family and the entire society. It operates in the following way, creating what Martin-Baro called circles of silence:

At the individual level the survivor:

- Represses experience – he or she does not want to remember.
- Wants to protect others from the painful event – does not want to expose others to the ugliness of the experience.
- Does not expect understanding or to be believed – it is sometimes hard to comprehend how cruel people can be to each other, and often, stories of torture can appear fantastic and unbelievable. This is often quite deliberate on the part of the perpetrator – to do something so horrific that to talk about it would be to invite disbelief. Also, in some cultures, there are strong taboos against speaking about certain experiences, particularly in regards to gender and sexual violence. It is not uncommon for victims to be blamed for what has happened to them

and in some cases be further ostracized or targeted in honour killings.

- Does not want to concede power to the torturer by admitting to traumatic consequences – it is hard to admit that the traumatic experience may have caused irreparable harm. It is also a defense mechanism that allows people to achieve some semblance of a normal life, but at the expense of actually working through the pain.

At the family level the closer members:

- Want to protect the loved one – not to bring up painful memories and to encourage the development of a normal life.
- Never speak of traumatic experience – it may also reflect a sense of guilt on the part of the family, that they were powerless to prevent this from happening.
- Isolate themselves from other relatives, friends, support service etc. – loss of trust in others is not uncommon. Also, the trauma may become internalized within the family and it becomes harder and harder to reach out to others (who themselves may be extremely uncomfortable or fearful).
- Want to go forward and forget traumatic event – the importance of survival supersedes everything else.

At the social and institutional level people:

- Choose to ignore – again, it is difficult to imagine that one lives in a society where these things are happening.
- Feel threatened and fearful to intervene – people become preoccupied with surviving and protecting their own families.
- Feel powerless to assist or change circumstances – the problems may

appear too large, too unmanageable to deal with, the fear is too great.

- Blame the victims – often the activism of the survivor is blamed. The survivor may be accused of failing to maintain the security and safety of the family.
- Does not want to be concerned with “outside issues” – insularity is often a response to large problems, especially if it is indirectly experienced by a particular group.

Circles of Support

Having understood how trauma arises in societies we now can move into how to confront it. The same framework that Martin-Baro used to explain the dynamics of trauma (Circles of Silence) can be applied as a basis of a very practical approach. Now it is called Circles of Support (originally Circles of Solidarity).

Creating circles of support at the three different levels - individual, family and societal/institutional - denial is transformed into support as follows:

At the individual level, the survivor:

- Finds understanding and support – friends and family listen and acknowledge or validate the experience.
- Learns coping skills to “buffer” traumatic effects – for example, avoiding places that remind of the trauma, exercising and maintaining a healthy lifestyle, maintaining relationships with other people.
- Constructs a “meaning” for the experience – “I was hurt because I fought for the human rights of others. This is the price I willingly pay.”, or strengthening one’s spirituality (for example, one of the functions of religion is to explain suffering).
- Is positively acknowledged by family and society.

At the family level, they:

- Develop understanding – traumatic experiences often changes people. They may become quieter, more withdrawn, easily startled, sleep poorly and be more irritable, angry or depressed. The family understands where this behaviour comes from.
- Acquire supportive skills to cope – to listen, give a person space and privacy. To offer non-judgmental support and be available to the survivor.
- Recognize traumatic effects on family – it is difficult to realize that the person who comes back may no longer be the same as before. Because of a disappearance, a child has lost a parent, a wife a husband, a parent a child. When the disappeared person returns, things can be very different – the child may develop anger at being “abandoned” by the parent and gender roles within the family may change because the wife has had to take on less traditional roles during the absence of her spouse. The fabric of the family can be damaged because of this.
- Form link to community – access available services, counselling and rehabilitation. Linking with other organizations to build solidarity and community.

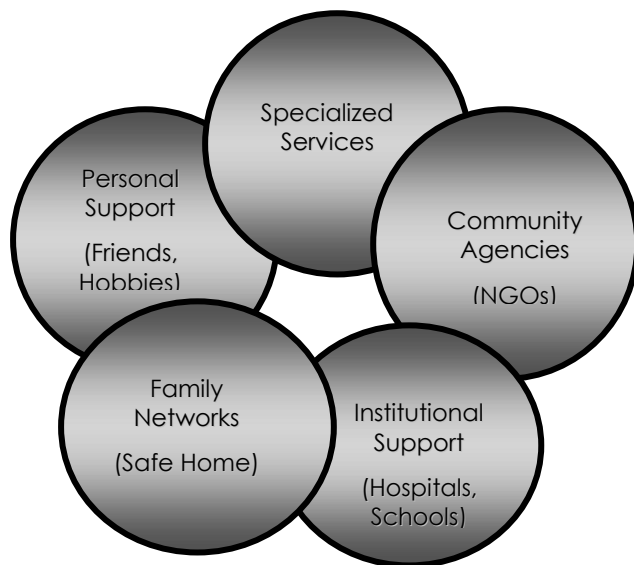
At the societal and institutional level, the community:

- Provides opportunities for justice and recognition – through truth and reconciliation processes, courts and redress.
- Education, health and social services are available and accessible – it is not enough to have a clinic that specializes in rehabilitation of survivors of torture. The clinic must also be accessible politically, geographically and financially.

- Creates conditions to initiate social reconciliation.
- Establishes commemorative practices to recognize survivors and those who did not survive.

Continuum of Care

If we expand the circles of solidarity into further circles of support, a continuum of care is generated and many other factors arise that are important to consider. These new elements include:



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To translate the continuum of care into a cohesive scope of services and a true community development model, a further expansion of the circles is needed. This is necessary to ensure movement from a circle of **personal empowerment** where personal perceptions of power are developed to the next circle of **small group development**. There social supports result in personal behaviour changes and leads the group to a **community organization circle** which develops local actions on community

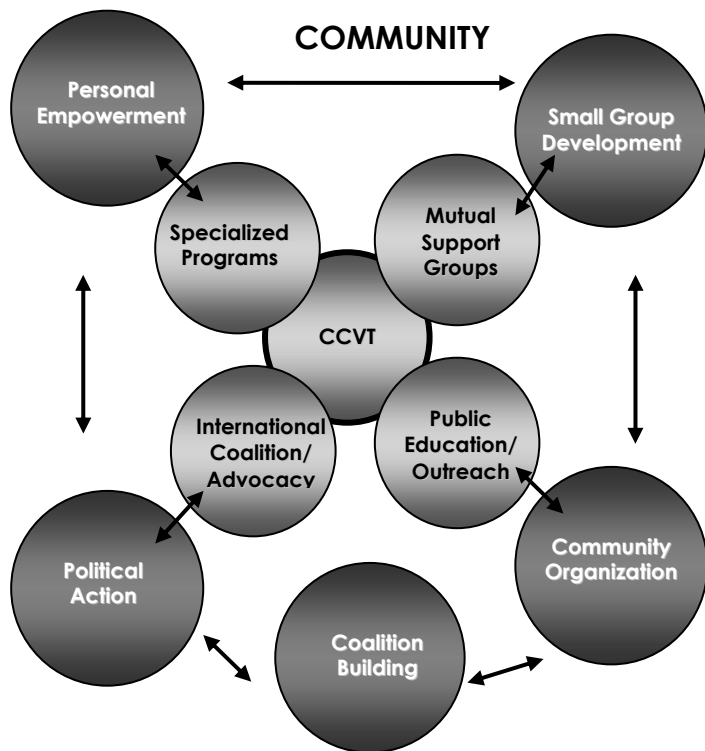
defined issues, promotes community/professional dialogues, raises conflict to the conscious level. This usually establishes links with other community groups, thus forming the next circle of **coalition and advocacy**, lobbying for healthier public policies, achieving strategic consensus and conducive to collaboration and conflict resolution. Many times a fifth circle of **political action** is needed to close the chain of circles which ends again in a state of personal empowerment. Such political actions support broader social movements, creating a vision of a sustainable, preferred future and enhanced participatory democracy.

The strategy followed by CCVT to ensure that the below processes takes place includes specially designed services such as settlement counselling, English as a Second Language (designed for traumatized survivors), befriending members of the community and links to professional services for therapy and/or medico-legal documentation. Ongoing mutual support groups (peer support) also prepare survivors to engage with the larger system described above. While CCVT's services are created for survivors of torture who generally come as refugees to Canada (hence the settlement counselling and language training), how the community and medico-legal establishment becomes involved in the rehabilitation process is of particular importance to human rights defenders. Much, if not all of the structures illustrated above, can be successfully adapted to meet the needs of human rights defenders working on the ground. Ongoing peer support has proven to be vital to the healing process as well as strengthening connections to the community at large. Even when the situation seems the most hopeless, it is not impossible to find allies in ordinary folks as well as those in positions of power or authority who share your sympathies. Being mindful of these connections and being able to identify when they occur is a valuable tool in the healing process. Public education and international

coalitions are necessary tools that have allowed CCVT to engage with the community and ensure linkages with broader issues that require political action. Engagement not only in the local community, but the larger, international one will also improve the effect and range of the struggle for human rights. What cannot be accomplished alone and in isolation will be successful within an extended network of support. This holds true for healing as well as for human rights work itself.

and the survivor assesses the HRD.

- The survivor controls the telling - respect that people choose to reveal their own history in their own time.
- Be conscious of the context of the situation you are assessing - your own context and the survivor's context. If you have been traumatized yourself, be aware that your trauma-related issues may inform your interactions with the person you are trying to assist.
- Avoid assumptions.
- Prevent re-traumatization.
- Recognize your own limits and be aware of the process of vicarious traumatization.
- Keep a balance between the survivor's concerns and needs and your own.
- Combine sensitivity with knowledge and skill.
- Remember that you are part of a network of support and service within a continuum of care. You are not alone or without resources.



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In addition to direct trauma experiences, human rights defenders are often exposed to the trauma of the people they are helping. Secondary or vicarious trauma is not an uncommon result. The two diagrams below can be used as a basic guide in identifying symptoms of vicarious trauma within you and what is required in order to counteract the effects.²¹

When assisting traumatized people, remember:

- The experience of torture is as individual as the individuals themselves.
- When assisting others in coping with trauma, be aware that this is a two way process - the HRD assesses the survivor

²¹ Part II of this article will discuss vicarious trauma in further detail.

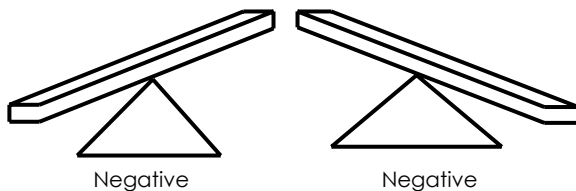
Vicarious Traumatization

Over identification

- Over empathizes with survivor
- Becomes paternalistic
- Unrealistic expectations
- Cannot stop thinking about trauma
- Believes self to be the only person who can help
- Unable to assist

Avoidance

- Loss of empathy
- Closed to survivor
- Cynical expectations
- Does not want to think about trauma
- Believes no one can help
- Unable to assist



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Prevention of vicarious trauma and burnout requires balance:

- Self Knowledge
- Clearly defined boundaries and roles
- Strong personal and institutional support system
- Stressors recognized and acknowledged



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Adapting CCVT Principles of Operation

- Re-empowerment - survivors are agents of their own recovery.
- Awareness of political, religious and cultural dimensions – the experience of trauma is very subjective. No two people experience it the same way. Healing can also be complex and informed by different world views, beliefs and individual coping abilities.
- Flexibility.
- Holistic approach – the needs of a survivor are manifold. Be aware that it is not just a medical concern, but a psychological and spiritual one as well. Quality of life also impacts on the healing process. When responding to the needs of a survivor, it is important to deliver a range of services, both professional and community based. When dealing with your personal experiences of trauma, be aware and take advantage of available services and networks.
- Trust, confidentiality and respect are extremely important for you and the people you work with/for.
- Authority remains with survivor – you do not have to be powerless or marginalized because of trauma. Neither do the people you assist.
- Care with interview and assessment questions in your work as HRDs is of paramount importance; not only because of credibility, but also because of re-traumatization (both yours and the person you are helping).
- Active listening – concentrate on what a person is telling you. Absorb it as clearly as possible.
- Creative silences – sometimes it is better to simply *be* with someone. Silence does not necessarily mean emptiness.
- Awareness of re-traumatizing factors.

In conclusion, parallel to Martin-Baro's framework, there are well known identifiable guides that many agencies have discovered:

- Torture is a wider social issue, not just a medical concern
- Torture is the problem, not the survivors of it
- Survivors should be agents of their own recovery
- Volunteers (community members) are catalysts of change
- Universal core values (human rights) are strong pillars
- Team work is fundamental

Part II

Vicarious Trauma and Burnout

**Experiences of the Cordelia Foundation
(adapted with permission from Dr. Lilla
Hardi, Cordelia Foundation, Hungary)**

Human Rights Defenders often occupy two positions simultaneously. They work with victims of human rights violations and can be victims of human rights violations themselves – they may be both victim and helper at the same time. Therefore, in addition to direct trauma, HRDs are confronted with the trauma experiences of their clients. Along with other people working in highly stressful and dangerous occupations, HRDs are at particular risk of vicarious or secondary traumatization, compassion fatigue and burnout. "Trauma is contagious," writes Judith Herman, and the contagious factor is the human relationship. Trauma gets transferred in many ways through people interacting with each other – it is complex, intimate, trans-, and multigenerational.

Vicarious trauma

What does vicarious trauma mean? It is similar to Post Traumatic Disorder, but milder. It can look like this:

- Empathy - internalizing the helplessness and hopelessness of the client
- Overreaction of helper's role - overprotection of the client - dependent behaviour of the client and questioning the competence of the helper
- Guilty attitude to one's own life
- Destroying professional boundaries
- The helper feels helpless
- Loses control of the situation, gets stuck

Facing cruel, inhuman and degrading human relationships can destroy one's belief in humanity and increase the woundedness of the HRD. Facing traumatic experiences might evoke the HRD's own traumatic experiences – who chooses the role of the helper? When working within teams that become vicariously traumatized, it is possible to develop paranoid attitudes ("everyone is out to get me" or "he or she is an agent of the government"), recreate the aggressor/victim dynamic of the perpetrator and to scapegoat a weaker team member. Teams and even organizations have broken up because of this, particularly if there are no policies or interventions in place to proactively deal with issues.

Burnout

According to New York psychologist Herbert J. Freudenberger, PhD., who coined the term, being burned out is a state of fatigue or frustration brought about by a devotion to a cause, a way of life, or a relationship that failed to produce the expected reward. Burnout is a problem born of good intentions, because it happens when people try to reach unrealistic goals and end up depleting their energy and losing touch with themselves and others.

Reasons for Burnout

- Great/extreme emotional load
- Specific personality characteristics (humanism, empathy, understanding) versus frustration
- Client-centred attitude – “reality shock”
- Role-conflicts: women and burnout – anxiety and guilty feelings versus “supermom” or “super housewife”

The irony of burnout is that it happens to the same person who previously was enthusiastic and brimming over with energy and new ideas when first involved in a job or a new situation. This type of person generally has a very high expectation of what can be accomplished. As time goes by and all of the goals are not achieved, the enthusiasm dies and a sort of listlessness sets in. Instead of lowering objectives or accepting reality, frustration is bottled up and the individual tries even harder.

Three things are associated with burnout:

- *Role conflict*: A person who has conflicting responsibilities will begin to feel pulled in many directions and will try to do everything equally well without setting priorities. The result will be the feelings of fatigue or exhaustion associated with burnout.
- *Role ambiguity*: The individual does not know what is expected of her. She knows she is expected to be a good career person but is not quite sure how to accomplish this because she has no role model or guidelines to follow. The result is that she never feels that she has accomplished anything worthwhile.
- *Role overload*: The individual cannot say no and keeps on taking on more responsibility than he can handle until he finally burns out.

Symptoms

The onset is slow. The early symptoms include a feeling of emotional and physical exhaustion; a sense of alienation, cynicism, impatience, negativism and feelings of detachment to the point that the individual begins to resent work involved and the people who are a part of that work. In extreme cases, the individual who once cared very deeply about a project or a group will insulate himself to the point that he no longer cares at all.

- Emotional, mental, somatic exhaustion
- Feelings of helplessness and hopelessness
- Feeling of emptiness
- Somatic symptoms: headache, weakness, overstretching, pain in the neck and shoulders, gastric pain, weight gain, decrease in immunity towards infections, sleep disorders
- Emotional symptoms: depression, helplessness, hopelessness (“my soul died”).
- Mental symptoms: negative attitude, rigidity and distance in human relationships, cynicism instead of empathy

As with any traumatic experience, people tend to develop defense mechanisms in order to cope. Some are healthier than others. Unhealthy defenses include denial and mistrust, projection: “government is the enemy”, identification with the victim or aggressor, splitting: helpers/enemies; “you’re either with us or against us”, and trivialization: “Only a little torture...” More mature defenses include humour and sublimation (becoming involved in a productive or creative activity).

Burnout Prevention and Recovery

- **STOP DENYING.** Listen to the wisdom of your body. Begin to freely admit the stresses and pressures which have manifested physically, mentally, or emotionally.
- **AVOID ISOLATION.** Don't do everything alone! Develop or renew intimacies with friends and loved ones. Closeness not only brings new insights, but also is anathema to agitation and depression.
- **CHANGE YOUR CIRCUMSTANCES.** If your job, your relationship, a situation, or a person is dragging you under, try to alter your circumstance, or if necessary, leave.
- **DIMINISH INTENSITY IN YOUR LIFE.** Pinpoint those areas or aspects which summon up the most concentrated intensity and work toward alleviating that pressure.
- **STOP OVER-NURTURING.** If you routinely take on other people's problems and responsibilities, learn to gracefully disengage. Try to get some nurturing for yourself.
- **LEARN TO SAY "NO".** You'll help diminish intensity by speaking up for yourself. This means refusing additional requests or demands on your time or emotions.
- **BEGIN TO BACK OFF AND DETACH.** Learn to delegate, not only at work, but also at home and with friends. In this case, detachment means rescuing yourself for yourself.
- **RE-ASSESS YOUR VALUES.** Try to sort out the meaningful values from the temporary and fleeting, the essential from the nonessential. You'll conserve energy and time, and begin to feel more centered.
- **LEARN TO PACE YOURSELF.** Try to take life in moderation. You only have

so much energy available. Ascertain what is wanted and needed in your life, then begin to balance work with love, pleasure, and relaxation.

- **TAKE CARE OF YOUR BODY.** Don't skip meals, abuse yourself with rigid diets, disregard your need for sleep, or break the doctor appointments. Take care of yourself nutritionally.
- **DIMINISH WORRY AND ANXIETY.** Try to keep superstitious worrying to a minimum - it changes nothing. You'll have a better grip on your situation if you spend less time worrying and more time taking care of your real needs.
- **KEEP YOUR SENSE OF HUMOUR.** Begin to bring joy and happy moments into your life. Very few people suffer burnout when they're having fun.

Torture and trauma are life-altering experiences. A person's ability to cope will depend on many things: individual temperament and coping capacity, availability of institutional and community support systems and the surrounding environment all play a very big role in the healing process. It is a sad truth that not everyone will be able to recover. Sometimes the damage done is too great. Not all environments are ideal for healing. It is extremely difficult to come to terms with traumatic experiences if one is still living in a society where massive human rights violations continue to take place. However, research shows that most people are able to heal quite well if they have the necessary support, even in fragile and risky circumstances. It is also important to realize that healing may be a life-long process. There will be good times and then times when the memories live very close to the surface. Yet, if you realize that you are not alone, and that there is a caring community available to you in whatever configuration that is most suitable – whether through family, friends, spiritual leaders, co-workers, neighbours, other Human Rights Defenders

or even the international community – then the work of healing and coming to terms with trauma can begin.

Maria Teresa Dremetsikas works as a Settlement Coordinator for the Canadian Centre for Victims of Torture in Toronto, Canada.

Michele Millard is the Coordinator of the Centre for Refugee Studies at York University, Canada with which the East and Horn of Africa Human Rights Defenders Project is affiliated.

Campaigning for Human Rights

Caroline Magambo

Human rights defenders face many challenges as they defend the rights of others. These challenges affect both the people being defended and the defenders themselves among which, many times defenders have limited measures on how to deal with the violations. Campaign strategies including; lobbying, and advocacy on behalf of HRDs, can be used as tools in attempting to improve the situation. However, the aspect of how and when to use such measures to counter violations, varies from one organization to another. High profile organizations like Amnesty International, Human Rights Watch, and Front Line among others have the capacity in terms of staff, equipment, budget and worldwide networks to pressure the violators and ensure a quick implementation of justice. Especially, local human rights organisations may have to work within a different framework; however, they can still be effective in bringing about change. Campaigning aims at bringing about change, making people act on their promises or to follow their duties/obligations. This article seeks to provide a basic overview on how to design campaign strategies applicable to different issues and diverse organisational backgrounds.

Campaigning on human rights violations is essential because the people whose rights are being violated, do not usually have the capacity to stand up for their rights. This can be due to many factors for example; one may not know that his/her rights are being violated and they have a right to redress, or it could be a minority group that has little influence on the matter. It is campaigning, that can bring about greater awareness on rights and the violations occurring in a given context. Ideally, this is done in a way that cannot easily be ignored. According to Article 1 of the UN Declaration on Human

Rights Defenders²² “[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.” So, this gives mandate to everyone to campaign for the rights of others.

Planning a campaign

In order to campaign successfully, objectives must be set depending on what change you want to bring about. These objectives must be specific, measurable, achievable, realistic and timely. To find out how specific and measurable your objectives are, you must ask yourself what you hope and expect will be different after the campaign. Secondly, research has to be carried out to inform your campaign strategy. Only a full understanding of the issues at stake will allow for an effective strategy to be developed. This allows you to define the problem you are trying to solve, for example, who is responsible for the violations, and why are they happening? When researching, you also must be able to answer questions like **what** are we trying to communicate? **Why** do we want this to change? **Who** are we targeting? **How** shall we do this? and **which** means are we to use? Is it going to be through the internet, telephone, media, lectures, debates demonstrations, exhibitions or preparation of a petition? **Where** is it going to be? Is it at the local, national, regional or international level? And lastly, **when** is it taking place i.e. the date, period and place?

²² The Declaration's full name is: Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms. It can be accessed via the Office of the United Nations High Commissioner for Human Rights: <http://www.ohchr.org/english/law/freedom.htm>

When researching on the campaign issues, one needs to establish the best way of achieving the objectives through the different campaigning techniques (to be looked at later). A discussion within the campaign team on which methods to use, will prove to be beneficial as advantages and disadvantages will have to be weighed.

Here, are specific examples of which steps to follow; you are a civil society organisation in Uganda that wants to see the Domestic Relations Bill passed. You need to ask yourself, why you want the Bill passed. Your answer could be - to accord women and men equality in matters relating to marriage, divorce and family property. Why has it not been passed so far? – Due to resistance from some sections of society. Who are we targeting? - Parliamentarians, Ministers, staff of the Ministry of Gender, the general public, civil society organisations or international human rights bodies. Who could persuade the influential people to act? How do you persuade the public or organisations to put pressure on the violators? Can that be done through signing of petitions, demonstrations or public rallies? When is the best time to do this? The answers to these questions are to be the basis of your campaign strategy.

Campaigning, most often involves a conversation with society, persuading people to take an unusual interest in supporting a given action. Usually, campaigning motivates the masses and is a good tool for creating change. To begin any campaign, there has to be awareness building i.e. establishing and making known that a problem exists. Secondly, there is need to get the public and all those concerned, to look in the same direction and agree to what the problem is, who suffers, who is to blame and what possible solutions are there. Then, an appeal or call for the general public, civil society organisations and all those concerned to join in, has to be made, and this requires a commonly available tool or mechanism before action is finally taken. In the case of campaigning

against human rights violations, a HRD first needs to empower or ensure that the target group (individuals or the general public) know their rights, acknowledge that their rights have been violated and that something has, and most importantly **can** be done about it.

When embarking on a campaign to stop human rights violations, the HRD must know his/her targeted audience and be able to ‘understand’ them. There are those already ‘converted’ i.e. people who already know about the problem and want to see change. Time and energy should not be wasted on these ones because their support is guaranteed. Then, there exists a group of those very difficult to reach with the information you want to convey because they assume to know everything on the subject matter, in this case, human rights violations. Legislators usually fall in this category. These are dangerous as they could ‘contaminate’ the “know nothing” and convince them that your claims do not hold true. Time and energy should be spent on educating both these groups on the facts and benefits of the campaign.

Campaign tools

There are different campaign tools. It is essential to learn how to use the right tool for the job at hand, based on the available information and resources. One of these tools is *letter writing*; these letters are sent to a specific audience concerning the violations and clearly spell out what needs to be changed and what needs to be done to achieve change. They are easy to write, personal and take advantage of government bureaucracies (once delivered or posted it directly gets to the addressee without being told, come back tomorrow or the other day). However, they have limitations like high postage costs or low literacy levels in some societies, which can leave out possible supporters.

Lobbying involves giving views and information to decision-makers in order to

influence them towards the action you want. This often means contacting officials who make laws and policies, communicating desires and opinions, challenging the arguments of opponents, and demonstrating wide support for an issue.

Petitions are written formal messages submitted to an authority requesting for an official statement or action. They are usually easy and cheap to organise, they illustrate the level of public concern and are a simple way of allowing people to express their support.

Media is often a key for successful campaigning. One of the first ways to let the media know about you is to e-mail or send a press release telling them about the event or action, stating what is going to happen and where. Give it an interesting headline, be visual and create newsworthy events, train people how to talk to the media and have a campaign media spokesperson to avoid different people giving different views, which may hamper the campaign. Another way of utilizing the media is through speaking tours. These for example, can include a survivor of human rights violations or a human rights defender, giving an account of his/her experience. Usually, speaking tours target a specified audience, for example, lawyers or Parliamentarians at a dinner, or campus students. This usually attracts media attention, which means that the message will be spread to a wider audience. When using this tool for campaigning, one has to consider many factors, such as, which kind of audience is being targeted, how to phrase the message and how the different media houses operate. For example, there are radio stations that are more youth-oriented and thereby, reach a younger audience. Using them, would mean your target group should be the youth.

Public events such as demonstrations, rallies and lectures are very effective tools especially in mobilizing the public and attracting media attention; however a lot of publicity needs to be carried out to inform the public and achieve its participation.

Celebrity support is another strategic tool of campaigning, where a famous individual is used to help influence public opinion by lending credibility and image to an issue. Usually, musicians and sportsmen are used because people, especially the young, identify with them. For example, an international pop star Natasha Bedingfield made a visit to a neo-natal intensive care unit and saw the need of the infant lives. She later wore the "Tiny lives" T-shirt on stage at her concert, and made a collection for charity as people left.²³

The *Internet* is the latest tool that can reach millions of people within a short period, and it has been used by many organisations, notably Greenpeace. Greenpeace is an international organisation that aims to draw attention to environmental abuse. It campaigned against global warming by providing a website that had a central page with links to press releases, reports and even an interactive quiz. This enabled the organisation to reach a wider number of people in a short time. Many people also responded to the quiz, which showed that they were interested and willing to do something, including getting people's views about the whole campaign. The Internet also provides opportunity to present information, which the traditional media would not ordinarily cover, especially if it is not timely or newsworthy. It gives the chance to provide the whole story and an opportunity for the user to give feedback or even engage in a dialogue with others by posting comments. It can be a good forum for campaigns, which are not considered "newsworthy" by the traditional media. However, it also has limits especially in terms of accessibility. Campaigners need the skills and equipment to create a Website, and not all people have access to the internet. The success of a Website is also difficult to evaluate.

²³ See details on this campaign via http://www.nbt.nhs.uk/aboutus/tinylives/celebrity_support.htm.

Furthermore, when campaigning, you could actually use more than one campaigning tool to put across your message. For example, while some people will be content signing a petition, others may want to take part in the demonstration. This encourages diverse participation. A campaign slogan could also be a good idea, because if you continue using the slogan over time, it becomes known and your campaign will be linked through the slogan.

When using any of the above campaigning tools, communicating the message in the right way, is very central, because it is key to success. When communicating your ideas, people have to clearly understand what it is all about, and what you want to achieve. The message that you intend to pass on must be clear, for example, ‘end human rights violations’, unlike a message like, ‘justice now’, where one will not know for whom you want the justice, and why. What you are communicating must be clearly related to the purpose of the campaign, for example, a detailed report may be the best way to convince government to support a certain issue, but may not work for the public to take action. Instead, posters with human rights victims may get the public moving. The information you are communicating must also be trusted and reliable. In addition, communication timing is also important in terms of how much attention your issue will receive. For example, releasing a press statement when the sale of prime land is making headline, might not be appropriate, because your campaign will be overshadowed. When campaigning, human rights defenders should always remember that communication is a two-way process, i.e. it requires active involvement of both parties. Be keen on receiving feedback to verify that the message was received as intended. This is a must for effective communication.

When designing a campaign strategy, you must provide practical and realistic solutions or recommendations to the problem that you seek to address. Usually these are

suggestions of what you think should be done to achieve change, and they can be directed towards different stakeholders. It is from there, that authorities can get ideas on how to address the situation, and what direction to take.

In organising a campaign, one must always have a crisis plan or plan B, just in case of an emergency. Brainstorming should be done on the possible crisis and in which ways to handle it. In this case, there must be a crisis team to handle this. For example, as you carryout a demonstration, police stops you and threatens to arrest you if you do not stop. This is where the plan B comes in, because as a team, you should have anticipated what possible emergencies could come in. In this case, do you end the whole campaign at that, or go ahead and call for a press conference to use the ban to further the publicity of your campaign.

Getting into partnerships with other HRD organisations can strengthen the campaign and get the message to a wider range of people. So, it would be good to identify the groups that will support you, already supporting you, and those you hope can support you. The broader the campaign, the better. For example, if you have a religious leader on your side, chances are higher that you will have targeted a certain group of people who believe in their religious leaders or people who would not have considered this issue had it not ‘come to them’ say at the church through a sermon. Also, the violators may care less if it is a group of human rights activists ‘making noise’, but it will be a different story if a group of religious and/or traditional leaders joins them. This is why it is important to bring in other people who understand your cause and are ready to join you.

Resource allocation

Campaigning requires funds. The campaign team therefore needs to assess which financial and human resources are available to carry out the campaign. What resources

do you have? Is there a chance to get further support from elsewhere? Who can help do the work, given the fact that most people might work on the campaign in their spare time? These and many other questions should be asked during the planning phase of the campaign as they determine the means and scale of the campaign, and since campaigning takes a lot of time and resources to prepare and execute. Again, partnerships may help as other HRD organisations could come in to help, either financially or by providing resource persons and equipments.

Impact evaluation

While a campaign is running and afterwards, it is crucial to evaluate its impact. It is necessary to compare the outcomes with the objectives that had been formulated ahead of the campaign. You need to ask yourself; who have we reached? Have we reached the right persons? Have we made them act? What difficulties did we experience? What did we forget to take into account? Has the campaign resulted into change? Is that the change we wanted? What should be done next? From this, the campaign team will derive a clear picture of what has been achieved, and what lessons [learnt] can be of use for the next campaign. Honesty and a critical approach to one's own work are essential to arrive at a genuine result.

In summary, campaigning is worthwhile if it leads to real long term change. Sometimes, it is hard to measure the impact of the campaign, but that should not deter you. It offers a huge potential to achieve change for the better, as it rallies public support, and translates it into action. However, so far, it is not being fully utilized and yet if well used; it could yield greater results in combating

human rights violations across the world, and bring perpetrators to book.²⁴

Caroline Magambo holds a BA Mass Communication and is currently a volunteer with the East and Horn of Africa Human Rights Defenders Project.

²⁴ For further reading on campaigns read the Amnesty Campaigning Manual on www.amnesty.org.

Women Human Rights Defenders – Need for Strategic Activism

Nora Rehmer

The crucial role played by women human rights defenders (WHRDs) has been increasingly recognized in recent years. However, their particular challenges and needs have not been entirely understood and addressed from outside, as well as inside the human rights movement. This article aims at providing an overview on the situation and challenges of WHRDs as well as possible avenues for improved protection and support in the region of the East and Horn of Africa.

Challenges

The definition of women human rights defenders does not only encompass women who are human rights defenders but also may include male women's rights defenders. As defined during the campaign on WHRDs launched in 2004²⁵, “Women Human Rights Defenders’ are both women active in human rights defence who are targeted for *who they are* as well as all those active in the defence of women’s rights who are targeted for *what they do*.”²⁶ Focusing on this special group does not intend to narrow the focus of action but rather widen the understanding of the challenges faced by human rights defenders in relation to the rights they defend and who they are as these factors greatly impact on their work as human rights defenders. The same holds true for minority rights defenders such as those who are defending the rights of the disabled or sexual minorities.

Women human rights defenders often face several challenges due to their being human rights defenders and being women and/or defending women’s rights. These come in the shape of continued discrimination engrained in statutory, customary and religious laws. The fact that women human rights defenders continue to operate in a highly male dominated society that assigns women characteristics such as submissiveness, caring and obedience, makes it even more difficult to stand up for one’s own rights and those of others. Such actions are quickly considered a threat to the prevalent (patriarchal) order and dismissed as deviant and defying culture and tradition. The fact that it is still mainly men that shape the perceptions and values of communities and societies makes it easy to utilise this discursive power to portray these efforts as negative and harmful to society, so as to maintain the status quo. The rights advocated for by women such as equality in marriage, right to land and property ownership, right to healthcare and education etc., are often not considered relevant or valid. The response towards women human rights defenders therefore, is often rejection and disapproval, leading to punishment and violence by families, communities and the wider society.

Examples from the sub-region

Examples supporting this argument are manifold such as that of a woman human rights defender who advocated against Female Genital Mutilation (FGM) in the Somali area of Kenya. After having her daughter forcefully circumcised by relatives, she started a campaign in her home area against this widespread cultural practice. She recalls, “When I came up with the idea of campaigning against FGM for the first

²⁵ Information and resources on this campaign and related issues can be found at <http://www.defendingwomen-defendingrights.org>.

²⁶ International Consultation on Women Human Rights Defenders. Resource Book. (p.6) <http://www.defendingwomen-defendingrights.org/pdf/WHRD-Resource-English-press.pdf>

time, it was met with a lot of resistance and open hostility from my community. I was accused of introducing Western values to replace the Somali culture. Some religious leaders too were opposed to my crusade, for they believed circumcision was a religious ritual. However, this remains a misconception. I became the talk of the town, the market, offices as well as mosques. I was abusively nicknamed “Kintir” meaning “Clitoris”. This did not deter me from crusading for women’s rights; but it affected my daughter socially and academically until she had to transfer from Northern Kenya to a school in Western Kenya.”

In Uganda, women’s organisations; Akina Mama wa Afrika, Action Aid International Uganda, Isis-WICCE and Uganda Women’s Network attempted to stage a play entitled “Vagina Monologues”, that addressed the high incidence of sexual violence against women including genital mutilation, incest, and sexual abuse. The play which had been successfully staged in Kenya, was however, banned by the Media Council for allegedly glorifying what it called unnatural sex, i.e. masturbation, lesbianism and homosexuality. The Council’s action amounted to the restriction of freedom of expression and proof of the power of patriarchy that is still prevalent in most decision-making bodies. In the process of heated public debate, the organisers experienced hostility and defamation by government officials as well as other public figures.

In 2001, the Ethiopian Government temporarily suspended the Ethiopian Women Lawyers Association (EWLA) and froze its accounts for what it called “engaging in activities different from those it was mandated by law”.²⁷ This happened in reaction to EWLA’s criticism of the Ministry of Justice for failure to effectively

persecute a perpetrator of ongoing domestic violence. EWLA, one of the outstanding NGOs in Ethiopia working for equality and social justice, had to leave hundreds of cases of domestic violence unattended during the period of the suspension. The act of the Government constituted a clear infringement on the freedom of expression and right to disseminate information. However, EWLA was later able to achieve a reinstatement of its operation through a court verdict after the Minister of Justice was transferred to a different portfolio.

A decisive difference women human rights defenders face in their work is that the defender’s sexuality is often central to the campaign against her work. Often women human rights defenders are targeted in a way that aims at hurting them as women, such as sexual violence and rape. A minority rights defender advocating for the rights of gays and lesbians has faced several attacks and the threat of “curative” rape accompanies her work. ‘Sexuality-baiting’ is often used to “intimidate, humiliate, embarrass, stifle or discourage women from addressing issues of sexuality, sexual or other human rights.”²⁸ This can take various shapes, most of them aiming at compromising the credibility and respect yielded by a defender. Labels such as lesbian, alien and anti-culture are used to discredit and de-legitimise the rights they are fighting for, as well as their right to speak out. The persistent tabooing of sexuality and sexual rights works as a support for those attempting to silence women human rights defenders.

Another example is that of a Somali woman human rights defender who faced pressure from authorities not only due to the rights she was advocating for. She was equally harassed from within her own community. “In April 2002, I was kidnapped by my own clan and held hostage for two days in an attempt to stop my human rights work and to force me instead to buy ammunition for

²⁷ Human Rights Watch (2001) Ethiopia: Government Attacks Women Lawyers, October 17, 2001. <http://www.hrw.org/press/2001/10/ethiopia-1017-ltr.htm>

²⁸ Ibid, p. 8.

them. During the celebration of International Women's Day on March 8th this year, I raised the issue of Somali women missing out on their quota of seats in the new Transitional Federal Parliament. Subsequently I was targeted and also verbally threatened through anonymous phone calls. As a result of all this, I have faced a lot of depression, burnout and other psychological effects such as nightmares and lack of concentration, and recently developed hypoglycaemia and hypertension, the end results of contained anger, worry, fear, the sense of helplessness and hopelessness. As a woman human rights defender, you face further difficulties and pressures from your family, community and clan, as a woman's place is said to be in the home, and you are called names."

Impunity for perpetrators

Acts such as those described above target individual woman human rights defender as well as organisations advocating for women's rights. Perpetrators of discrimination and outright violation of the defenders' rights range from State to non-State actors including members of the community and the defenders' families. Holding violators accountable, poses a difficult task in an environment often generally hostile to women human rights defenders or the rights they defend. Though most of the governments of the sub-region subscribe to international human rights standards, their compliance is arbitrary and guided by political agendas. The support of "women's issues" by some governments is often revealed to be superficial and opportunistic without efficiently addressing the root causes of persisting discrimination and inequality. Women continued marginalised position in society aggravates their ability to take violators of their rights to justice. This is the truer for women human rights defenders who have transgressed allegedly common rules by speaking out on rights and entitlements.

Authorities can use their power in various ways such as withholding the registration of an organisation on basis of their areas of engagement, protracted lawsuits and outright harassment by security agents. Though the international system is built on the accountability and obligations of states towards their citizens, this is often difficult to be enforced. The weakness of the international community in exerting pressures on state violators is often revealed in its lack of influence in so-called issues of national concern that are evoked by pointing to the sovereignty of a state.

In addition, defenders also experience violations from non-state actors. This term embraces a wide range of actors such as family and community, private corporations, media workers, armed groups, fundamentalist organisations and international financial institutions. Unfortunately, the current international legal system remains weak in its provisions on accountability of these actors and their actual enforcement. States' obligation to protect its citizens and therefore also WHRD is and can often not be fulfilled. Hence, the perpetrators often act with impunity. Radical political and/or religious forces often infringe on civilians' rights and establish a rule of law that deliberately limits basic freedoms of communities. Women are often targeted on basis of their sex and their communal role. Especially in situations of armed conflict and secession, non-state actors are among the main perpetrators of rights violations. Women are often attacked to retaliate and humiliate an entire community based once again on their role as life-giver and symbol of communal honour. Women human rights defenders working in situations of armed conflicts face the increased challenge of being a defender and a woman and are thereby vulnerable to gender-specific attacks. Defenders are singled out for attacks to illustrate the risk of speaking out and thereby deter other community members from following their footsteps. However, if it is the immediate

family or community that violates the rights of a woman human rights defender, accountability and redress become even more difficult by the inclusion of emotional and social dependencies. The negative effect of their human rights defence work on family and children and the negative attitude of spouses, may limit women's willingness to speak out. Fear of rejection and being ostracised by the community may easily influence a defender's outspokenness on a sensitive issue. Ordinarily, little alternative safe havens are available to a defender when having come under threat other than their own home. Acts of physical and sexual violence from within the family caused by a woman's work as a defender will often be handled as a "domestic issue" by authorities with little or nothing done to persecute the perpetrators. It is because of these prevailing conditions, that improving accountability of non-state actors and the recognition of the rights of women human rights defenders to defend the rights of others remains a major challenge.

Small steps towards change

How else can a better protection of women human rights defenders be achieved? There is surely no simple answer to this. However, from the above elaboration, it becomes clear that the approach will have to be multi-fold, addressing the root causes of continued discrimination which causes specific risks to WHRDs. This will have to aim at changing the ideology of perpetrators and create structures and institutions in society that are able to provide equal protection to all citizens regardless of sex. This is not done in an instant, and this article cannot claim to hold the solution to our society's continuous inequalities. However, it seeks to provide some ideas for action intending to address the specific vulnerabilities of WHRDs in a long-term perspective.²⁹ The international

campaign on WHRDs mentioned above is a good example of attempting to create change collectively. It emerged out of networking efforts between women's rights groups and human rights organisations, thereby bringing together expertise and motivation from different backgrounds. It is the campaign's declared aim to support human rights defenders all over the world in their struggle of promoting the rights of others. However, the campaign intends to focus on those defenders that are at risk because of their sex and/or gender identity. To achieve this, emphasis will be put on "developing collective analytical and political strategies for strengthening the defence of women human rights defenders within a broader context of reaffirming internationally recognised commitments to democratic principles and universal human rights and freedoms." Broken down, this is to mean that national and international efforts have to be maintained side by side to give consideration to national particularities and at the same time utilize the strength of an international movement in initiating and pushing for change. Practically this means that WHRDs need to organize themselves. On a national level the challenge is to unite WHRDs and together identify the obstacles they face on basis of their work and their sex. This has to happen with reference to the existing social, legal, political and cultural framework within which WHRDs operate and which at the same time determines their discrimination and vulnerabilities. Only by a clear analysis of the root causes of discrimination and insecurity can meaningful instruments for change be developed. National consultation meetings such as those that were held in Togo or Nepal³⁰ might be one option to bring together WHRDs for analysis and strategic planning. However it appears crucial to involve the wider national human rights movement in any action either as target of a campaign or partner for change. Creating

²⁹ Other sections of the book provide advice how to treat individual security concerns. See the articles by Musa Gassama and Luis Enrique Eguren.

³⁰ Narratives to these and similar events can be found via <http://www.defendingwomen-defendingrights.org/actions.php>

general acceptance and support among the wider human rights defenders movement on the validity of WHRDs' claims to be equal partners in the defense of human rights should be one of the objectives.

The avenues chosen to address the causes of WHRDs' particular vulnerabilities very much depend on the national context. However, a campaign tailored to address these issues in line with the general challenges of HRDs might provide for a wider support base and more sustainable impact. Instruments and actions identified need to be relevant and applicable in the current context addressing the key actors – a consultation with the wider civil society and a sharing of lessons learnt in campaigning and advocacy can therefore be extremely beneficial in drafting an effective and target-oriented campaign. Involvement of resource persons with experience in similar action should be sought. Creating a situation where the specific concerns of HRDs are addressed and they receive protection as stipulated in international documents such as the UN Declaration on HRDs by government, non-state actors and civil society should be the underlying aim of any action.

Describing the need for concerted action on behalf of a better protection of HRDs, it needs to be understood how wide the area of intervention can and must be in practice. Advocating for legislative and policy reform is only one area that needs to be addressed vigorously. Lobbying for the adoption of the UN Declaration on HRDs as a national, legally binding instrument and introduce measures to ensure adherence will benefit the cause of HRDs in general as well as WHRDs in particular and would at the same time allow to hold accountable non-state actors for the violation of HRDs' rights.

However, legal reform cannot be the sole solution. Such change needs to go hand in hand with targeting the mentality and structures that help to perpetuate currently existing inequalities and notions of masculinity and femininity. WHRDs' recurrent difficulties experienced from and

within their own communities and families on basis of their work call for additional measures targeting beliefs sanctioned by tradition and culture. Therefore, taking campaigns and sensitization to communities is essential.

Besides the lobby work described above, WHRDs on the ground have very particular risks they face in their work and their capacity to make a contribution to their own safety is yet to be fully utilised. Other sections of this book try to provide HRDs with hands-on information on their own security management and risk assessment. The resource section of the book also provides for further reading which together should enable WHRDs to draw lessons for their particular security needs.

Several organizations are currently providing support for the protection of WHRDs. Among them Front Line and Urgent Action Fund for Women whose contact details and brief outline of their field of work can be found in the annexe of the book.

The creation of various initiatives to recognise and honour the courageous work of HRDs can be utilised to benefit the campaign for visibility and recognition of WHRDs and their specific challenges. Human rights awards³¹ granted to women human rights defenders can serve as an important motivation in their work, which not only serves their individual cause but also holds opportunity to enhance the visibility of WHRD's achievements and challenges.

All in all, it is essential for WHRDs themselves to recognise and actively address challenges. This can best be done by joining hands to develop appropriate strategies to combat inequalities inherent in society, yet unfortunately also visible in the human rights movement. Getting fellow human

³¹ For example Ginetta Sagan Fund Award, Front Line Award, Martin Ennals Award for Human Rights Defenders, REEBOK Human Rights Award or Robert F. Kennedy Human Rights Award.

rights defenders aboard, would benefit the cause, by drawing on their potential and widening the scope of influence. Recognition of WHRDs' specific challenges by State and non-State actors should furthermore be a centrepiece of human rights advocacy by international organisations and other relevant actors in forums such as the UN Human Rights Council. Only a strategy waged on all fronts will yield sustainable results in the long-term perspective.

Nora Rehmer holds an MA African Studies and is currently the Programme Officer of the East and Horn of Africa Human Rights Defenders Project (EHAHRDP).

The issue of homosexuality remains extremely sensitive in Africa. Lesbian, gay, bisexual and transgender (LGBT) activists face serious threats from governments as well as society in general due to the cause they are advancing. Currently, the activists still lack support from the wider human rights movement itself, something that is grossly demoralising. The LGBT movement therefore, faces numerous external challenges. However, there are internal structural and ideological challenges that also hamper its capacity to drive its issues in a strategic and controlled manner. This article seeks to give an overview on LGBT issues by providing definitions and describing challenges of activists working in this field, as well as linking their work to the wider efforts of human rights defenders and their rights.

Terminology

The abbreviation LGBT collectively refers to lesbian, gay, bisexual and transgender, encompassing people of both differing sexual orientations and gender identities. LGBT is considered a term more comprehensive than “homosexual” or “gay”. It refers to the sexual orientation of people who are different from what is considered the heterosexual norm, i.e. sexual attraction to the opposite sex. The term *lesbian* refers to women who are romantically and sexually attracted to only women while *gay* refers to men who are only attracted to men. *Bisexual* individuals can be romantically and sexually attracted to a man or a woman.

The acronym LGBT also includes gender identity in the term transgender. *Transgender* refers to individuals whose gender identity does not fit into the normal categories usually placed on people at birth as being either born male or female. In fact, the categories “male” and “female” that are typically used are constructed by society. At

birth, children are named as male or female depending on the way family, birth attendants, and/or doctors view their genitals. However, many people are born physically and/or psychologically not fitting into the category to which they are assigned based on people’s observations of their genitals. Many transgender people either do not fit to be male or female, or they feel they are a different sex than the one they were assigned at birth.³²

Challenges of LGBT individuals

LGBT people face various dangers and challenges in Africa and especially the region of the East and Horn. Despite the fact that most of the negative attitudes and laws discriminating against LGBT people were introduced by colonialists, social stigma often justified by religion and/or culture today depicts homosexual acts and unions as being “non-African” and “against the natural order”. Although transgender individuals, and lesbian and gay relationships existed in various accepted forms in many areas throughout the East and Horn of Africa prior to the invasion of foreign powers, the negative attitudes and criminalising laws introduced through colonialism have had a lasting effect. These convictions are widely held and strongly defended within communities and the wider public, by the media and/or leading public figures practically disabling individuals to exercise their right to equality and non-discrimination.

³² The definitions of some of these terms are still contested as not being adequate to denote the realities they try to describe. Self-reference of LGBT individuals might also differ from the terminology above. However, this article does not allow for a full discussion of these issues.

Challenges faced by LGBT individuals on the basis of their sexual orientation among others include:

- Discrimination in accessing employment, health care, information and security;
- Torture, arbitrary detention and degrading treatment as a violation of one's right to liberty and humane treatment;
- State-sanctioned assault by family members, relatives, "friends", employers, and prison-mates. Lesbian and bisexual women face high levels of rape by heterosexual men. Gays are often raped in prison by heterosexual men.);
- Denial of the right to justice and remedy;
- Extortion using threats of revealing their sexual orientation in return for money, assets and/or sexual favours, which increases their emotional, economical and physical vulnerability;
- Defamation and baiting

In many African countries, homosexuality is criminalised and same-sex unions/marriages are prohibited.

Following is a table illustrating the current state of affairs in the countries of the East and Horn of Africa.³³

Sexual Minorities and the Law

Djibouti

Homosexuality: Illegal. F/M.

³³ Amnesty International (2006) Sexual Minorities and the Law: A World Survey [Updated July 2006]. <http://www.ai-lgbt.org/texts/lgbt2006.rtf>

Transgender: No data or legal situation unclear

Eritrea

Homosexuality: Legal. M (F situation unclear) age of consent 18.

Transgender: No data or legal situation unclear.

Ethiopia

Homosexuality: Illegal. F/M. Imprisonable for 3 years.

Transgender: No data or legal situation unclear.

Kenya

Homosexuality: Illegal. M (F not mentioned in law). Imprisonable for 14 years.

Transgender: No data or legal situation unclear. Traditionally transgender people had an accepted place in society.

Somalia

Homosexuality: Illegal. F/M. Death penalty in some areas ruled by shari'a law and applies to both women and men. Imprisonable for up to 3 years.

Transgender: No data or legal situation unclear.

Sudan

Homosexuality: Illegal. F/M. Death penalty applies under Shar'ia law or 5 years imprisonment.

Transgender: No data or legal situation unclear.

Tanzania

Homosexuality: Illegal. F/M. Imprisonable for life. New laws have criminalized lesbianism and made same-sex marriage illegal and imprisonable for 7 years. LGBT citizens have applied for asylum in other countries.

Transgender: No data or legal situation unclear.

Uganda

Homosexuality: Illegal. M (F not mentioned in law, but has been used against women). Imprisonable for life. In 2005 same-sex marriage was criminalized. LGBT citizens have been granted asylum in other countries.

Transgender: No data or legal situation unclear.

F=Female

M=Male

LGBT = Lesbian, Gay, Bisexual, Transgender

In several countries of the East and Horn of Africa, these laws are enforced and LGBT individuals face harassment and imprisonment that often goes hand in hand with degrading treatment, torture and defamation. Often, impunity prevails with discriminatory legislation used as a justification to deny LGBT individuals equal protection by the law. Abuse of power by authorities, such as police against gays is sanctioned by referencing legal provisions prohibiting homosexual acts as well as rallying public opinion on the immorality of such acts.

They also often face violence and arbitrary violation of their rights such as torture, rape, detention, harassment and defamation solely due to their sexual orientation/identity. Basic rights enshrined in the Universal Declaration on Human Rights and country's constitutions are denied to those openly or allegedly being homosexual or transgender. "[V]iolence against lesbian, gay, bisexual and transgender persons is frequently unreported, undocumented and goes ultimately unpunished. [...] This shameful silence is the ultimate rejection of the fundamental principle of universality of rights. [...] Excluding LGBT individuals from these protections clearly violates international human rights law as well as the common standards of humanity that define us all", says UN High Commissioner for Human Rights, Louise Arbour.³⁴

As a result, life in hiding is a challenge many LGBT individuals have to cope with to avoid harassment and imprisonment. This automatically impairs on their ability to pursue education, stable employment and access to healthcare. This renders them more vulnerable emotionally, socially and economically. Several studies have documented the exclusion of homosexuals from HIV/AIDS programmes, including

sensitisation, counselling, safer-sex education, and treatment. As a result, this group has remained potentially high-risk.³⁵

In 2006, a Ugandan tabloid, *The Red Pepper* published a list of names, places of work, and areas of residence of alleged gays and lesbians, inciting fear within the LGBT community and clearly violated their rights as individuals, to privacy. The publication thereby stirred a polemic and homophobic discussion, carried out in the newspapers and joined by high-ranking politicians and religious leaders calling for stronger persecution of homosexuals.³⁶ The silence of mainstream human rights defenders on this issue once more proved a challenge in advancing the notion of the universality of human rights. This culture of fear and lack of protection among LGBT individuals is often abused by individuals who threaten to reveal their gender identity and/or sexual orientation if not given money or sexual favours, thereby increasing their emotional, economic and physical vulnerability.

Defamation and baiting of LGBT individuals can further contribute to their insecurity as well as marginalising or even ostracising them from their family and wider community. This yet again increases their financial and psychological vulnerability through exclusion from employment and social support from family and the community.

These forms of discrimination carried out by authorities, law-makers, defenders, the public and individuals are a clear indicator of the prevailing lack of recognition that transgender and homosexual rights are

³⁴ Presentation of the Office of the United Nations High Commissioner for Human Rights Ms. Louise Arbour to the International Conference on LGBT (Lesbian, Gays, Bisexual and Transgender) Human Rights; Montreal, 26 July 2006.

³⁵ For example: International Gay and Lesbian Human Rights Commission (2007) Off the Map. How HIV/AIDS Programming is Failing Same-Sex Practicing People in Africa. <http://www.iglhrc.org/files/iglhrc/otm/Off%20The%20Map.pdf>

³⁶ Human Rights Watch (2006) Uganda: Press Homophobia Raises Fears of Crackdown. Government Campaign Against Gay and Lesbian Community Escalates, September 8, 2006. <http://hrw.org/english/docs/2006/09/08/uganda14154.htm>

human rights and that every individual holds the same rights because everyone is equal. The Human Rights Committee of the United Nations in 1994 ruled in the case *Toonen v. Australia* that a statute of the Australian state of Tasmania prohibiting sexual contact between consenting adult men in private was a violation of fundamental human rights.

It declared that the provisions in Article 2(1) of the International Convention on Civil and Political Rights (ICCPR) on non-discrimination on basis of “sex” are to include an individual’s sexual orientation.³⁷

Article 2.1 of the ICCPR:

Each State Party to the present Covenant undertakes to respect and ensure to all individuals within its territory, and subject to its jurisdiction, the rights recognized in the present Covenant without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property or other status.

This in effect means that no one is to be discriminated against on basis of his or her sexual orientation. Since then, the Human Rights Committee has repeatedly expressed concern over laws outlawing homosexual acts that are understood as contravening the provisions of the ICCPR.

Article 26 of the ICCPR furthermore accords equal protection of the law to anyone without any discrimination, which further obliges authorities to protect LGBT individuals from any harm, and remove discriminatory legislation that allows for differential treatment on basis of one’s sexual orientation.

Article 26 of the ICCPR:

All persons are equal before the law and are entitled without any

discrimination to the equal protection of the law. In this respect, the law shall prohibit any discrimination and guarantee to all persons equal and effective protection against discrimination on any ground, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

The provisions of the African Charter on Human and Peoples’ Rights guarantee equal enjoyment of rights “without distinction of any kind such as race, ethnic group, colour, sex, language, religion, political or any other opinion, national and social origin, fortune, birth or any status.” In light of Article 60³⁸ of the Charter that allows for an inspiration from provisions of international human rights law, and instruments adopted within the United Nations, this means that its decisions should be guided by jurisprudence decided in similar human rights bodies. The decision of the UN Human Rights Committee on the case *Toonen vs. Australia* can therefore, be taken as a precedent and used to lobby Governments to do away with discriminatory legislation that prohibits homosexual acts and denies LGBT individuals equal protection by the law.

LGBT activism

In Africa, relatively few established LGBT organizations exist due to the hostile legal, political and socio-cultural environment that

³⁷ With reference to the case *Toonen vs. Australia*, Communication No. 488/1992, UN Doc CCPR/C/50/D/488/1992, 4 April 1994.

³⁸ Article 69 of the African Charter: “The Commission shall draw inspiration from international law on human and peoples’ rights, particularly from the provisions of various African instruments on human and peoples’ rights, the Charter of the United Nations, the Charter of the Organization of African Unity, the Universal Declaration of Human Rights, other instruments adopted by the United Nations and by African countries in the field of human and peoples’ rights as well as from the provisions of various instruments adopted within the Specialized Agencies of the United Nations of which the parties to the present Charter are members.”

prevails in many countries. As homosexuality is legally outlawed in many of the countries of the East and Horn of Africa (see Table above), advocating for LGBT rights is made illegal directly or indirectly through laws and/or the registration process for non-governmental organisations. This hinders the work of activists as a registration certificate is needed for many of the administrative needs of an organisation. among them the renting of office space, the establishment of a stable and secure base of operations, the opening of a bank account to receive donor funds or the purchase of equipment. The qualifications required to run an organisation are not always available among the activists, yet access to training is limited by the very discrimination based on their sexual orientation and/or gender identity that made their activism necessary in the first place.

Internal division and conflict among LGBT activists on the prioritisation of issues and which means to use for advancing LGBT rights weakens their efficiency³⁹. It is therefore essential that LGBT activists are supported in conflict resolution and strategic planning to allow for a bundling of efforts and strengths in addressing the current challenges faced by sexual minorities. Further challenges are created from within the movement through mistrust, betrayal and abuse of authority caused by extreme social and economic marginalisation, lack of opportunities that force many to put their individual survival ahead of the wider struggle as well as negative effects of donor conduct. The latter, often comes in form of inadequate research upon which funds are allocated, insufficient assessment of individuals' track record of managerial competence, as well as unrealistic expectations in terms of outcomes and documentation with regard to the capacity of

organisations. These issues can only be addressed through an intensified dialogue with all stakeholders involved, to strengthen the potential of the movement to deal with its massive external challenges.

The lack of support from conventional human rights organisations can be explained with the repressive legal system and prevailing public opinion on the unlawfulness of homosexuality. Many mainstream human rights defenders fear repression by the state when defending sexual minority rights. In addition, often LGBT rights are not considered valid and relevant, often out of ignorance. This is in clear violation of the universality of human rights, that human rights defenders are to subscribe to if they are to be recognised as such (see Preamble of the UN Declaration on HRDs). For that reason, it is one of the activists' main tasks to sensitise fellow human rights defenders on their cause. Ideally, this ought to be done by using a rights-based approach, which underlines the basic values of equality and non-discrimination enshrined in fundamental international standards such as the Universal Declaration on Human Rights (UDHR), and the African Charter on Human and Peoples' Rights. Securing support from the human rights movement is essential in strengthening the voice of LBGT activists and lending further credibility to its cause in approaching law makers and the wider public.

To achieve change, LGBT activists need to address the obstacles spelt out above in a strategic manner. It is hoped that they will receive strong support from within the human rights movement in their advocacy and campaigns to revoke discriminatory legislation and practice.

Besides building strong partnerships with civil society, LGBT activists should exhaust the formal avenues available with international bodies, such as the United Nations or the African Commission on Human and Peoples' Rights. The United

³⁹ Urgent Action Fund for Women's Human Rights (2005) LGBTI Organizing in East Africa: The True Test for Human Rights Defenders. <http://www.urgentactionfund.org/documents/UAF-LGBTI%20REPORT%20FINAL.pdf>

Nation's system of Treaty Bodies⁴⁰ and Special Procedures,⁴¹ holds potential to "monitor the compliance of States with international human rights law and to make recommendations accordingly. The analysis and conclusions of the Special Procedures and Treaty Bodies can lead in turn to changes in national law and practice, as states endeavour to bring their laws and policies in line with international standards. [...] The submission of individual cases and briefings which demonstrate patterns of violations relevant to LGBT rights can also result in the Treaty Bodies and Special Procedures giving attention to this area of human rights protection, including through the development of jurisprudence."⁴² To be able to take action and put pressure on Governments, the Treaty Bodies and Special Procedures require credible and objective information upon which to base their recommendations. This can be supplied by international, regional or local organizations by following established procedures. Amnesty International has developed a

document entitled, "The Human Rights of Lesbian, Gay, Bisexual and Transgender People: A primer to working with the United Nations Treaty Monitoring Bodies and the Special Procedures of the United Nations Commission on Human Rights"⁴³ detailing the potential and procedures for LGBT activists in using these mechanisms in their advocacy work.

Similar procedures are available with the African Commission on Human and Peoples' Rights (ACHPR). Article 55 allows for the submission of complaints over violations of provisions as stipulated in the African Charter by a state party (referred to as Communication) to the Commission by an individual or an organization as long as the complaint is compatible with the African Charter and national remedies have been exhausted where possible (Article 56).⁴⁴ The Commission will then decide on the admissibility of the complaint. If admitted, it will communicate to the respective State, which is requested to respond with an explanation on the case and steps taken for remedy. Upon consultation, the AU Assembly may ask the Commission to publish its results and provide recommendations. If a massive violation seems to appear, further investigations can be ordered. The various Special Rapporteurs have encouraged individuals, activists and organizations to report cases of violations to allow for further investigation and engagement with States on redress. Using Observer Status with the African Commission to prepare reports countering or seeking to correct reports provided by member States, is another mechanism that can be used to seek redress for violations and advocate for the respect of rights on the

⁴⁰ Treaty bodies are committees of experts established to monitor the compliance of state parties with the provisions of treaties such as the International Covenant on Civil and Political Rights (ICCPR), the International Covenant on Economic, Social and Cultural Rights (ICESCR), the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Convention on the Elimination of All Forms of Discrimination against Women, the Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Rights of the Child and the Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.

⁴¹ Special Procedures are thematic and country experts appointed by the UN Commission on Human Rights (now UN Human Rights Council) looking at specific violations or violations occurring in specific states/territories. They can be referred to as "special rapporteur", "special representative of the Secretary-General", "independent expert", or be formed as a "working group".

⁴² Amnesty International (2005) *The Human Rights of Lesbian, Gay, Bisexual and Transgender People: A primer to working with the United Nations Treaty Monitoring Bodies and the Special Procedures of the United Nations Commission on Human Rights*. AI Index: IOR 40/004/2005, p. 1. <http://web.amnesty.org/library/Index/ENGIOR400042005?open&of=ENG-347>

⁴³ Ibid.

⁴⁴ See Amnesty International (2006) *A Guide to the African Charter on Human and Peoples' Rights*. AI Index: IOR 63/005/2006. <http://web.amnesty.org/library/Index/ENGIOR630052006?open&of=ENG-373>

regional level.⁴⁵ A Government report was recently responded to by the International Gay and Lesbian Human Rights Commission (IGLHRC) and Sexual Minorities of Uganda (SMUG) in “Report on the Rights of Lesbian, Gay, Bisexual and Transgender People in the Republic of Uganda, under the African Charter on Human and Peoples’ Rights”⁴⁶. This shadow report was presented to the African Commission during the 40th Session in November 2006 in response to the Periodic Report prepared by the Government of Uganda as presented during the 39th Session. Such shadow reports provide an opportunity to rectify factual wrongs in relation to rights violations perpetrated by the State against LGBT individuals and fills gaps in relation to LGBT issues apparent in the periodical reports by States. Recommendations on how the State in question, is to act to rectify the problems, are part of the lobbying strategy that then includes the other members of the African Commission in holding the said member State accountable.

Besides using institutions to achieve change, LGBT activists need to seek forums where they can present their cause. One such example is the World Social Forum that took place in Kenya in January 2007, where LGBT organizations from all over the world and particularly Africa used the opportunity to speak out on their challenges and educate the wider public about their rights and needs. They did so by providing workshops, organizing several dialogue sessions, and presenting information through public display. The response from fellow activists and the public was largely positive and provided ground for further advocacy especially in the host country Kenya. Advances made in such forums should be strategically utilized and followed-up by the activists.

LGBT activists however, have to carefully assess the situation in their respective countries. The first challenge is to find trustworthy, dedicated partners, to agree on what is to be achieved within a given national setting, and to determine how that can be most effectively done. It is essential to identify likely supporters of one’s cause, which often are selected local women’s organizations, international human rights organizations, donor organizations, staff of international organizations, and diplomatic missions. Allying with them openly can have advantages and disadvantages. Benefiting from their social, political and economic power can help in publicizing and to some extent legitimize LGBT issues. However, with regards to openly involving international organizations in local struggles, the self-motivation, genuineness and dedication of local activists should not be overshadowed by international support, as the argument of homosexuality being “alien” and ‘non-African” is still rife. Activists should therefore enter strategic alliances with supporters taking into account all possible effects and utilize these alliances more on the legislative and policy-making level. Donors and international organizations on the other hand should make it a point to involve an LGBT component in their activities wherever possible. For example, inviting LGBT activists to workshops will not only enhance their ability to defend the rights of LGBT individuals but also communicate to fellow activists their views and allow them to get to know the human factor that is often left out in the discussion about homosexuality. By including LGBT individuals in sexual healthcare, and HIV/AIDS programmes, organizations can try to combat the neglect that this group has experienced in this area and that has enhanced their vulnerability even further.

Getting support from local civil society is the biggest challenge LGBT activists face in the current setting throughout the East and Horn of Africa. Their persistent marginalization within the national human

⁴⁵ To obtain observer status, the organization has to be legally registered. Information on the procedures of application can be found

⁴⁶ <http://www.iglhrc.org/files/iglhrc/reports/Uganda%20Shadow%20Report%20.pdf>

rights movements denies them legitimacy in the eyes of the public and the State and helps to abet the crimes perpetrated against LGBT individuals. Meeting on neutral grounds with civil society members for sensitization can be the start for a more positive attitude. Involving policy-makers and legislators in such forums at a later stage will allow for lobbying to decriminalize homosexuality. Advancing arguments from a human rights and legal perspective (see ruling of the UN Human Rights Committee) in a professional manner, with the support of civil society and if possible national human rights institutions, e.g. Human Rights Commissions, can contribute to fresh and more humane perspectives on the issues at stake and allow for a dialogue.

Educating the wider public is to be well-planned taking into account the prevalent religious and cultural beliefs that are widely held. Promoting LGBT issues from a certain angle that is likely to find the most receptiveness is vital to make an in-road into people's minds. Amnesty International in its "Campaigning Manual"⁴⁷ devotes a chapter on how to campaign on LGBT rights.⁴⁸ A study conducted by Urgent Action Fund for Women's Human Rights entitled "LGBTI Organizing in East Africa: The True Test for Human Rights Defenders"⁴⁹ provides lessons learnt from LGBT activism in Southern Africa and gives recommendations on how to advance the cause of LGBT rights in the East African setting.

In summary, LGBT individuals face violations of their basic human rights throughout the East and Horn of Africa. For their advocates, defenders of LGBT rights, there are many challenges to achieving general acceptance of LGBT rights as human rights. As these challenges are met

with cooperative action by both mainstream and LGBT human rights defenders, the violations of LGBT rights such as discriminatory legislation and treatment can be addressed much more effectively.

Nora Rehmer holds an MA African Studies and is currently the Programme Officer of the East and Horn of Africa Human Rights Defenders Project (EHAHRDP).

⁴⁷ Amnesty International (2001) Campaigning Manual. Amnesty International Publications. <http://web.amnesty.org/pages/campaigning-manual-eng>

⁴⁸ See also the article on campaigning in this publication.

⁴⁹ Urgent Action Fund for Women's Human Rights.

Annex 1

International and Regional Documents on the Protection of Human Rights Defenders

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

The General Assembly,

Reaffirming the importance of the observance of the purposes and principles of the Charter of the United Nations for the promotion and protection of all human rights and fundamental freedoms for all persons in all countries of the world,

Reaffirming also the importance of the Universal Declaration of Human Rights² and the International Covenants on Human Rights Resolution 2200 A (XXI), annex. as basic elements of international efforts to promote universal respect for and observance of human rights and fundamental freedoms and the importance of other human rights instruments adopted within the United Nations system, as well as those at the regional level,]

Stressing that all members of the international community shall fulfil, jointly and separately, their solemn obligation to promote and encourage respect for human rights and fundamental freedoms for all without distinction of any kind, including distinctions based on race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status, and reaffirming the particular importance of achieving international cooperation to fulfil this obligation according to the Charter,

Acknowledging the important role of international cooperation for, and the valuable work of individuals, groups and associations in contributing to, the effective elimination of all violations of human rights and fundamental freedoms of peoples and individuals, including in relation to mass, flagrant or systematic violations such as those resulting from apartheid, all forms of racial discrimination, colonialism, foreign domination or occupation, aggression or threats to national sovereignty, national unity or territorial integrity and from the refusal to recognize the right of peoples to self-determination and the right of every people to exercise full sovereignty over its wealth and natural resources,

Recognizing the relationship between international peace and security and the enjoyment of human rights and fundamental freedoms, and mindful that the absence of international peace and security does not excuse non-compliance,

Reiterating that all human rights and fundamental freedoms are universal, indivisible, interdependent and interrelated and should be promoted and implemented in a fair and equitable manner, without prejudice to the implementation of each of those rights and freedoms,

Stressing that the prime responsibility and duty to promote and protect human rights and fundamental freedoms lie with the State,

Recognizing the right and the responsibility of individuals, groups and associations to promote respect for and foster knowledge of human rights and fundamental freedoms at the national and international levels,

Declares:

Article 1

Everyone 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.

Article 2

1. Each State has a prime responsibility and duty to protect, promote and implement all human rights and fundamental freedoms, *inter alia*, by adopting such steps as may be necessary to create all conditions necessary in the social, economic, political and other fields, as well as the legal guarantees required to ensure that all persons under its jurisdiction, individually and in association with others, are able to enjoy all those rights and freedoms in practice.
2. Each State shall adopt such legislative, administrative and other steps as may be necessary to ensure that the rights and freedoms referred to in the present Declaration are effectively guaranteed.

Article 3

Domestic law consistent with the Charter of the United Nations and other international obligations of the State in the field of human rights and fundamental freedoms is the juridical framework within which human rights and fundamental freedoms should be implemented and enjoyed and within which all activities referred to in the present Declaration for the promotion, protection and effective realization of those rights and freedoms should be conducted.

Article 4

Nothing in the present Declaration shall be construed as impairing or contradicting the purposes and principles of the Charter of the United Nations or as restricting or derogating from the provisions of the Universal Declaration of Human Rights, the International Covenants on Human Rights and other international instruments and commitments applicable in this field.

Article 5

For the purpose of promoting and protecting human rights and fundamental freedoms, everyone has the right, individually and in association with others, at the national and international levels:

- (a) To meet or assemble peacefully;
- (b) To form, join and participate in non-governmental organizations, associations or groups;
- (c) To communicate with non-governmental or intergovernmental organizations.

Article 6

Everyone has the right, individually and in association with others:

- (a) To know, seek, obtain, receive and hold information about all human rights and fundamental freedoms, including having access to information as to how those rights and freedoms are given effect in domestic legislative, judicial or administrative systems;
- (b) As provided for in human rights and other applicable international instruments, freely to publish, impart or disseminate to others views, information and knowledge on all human rights and fundamental freedoms;

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- (c) To study, discuss, form and hold opinions on the observance, both in law and in practice, of all human rights and fundamental freedoms and, through these and other appropriate means, to draw public attention to those matters.

Article 7

Everyone has the right, individually and in association with others, to develop and discuss new human rights ideas and principles and to advocate their acceptance.

Article 8

1. Everyone has the right, individually and in association with others, to have effective access, on a non-discriminatory basis, to participation in the government of his or her country and in the conduct of public affairs.
2. This includes, *inter alia*, the right, individually and in association with others, to submit to governmental bodies and agencies and organizations concerned with public affairs criticism and proposals for improving their functioning and to draw attention to any aspect of their work that may hinder or impede the promotion, protection and realization of human rights and fundamental freedoms.

Article 9

1. In the exercise of human rights and fundamental freedoms, including the promotion and protection of human rights as referred to in the present Declaration, everyone has the right, individually and in association with others, to benefit from an effective remedy and to be protected in the event of the violation of those rights.
2. To this end, everyone whose rights or freedoms are allegedly violated has the right, either in person or through legally authorized representation, to complain to and have that complaint promptly reviewed in a public hearing before an independent, impartial and competent judicial or other authority established by law and to obtain from such an authority a decision, in accordance with law, providing redress, including any compensation due, where there has been a violation of that person's rights or freedoms, as well as enforcement of the eventual decision and award, all without undue delay.
3. To the same end, everyone has the right, individually and in association with others, *inter alia*:
 - (a) To complain about the policies and actions of individual officials and governmental bodies with regard to violations of human rights and fundamental freedoms, by petition or other appropriate means, to competent domestic judicial, administrative or legislative authorities or any other competent authority provided for by the legal system of the State, which should render their decision on the complaint without undue delay;
 - (b) To attend public hearings, proceedings and trials so as to form an opinion on their compliance with national law and applicable international obligations and commitments;
 - (c) To offer and provide professionally qualified legal assistance or other relevant advice and assistance in defending human rights and fundamental freedoms.
4. To the same end, and in accordance with applicable international instruments and procedures, everyone has the right, individually and in association with others, to unhindered access to and communication with international bodies with general or special competence to receive and consider communications on matters of human rights and fundamental freedoms.

5. The State shall conduct a prompt and impartial investigation or ensure that an inquiry takes place whenever there is reasonable ground to believe that a violation of human rights and fundamental freedoms has occurred in any territory under its jurisdiction.

Article 10

No one shall participate, by act or by failure to act where required, in violating human rights and fundamental freedoms and no one shall be subjected to punishment or adverse action of any kind for refusing to do so.

Article 11

Everyone has the right, individually and in association with others, to the lawful exercise of his or her occupation or profession. Everyone who, as a result of his or her profession, can affect the human dignity, human rights and fundamental freedoms of others should respect those rights and freedoms and comply with relevant national and international standards of occupational and professional conduct or ethics.

Article 12

1. Everyone has the right, individually and in association with others, to participate in peaceful activities against violations of human rights and fundamental freedoms.
2. The State shall take all necessary measures to ensure the protection by the competent authorities of everyone, individually and in association with others, against any violence, threats, retaliation, de facto or *de jure* adverse discrimination, pressure or any other arbitrary action as a consequence of his or her legitimate exercise of the rights referred to in the present Declaration.
3. In this connection, everyone is entitled, individually and in association with others, to be protected effectively under national law in reacting against or opposing, through peaceful means, activities and acts, including those by omission, attributable to States that result in violations of human rights and fundamental freedoms, as well as acts of violence perpetrated by groups or individuals that affect the enjoyment of human rights and fundamental freedoms.

Article 13

Everyone has the right, individually and in association with others, to solicit, receive and utilize resources for the express purpose of promoting and protecting human rights and fundamental freedoms through peaceful means, in accordance with article 3 of the present Declaration.

Article 14

1. The State has the responsibility to take legislative, judicial, administrative or other appropriate measures to promote the understanding by all persons under its jurisdiction of their civil, political, economic, social and cultural rights.
2. Such measures shall include, *inter alia*:
 - (a) The publication and widespread availability of national laws and regulations and of applicable basic international human rights instruments;
 - (b) Full and equal access to international documents in the field of human rights, including the periodic reports by the State to the bodies established by the international human rights treaties to which it is a party, as well as the summary records of discussions and the official reports of these bodies.

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3. The State shall ensure and support, where appropriate, the creation and development of further independent national institutions for the promotion and protection of human rights and fundamental freedoms in all territory under its jurisdiction, whether they be ombudsmen, human rights commissions or any other form of national institution.

Article 15

The State has the responsibility to promote and facilitate the teaching of human rights and fundamental freedoms at all levels of education and to ensure that all those responsible for training lawyers, law enforcement officers, the personnel of the armed forces and public officials include appropriate elements of human rights teaching in their training programme.

Article 16

Individuals, non-governmental organizations and relevant institutions have an important role to play in contributing to making the public more aware of questions relating to all human rights and fundamental freedoms through activities such as education, training and research in these areas to strengthen further, *inter alia*, understanding, tolerance, peace and friendly relations among nations and among all racial and religious groups, bearing in mind the various backgrounds of the societies and communities in which they carry out their activities.

Article 17

In the exercise of the rights and freedoms referred to in the present Declaration, everyone, acting individually and in association with others, shall be subject only to such limitations as are in accordance with applicable international obligations and are determined by law solely for the purpose of securing due recognition and respect for the rights and freedoms of others and of meeting the just requirements of morality, public order and the general welfare in a democratic society.

Article 18

1. Everyone has duties towards and within the community, in which alone the free and full development of his or her personality is possible.
2. Individuals, groups, institutions and non-governmental organizations have an important role to play and a responsibility in safeguarding democracy, promoting human rights and fundamental freedoms and contributing to the promotion and advancement of democratic societies, institutions and processes.
3. Individuals, groups, institutions and non-governmental organizations also have an important role and a responsibility in contributing, as appropriate, to the promotion of the right of everyone to a social and international order in which the rights and freedoms set forth in the Universal Declaration of Human Rights and other human rights instruments can be fully realized.

Article 19

Nothing in the present Declaration shall be interpreted as implying for any individual, group or organ of society or any State the right to engage in any activity or to perform any act aimed at the destruction of the rights and freedoms referred to in the present Declaration.

Article 20

Nothing in the present Declaration shall be interpreted as permitting States to support and promote activities of individuals, groups of individuals, institutions or non-governmental organizations contrary to the provisions of the Charter of the United Nations.

African Commission Resolution on the Protection of Human Rights Defenders in Africa

The African Commission on Human and Peoples' Rights meeting at its 35th Ordinary Session held from 21st May to 4th June 2004, in Banjul, The Gambia;

Recognising the crucial contribution of the work of human rights defenders in promoting human rights, democracy and the rule of law in Africa;

Seriously concerned about the persistence of violations targeting individuals and members of their families, groups or organisations working to promote and protect human and peoples' rights and by the growing risks faced by human rights defenders in Africa;

Noting with deep concern that impunity for threats, attacks and acts of intimidation against human rights defenders persists and that this impacts negatively on the work and safety of human rights defenders;

Recalling that it is entrusted by the African Charter on Human and Peoples' Rights with the mandate to promote human and peoples' rights and ensure their protection in Africa;

Reaffirming the importance of the observance of the purposes and principles of the African Charter for the promotion and protection of all human rights and fundamental freedoms for human rights defenders and all persons on the continent;

Bearing in mind the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms (Declaration on Human Rights Defenders);

Mindful that in the Grand Bay (Mauritius) Declaration, the Organisation of African Unity called on Member States "to take appropriate steps to implement the UN Declaration on Human Rights Defenders in Africa";

Mindful that the Kigali Declaration recognises "the important role that the human rights defenders play in the promotion and protection of human rights in Africa"

Recalling its decision to include on its agenda the situation of human rights defenders and to nominate a focal point on human rights defenders;

1. **Now decides to** appoint a Special Rapporteur on human rights defenders in Africa for a period of two years with the following mandate:

To seek, receive, examine and to act upon information on the situation of human rights defenders in Africa;

To submit reports at every Ordinary Session of the African Commission;

To 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, human rights defenders and other stake holders;

To develop and recommend effective strategies to better protect human rights defenders and to follow up on his/her recommendations;

To raise awareness and promote the implementation of the UN Declaration on Human Rights Defenders in Africa;

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2. **Further decides** to nominate Commissioner Jainaba Johm as the Special Rapporteur on Human Rights Defenders for the current duration of her mandate within this Commission;
3. **Reiterates** its support for the work carried out by human rights defenders in Africa;
4. **Calls upon** Member States to promote and give full effect to the UN Declaration on Human Rights Defenders, to take all necessary measures to ensure the protection of human rights defenders and to include information on measures taken to protect human rights defenders in their periodic reports;
5. **Invites** its members to mainstream the issue of human rights defenders in their activities;
6. **Urges** Member States to co-operate with and assist the Focal Point in the performance of his/her tasks and to provide all necessary information for the fulfilment of his/her mandate;
7. **Requests** the African Union to provide adequate resources, assistance and support in the implementation of this Resolution.

Banjul, The Gambia, 4 June 2004

European Union Guidelines on Human Rights Defenders

I. PURPOSE

1. Support for human rights defenders is already a long established element of the European Union's human rights external relations policy. The purpose of these Guidelines is to provide practical suggestions for enhancing EU action in relation to this issue. The Guidelines can be used in contacts with third countries at all levels as well as in multilateral human rights fora, in order to support and strengthen ongoing efforts by the Union to promote and encourage respect for the right to defend human rights. The Guidelines also provide for interventions by the Union for human rights defenders at risk and suggest practical means to support and assist human rights defenders. An important element of the Guidelines is support for the Special Procedures of the UN Commission on Human Rights, including the UN Special Representative on Human Rights Defenders and appropriate regional mechanisms to protect human rights defenders. The Guidelines will assist EU Missions (Embassies and Consulates of EU Member States and European Commission Delegations) in their approach to human rights defenders. While addressing specific concerns regarding human rights defenders is their primary purpose, the Guidelines also contribute to reinforcing the EU's human rights policy in general.

II. DEFINITION

2. For the purpose of defining human rights defenders for these Guidelines operative paragraph 1 of the "UN Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognised Human Rights and Fundamental Freedoms" (see Annexe I), which states that "Everyone has the right, individually and in association with others, to promote and to strive for the protection and realisation of human rights and fundamental freedoms at the national and international levels" is drawn upon.

3. Human rights defenders are those individuals, groups and organs of society that promote and protect universally recognised human rights and fundamental freedoms. Human rights defenders seek the promotion and protection of civil and political rights as well as the promotion, protection and realisation of economic, social and cultural rights. Human rights defenders also promote and protect the rights of members of groups such as indigenous communities. The definition does not include those individuals or groups who commit or propagate violence.

III. INTRODUCTION

4. The EU supports the principles contained in the Declaration on the Right and responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognised Human Rights and Fundamental Freedoms. Although the primary responsibility for the promotion and protection of human rights lies with states, the EU recognises that individuals, groups and organs of society all play important parts in furthering the cause of human rights. The activities of human rights defenders include:
 - Documenting violations;
 - Seeking remedies for victims of such violations through the provision of legal, psychological, medical or other support; and
 - Combating cultures of impunity which serve to cloak systematic and repeated breaches of human rights and fundamental freedoms.
5. The work of human rights defenders often involves criticism of government's policies and actions. However, governments should not see this as a negative. The principle of allowing room for independence of mind and free debate on a government's policies and actions is fundamental, and is a tried and tested way of establishing a better level of protection of human rights. Human rights defenders can assist governments in promoting and protecting human rights. As part of consultation processes they can play a key role in helping to draft appropriate legislation, and in helping to draw up national plans and strategies on human rights. This role too should be recognised and supported.
6. The EU acknowledges that the activities of Human Rights Defenders have over the years become more recognised. They have increasingly come to ensure greater protection for the victims of violations. However, this progress has been achieved at a high price: the defenders themselves have increasingly become targets of attacks and their rights are violated in many countries. The EU believes it is important to ensure the safety and protect the rights of human rights defenders. In this regard it is important to apply a gender perspective when approaching the issue of human rights defenders.

IV. OPERATIONAL GUIDELINES

7. The operational part of the Guideline is meant to identify ways and means to effectively work towards the promotion and protection of human rights defenders in third countries, within the context of the Common Foreign and Security Policy.

Monitoring, reporting and assessment

8. EU Heads of Mission are already requested to provide periodic reports on the human rights situation in their countries of accreditation. The Council Working Party on Human Rights (COHOM) has recently approved the outline of fact sheets to facilitate this task. In line with these fact sheets Missions should address the situation of human rights defenders in their reporting, noting in particular the occurrence of any threats or attacks against human rights defenders. In this contexts HoMs should be aware that the institutional framework can have a major impact on the ability of human rights defenders to undertake their work in safety. Issues such as legislative, judicial, administrative or other appropriate measures, undertaken by States to protect persons against any violence, threats retaliation, de facto or de jure adverse discrimination, pressure or any other arbitrary action as a consequence of his or her legitimate exercise of any of the rights referred to the UN Declaration on Human Rights Defenders are all relevant in this regard. Where it is called for, HoMs should make recommendations to COHOM for possible EU actions, including condemnation of threats and attacks against human rights defenders, as well as for demarches and public statements where human rights defenders are at immediate or serious risk. HoMs should also report on the effectiveness of EU actions in their reports.
9. The HoMs reports and other relevant information, such as reports and recommendations from the Special Representative of the Secretary General for Human Rights Defenders, UN Special Rapporteurs and Treaty Bodies as well as non-governmental organisations, will enable COHOM and other relevant working parties, to identify situations where EU actions are called upon and decide actions to be taken or, where appropriate, make recommendations for such action to PSC / Council.

Role of EU Missions in supporting and protecting human rights defenders

10. In many third countries EU Missions (Embassies of EU Member States and European Commission Delegations) are the primary interface between the Union and its Member States and human rights defenders on the ground. They therefore have an important role to play in putting into practice the EU's policy towards human rights defenders. EU Missions should therefore seek to adopt a proactive policy towards human rights defenders. They should at the same time be aware that in certain cases EU action could lead to threats or attacks against human rights defenders. They should therefore where appropriate consult with human rights defenders in relation to actions which might be contemplated. Measures that EU Missions could take include:
 - Co-ordinating closely and sharing information on human rights defenders, including those at risk;
 - Maintaining, suitable contacts with human rights defenders, including by receiving them in Missions and visiting their areas of work, consideration could be given to appointing specific liaison officers, where necessary on a burden sharing basis, for this purpose;
 - Providing, as and where appropriate, visible recognition to human rights defenders, through the use of appropriate publicity, visits or invitations;
 - Attending and observing, where appropriate, trials of human rights defenders.

Promotion of respect for human rights defenders in relations with third countries and in multilateral fora

11. The EU's objective is to influence third countries to carry out their obligations to respect the rights of human rights defenders and to protect them from attacks and threats from non-state actors. In its contacts with third countries, the EU will, when deemed necessary, express the need for all countries to adhere to and comply with the relevant international norms and standards, in particular the UN Declaration. The overall objective should be to bring about an environment where human rights defenders can operate freely. The EU will make its objectives known as an integral part of its human rights policy and will stress the importance it attaches to the protection of human rights defenders. Actions in support of these objectives will include:

- Where the Presidency, or the High Representative for the CFSP or EU Special Representatives and Envoys, or European Commission are making country visits they will, where appropriate, include meetings with, and raising individual cases of, human rights defenders as an integral part of their visits to third countries;
- The human rights component of political dialogues between the EU and third countries and regional organisations, will, where relevant, include the situation of human rights defenders. The EU will underline its support for human rights defenders and their work, and raise individual cases of concern whenever necessary;
- Working closely with other like minded countries with similar views notably in the UN Commission on Human Rights and the UN General Assembly;
- Promoting the strengthening of existing regional mechanisms for the protection of human rights defenders, such as the focal point on human rights defenders of the African Commission on Human and Peoples' Rights and the special Human Rights Defenders Unit within the Inter-American Commission on Human Rights, and the creation of appropriate mechanisms in regions where they do not exist.

Support for Special Procedures of the UN Commission on Human Rights, including the Special Representative on Human Rights Defenders

12. The EU recognises that the Special Procedures of the UN Commission on Human Rights (Special Rapporteurs, Special Representatives, Independent Experts and Working Groups) are vital to international efforts to protect human rights defenders because of their independence and impartiality; their ability to act and speak out on violations against human rights defenders worldwide and undertake country visits. While the Special Representative for Human Rights Defenders has a particular role in this regard the mandates of other Special Procedures are also of relevance to human rights defenders. The EU's actions in support of the Special Procedures will include:

- encouraging states to accept as a matter of principle requests for country visits by UN Special Procedures;
- promoting via EU Missions, the use of UN thematic mechanisms by local human rights communities and human rights defenders including, but not limited to facilitating the establishment of contacts with, and exchange information between, thematic mechanisms and human rights defenders;

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- since the Special Procedures are unable to carry out their mandate in the absence of adequate resources, EU Member States will support the allocation of sufficient funds from the general budget to the Office of the High Commissioner for Human Rights

Practical supports for Human Rights Defenders including through Development Policy

13. Programmes of the European Community and Member States aimed at assisting in the development of democratic processes and institutions, and the promotion and protection of human rights in developing countries are among a wide range of practical supports for assisting human rights defenders. These can include but are not necessarily limited to the development co-operation programmes of Member States. Practical supports can include the following:

- Bi-lateral human rights and democratisation programmes of the European Community and Member States should take further account of the need to assist the development of democratic processes and institutions, and the promotion and protection of human rights in developing countries by, inter alia, supporting human rights defenders through such activities as capacity building and public awareness campaigns;
- By encouraging and supporting the establishment, and work, of national bodies for the promotion and protection of human rights, established in accordance with the Paris Principles, including, National Human Rights Institutions, Ombudsman's Offices and Human Rights Commissions.
- Assisting in the establishment of networks of human rights defenders at an international level, including by facilitating meetings of human rights defenders;
- Seeking to ensure that human rights defenders in third countries can access resources, including financial, from abroad;
- By ensuring that human rights education programmes promote, inter alia, the UN Declaration on Human Rights Defenders.

Role of Council Working Parties

14. In accordance with its mandate COHOM will keep under review the implementation and follow-up to the Guidelines on Human Rights Defenders in close co-ordination and co-operation with other relevant Council Working Parties. This will include:

- Promoting the integration of the issue of human rights defenders into relevant EU policies and actions;
- Undertaking reviews of the implementation of the Guidelines at appropriate intervals;
- Continuing to examine, as appropriate, further ways of co-operating with UN and other international and regional mechanisms in support of human rights defenders.
- Reporting to Council, via PSC and COREPER, as appropriate on an annual basis on progress made towards implementing the Guidelines.

Annex 2

Links and Resources on the Protection of Human Rights Defenders

African Commission on Human and Peoples' Rights (ACHPR)

African Charter on Human and Peoples' Rights
http://www.achpr.org/english/_info/charter_en.html

ACHPR Special Rapporteur on Human Rights Defenders
90 Kairaba Avenue
P.O. Box 673
Banjul
The Gambia
Tel: (+220)39-29-62
Fax: (+220)39-07-64
E-mail: achpr@achpr.org, idoc@achpr.org
Website: www.achpr.org/english/_info/index_hrd_en.html

ACHPR Resolution on the Protection of Human Rights Defenders in Africa
http://www.achpr.org/english/_info/index_hrd_en.html#1

European Union

EU Guidelines on Human Rights Defenders
<http://www.consilium.europa.eu/uedocs/cmsUpload/GuidelinesDefenders.pdf>

Council of the European Union (2006) Draft Council conclusions on the first review of the implementation of the EU Guidelines on Human Rights Defenders, Brussels, 7 June 2006.
http://www.ishr.ch/hrdo/documents/EvaluationEUGuidelines_EN.pdf

United Nations

UN Declaration on Human Rights Defenders
<http://www.ohchr.org/english/issues/defenders/declaration.htm>

UN Universal Declaration for Human Rights
<http://www.udhr.org/UDHR/>

Selection of documents constituting international human rights law
<http://www.ohchr.org/english/law/>

Links and Resources on the Protection of Human Rights Defenders

Special Representative of the UN Secretary General on human rights defenders
OHCHR

Palais des Nations

CH-1211 Geneva 10

Website: <http://www.ohchr.org/english/issues/defenders/>

Email: urgent-action@ohchr.org

Reports by and resources on the Special Representative of the UN Secretary General on human rights defenders

<http://www.unhchr.ch/html/menu2/7/b/mdef.htm>

Working with regional and international bodies

Amnesty International (2006) A Guide to the African Charter on Human and Peoples' Rights. AI Index: IOR 63/005/2006.

<http://web.amnesty.org/library/Index/ENGIOR630052006?open&of=ENG-373>

Front Line (n.Y.) The International Criminal Court - Information for Human Rights Defenders.

<http://www.frontlinedefenders.org/manuals/the%20international%20criminal%20court>

International Service for Human Rights (2007) Info-pack. A compilation of contacts and membership details for the international and regional human rights system and human rights organizations. 1st semester 2007.

http://www.ishr.ch/hrm/Infokit/InfoPack/InfoPack_1stSemester_2007.pdf

International Service for Human Rights (2007) Advocacy kit on the mandate of the Special Representative of the Secretary-General on Human Rights Defenders.

http://www.ishr.ch/lca/advocacy_kits/advocacykit_hrd.pdf

International Service for Human Rights (2007) Advocacy kit on the review of special procedures.

http://www.ishr.ch/lca/advocacy_kits/advocacykit_sps.pdf

International Service for Human Rights & Friedrich Ebert Stiftung (2006) A new chapter for human rights: A handbook on issues of transition from the Commission on Human Rights to the Human Rights Council.

<http://www.ishr.ch/handbook/Handbook.pdf>

Jane Winter (2001) Human Wrongs, Human Rights: A guide to the human rights machinery of the United Nations. Jointly published by The Northern Ireland Human Rights Commission and British Irish RIGHTS WATCH.

<http://www.frontlinedefenders.org/manuals/human-wrongs-human-rights>

Manual for the EU Guidelines on Human Rights Defenders (published by the Human Rights Department, Ministry of Foreign Affairs, The Netherlands).

Office of the United Nations High Commissioner for Human Rights (2005) The United Nations Human Rights Treaty System: An introduction to the core human rights treaties and the treaty bodies. No. 30. <http://www.ohchr.org/english/about/publications/docs/fs30.pdf>

A Resource Book for Human Rights Defenders

Office of the United Nations High Commissioner for Human Rights (2004) Human Rights Defenders: Protecting the Right to Defend Human Rights. Fact Sheet No. 29.

<http://www.ohchr.org/english/about/publications/docs/fs29.pdf>

Protection for human rights defenders

Front Line (2007) Digital Security and Privacy for Human Rights Defenders.

<http://info.frontlinedefenders.org/manual/en/esecman/index.html?q=manual/en/esecman/>

Eguren, Enrique (2005) Protection Manual for Human Rights Defenders. Peace Brigades International – European Office (PBI-BEO). Published by Front Line.

<http://www.frontlinedefenders.org/manuals/protection>

Eguren, Luis Enrique (2002) Field Protection for Human Rights Defenders: Accompaniment by International Observers. A case study of Peace Brigades International.

http://www.protectionline.org/IMG/pdf/ACCOMPANIMENT_BY_INTERNATIONAL_OBSERVERS.pdf

Front Line & Tactical Technology Collective (2005) NGO in a Box. (A set of peer reviewed and selected Free and Open Source software (F/OSS), tailored to the needs of NGO's. It provides software, but also implementation scenarios and relevant materials to support this. It is available in English, French and Arabic.

<http://security.ngoinabox.org/>

Mahony, Liam & Eguren, Luis Enrique (1997) Unarmed Bodyguards. International Accompaniment for the Protection of Human Rights. Kumarian Press: West Hartford.

Protectionline website tries to ensure the interchange of experience and information between human rights defenders, and to provoke effort and solitary action of as many social actors as possible, who stand up for them who protect the defenders of the abuses of power. The website hosts a wide range of resources relevant to the work and protection of HRDs.

Website: <http://www.protectionline.org>

Email: pbibeo@protectionline.org

Van Brabant, Koenraad (2000): “Operational Security Management in Violent Environments”. Good Practice Review 8. Humanitarian Practice Network. Overseas Development Institute, London.

Human rights defence

Amnesty International (2001) Campaigning Manual. London: Amnesty International Publications. <http://web.amnesty.org/pages/campaigning-manual-eng>

Links and Resources on the Protection of Human Rights Defenders

Amnesty International & CODESRIA (2000) Ukweli. Monitoring and Documenting Human Rights Violations in Africa: A Handbook. Basford: Russell Press Ltd.

http://www.amnesty.nl/in_actie_vervolg/spa_downloads

Article 19 (2006) Implementing Freedom of Expression A Checklist for the Implementation of the Declaration of Principles on Freedom of Expression in Africa. Based on the African Commission on Human and Peoples' Rights Declaration of Principles on Freedom of Expression in Africa.

<http://www.article19.org/pdfs/tools/africa-foe-checklist.pdf>

Article 19 (2000) Monitoring state-sponsored violence in Africa.

<http://www.article19.org/pdfs/tools/monitoringviolenceafrica.pdf>

Association for the prevention of Torture (2004) Monitoring Places of Detention: a practical guide. <http://www.isn.ethz.ch/pubs/ph/details.cfm?lng=en&id=16021>

Donahoe, Dave (2000) Lesbian, Gay, Bisexual, and Transgender Rights: A Human Rights Perspective. Minneapolis: University of Minnesota Human Rights Resource Center.

<http://www1.umn.edu/humanrts/edumat/hreduseries/TB3/toc.html>

Front Line (2003) Economic, Social and Cultural Rights Online Manual.

<http://www.frontlinedefenders.org/manuals/eco-soc-cul>

Front Line (2003) Civil and Political Rights Manual.

<http://www.frontlinedefenders.org/manuals/frontline-civil-political-rights>

International Council on Human Rights Policy (2002) Journalism, media and the challenge of human rights reporting. http://www.protectionline.org/IMG/pdf/journalism_media.pdf

International Service for Human Rights (2005) Defending Human Rights Defenders. A short guide. http://www.protectionline.org/IMG/pdf/WHRD_booklet_EN.pdf

New Tactics in Human Rights Project (2006) New tactics in human rights: A resource for practitioners.

<http://www.newtactics.org/main.php/ToolsforAction/TheNewTacticsWorkbook/Readordownloadfiles>

Women human rights defenders

Amnesty International (2001) Campaigning Manual. Chapter 10: Working on Women's Human Rights (p. 235-240) London: Amnesty International.

<http://web.amnesty.org/pages/campaigning-manual-eng>

Amnesty International Activist Toolkit: Making rights a reality - toolkits for workshops on stopping violence against women.

<http://web.amnesty.org/actforwomen/svaw-toolkit-eng>

A Resource Book for Human Rights Defenders

International Consultation on Women Human Rights Defenders (2005) Resource Book on Women Human Rights Defenders.

<http://www.defendingwomen-defendingrights.org/pdf/WHRD-Resource-English-press.pdf>

International Consultation on Women Human Rights Defenders (2005) Evaluation Report: International Campaign on Women Human Rights Defenders.

<http://www.defendingwomen-defendingrights.org/pdf/WHRD-Evaluation-Report.pdf>

Recommendations for Gender Specific Implementation of the European Union Guidelines on Human Rights Defenders.

<http://web.amnesty.org/pages/hrd-whrdrecs-eng>

Minority defenders

Amnesty International (2005) The Human Rights of Lesbian, Gay, Bisexual and Transgender People: A primer to working with the United Nations Treaty Monitoring Bodies and the Special Procedures of the United Nations Commission on Human Rights.

<http://web.amnesty.org/library/Index/ENGIOR400042005?open&of=ENG-347>

Amnesty International (2001) Campaigning Manual. Chapter 10: Working on Lesbian and Gay Human Rights (p. 247 – 256).

<http://web.amnesty.org/pages/campaigning-manual-eng>

Human Rights Watch (2005) Sexual Orientation and Gender Identity: Human Rights Concerns for the 61st Session of the U.N. Commission on Human Rights. Campaign Document.

<http://hrw.org/english/docs/2005/03/10/global10303.htm>

International Gay and Lesbian Human Rights Commission (2007) Incorporating Gay Rights into Human Rights: Moving from Localism to Universalism.

<http://www.ilga.org/news-upload/IncorporatingGayRightsinHumanRightsart2.doc>

International Gay and Lesbian Human Rights Commission & Sexual Minorities of Uganda (SMUG) (2006) Report on the Rights of Lesbian, Gay, Bisexual and Transgender People in the Republic of Uganda under the African Charter of Human and Peoples' Rights.

<http://www.iglhrc.org/files/iglhrc/reports/Uganda%20Shadow%20Report%20.pdf>

The Johannesburg Statement on Sexual Orientation, Gender Identity, and Human Rights. February 13, 2004.

http://www.hrw.org/lgbt/pdf/joburg_statement021304.htm

Urgent Action Fund for Women's Human Rights (2005) LGBTI Organizing in East Africa: The True Test for Human Rights Defenders.

<http://www.urgentactionfund.org/documents/UAF-LGBTI%20REPORT%20FINAL.pdf>

Yogyakarta Principles (2006) The Yogyakarta Principles on the Application of International Human Rights Law in relation to Sexual Orientation and Gender Identity.

http://www.yogyakartaprinciples.org/docs/File/Yogyakarta_Principles_EN.pdf

Annex 3

Organisations Working for the Protection of Human Rights Defenders

Amnesty International

A UK-based, not-for-profit organisation advocating for every person to enjoy all of the human rights enshrined in the Universal Declaration of Human Rights and other international human rights standards.

<http://www.amnesty.org>

Amnesty's Human Rights Defenders Coordinator for Africa is placed at the Africa Regional Office, Uganda.

P.O. Box 23966 Kampala, Uganda

Tel.: +256-312-350100; +256-414-252900

Fax: +256-312-350230; +256-414-252989

Email: ai-aro@amnesty.org

Amnesty also maintains a website on human rights defenders and relevant resources.

<http://web.amnesty.org/pages/hrd-index-eng>

Article 19

A UK-based not-for-profit organisation advocating for the freedom of expression as stipulated in Article 19 of the Universal Declaration for Human Rights.

Website: <http://www.article19.org>

Committee to Protect Journalists (CPJ)

The Committee to Protect Journalists is an independent, non-profit organization promoting press freedom worldwide by defending the rights of journalists to report the news without fear of reprisal.

Website: <http://www.cpj.org>

Front Line

Front Line was founded with the specific aim of protecting Human Rights Defenders, people who work, non-violently, for any or all of the rights enshrined in the Universal Declaration of Human Rights (UDHR).

Website: <http://frontlinedefenders.org>

A Resource Book for Human Rights Defenders

For information in regards to tools and manuals for Human Rights Defenders:
<http://www.frontlinedefenders.org/manuals/>

For information on how to apply for a security and protection grant from Front Line or for funding from other international organisations which fund Human Rights Defenders please refer to: <http://www.frontlinedefenders.org/grants/>

For news on Front Line campaigns and actions on human rights defenders:
<http://www.frontlinedefenders.org/news/>

For useful links to national and international human rights organisations:
<http://www.frontlinedefenders.org/links/>

Human Rights First

Human Rights First believes that building respect for human rights and the rule of law, will help ensure the dignity to which, every individual is entitled and will stem tyranny, extremism, intolerance, and violence. Human Rights First has a web page on human rights defenders that features cases, reports and country profiles.

Website: http://www.humanrightsfirst.org/defenders/hr_defenders.asp

It also has a human rights defenders programme that concentrates among other things on supporting persecuted human rights defenders and human rights defenders at risk:

Email: defenders@humanrightsfirst.org

Human Rights Watch

Human Rights Watch is an independent, non-governmental organization, supported by contributions from private individuals and foundations worldwide. Human Rights Watch is dedicated to protecting the human rights of people around the world. Human Rights Watch posts information and statements on the situation of human rights defenders throughout the world.

Website: www.hrw.org/campaigns/defenders/

It further dedicates a section of its website to the Lesbian, Gay, Bisexual and Transgender Rights.
<http://www.hrw.org/doc/?t=lgbt>

Interights

Interights aims to enforce human rights through law, providing protection and redress, in particular regions and on issues of strategic focus; and to empower legal partners and promote their effective use of law to protect human rights. It supports lawyers, judges, NGOs and victims on the ground by tailoring activities in response to the needs of each group and region. It works across the developing and developed world.

Website: <http://www.interights.org>

Organisations Working for the Protection of Human Rights Defenders

International Commission of Jurists

The International Commission of Jurists is dedicated to the primacy, coherence and implementation of international law and principles that advance human rights. The ICJ provides legal expertise at both the international and national levels to ensure that developments in international law adhere to human rights principles and that international standards are implemented at the national level.

Website: <http://www.icj.org>

International Lesbian and Gay Association

The International Lesbian and Gay Association is a world-wide network of national and local groups dedicated to achieving equal rights for lesbian, gay, bisexual and transgendered (LGBT) people everywhere. Founded in 1978, ILGA is to this day the only international non-profit and non-governmental community-based federation focused on presenting discrimination on grounds of sexual orientation as a global issue.

Website: <http://ilga.org>

International Service for Human Rights

The International Service for Human Rights (ISHR) is an international association serving human rights defenders. It promotes the development, strengthening, effective use and implementation of international and regional law and mechanisms for the protection and promotion of human rights.

Website: <http://www.ishr.ch>

In May 2000, ISHR created the Human Rights Defenders Office (HRDO) to promote the respect and compliance with the United Nations Declaration on HRDs; develop preventive and protective mechanisms, and empower human rights defenders and their organisations for full and active participation in building a culture of full respect for human rights.

Website: <http://www.ishr.ch/sitemap.htm#HRDO>

Observatory for the Protection of HRDs

The International Foundation for Human Rights (FIDH) created the Observatory for the Protection of Human Rights Defenders, jointly with the World Organisation Against Torture (OMCT). The Observatory has a two-pronged approach: intervention to prevent or find solutions in repressive situations and a contribution to international mobilisation to acknowledge human rights defenders' activities and the need for their protection at both regional and international levels.

Website: http://www.fidh.org/rubrique.php3?id_rubrique=180

Email: Appeals@fidh-omct.org

Tel and fax FIDH: 33 1 43 55 55 05 / 01 43 55 18 80

Tel and fax OMCT: + 41 (0) 22 809 49 39 / 41 22 809 49 29

A Resource Book for Human Rights Defenders

Peace Brigades International

PBI is a non-governmental organization protecting human rights and promoting non-violent transformation of conflicts. When invited, PBI sends teams of volunteers into areas of repression and conflict. The volunteers accompany human rights defenders, their organizations and others threatened by political violence.

Website: <http://www.peacebrigades.org>

PBI's European Office (PBI-BEO) is the link between the European Union country groups of Peace Brigades International, international NGOs represented in Brussels and the institutions of the European Union. Its aim is to improve the personal security and protection of Human Rights Defenders.

Website: <http://www.peacebrigades.org/beo>

Urgent Action Fund

The Urgent Action Fund is the only international women's fund in the world designed to respond on short notice. One of their key areas of engagement is the protection of women human rights defenders.

Website: <http://www.urgentactionfund.org/>

Contact details in East Africa:

PO Box 53841-00200

Nairobi, Kenya

Life Ministry Centre, 2nd Floor

Jabavu Road, Kilimani

Nairobi, Kenya

Tel: 254 20 2731095

Fax: 254 20 2731094

Email: info@urgentactionfund-africa.or.ke

World Organisation Against Torture

Based in Geneva, OMCT's International Secretariat provides personalised medical, legal and/or social assistance to hundreds of torture victims and ensures the daily dissemination of urgent appeals across the world, in order to protect individuals and to fight against impunity. Specific programmes allow it to provide support to specific categories of vulnerable people, such human rights defenders. In the framework of its activities, OMCT also submits individual communications and alternative reports to the special mechanisms of the United Nations, and actively collaborates in the development of international norms for the protection of human rights.

Website: <http://www.omct.org>

**East and Horn of Africa Human Rights Defenders Project
(EHAHRDP)**

**Regional Coordination Office
Human Rights House, Plot 1853, Lulume Road, Nsambya
P.O. Box 70356, Kampala, Uganda
Tel: +256-414-267118
Fax: +256-414-267117
Email: ehahrdp@yahoo.ca
Website: <http://www.yorku.ca/crs/AHRDP/index.html>**