

EAST & HORN OF AFRICA HUMAN RIGHTS DEFENDERS PROJECT (EHAHRDP)

THE JOHANNESBURG + 10 ALL AFRICA
HUMAN RIGHTS DEFENDERS CONFERENCE
20TH – 23RD APRIL, 2009

CONFERENCE REPORT

5th September, 2009

This report contains the proceedings of the four-day Jo'burg +10 All African Human Rights Defenders Conference held in Kampala, Uganda from 20th-24th April 2009. The Conference brought together 85 defenders from 45 African Countries and 33 partners from around the world. It includes a summary of the speeches and presentations made at the conference by invited guest speakers and Human Rights Defenders (HRDs) plenary sessions' discussions and working group recommendations, as well as testimonial accounts by the HRDs.

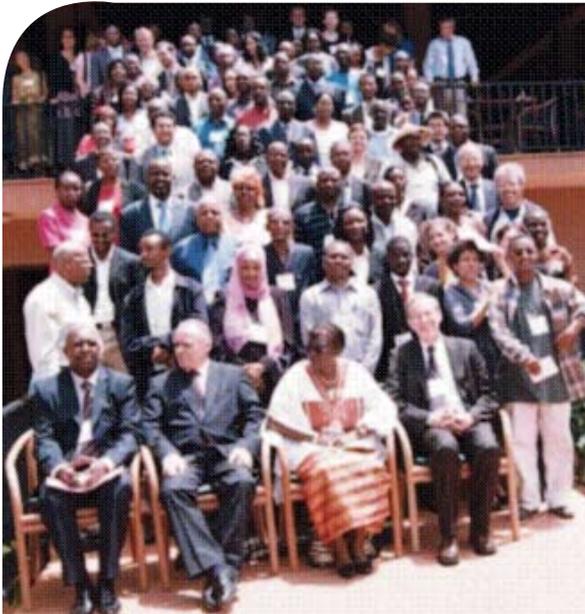
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ACRONYMS AND ABBREVIATIONS

ACHPR:	African Commission for Human and Peoples' Rights
APAP:	Action Professionals' Association for the People
APDH:	Action Pour les Droits de l'Homme (Action for Human Rights)
ASEAN:	Association of Southeast Asian Nations
A.U.:	African Union
CAPREC:	Centre Africain de Prévention et Résolution des Conflits (African Center for Conflict Prevention and Management)
CCF:	Christian Children Fund
CEJIL:	Centre for Justice and International Law
CEPEHRG:	Centre for Popular Education and Human Rights Ghana
CIHRS:	Cairo Institute for Human Rights Studies
COHOM:	Council Working Party on Human Rights
CSOs:	Civil Society Organizations
DRC:	Democratic Republic of Congo
EAHRDN:	East and Horn of Africa Human Rights Defenders
ECOSOC:	United Nations for Economic and Social Council
ECOWAS:	Economic Community of West African States
EIDHR:	European Initiative/ Instrument for Democracy and Human Rights
EHAHRDP:	East and Horn of Africa Human Rights Defenders Project
EU:	European Union
FIDH:	Fédération Internationale des Droits de l'Homme (International Federation for Human Rights)
FLARE:	the Foundation for Legal Aid Research and Empowerment
GNU:	Government of National Unity
GONGO:	Governmental Non Government Organization
GPU:	The Gambia Press Union
HAAC:	High Authority for Audiovisual and Communication
H.E.:	His Excellency
HR:	Human Rights
HRDs:	Human Rights Defenders
IACHR:	Inter-American Commission for Human Rights
ICC:	International Criminal Court
ICT:	Information Communication Technology
INGOs:	International Non Government Organizations
ISHR:	International Service for Human Rights
KAPA:	The Kampala Action Plan
KCHRED:	Khartoum Centre for Human Rights and Environmental Development
LGBTI:	Lesbians Gays Bisexuals Transsexual and Intersexual
LIDHO:	Ligue Ivoirienne des Droits de l'Homme (Ivorian League of Human Rights)
MDC:	Movement for Democratic Change
MFDC:	Movement of Democratic Forces in the Casamance
MONUC:	Peacekeeping Mission in Democratic Republic of Congo
MPs:	Members of Parliament
NGOs:	Non Government-Organization
NED:	National Endowment for Democracy
NIA:	National Intelligence Agency
NMJ:	Niger Movement for Justice

NIHR:	National Institutions for Human Rights
NISS:	National Intelligence and Security Services
OAS:	Organization of American states
OAU:	Organization for African Unity
ODIHR:	Office of Democracy and Human Rights
OHCHR:	Office of the High Commissioner for Human Rights
OMCT:	Organisation Mondiale Contre la Torture (World Organisation against Torture).
OSCE:	Organization of Security and Cooperation of Europe
SP:	Special Procedure
PI:	Protection International
PIL:	Public Interest Litigation
SADC:	Southern African Development Community
SR:	Special Rapporteur
TAAT:	Tunisian Association against Torture
UDEFEGUA:	Unit for the Defense of Human Rights Defenders of Guatemala
UDHR:	Universal Declaration on Human Rights
DHRD:	Declaration on Human Rights Defenders
UN:	United Nations
UNCHR:	United Nations Commission on Human Rights
UNDHRD:	United Nations Declaration on Human Rights Defenders
UNHRC:	United Nations Human Rights Council
UPR:	Universal Periodic Review
WAHRDN:	West African Human Rights Defenders Network
WHRDs:	Women Human Rights Defenders
WOZA:	Women of Zimbabwe Arise
ZANU PF:	Zimbabwe African National Union-Patriotic Front



INTRODUCTION

Ten years after the first All Africa Human Rights Defenders Conference held in Johannesburg in 1998, many of the challenges facing human rights defenders (HRDs) in Africa persist. HRDs continue to be harassed, intimidated, face increasingly restrictive legal obstacles and in some instances, sacrifice their very lives as a result of their commitment to the promotion of key rights on the continent.

The East and Horn of Africa Human Rights Defenders Network (EHAHRD-Net) in collaboration with a Steering Committee made up of the other African regional networks, under the auspices of the office of the Special Rapporteur on HRDs of the African Commission on Human and People's Rights (ACHPR) Ms Alapini-Gansou, and regional and international actors committed to the protection and promotion of the rights of Human Rights Defenders convened the Jo'burg +10 All African HRDs Conference in Kampala, Uganda between the 20th & 23rd April, 2009. This gathering brought together 85 defenders from 45 African countries and 33 partners from across the world to review the achievements made since the 1998 conference in Johannesburg and lay strategies that will ensure the full implementation of the Johannesburg Declaration of 1998, while assessing new needs and devising strategies. Mr. Hassan Shire Sheikh, the Executive Director of the East and Horn of Africa Human Rights Defenders Project (EHAHRDP, the Secretariat of the Network), in his opening remarks, highlighted the important developments which have occurred since Jo'burg 1998 in the field of protection of human rights defenders:

"We have come a long way in the last ten years both in terms of protection, collaboration, development of human rights movement in the continent and in the key gains made in the fight against human rights violations and impunity. Nevertheless, in spite of this, I am sure that in the personal testimonies, regional overviews and discussions which will be heard and held in the next four days, we will be listening to all too familiar and harrowing stories. Let us work together to ensure that these echoes will not be heard ten years from now".

In his keynote address at the opening ceremony, Carl Gershman, President of the National Endowment for Democracy (NED), called on African HRDs to offer a new lease on life to the international human rights framework, notably the mechanisms of the United Nations (UN), especially in light of the fact that the opening ceremony coincided with the opening of the UN Durban Review Conference, which was plagued by political wrangling amongst UN member states. Mr. Gershman declared that *"nobody is better placed to counter corruption than African HRDs. It is your distinct voice that can begin to introduce truth and accountability into an international discussion that is otherwise sterile, dishonest and even sinister. Your words, and even more, the actions you take at great risk to your own safety and well-being, have the potential to resonate within the international system and encourage the representatives of democratic governments to show that they have the courage to act on their convictions".*

The conference was officially opened by the UN Special Rapporteur for Human Rights Defenders, Mrs. Margaret Sekaggya, on the 20th April and ended on the 23rd April, 2009. Over the course of these four days, fruitful and vibrant deliberations took place. Among the 126 conference participants, included African HRDs, and regional and international partners working on issues related to the respect and protection of defenders' rights.

OVERVIEW

The conference was officially opened by the UN Special Rapporteur for Human Rights Defenders, Mrs. Margaret Sekaggya, on the 20th April and ended on the 23rd April, 2009.

Over the course of these four days, fruitful and vibrant deliberations took place. Among the 126 conference participants, included African HRDs, and regional and international partners working on issues related to the respect and protection of defenders' rights.



Conference Objectives

The main objective of the conference was to take stock of the achievements made in the protection of human rights defenders since the first All Africa Human Rights Defenders Conference held in Johannesburg in 1998, and to devise strategies to respond to new and persisting challenges facing defenders. More specifically, the conference hoped to achieve the following objectives:

- ❑ To commemorate the achievements of the last ten years and the role played by defenders;
- ❑ To critically engage with the developments in the field of protection for HRDs achieved at a regional and international level;
- ❑ To identify shortcomings of the protection mechanisms available to defenders in Africa;
- ❑ To enhance collaborations across the continent in the field of HRDs' protection and,
- ❑ To identify strategies aimed at creating an enabling environment for defenders by putting pressure on key actors to abide by their responsibilities in the protection of HRDs.

Under the chairmanship of Ms Reine Alapini-Gansou, Special Rapporteur of the African Commission on Human and Peoples' Rights on Human Rights Defenders (ACHPR), the conference was honoured by, among others, the presence of Carl Gersham, President of the National Endowment for Democracy, H.E Reinhard Buchholz, German Ambassador to Uganda, Mrs Margaret Sekaggya, UN Special Rapporteur on Human Rights Defenders, Birgit Gerstenberg, Officer in Charge of the OHCHR Uganda and Erwin Van Der Borght, Africa Program Director, Amnesty International.

During the conference¹, participants discussed the challenges facing HRDs across the continent with particular attention being paid to women HRDs, journalists, sexual minority defenders, defenders working in situations of armed conflict, and defenders working under legal and political repression. Key actors in the field of the protection of defenders, (representatives from the United Nations, the African Commission, and the European Union, namely Mrs Margaret Sekaggya, UN Special Rapporteur on HRDs, Ms Reine Alapini-Gansou, ACHPR's Special Rapporteur on HRDs and Georg Klusmann from the German Ministry of Foreign Affairs), and other participants evaluated the applicability of the various protection mechanisms currently offered at the international and regional level in order to identify their current strengths and weaknesses and to find possible measures to strengthen them. In order to enhance these efforts to find means of building on existing mechanisms as well as new and innovative means of protection, a defender from Latin America was invited to the conference, to share with her African counterparts best practices from the region with the potential for adaptation to the African context.

¹ See Annex 1 for the conference programme

The last day of the conference was dedicated to discussing the feasibility of binding legislation on HRDs at an African level as well as the formation of an Africa-wide network, with a Secretariat which will serve a two-fold purpose: first and foremost to bring together and strengthen the efforts of regional networks throughout the continent, and second to provide continuity and ensure that the recommendations of the conference are implemented.

The conference came to a close with the adoption of both the *Kampala Declaration on Human Rights Defenders*² and the *Kampala Plan of Action (KAPA)*³ which took stock of the achievements made since 1998 and stressed the need for continued and increased efforts by all stakeholders to ensure the protection of HRDs. Most importantly, delegates “called upon the African Union to draft, under the auspices of the Special Rapporteur on HRDs of the ACHPR, and pass an additional protocol to the African Charter, which will protect and promote the rights of HRDs” and resolved to establish a Steering Committee composed of five sub-regional network focal points and four representatives of special interest groups which will be tasked to oversee and implement the *Kampala Plan of Action (KAPA)*, once it has been adopted. The committee will furthermore work on the effective implementation of the newly formed Pan-African Human Rights Defenders Network (PAHRD-Net).

The KAPA was adopted after receiving further feedback from all stakeholders during the Steering Committee meeting at the session of the African Commission on Human and Peoples’ Rights in Banjul, Gambia in May 2009.⁴

2 The Kampala Declaration on HRDs is annexed to this report as Annex 2.

3 The Kampala Plan of Action (KAPA) is annexed to this report as Annex 3.

4 The KAPA (see Annex 3) was in fact adopted during the NGO Forum in Banjul on 12th May, 2009

OPENING CEREMONY

In her opening remarks, the ACHPR Special Rapporteur on HRDs, Ms Reine Alapini- Gansou congratulated the conference organisers for providing such a forum for HRDs to assess the achievements of the past ten years since the first all Africa HRDs Conference in Johannesburg. And also, to devise directions for the future as well as to commemorate the 10th Anniversary of the Johannesburg declaration.



ACHPR Special Rapporteur, Ms Reine Alapini-Gansou

The support accorded to the organisers by international partners in the organization of the conference, she said, was recognition of the role of HRDs in promoting democracy and good governance in Africa and in the assessment of the implementation of the *1998 Johannesburg Declaration*. Among other things, she noted how the *Declaration* prioritized commitment to the training of HRDs on existing national, regional and international human rights mechanisms, the necessity for States to respect the right to freedom of action of HRDs and to conform their legislations to the international standards of human rights. It also called on all states to ensure the independence of their judicial systems and other mechanisms for defending human rights, the necessity to facilitate the granting of asylum to the threatened HRDs and maintain the synergy between African HRDs and International NGOs.

The Special Rapporteur applauded the milestones achieved so far. she called upon participants to utilise the occasion to put forward concrete recommendations with regards to the protection of HRDs on the African continent and to analyse protection and promotion instruments for HRDs in order to assess the extent of their efficacy. She also expressed her optimism that the four-day conference would bring forth decisive resolutions that would further enable HRDs to carry out their actions safely and effectively.

Welcoming Remarks

Mr. Hassan Shire Sheikh- *Executive Director EHAHRDP*



In commencing his remarks, Mr. Hassan Shire Sheikh extended a warm welcome to the participants of the conference and thanked HRDs, friends and partners for accepting to participate in the second All African Human Rights Defenders

Conference. Mr Shire highlighted how the term ‘human rights defender’ may evoke different thoughts and emotions in most participants. It is a broad spectrum which he said would however share the common understanding of what an HRD is and does; notably as an individual who will emerge whenever and wherever human rights are violated to protect those whose rights have been violated and hold those responsible to account for their actions. The legitimacy and importance of their work is recognised now more than ever before.

Mr Shire noted that this recognition had not always been there. He recalled the long and at times taxing struggle that helped to bring about this acknowledgement, and how it culminated with the 1998 United Nations Declaration on HRDs. This he said followed several key events, fervent campaigns and lobbying to give HRDs the legal and international recognition which their work and efforts deserved. He proceeded to give an overview of the events and developments that marked the year 1998 as a milestone in the fight for the recognition, promotion and protection of the rights of HRDs.

1) The Johannesburg All African HRDs Conference

The first of these events was the first ever All African Human Rights Defenders Conference organised by Amnesty International in Johannesburg in early November 1998, bringing together over 100 African human rights activists. The conference was convened against the backdrop of failures by many African governments to uphold the rights guaranteed in the Universal Declaration on Human Rights (UDHR) and the rights of those working to oversee these rights implemented and promoted. The organizers hoped to generate concrete responses from the international community given the widespread failures at the national level.

Throughout the course of the conference, the experiences of defenders working in situations of armed conflict, in highly divided societies and under restrictive political and legal contexts were discussed. These discussions focused on the fundamental role played by defenders in the struggle to ensure the implementation of basic human rights in Africa and the price they had to pay for their work. The *Johannesburg Declaration* was the outcome of the conference.

2) The World Summit of HRDs

Shortly after Johannesburg, another key event took place in Palais De Chaillot, Paris: the first World Summit of Human Rights Defenders. This event was both unique and symbolic in nature. A few days prior to the 4 day congress, General Augusto Pinochet, the former Chilean dictator, had been arrested in London whilst receiving medical treatment, on a warrant from Spain seeking his extradition on murder charges. The fight against impunity which so many of those gathered at the Summit had committed their personal and professional lives to – had taken a significant step forward. This created a very positive atmosphere and further encouraged those gathered in Paris to continue working towards ensuring a safe and enabling environment for defenders across the globe.

3) Adoption of the UN Declaration on Human Rights Defenders

While the World Summit was in progress in Paris, a UN General Assembly Session was underway that saw the adoption of the UN Declaration on Human Rights Defenders⁵. This was the first UN instrument to formally recognize the tremendous value and importance of the work of defenders and their need for protection. This Declaration established a clear definition of what, rather than who, a HRD is as well as identified the key rights which defenders require to pursue their legitimate human rights work.

Thus, Mr Shire noted, the struggle for the protection of HRDs has come a long way in the last ten years since Johannesburg; both in terms of protection – with the establishment of a range of other international and regional mechanisms for the protection of HRDs – as well as of collaboration, with the development of the human rights movement on the continent and in terms of key gains made in the fight against human rights violations and impunity.

In spite of these achievements, Mr Shire admitted that through personal testimonies, regional overviews and discussions lined up, the conference days will bear the same all too familiar echoes of rights violations already heard ten years ago. In fact, he stressed that all over Africa, HRDs face immense challenges in defending the rights of their fellow citizens: “Defenders working on this continent continue to be victims of assassinations, disappearances, arbitrary and prolonged detention without trial, torture and death threats. Defenders are subjected to vilification campaigns and negative propaganda with the sole intention to stigmatize and, at times, criminalize them as subversive elements of society.”

⁵ The Declaration is annexed to this report as the resolution adopted by the UN General Assembly 53/144: Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms.

Mr Hassan Shire Sheikh added that these continued challenges faced by HRDs in Africa inspired the formation of the East and Horn of Africa Human Rights Defenders Project (EHAHRDP) in 2005 and to organise the Johannesburg +10 review conference to provide both an opportunity to celebrate the gains made in the years since Johannesburg and to analyse the shortcomings of the protection system.

He hoped the agenda drawn-up for the conference would therefore succeed in generating significant discussion around the shared challenges currently facing HRDs and the potential for common strategies to overcome some of these challenges at the national, regional and international level.

In conclusion, he called on participants to take advantage of the opportunities created by the event to enhance collaboration and networking across the continent because this would greatly enhance the realization of the short, medium and long term strategies for the protection of HRDs.



Mr. Carl Gershman: *The President of the National Endowment for Democracy (NED)*

Mr. Gershman centered his address on the contributions of African HRDs to the World Democracy Movement of which the National Endowment for Democracy (NED) was a part. He noted that African HRDs' contribution impacted profoundly both the American democratic system and world democracy. He traced back a long history of American interaction with Africa to the slave trade era noting that *"Nobody can talk about American democracy without looking back on the slave trade that brought many Africans involuntarily to the New World. This made the American democracy deal with the issue of slavery and its abolition, racial segregation and discrimination"*. The timely celebration of the 200th anniversary of the birth of the legendary Abraham Lincoln, he contended, espoused the legend's political stand against slavery; *"For Lincoln, slavery contradicted and undermined everything the United States stand for as a country and represented to the world – its democratic character, its egalitarian values, its belief on human dignity and freedom."*

Mr. Gershman made reference to Lincoln's first great speech from 1854, after the passage by Congress of a bill that allowed the expansion of slavery when the former US President stated that he hated slavery not just because it was a *"monstrous injustice,"* but *"because it deprives our republican example of its just influence in the world"* and *"enables the enemies of free institutions with plausibility to taunt us as hypocrites."* Mr Gershman said that this famous statement continues to reverberate today in countries where people are fighting for freedom and human rights that *"A house divided against itself cannot stand"*; Mr. Gershman equated this democratic luminary to those who fight for equal rights and freedom at great risk to their lives and wellbeing.

He gave a historical account of American history from the enslavement of African people through Jim Crow's laws of legalized segregation, through the civil rights movement to the abolition of slavery and finally showing its influence on the development of American democracy as it stands today. President Barack Obama's political success four decades later, he posited, is a clear vindication of the vision of American post racialism where democracy and respect for universal human rights is thriving. Noting that the *1998 Johannesburg Declaration* revealed a litany of abuses against African HRDs ranging from torture, censorship, intimidation, imprisonment, denial of freedom of assembly and association and extrajudicial executions to attempt to silence them, he commended the resilience of African democrats and HRDs in reshaping the global debate on democracy and human rights.

Referring to the Durban Review Conference that coincided with JO'Burg, the NED president regretted that the UN conference would be an exercise in obfuscation, scapegoating, and finger pointing. He remarked that such corruption undermines the UN as well as international legal and moral norms and urged African human rights activists to provide alternative voices in demanding for the truth and accountability in an international discussion he accused of being sterile and mendacious.

The NED President concluded his keynote address by advising HRDs to build solidarity among themselves as well as with their allies within the international community while emphasizing the need for cooperation and collaboration in the struggle for freedom and justice in a context in which Africans, Americans and democrats all over the world share a common humanity.

Guest Speaker:

H.E Reinhardt Buchholz: *German Ambassador to Uganda*

The Ambassador, while congratulating the organisers of the Jo'burg + 10 HRDs Conference remarked that his government was one of the sponsors of the event precisely because the respect for human rights is a priority of the Federal Republic of German Government. He stated that Germany's human rights policy in international relations has a concrete obligation *"to protect individuals from violations of their rights and basic freedoms and to create a viable framework to ensure that suppression, the arbitrary use of power and exploitation no longer has a chance to flourish"*. He argued the human rights violations jeopardize all domains of the social fabric ranging from stability, security, prosperity to social development. H.E Buchholz challenged claims by many governments that to bring peace and development, they have to cut back on the respect of human rights and asserted that HRDs have an essential role to play in the protection and promotion of human rights. He further criticised the tendency of placing development above human rights by citing the Federal Republic of Germany's Minister of Foreign Affairs, Mr. Steinmeier's view that *"Poverty reduction and peace policy are concrete means of protecting human rights. Of course, they cannot protect human rights on their own - but they are vital factors."*

H.E Buchholz then went to say that the implementation of universal human rights in most states fails to be institutionalized and is unfortunately still dependent on the whims of those in power. The full implementation of human rights mechanisms, he stressed, calls for increased monitoring and actions by HRDs. On this note, the Ambassador reiterated that the international community recognises the risks many defenders are exposed to in their work and that it is this recognition that provided the rationale behind the creation of the offices of the UN Special Rapporteurs and other regional HRDs' protection mechanisms to work towards the amelioration of the problems encountered by HRDs. This, he said, was the context within which the EU guidelines were conceived to make the protection of HRDs mandatory for all 27 member states of the European Union.

While wishing the participants constructive and productive discussions, the Ambassador echoed Mr. Carl Gershman's sentiments linking human rights and democracy, saying they are two sides of the same coin and therefore indivisible.

United Nations High Commissioner for Human Rights:

Birgit Gerstenberg: *Officer in Charge of the OHCHR in Uganda*

Ms. Birgit Gerstenberg delivered a goodwill message from the United Nations High Commissioner for Human Rights, to the participants of the Johannesburg + 10 All Africa Human Rights Defender Conference. He added that the Commissioner considered the achievement of the objectives of the conference as an essential element and will go a long way to improve the political and social environment for all Human Rights Defenders in their countries throughout the African continent.

In her message, Ms Birgit regretted the fact that human rights violations are still rampant sixty years after the adoption of the Universal Declaration of Human Rights (UNDHR). She noted however that, in spite of the many obstacles it faces the human rights movement has continued to grow and become more widespread and inclusive while gaining importance and relevance. To this end, she added, committed individuals, groups and networks continue to work throughout the continent to ensure national governments fulfill their obligations and responsibilities linked to the international human rights treaties and principles.

Recalling the expression of former Amnesty International Director Mr. Sane 10 years ago on the occasion of the Johannesburg Conference in which he had reiterated the duty of the international community to protect HRDs, she underlined the role of the Office of the High Commissioner for Human Rights (OHCHR) technical assistance in supporting the Special Rapporteur on the situation of HRDs to effectively fulfill the mandate in the frame of UN Special Procedures.

The officer hailed the African Commission on Human and Peoples' Rights (ACHPR) for appointing, in 2004, a Special Rapporteur on HRDs in Africa and said this showed that African heads of states had recognized the contribution of the work of HRDs in promoting human rights, democracy and the rule of law in Africa.

In concluding her remarks, Ms. Birgit expressed optimism that the conference would come up with practical recommendations to rejuvenate and strengthen the struggle for the protection and promotion of the rights of HRDs on the African continent.

Amnesty International **Mr. Erwin Van Der Borgh** - *Director of Africa Programme*

In his remarks, Mr. Borgh spoke of the tremendous progress made since the first All Africa HRD conference in Johannesburg more than a decade ago and he also remarked that the human rights movement across the world is stronger than it has ever been. This, he said, is evidenced by strengthened protection mechanisms both at an international as well as regional level. He added that it is also very encouraging that a decade after Amnesty International organized the HRD conference in Johannesburg, this conference was organized by the East and Horn of Africa Human Rights Defenders Project and cited this is a clear indication that human rights organizations in Africa have become more established and are gaining access to the necessary resources. He said however that the human rights situation in many African countries remains precarious as governments continue to restrict, without justification, the rights to freedom of expression, association and peaceful assembly; human rights defenders are frequently harassed and subjected to intimidation, constant surveillance and sometimes physical violence. In some cases, those detained have been tortured or otherwise ill-treated. Mr. Borgh explained that this context and notable security threats have resulted in the flight of many HRDs from their countries.

The situation of defenders in certain countries requires particular mention according to Mr Borgh. In Zimbabwe, he said, numerous human rights activists, trade union representatives and political opposition members were arrested during the past year. Some were abducted and killed by government security forces as well as non-state actors working on behalf of the authorities. Similarly, in Cameroon, the Central African Republic, Chad, and Sudan HRDs were also arrested in 2008. In Morocco, HRDs have been punished for crossing "red lines" on sensitive issues including territorial integrity, monarchy, and national security.

Legislation is also being used to undermine and restrict the work of HRDs. In Ethiopia the authorities adopted a law that criminalizes human rights activities and gives authorities an excessive level of control over civil society. In Swaziland the new Suppression of Terrorism Act, with its extremely broad definitions of terrorism, has a chilling effect on the activities of civil society organisations because it has infringed the rights of freedom of expression, peaceful assembly and association. In Tunisia, the NGOs are facing a range of obstacles, for example, often being denied registration. In Algeria, associations linking together the families of the disappeared calling on the authorities to reveal the whereabouts of their relatives are unable to legally register.

Mr. Borgh said that while the economic crisis is admittedly posing challenges to many governments across the globe to guarantee basic livelihoods to their citizens, millions across the continent continue to be deprived of their basic needs as a result of their marginalization, political repression and attempts to muffle their voices and render them powerless. Despite such repression, demonstrators in numerous African countries, over the course of the last year, have taken to the streets their protest against the dire social and economic situation and the sharp rise in living costs. The demonstrations, sometimes violent themselves, were usually met with yet more violence by the governments in question. In fact, security forces injured and killed numerous people who were claiming their right to an adequate standard of living. These protesters, he said, were arbitrarily arrested and detained; some were ill-treated in detention or sentenced to prison terms after unfair trials.

GUEST OF HONOUR & OPENING REMARKS

Mrs. Margaret Sekaggya: *The UN Special Rapporteur on Human Rights Defenders*



Mrs. Sekaggya gave a brief overview of her mandate which was adopted to ensure the promotion and protection of human rights. She said that in 2000, less than two years after the adoption of the UN *Declaration on Human Rights Defenders*, the UN Commission on Human Rights unanimously adopted Resolution 2000/61 that called on the Secretary-General to appoint a Special Representative on HRDs. This marked the first mechanism created at the international level to protect HRDs in accordance with the rights enshrined in the Declaration. Her predecessor, Ms Hina Jilani, a noted human rights attorney from Pakistan, was appointed as the first Special Representative. In 2008, the title was changed from Special Representative to Special Rapporteur, but this did not have any implications on the activities and functions of the mandate. Mrs. Sekaggya was then appointed into the mandate as the second holder of the position.

Mrs. Sekaggya explained that the Special Rapporteur works in complete independence from any state government and is mandated to seek, receive, examine and respond to information on the situation of HRDs; to establish cooperation and conduct dialogue with governments and other actors on the promotion and effective implementation of the Declaration, and to recommend effective strategies to better protect human rights defenders.

She then described the procedures her mandate undertakes after receiving allegations of HRDs violations against a state. She said that the UN Special Rapporteur takes up the matter with the States concerned by sending allegation letters or urgent action letters asking 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. Allegation letters, she explained, focus primarily on asking the State authorities to investigate the events and to conduct criminal prosecutions of those responsible. Urgent action letters, on the other hand are sent when the violation is about to occur or is ongoing, requesting the government to take action to prevent or put an end to the violation. The letters sent to Governments are confidential and remain so until the end of the reporting year, when the Special Rapporteur submits the annual report to the UN Human Rights Council.

She said that the Special Rapporteur is mandated to conduct at least two official country visits annually, which gives the opportunity to examine in detail the role and situation of HRDs in the country, to identify particular problems facing HRDs and to make recommendations on how these could be solved. This process, she said, 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. The country visits usually take place over a period of 5 to 10 days, during which the Special Rapporteur meets with heads of state and government, relevant government ministers, independent human rights institutions, United Nations agencies, the media and HRDs themselves, among others.

Mrs. Sekaggya outlined her mandate's priority strategies to curb threats and risks of HRDs. These included popularisation of the UN Declaration on HRDs by translating it into local languages and distributing it widely, issuance of communications and press releases as part of early warning mechanisms to counter systematic threats, and the participation in the Universal Periodic Review. She appealed to both HRDs and governments to make use of the available mechanisms and to consider the security of HRDs and avail resources to facilitate their work without hindrance.

Before declaring the Conference officially open, the Special Rapporteur commended EHAHRDP and other partners whose combined efforts had made the event possible. The conference, she said, was significant because it also marked the commemoration of the 10th anniversary of the 1998 Johannesburg declaration and 60 years since the UDHR. She ended by praising the commitment of HRDs who work tirelessly under strenuous conditions to uphold these rights and make them a reality and declared the conference open.

TESTIMONY 1- Faisal Elbagir: *a journalist from Sudan*

Mr Elbagir read out the testimony of a colleague Sudanese defender, Mr Monim Elgak, who along with two other colleagues, Amir Suleiman and Osman Hummaida, had been arbitrarily arrested and, in the case of Mr Elgak and Mr Hummaida, tortured following their arrest on Monday 24th November 2008. They were accused of having cooperated with the International Criminal Court (ICC) on its case on Darfur.

He said that their case reflects multitude violations and atrocities committed against human rights activists and journalists primarily at the hands of the Sudanese security agents throughout the country and in Darfur in particular. He contended that the situation of HRDs in Sudan worsened after the indictment of and the issuance of an arrest warrant against the Sudanese president Omar El Bashir. He described the situation of HRDs as one of harassment, torture, closure of human rights NGOs, targeted killings, etc. The physical and moral scars they suffered are indelible.

Although the Khartoum government is cooperating with the United States of America in the so called "War on terror," he said that Sudan is still stuck in a cycle of repression, torture and terror. He exemplified this reality with the following words: "the regime of Sudan is like a cobra in its annual metamorphosis, it changes the outer layers, its skin and fangs". The HRDs situation in the Sudan will continue to deteriorate as long as the Sudanese regime and the ruling party view HRDs co-operating or providing information to international human rights institutions as traitors and therefore have to be dealt with as such.

In concluding his testimony, he called upon all HRDs to support HRDs working in Darfur and urged participants in the conference to come up with a resolution on the situation in Sudan as a demonstration of their solidarity with HRDs working there and to leverage the international community to take appropriate measures.



THE 1998 JOHANNESBURG DECLARATION: A REVIEW OF SUCSESSES AND SHORTFALLS

Hassan Shire Sheikh

Mr. Hassan Shire took to the floor to offer an overview of the achievements and challenges since the 1998 Jo'burg Conference and Johannesburg Declaration. He started by giving an overview of the key aspects of the declaration as having:

- Identified challenges facing HRDs in Africa and the multiple measures used to undermine their work
- Identified measures whereby African defenders can seek to overcome these challenges through the creation of regional HRDs networks and the undertaking of trainings of HRDs on all existing mechanisms (local, regional, international) relevant to HRDs and their protection, and
- Urged the UN Commission on HR to establish the post of Special Rapporteur on HRDs and for all inter-governmental bodies to protect HRDs, and that UN give priority to consult HRDs in their work.

Mr. Shire said there has been tremendous progress towards the protection of HRDs along the lines prescribed by the Jo'burg Declaration in 1998 as follows;

- The appointment of a United Nations Special Rapporteur on HRDs and UN Declaration on HRDs,
- The appointment of an African Commission on Human and Peoples Rights Special Rapporteur on HRDs,
- Increased intergovernmental and nongovernmental action on protecting HRDs, especially the adoption of the UN Declaration on HRDs and the EU Guidelines on HRDs, and
- The establishment of African regional networks on HRDs notably EHAHRDN and West African Human Rights Defenders Network (WAHRDN), as networks that have taken great strides towards concretising HRDs protection mechanism in Africa.

In outlining the major shortfalls of the Jo'burg Declaration as identified during the review, Mr. Shire classified them into three major categories as summarised below:

Shortfalls in the intergovernmental protection mechanism

- Limited number of scheduled country visits by the Special Rapporteurs,
- The State-dependent nature of these protection instruments, i.e. the mandates need permission from states to carry out country visits in their country,
- Insufficient and weak follow-up on cases of violations against HRDs with states,
- Highly confidential process with almost no feedback– this makes it difficult for NGOs to know at what stage the

case is and therefore limits the use of the mechanism

- ✘ Limited and insufficient awareness and usage of these mechanisms in Africa

Main shortfalls of NGOs

- ✘ Lack of coordination after Jo'burg 98
- ✘ Insufficient cross-regional networking
- ✘ Reluctance to give their own protection the time and attention it requires
- ✘ Insufficient training and awareness notably of the available protection mechanisms

Shortfall of the Media

- ✘ Regional and national media are often antagonistic to defenders rather than key advocates for the rights of defenders
- ✘ State media in particular buy into the government position towards defenders

Despite the progress since Johannesburg '98, Mr. Shire claimed that there are still significant challenges hindering the realisation of the ideal HRDs protection in Africa. He proceeded to highlight possible prescriptions that would go a long way in aiding full implementation of the Jo'burg Declaration. In the area of policies on HRDs, he proposed that:

- ✘ HRD definition needs to be streamlined,
- ✘ A need for legislative and other measures to combat the stigmatisation of HRDs by governments
- ✘ Financial assistance to HRDs at particular risk and to their families – which many protection funding currently fails to consider
- ✘ Concrete results from the regional and international mechanisms to tackle issues of long delays before seeing results on HRD cases
- ✘ Effective ways to overcome the confidentiality and lack of transparency of communication procedures of regional and intergovernmental initiatives
- ✘ Need for continuous efforts aimed at ensuring that the EU guidelines are systematically implemented in missions and do not depend purely on the goodwill of individuals within missions – for example to encourage embassies to set up focal point persons for HRDs
- ✘ Advocacy on legislation for HRDs' protection whether at a national or regional level be enhanced especially given continued blatant violation of many key nationally and internationally recognized rights which undermines the work and rights of defenders

With regard to enhancing the protection of defenders, Mr. Shire proposed increased assistance in the following areas:

- ✘ protection and security management notably through trainings to reinforce the security of HRDs,
- ✘ protective strategies for specific contexts/ groups – such as finding effective strategies for HRD protection in conflict zones,
- ✘ resource constraints; notably the reluctance of many donors to fund core costs of human rights organisations which in turn undermines the capacity of defenders at many different levels.

Furthermore, Mr. Shire saw the strengthening of existing national HRDs coalitions and the establishment of new ones – paying specific attention to groups such as women HRDs/ HRDs working in rural areas, as steps that would enhance the efficacy of the UN and AU protection mechanisms and hence further complement other efforts towards full realization of the Jo'burg Declaration.

Plenary Session

The ensuing plenary session focused on the challenges faced when trying to implement the Johannesburg Declaration and the UN Declaration on HRDs:

- ✘ The Johannesburg Declaration was a welcome and ambitious plan, yet it had encountered enormous challenges due to the amorphous nature of the proposed follow up/implementation committee and urged that the Jo'burg +10 Conference comes up with a reviewed action plan with more realistic and practical strategies;
- ✘ The lack of communication was identified as one significant factor currently undermining the protection of HRDs.

It was suggested that this challenge could be overcome by strengthening national coalitions to localize protection, reducing the response time, opening communication channels and edifying a networking structure so that HRDs can respond to a distressed HRD in a timely manner and come up with ways to raise funds;

- It was suggested that to circumvent the limited number of country visits allocated to both the UN and ACHPR mandate holders and the incumbent state bureaucracies in approving country visit requests, National HRDs Coalitions can invite Special Rapporteurs to informal events;
- Finally it was pointed out that support to HRDs at risk should be holistic and should include family, medical support as well longer term assistance involving internships and scholarships as opposed to the current temporary nature of the protection available.

CHALLENGES FACING HRDs IN THE 21ST CENTURY

This session was chaired by Mr. Maina Kiai – the former Chairperson of the Kenya National Commission of Human Rights (KNCHR). The session entailed presentations from representatives of the regional HRDs networks as a means of offering an overview of the key challenges facing defenders in that given sub-region/context



Challenges of East African HRDs in the 21st Century **Livingstone Sewanyana:** *Executive Director of FHRl*

Mr Sewanyana, speaking on behalf of the East and Horn of Africa sub-region, pointed out that recent months witnessed the deterioration of the situation of HRDs in the East and Horn of Africa Region and proceeded on to enumerate some of these challenges:

- ❏ **Public perception:** the public in the sub-region tends to view HRDs as opportunists, self-appointedees and as not belonging to or being held accountable by any specific constituency.
- ❏ **Political constraints:** HRDs and organisations in the region are often perceived as political opponents by the ruling parties. This perception stems from a variety of reasons: the weakness or inexistence of the opposition, the watchdog role played by NGOs during elections and the threat which NGOs are seen as posing to the status-quo when they speak out on issues which governments would like to hide.
- ❏ **Repressive legislation:** Despite lengthy consultations with NGOs and other civil society organisations - notably in the drafting of alternative legislations, for example, in Ethiopia and Uganda - inputs of NGOs are more or less ignored in the final outcome products and documents. Some current legal measures are put in place to restrict or silence HRDs. HRDs risk therefore to be on the firing line of the governments determined to remain in power, especially in the election periods. Ethiopia, for instance, passed laws that require that NGOs go through lengthy and cumbersome registration procedures. States are more and more resorting to stringent NGO legislation and Media Registration statutes which pave the way for violations of the rights of defenders to justify legislative affront against defenders in the region. In Uganda and Ethiopia, for example, they describe NGOs in a limited and negative manner stressing the need to regulate and control them.
- ❏ **Reluctant and non-mobilised general public:** Countries in the region lack a real culture of speaking out; moreover, even the culture of civil society mobilisation is limited. These lead the general public - notably in Rwanda and Ethiopia - often buying into government efforts to undermine HRDs. HRDs are seen as mere opportunists and threats to national security hence the intimidation upon them by repressive regimes in the region.
- ❏ **Isolation of HRDs:** The strong, highly educated middle class is not willing to serve as watchdog. The governments in the region have tended to perceive their citizens as mere subjects rather than as actors who are allowed to make demands and to which they have duties and responsibilities. All of these have undermined the development of a powerful public awareness of their rights and, therefore, the willing to mobilize for these rights. It has placed defenders in a rather isolated position.
- ❏ **Limitations of NGOs:** Certain factors inherent to organizations in the region have also undermined their work, their space, their impact and their vulnerability. Most HR organisations have concentrated on civil and political rights

at the expense of economic and social rights, a fact which makes it difficult for HRDs to connect and generate interest among organizations and individuals working at the grassroots level. In many ways, this has left defenders rather isolated and in a more vulnerable position in comparison to those bent on thwarting their potential impact and role.

The North Africa HRDs' Challenges in the 21st Century

Ziad Abdel Tawab- North Africa - *Cairo Institute for Human Rights Studies (CIHRS)*

In his introductory remarks, Mr. Abdel Tawab, representing the North African region, said that governments in the sub-region (i.e. Algeria, Egypt, Tunisia, Sudan, and Morocco) have put in place restrictions on the activities of HRDs. He said that HRDs face societal and cultural challenges that tend to lean towards a more relative understanding of human rights. In addition, the human rights movement in these countries faces wide challenges related to the institutional reality of the organizations that constitute it. The tragedy with HRDs in North African countries, he contended, is that they suffer from the denial of the very rights they are trying to defend for others, such as the rights to freedom of expression, association and assembly. This is mainly due to the lack of sufficient political will within the autocratic regimes of North African states to perceive civil society organisations in general and HRDs in particular as active partners in the fight against human rights violations and impunity.

Mr. Tawab reiterated that state authorities in these countries generally fail to respect their obligations under international human rights law and are deeply intolerant of dissent. He said the inhospitable HR situation in these countries lead the human rights movement in Algeria, Libya and the Sudan to work from the Diaspora and forced others in Egypt and Tunisia to work under continuous intimidation and harassment that sometimes leads to their arrest and closure of their offices.

Mr. Tawab's presentation focused on three key areas:

- ❑ The situation and challenges facing North African HRDs s that work in conflict situation in North Africa,
- ❑ The marginalization of the human rights movement in non conflict areas in North Africa, and
- ❑ The common characteristics of the challenges to the human rights movement in North Africa and the Sudan.

The obliteration of the North African human rights movement during conflict situation

Mr Tawab asserted that in the past 20 years, North Africa and Sudan have witnessed major internal armed conflicts in the form of the ongoing civil war in Darfur, the transitional justice period in Algeria after the 1990's conflict as well as the unresolved conflict of Western Sahara. He argued that the human rights movement and civil society organizations in the Middle East in general have played a pivotal role during armed conflicts. Most especially, where the government role was partially or completely absent as in Lebanon and the Occupied Palestinian Territories, armed conflicts in Algeria, Morocco and Sudan have paved the road for a hostile attitude towards human rights activists and NGOs who attempt to monitor, document and report the past or ongoing violations taking place. In fact, governments in these three countries silence NGOs to prevent them from documenting and reporting violations committed during internal strife. Moreover, the governments of these countries are hostile to national and international humanitarian and relief agencies and often accuse them of conspiracy and of "weakening the national sentiment". Consequently, in Morocco and Algeria, speaking about the wounds of the past or ongoing violations is becoming increasingly not only a political taboo but a social one too. In Sudan, on the other hand, the government is not only attempting to silence NGOs but working on jeopardizing their very existence.

The marginalization of the North African human rights movement in non conflict areas

Mr Tawab contended that human rights movements in Egypt, Libya and Tunisia have been weakened by continuing harassment and pressure from authorities. In Libya for example, establishing human rights organizations is banned and as a result, HRDs cannot operate openly. In fact, he added, defending human rights in Libya is a precarious enterprise, often resulting in forced expulsion from the country, as was the case with the members of the Libyan League for Human Rights; 'Establishing or joining an organization that is against the Libyan revolution in purpose and means is sanctioned by the death penalty'. Quoting an Amnesty International publication⁶, Mr. Tawab said that the only human rights organization that can operate in Libya is an association headed by Saif al-Islam al-Ghadafi, the son of Colonel Mu'amar al-Gaddafi.

⁶ Challenging Repression: Human Rights Defenders in The Middle East and North Africa, Amnesty International.

Citing cases of extreme repression and harassment of HRDs in Libya, Mr. Tawab said that Fath Al-Jahmi has been detained for four years after demanding for a free election and free press in Libya. In addition, on June 2008, Idriss Boufayed, a former political exile, was sentenced to 25 years in prison by an exceptional State Security Court on the charges of spreading rumours about the Libyan regime and being in contact with enemy powers. In Tunisia, HRDs have been a particular target of repression, with individual activists targeted for prosecution and subjected to arbitrary travel restrictions, physical assault by state agents and defamation campaigns in the media. Human rights activists and their families are under almost permanent surveillance by security agents, who systematically monitor and block Internet and phone correspondences of HRDs and have continued to deprive independent human rights associations of the right to be granted any legal status.

To exemplify the height of the absurdity with which Human Rights Organisations are treated, Mr. Tawab gave an example of the International Association for the Support of Political Prisoners, which was denied registration on the grounds that its very name implied the existence of political prisoners in Tunisia. Similarly, the Tunisian League for Human Rights has been prevented from holding six national congresses. The police state in Tunisia has intentionally made it impossible for human rights advocates to advocate for the rights they are defending.

While Egypt would generally pass as having one of the most tolerant attitudes towards civil society organizations and allowing for wide democratic practices to human rights organisations, Mr Tawab averred that the human rights movement in Egypt is working in a very fragile environment. He gave an example of a case in 2007, when two leading human rights organizations were dissolved by the Egyptian administration on security grounds on account of their work in documenting HRs violations. Thus, activists in Egypt operate under the threat that their organisations may be closed down by the state without any judicial decision.

Furthermore, receiving external funding require a prior consent from the government and authorisations for such funding requests are normally delayed for several months or years. In the meantime, he mentioned, HROs management cannot receive any funding because the law prescribes arrest and detention for up to six months for any director of an organization that receives foreign funds or donations without prior approval from the government.

To cap it all, Mr. Tawab stated that security forces continue to interfere on various occasions to ban human rights related seminars held by some international and national NGOs and asserted that in the absence of any legal protection, the political will of security agencies at a given time is the sole determinant for the environment in which the HRDs are operating.

North African human rights movement in the 21st Century: A common struggle

Mr Tawab painted a grim picture of the HRDs situation in North African countries where, for a long time now, governments accuse HRDs of being traitors and collaborators with foreign entities to implement a western agenda and/or seeking to disturb public order. This campaign is intended to undermine the credibility of HRDs in front of the public opinion and to delegitimise their universal message.

To emphasise on the intransigence with which North African States handle human rights discourses, he told of how the Egyptian government, on behalf of other North African countries vehemently opposed the adoption of the UN Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms in 1998, by submitting an alternative interpretation stressing that “the rights and obligations” the declaration stipulates should be exercised “in full conformity with domestic law” and that “any interpretation that creates rights and obligations not provided for by domestic laws does not correspond to [their] understanding”.

This hostile view of the Declaration, he said, presents a necessary understanding of the precarious situation of the human rights movement in the region. Even in countries where there have been some improvements, HRDs are not entirely safe and lack adequate standards of protection to be able to carry out their mandate.

The West Africa Perspective on HRDs’ Challenges in the 21st Century

Mr. Diallo Abdoul Gadiry- *West Africa Human Rights Network (WAHRN)*

Mr. Diallo’s presentation focused on four aspects, i.e. the geopolitical overview of the West African region, the situation of human rights country profiles, challenges confronting HRDs and the strategies to overcome the challenges and achieve progress in the protection of HRDs.

Geopolitical overview

Mr. Diallo said that West Africa has experienced since 1985, a process of rapid transformation with a high population growth (80 million inhabitants in 1985 and over 260 million in 2003). This process of transformation, he said, was followed by a phenomenon of violent conflict, insecurity and instability at both local and regional level, which was caused by both internal and external factors, as demonstrated by the case of Liberia and Sierra Leone. In many countries of the sub region, such as in Ivory Coast, the social, economic or environmental issues are politicized and have become the issue of power conflict between the elite's members and their opponents. Thus, he concluded, the situation of human rights in West Africa is closely linked to social and economic policy prevailing in the sub region and is characterised by:

- ❑ crisis of governance due to failure to respect democratic rules, often resulting in armed conflict;
- ❑ total decline of the state compounded by widespread corruption, installing networks of drug traffickers;
- ❑ strong interference of the defence forces and security in the political debate characterised by recurrent mutinies or challenges to the constitutional order; and
- ❑ Social implosion related to a situation of extreme poverty

Depending on the context, he said, each country bears its fair share of rights violations in terms of civil and political rights as well as of economic, social and cultural rights coupled by transnational organized crime, drug trafficking and other narcotics and small arms proliferation.

Analysis of the situation of human rights

In countries where recent political disturbances have taken place, such as Guinea, Mauritania and Gambia, security forces have often hidden under the facade of repressing the uprising to commit untold human rights violations including killings, sexual violence against women, arbitrary arrests and detentions, numerous extrajudicial executions and enforced disappearances and suppression of media freedom.

In Gambia, there is a deliberate attempt to silence the media, and journalists have lately been subjected to arbitrary arrests and detentions on charges of "espionage" and many have been forced to flee abroad and to neighbouring countries. But even then, the National Intelligence Agency (NIA) officials have made several attempts to abduct fled journalist from neighbouring countries.

Mr. Diallo said the situation in the Ivory Coast has not changed much for HRDs despite the political gestures that seem to create the conditions for a return to peace with the appointment of Guillaume Soro, leader of the New Forces as Prime Minister. He contended that the notorious aggressors of the Ivorian League of Human Rights (LIDHO) and Action for Human Rights Protection (APDH) have remained unpunished. The field court hearings expected to resolve issues of identification are still not supported by certain forces which are opposed to such a process. Although there have been clear efforts to resolve the crisis, he opined, the lasting rift within the social fabric which has resulted from the crisis reduces the room for the work of HRDs.

Challenges

- ❑ Politicians and officials responsible for the enforcement of the provisions do not understand the declaration on HRDs
- ❑ HRDs have not developed an ownership of the provisions contained in the declaration
- ❑ The declaration on HRDs has not been domesticated into national laws
- ❑ Lack of a legally binding instrument to promote, protect and defend the HRDs at the regional and continental levels,
- ❑ Inadequate institutional framework for the creation of coalitions and other platforms to promote, protect, and defend HRDs
- ❑ Lack of harmonisation of the status of national institutions for human rights at the sub-regional and regional levels and the institutionalisation of collaborative relationships between national institutions for human rights organisations and other platforms of civil society working to promote, protect and defend the rights of HRDs.

Strategies to meet the above challenges

To overcome the above challenges and others that may hinder progress towards the promotion and protection of HRDs, Mr. Diallo proposed the following strategies:

- To establish advocacy programs with governmental and judicial authorities for wide dissemination of information on the promotion and protection of human rights in general and of the rights of HRDs in particular.
- HRDs should set up programs for the dissemination and popularization of the provisions contained in the declaration on the defenders. This requires the contribution of the media outreach, traditional communication networks, playwrights and play actors and of all other channels of communication available to the general public.
- Create a dialogue and consultation framework among officials responsible for law enforcement, national institutions for HRDs and human rights organisations in order to introduce into national legislation the provisions of the Declaration on HRDs.
- Establish a working group to work on developing a regional instrument for the promotion and protection of the rights of defenders of human rights.
- Organise and implement capacity-building programs of coalitions and platforms involved in the promotion, protection and defence of the rights of HRDs.
- Encourage HROs and HRDs greater engagement with the UN mechanisms for the promotion and protection of human rights and HRDs in order to familiarize themselves with the provisions of these different mechanisms.
- Set up a permanent dialogue and consultation network between National Institutions for Human Rights (NIHR) and international (?) organisations defending human rights

HRDs Challenges in the 21st Century, Perspective from Southern Africa Rangu Nyamurundura



The operating environment for HRDs in Southern Africa during the first decade of the 21st Century has been one defined by political and economic unrest creating a setting for human rights violations. HRDs whose mission is the promotion and protection of human rights faced significant challenges. Mr Nyamurundura stated that those challenges stem primarily from the fact that the human rights violators are leaders and individuals in positions of power. Given that the state has control over the apparatus which restricts the rights of HRDs, including the police, the legislature and the judiciary, it makes it very difficult for defenders in the region to overcome these challenges. While HRDs have sought to protect and promote legally binding human rights they have found that the law itself has been used to frustrate their efforts.

The challenges faced within Southern Africa can best be highlighted through Zimbabwe as a case study. Indeed the most glaring challenges faced by HRDs in Southern Africa have been witnessed in Zimbabwe, whose domestic situation has in fact had an impact throughout the region. Ultimately Zimbabwe's challenges have defined the challenges of the rest of Southern Africa. The impact of the human rights crisis and subsequent plight of HRDs in Zimbabwe has indeed seen the rest of Southern Africa identifying with these challenges and playing its role, through Southern African Development Community (SADC), in either addressing these challenges or simply playing spectator as the plight of HRDs worsenes. In many cases the involvement of SADC in the Zimbabwean crisis has itself posed a challenge for HRDs at a regional level, with SADC failing to set a positive precedent by taking action against the plight of HRDs in Zimbabwe.

Indeed even during its Thabo Mbeki led SADC Dialogue, SADC failed to bring a stop to the attacks against HRDs which continued throughout the dialogue with impunity.

Zimbabwe, a Case Study

Mr. Nyamurundura explained how HRDs in Zimbabwe have been operating in an environment defined by a political and economic crisis, wherein the state, its incumbent government and institutions, became the primary perpetrators of human rights violations. At the centre of the political crisis was the battle between a newly formed political opposition party (MDC) posing a real challenge and threat and a long serving ZANU PF party and government seeking to hold onto political power at all cost. This political setting and standoff resulted in the then incumbent government depriving Zimbabweans their basic rights, primarily aimed at ensuring that they would not exercise their free will to vote. The violation of human rights became a means to an end, to political survival. HRDs were thus called upon to respond to these gross human rights violations, ultimately setting them on a collision course with the State and government which were responsible for such violations. HRDs thus became the enemies of the State, accused of seeking to overthrow the government by working with and advancing the agenda of the political opposition. The state apparatus was thus used to “deal” with them, with draconian laws legislated and imposed upon them, the judiciary manipulated to deny them any protection of the law, the police turned against them with impunity, all challenges which they have sought to overcome since the turn of the 21st century.

(a) Political Environment

One of the greatest challenges that HRDs have faced has been operating in a polarized environment where one’s political opinion and perceived allegiance determines one’s enjoyment of the exercise of their rights. HRDs have thus had to navigate a political minefield where their very efforts have been deemed as subversive, a front advancing the interests and political agenda of the opposition and ultimately seeking to undermine and ouster the political party in government. As such, HRDs have been denied access to certain areas where their influence through distribution of food to starving Zimbabweans has been feared to benefit the opposition. Such was the case following the March 2008 elections and during the run up to the second Presidential elections in June 2008 when humanitarian organisations were stopped from distributing food to vulnerable groups following allegations by the Zanu PF led government that they had been using food aid to campaign for the opposition.

In a report compiled by the Zimbabwe Republic Police in 2007, titled “Opposition Forces in Zimbabwe – A trail of Violence” the challenge faced by HRDs when operating in a politically polarised environment was clearly highlighted. The report which identified several HRDs/organisations as seeking to overthrow the government alleged that: “All opposition forces in Zimbabwe and beyond our borders have been, for a long time, working either individually, separately or jointly, in strategizing for regime change in Zimbabwe. When all these opposition forces realized that their concerted effort and agenda for regime change were not bearing desired results they came up with a Broad Alliance whose agenda is still the same- to mobilize people for regime change in Zimbabwe.”

HRDs have thus been unable to conduct their activities independently and freely because they have been deemed to be opposition forces in Zimbabwe with a strictly political rather than a human rights agenda.

(b) Restrictive/draconian legislation

One of the greatest challenges for HRDs has been restrictive and draconian legislation, which limit their operating space and make most human rights activities illegal. HRDs have thus been arrested, detained and charged with various criminal offences as a result of their efforts in promoting human rights. Some of the most notorious laws that have been used against HRDs include the Public Order and Security Act, Access to Information and Protection of Privacy Act, Criminal Law (Codification & Reform) Act. These laws have been used when HRDs have sought to conduct public processions/meetings to protest against, speak out, or disseminate information regarding human rights violations, to make accountable perpetrators of human rights violations. Even human rights lawyers that have sought to represent HRDs after they had been arrested have themselves been arrested for their efforts. Most recently two lawyers from Zimbabwe Lawyers for Human Rights were arrested and charged with participating in an illegal process and interfering with the work of law enforcement officers when they had attended at the scene of the arrest of their clients who had been demonstrating peacefully against the SADC led negotiations. The arrest, detention and charging of these HRDs has only been proved to be malicious by the very fact that no HRD has been successfully convicted for violating the laws under which they have been charged.

(c) Judiciary

The role of the judiciary in most societies is to act as the custodians of the law, to interpret the law against the facts thereby determine whether the law has been contravened by an accused person's conduct. Such a role, which determines one's guilt or which seeks to interpret the law to protect victims of human rights violations, must be conducted in an impartial, fair, and professional manner. Yet Zimbabwe has presented one of the greatest challenges for HRDs in the failure of its judiciary to interpret the law, especially human rights provisions, to pre-empt or remedy any threat to act of human rights violation. The greatest challenge with the judiciary has been its lack of independence as it has succumbed to manipulation by the Executive government. The judiciary has furthered the motives of the Executive at the expense of protecting HRDs who have questioned and exposed the unconstitutional conduct of the Executive in its perpetrating human rights violations. In one notable case in 2005 the Ministry of Justice sent out written orders to magistrates not to entertain any litigation seeking to challenge the forced eviction of thousands of people during Operation Murambatsvina, an operation that saw thousands of Zimbabweans left homeless. The High Court found no illegality in the forced eviction of people from their homes yet it acknowledged that there had been gross human rights violations as a result of such forced evictions. HRDs have in many cases failed to get any remedies in the courts of law when the State and government have on many occasions violated or threatened to violate human rights. Indeed several cases have been filed before the African Commission for Human and People's Rights after the domestic/local courts failed to protect such human rights.

When HRDs have been arrested they have also been denied due process of the law (criminal procedure) and their right to innocence until proven guilty by the courts of law. HRDs that have been maliciously charged with criminal offences have been denied bail and detained for long periods in prison. In many cases the public prosecutors pursuing their cases have admitted to receiving "orders from above", from the Attorney General's office, to deny bail at whatever cost. The malice of the State has been made evident by the fact that in many of these cases the State fails to conduct any trial against the HRDs and they are released with all charges dropped. Without the independence of the courts it becomes easier for the State to use its draconian laws against HRDs, knowing that the judiciary will play dumb and deaf. Clearly there is a need for restoring judicial independence, in reforming the judiciary such that it comes to appreciate and take a proactive step in adopting human rights principles and matter before it.

(d) Impunity

Impunity has remained a great challenge for HRDs in that the state, its institutions and agents, have continued to violate human rights without regard or care for the law and any fear of accountability. Acts of impunity have seen the Zimbabwe Republic Police disregarding criminal procedure where HRDs have been the accused persons, choosing to detain them in police custody beyond the prescribed 48 hour period, denying them access to their lawyers or doctors in cases where they have been tortured. Even where the courts have given orders for the release of HRDs, police officers have simply torn these orders in the presence of the lawyers representing the HRDs and told the lawyers that they would not be directed by pieces of paper. Sadly when such contempt for court authority by the police has been brought back before to the courts, they have often failed to find such police officer to be in contempt of court.

In sad irony victims of human rights violations during the 2008 presidential elections, who in February and March 2009 sought to peacefully recover their property from Zanu PF supporters after having been given no assistance from the police, were themselves arrested, with the state calling as witnesses, the very people who had initially deprived them of their property. The right to protection of the law is thus applied in a discriminatory work according to a group's political opinions.

(e) SADC Initiated Dialogue

Zimbabwe's political and economic crisis, which saw an escalation in gross human rights violations by the state, became a regional crisis. As the victims of such violations sought refuge in neighbouring countries and as the international community expressed concern over the plight of Zimbabweans' including HRDs, pressure mounted on Zimbabwe's Southern African neighbours, SADC, to act. Thus in April 2007 SADC initiated a dialogue led by former Southern African President Mbeki, dialogue which sought to find a solution to Zimbabwean political crisis. From the onset this SADC dialogue mandate failed to prioritised other critical issue and crisis, such as the human rights crisis which had seen HRDs been targeted, victimized and their right violated by the State. Indeed when HRDs sought input into the dialogue they were told in no uncertain term that the facilitator's, Thabo Mbeki, mandate was to bring the political protagonists together to agree to a political solution. Thus the voices of HRDs and their concerns over human rights crisis in Zimbabwe were barely heard. A regional precedent had thus been set, which precedent diminished the role and concerns of HRDs.

The effect of this decision by SADC not to take as a priority the human rights violations in Zimbabwe was so evident when despite ongoing negotiations between Zimbabwe political parties there continued to be gross human rights violations and HRDs continued to be attacked by the State. Even in the dawn of the SADC initiative the attacks against HRDs did not stop, highlighted by the arrests, incommunicado detention of Jestina Mukoko and other for close to four months. Failure by the political leaders of Southern Africa to make human rights a priority and call for an end to human rights violations has proved to be a regional challenge in ensuring that HRDs and the role they play are respected.

Conclusion

Mr Nyamurundura concluded his presentation by stating that HRDs in Zimbabwe remain faced with the above challenges despite the advent of an inclusive government. While efforts are being made to heal the political divide, HRDs are still operating in an environment that remains politically polarized. Suspicion remains against HRDs as being part of the opposition. Real change has yet to come as the law enforcement agents, especially the Zimbabwe Republic Police, continue to act with impunity, disregarding court orders. The majority of the draconian laws used against HRDs still remain to be changed, with the few amendments that have been made still posing unreasonable limitations against the work of HRDs. There is need for reforming of many of the state institutions in Zimbabwe, including the Judiciary, Zimbabwe Republic Police, Prisons, to ensure that they come to meet regional and international standards in the protection and promotion of human rights. Only such reformation will pull down the challenges that have for so long been set up to restrict HRDs and frustrate their efforts in promoting and protecting human rights and bringing to account any violations of the same rights.

Plenary Session

Contributions from both the participants and presenters brought light and helped to clarify the presentation. HRDs are considered by many oppressive governments as supporters of the opposition and as obstacles to peace and stability. These governments therefore devise draconian measures to curtail HRDs' activities. They are involved in vilification campaigns against HRDs, the passing of restrictive legislation on HRDs, NGOs and media, assassination of HRDs, for example, the killing of a Kenyan journalist on his hospital bed, killing and abduction of HRDs and humanitarian workers in zones of armed conflicts (Sudan and Somalia), closing down HR organisations, etc.

The participants also raised the problem of human rights violations that go unnoticed by the international community notably in countries like Swaziland and Niger. Another issue identified during the presentations that was discussed in the plenary was the lack of transfer of HR skills to younger generations after HRDs pioneers change their career.

During the discussions, some solutions were suggested to the above challenges like an increased usage of the media and Information Communication Technology, notably developing more interactive websites, in order to enhance sensitisation, awareness-raising, quick information sharing and a wider audience. The plenary discussants also stressed the importance of capacity building and the importance of enhancing collaboration, networking and solidarity.

EXAMINING THE THREATS AND CHALLENGES FACING HRDs

This session opened with a minute of silence in honour of all HRDs who have lost their lives on account of their human rights work. The session was chaired by Mr. Ryota Jonen of the National Endowment for Democracy who explained that the session was dedicated to identifying particular challenges facing HRDs within specific contexts and devising recommendations and strategies to protect them



Women Human rights Defenders (WHRDs)

Tilder Kumichii Ndichia – *International Service for Human Rights*

In her presentation, Ms Ndichia's , she said there are numerous women HRDs promoting human rights as advocates, social workers, nurses, counselors, grassroots activists, journalists, teachers, and lawyers. Women HRDs, she said, are sometimes more vulnerable to hostility and reprisals than their male colleagues because of the patriarchal societies in which they work: "They are targeted because of their gender and because of their work on women's rights not only by government agents, but also by non-state actors such as organized crime rings, extremist religious groups, paramilitary groups, community members, including religious leaders and family members. Owing to professional competition, some male defenders have the same social prejudices against WHRDs".

She added that while WHRDs face general risks encountered by HRDs, they are also exposed to gender-based violence and gender specific risks and that social norms and assumptions marginalize women, and violators manipulatively use culture, tradition, custom and religion to justify their abuses. Thus, 'defending women rights is perceived as a threat to social and cultural stability', she concluded. The group discussion on WHRDs that followed this presentation identified challenges facing WHRDs and strategies to surmount them and reported back to the plenary as follows:

Challenges

- ✘ Lack of context specific protection for African WHRDs at continental level
- ✘ Lack of awareness of existing HRD networks' on specific issues facing Women HRDs
- ✘ WHRDs not contextualised at the regional level
- ✘ Women HRDs from rural villages lack education and are illiterate – thus they may lack a basic understanding of the instruments in place to assist their work
- ✘ The families of WHRDs are not involved in addressing psychosocial needs of distressed individuals
- ✘ Lack of harmonisation of international laws with domestic laws
- ✘ HRDs do not understand the interdependence and complementarity of the issues faced by WHRDs and human rights work in general
- ✘ WHRDs do not have access to justice instruments
- ✘ The lack of psychosocial support to WHRDs
- ✘ The need to reinforce the existing mechanisms for the protection of women
- ✘ Politicisation of the work of WHRDs – women defending rights and representing women in decision-making can not do so without being branded as politicians

Strategies

- ✘ Train WHRDs – especially at the grassroots level - on their rights and on ways to claim, promote and protect their rights
- ✘ Lobby at national, regional and international levels on the need to mainstream issues of WHRDs
- ✘ Document and disseminate the work of WHRDs and the challenges they face in order to raise awareness
- ✘ Develop a database of WHRDs to provide a network of support
- ✘ Send a questionnaire to all HROs (such as those at this conference) asking them how they address gender issues Ms Ndichia commented that even if they do not respond to the questionnaire, it will force them to consider their policies and acknowledge WHRDs' issues
- ✘ Networks and organizations elaborate and carry out specific programs and actions on women's rights (especially during conferences such as the Jo'burg +10)
- ✘ To ensure continental involvement, encourage the African Rapporteurs on Women's Rights and on HRDs to work together
- ✘ Establish networks linking rural grassroots, WHRDs, and those working in urban areas who may have better training and more awareness
- ✘ Establish a policy to require conferences such as the Jo'burg +10 and other HRD publications and events to represent women's issues and ensure women's presence
- ✘ Involve men in the protection and promotion of women rights through education and training on issues of women's rights and WHRDs
- ✘ Identify one individual or central organization to serve as a representative of African WHRDs and ensure networking and meetings in the future
- ✘ Lobby donors and funders to create an emergency trust for WHRDs and all HRDs in general to use in case of extreme violence or dangerous situations
- ✘ Cross-border lobbying to state governments to advance WHRDs and engage in law reform. Ms Ndichia noted that historically, cross-border lobbying has proved effective, sometimes more effective than when domestic HRDs lobby their own government.
- ✘ Encourage WHRDs to engage in exchange visits to raise awareness of particular domestic issues facing WHRDs and share resources and best practices
- ✘ Access the website Defending Rights, Defending Women and the support manual Claiming Rights, Claiming Justice
- ✘ Recommend to the African Human Rights Commission to create a Rapporteur for WHRD Sexual Minority Defenders (LGBTI)

Sexual Minority Defenders

Mac-Darling Cobbinah - *Centre for Popular Education and Human Rights Ghana (CEPEHRG)*

Mr. Cobbinah started by saying that sexual minority defenders face specific challenges given the uniqueness of the context within which they operate. He said that in the African context, lesbian, gay, bisexual, transgender and intersex (LGBTI) activism often leads to cultural alienation as it is considered un-African. Consequently, he continued, sexual minority activism faces threats and challenges that are very specific to that context. He went on to enumerate threats and challenges specific to the group and also to outline some strategies that would be used to make their work particularly bearable.

LGBTI threats

- ✘ Communities, governments and religious beliefs outlaw what is considered as “unnatural carnal knowledge”;
- ✘ LGBTI activists are subject to arbitrary arrests and detention, stigmatization,
- ✘ LGBTI people are victims of curative or corrective rape, extortion and blackmail,
- ✘ They suffer from various media hoaxes or media sensationalism; and
- ✘ LGBTI people are often rejected and disowned by their friends and family.

Challenges

- ✘ The LGBTI community are often not able to be open about their sexuality with their families, communities and in workplaces for fear of stigmatization and alienation,
- ✘ Lack of sexual diversity in African cultural and traditional system,
- ✘ African culture and traditions have not accommodated LGBTI concepts, rather consider them as foreign,

- ✘ Internalized homophobia creates self-loathing, desperate pursuit of sexuality yet all people are endowed with rights to life, liberty and the pursuit of happiness.

Strategies for LGBTI protection

- ✘ Building collaborative networks with other human rights organizations, locally, nationally and internationally,
- ✘ Take security precautionary measures by securing offices, houses and social gathering sites to ensure “safe spaces”,
- ✘ Developing contingency security plans,
- ✘ Include security measures in all funding requests.

The working group on LGBTI convened to further deliberate in detail on the issues raised by the presenter and reported back to the plenary as follows:

Challenges

- ✘ There are negative perceptions even amongst the mainstream human rights community - notably that LGBTI groups are trying to ‘recruit’ heterosexuals,
- ✘ Weak information sharing and dissemination,
- ✘ Repressive legislation,
- ✘ Conceptual challenge of framing campaigns – from sexual minorities to sexual orientation,
- ✘ Closeted members who are afraid of declaring their sexual orientations,
- ✘ Compared to excellent Dutch policy-making, there is in Africa a lack of policies to promote and protect LGBTI activism.
- ✘ Framing the name – LGBTI or Gay,
- ✘ Defenders face despising public relations and derogatory language,
- ✘ Support from other human rights organizations is hard to come by,
- ✘ Some HRDs partners are reluctant to support LGBTI organizations thus limiting amongst other things the financial support available to HRDs.

Recommendations

- ✘ Mainstream LGBTIQ rights as others within HRDs organizations,
- ✘ Depict the ‘positive’ side of the campaign,
- ✘ Utilize the support from the regional HRDs networks in Africa,
- ✘ Use international media if the local or national medium are not willing to support LGBTI movement,
- ✘ Device strategies to raise further awareness among the public and religious groups,
- ✘ LGBTI defenders should package other HR issues within their campaign,
- ✘ Expose HR organizations that do not support LGBTI activism,
- ✘ Emphasize the indivisibility of human rights,
- ✘ Focus on establishing LGBTI organizations in countries that lack LGBTI movements,
- ✘ Advocate for preventative measures and/or the repeal of anti-LGBTI law,
- ✘ The Special Rapporteur should pursue this mandate aggressively,
- ✘ LGBTI defenders like other mainstream HRDs should work closely with diplomatic corps,
- ✘ A whole Africa conference of LGBTIQ,
- ✘ Document best and worst practices about LGBTI.

Challenges facing Journalists in Africa

Omar Faruk Osman- *East Africa Journalists Association*

Mr. Faruk Osman, in his introduction, described Africa as a continent confronted by many problems and challenges, including autocratic and dictatorial regimes, civil wars and systemic conflicts that damage many economic and political systems. As such, a journalist whose work is to report such events has witnessed life-threatening challenges. He described how the increased militarization and criminalisation of politics has led to an raise in the use of undercover gangs and hit squads to liquidate journalists. Investigative journalists, he said, bear the brunt of such violations and, to give credence to this assertion, he presented three instances where journalists were killed for their reporting on sensitive matters. In January 2009, a Kenyan journalist was decapitated for having uncovered a corruption cartel within the police, while in Somalia two journalists had been killed this year. He said Uganda was itself not without blame as a female journalist had been killed in 2008.

He pointed out that some African countries were sliding into an anti-media legislation regime where oppressive countries like Gambia, Eritrea, Kenya, Uganda, Chad, Cameroon, etc. are notorious for drawing up repressive laws to justify their abuses against journalists. The political and legal environments in many African countries lead to widespread self-censorship amongst media houses institutions, groups (?) for fear of reprisals. He noted that the lack of professionalism in journalism and the lack of necessary equipment, such as powerful zoom cameras and bullet proof vests which would come in handy for reporters working in conflict zones are some of the challenges faced by the journalists. African journalists are also low paid, lack of strong unions/associations.

In conclusion, Mr. Osman said capacity building among journalists aimed at professionalizing journalism, building strong journalists' unions/associations and establishing strong collaboration networks among journalists and other HRDs would be some of the most urgent strategic measures to put in place in order to protect the rights of journalists. The journalists' working group further deliberated on the presentation; during their plenary presentation, they reinforced the foregoing views as follows:

Threats and challenges

- ❑ Safety and security: It was acknowledged that the practice of investigative journalism is on the decline mainly due to the threats of increased militarisation and criminalization of politics. As a result, journalists have been subjected to targeted killings, rape and self imposed exile, especially in conflict afflicted countries such as Somalia, Eritrea and Ethiopia, Nigeria, Darfur in Sudan, Northern Uganda, Comoros, The Gambia; new figures coming from North Africa indicate that between January and April of this year (2009), in Morocco, five or six journalists and news reporters have been jailed. Similarly, in Egypt, 34 media related court cases and at least eight cases of enforced disappearances have been reported
- ❑ State censorship: Participants noted a worrying trend in the Arab League regarding the banning and criminalization of satellite broadcasting
- ❑ Repressive and Oppressive Media Laws: The group also noted that there is an emerging trend to hinder the freedom of expression of the press where despotic and authoritarian governments in Africa, notably Gambia, Ethiopia and Sudan have resorted to the use of outdated media laws such as the Official Secrets Act, the Public Order Act, Criminal libel laws, Terrorism, Sedition and Media Registration and other laws to curb media freedom.
- ❑ State security agency interference: Participants also highlighted the increased interference of state security institutions in the harassment and intimidation of media workers and journalists.
- ❑ Monopolies and Conglomerates: The expansion of media conglomerates within Africa, notably the Nation Media Group (Kenya, Uganda and Tanzania) and the Guardian of Nigeria, are also employing tactics detrimental to freedom of expression and association by inhibiting membership to journalists' associations. The group noted that there is an emerging trend of gross disregard to labour laws and ethical business practices by media employers.
- ❑ Unfair competition and unethical journalism practices: "Cheque book" and "gutter" journalism was also described as a threat to the profession. Although competition in media as a business can be a positive thing, it has also led to the use of unethical means of newsgathering (un-ethical journalism) which in turn further exposes journalists to more danger.
- ❑ Lack of public understanding of the role of media: The public seems not to properly understand the role of media and this, unfortunately, also applies to the mainstream human rights movement in Africa. The group noted that the media are often excluded from human rights' discourse by both individuals and groups in addition to the finger pointing towards the media for doing or failing to do one thing or the other.

Recommendations

- ❑ Journalists should lead in the development of ethical guidelines for journalists and media workers. (Ethical guidelines are preferred over codes of conduct, given the criminal and punitive connotations of the latter)
- ❑ The media, not governments, should set up and lead self-regulatory authorities
- ❑ The journalists should lead the advocacy and lobbying on Media Laws and other reforms impeding the work of HRDs
- ❑ Journalists and media associations should engage with their governments, the general public and special interest groups to make change and improve press freedom situations
- ❑ Media and human rights associations should raise resources for the provision of sustained training and necessary tools and equipment to enhance journalists' work
- ❑ Journalists and media groups should engage in networking within local, regional and international media associations and groups interested in press freedom and media development
- ❑ Journalists and media workers should identify with HRDs and uphold human rights principles in their work as a means of inclusion and to ensure they are accorded protection by human rights organizations

- ✘ Regional and International Media Associations should encourage journalists and media workers to form associations to champion for their collective rights and welfare
- ✘ Regional and International Media Associations should strengthen and unite national media associations
- ✘ Journalists and media workers should enlist the support of civil society and human rights institutions
- ✘ Journalists should employ peer recognition mechanisms and partner with journalist and other institutions from the rest of the world and other like-minded organizations to tackle issues of safety and security of journalists in Africa through training, provision of safe-houses, intensive press freedom campaigns and reports of any abuses, and also by assisting journalists in distress (including those exiled in fear of their lives)
- ✘ National and regional media groups should set up or strengthen Alerts Systems were already available to sustain campaign against press muffling.
- ✘ National Journalist associations/unions should legally challenge/contest 'unconstitutional' media laws and laws detrimental to freedom of expression and the press where necessary
- ✘ There should be a massive presence of journalists in trials of journalists and HRDs

HRDs working in Armed Conflicts⁷

The presenter noted that while the pivotal role of HRDs is to promote and protect rights of others, they do so at their own risk and are often subjected to threats, torture, arbitrary arrests and detention, harassment, abduction, defamation, killing and disappearance every time they threaten the interests of those perpetrating human rights violations. HRDs working in armed conflict areas, she said, are exposed to specific risks on a daily basis: "They are targeted by all warring parties, ethnics groups, and militias, and by states authorities as in Somalia, Democratic Republic of Congo (DRC), Zimbabwe, Eritrea, Zambia and Sudan".

Situation

She said that the situation of HRDs in these countries is worsening and the level of risk and threats HRDs are facing is increasing as the states concerned are devising more subtle measures to silence HRDs, including censorship, shut down of organizations, adopting legislations restricting and narrowing the space for HRDs. WHRDs working in arms conflict areas, she said, work in the frontline and are facing risks that are specific to their gender in addition to those faced by their male counterparts.

Challenges

In spite of the significant challenges facing them, HRDs working in conflict zones have refused to abandon their work of defending human rights of others. Some of the challenges they face include:

- ✘ Lack of acknowledgment by the international, regional and national communities of the fundamental roles they play in the struggle for the promotion and protection of human rights
- ✘ Lack of safety and capacity undermines the work of HRDs in conflict areas
- ✘ The lack of political will of conflict states in Africa to respect and protect HRDs or fulfil their international & regional obligations to promote and protect fundamental human rights.
- ✘ The prevalent high levels of impunity reigning in most armed conflicts zones. The situation in Darfur, and in Sudan as a whole, where the government has not made any credible effort to bring the perpetrators of serious international crimes to justice since the conflict started six years ago, she said, is a perfect example of this impunity.

Alarming situation

She mentioned the alarming situation where HRDs are obliged to flee their countries when their life is at stake; this has a very negative impact on monitoring and documentation of human rights violations. Sudan is once again a tragic example of this; "following the International Criminal Court arrest warrant on 4th of March 2009 against the Sudanese President Omar El Bashir, the crackdown on Sudanese HRDs, activists, journalists as well as international organisations, orchestrated by the National Intelligence and Security Services has increased". She has also said that Sudanese HRDs who have supported the ICC investigations have been targeted and, as a result, a number of HRDs have fled the country

⁷ The presenter at this session did not wish her presence registered for fear of reprisals on returning home and this goes a long way to underscore the fact that HRDs, especially women working in armed conflict contexts work under fear

while organisations, such as the Khartoum Centre for Human Rights and Environmental Development, have been shut down. In an attempt to counter Sudanese non-governmental organisations influence in the international field and impact on the ground, the Sudanese government initiated the formation of pro-government human rights organisations (GONGOs) to disguise their ill intention to retain their hold on power and obscure this from the eyes of the International Community. These GONGOs she said, attend international and regional meetings such as the African Union, ACHPR, Human Rights Council meetings to support and defend the Sudanese Government in the international field.

Recommendations

She presented some recommendations which she said would go a long way in ameliorating the situation of HRDs working in armed conflict areas:

- Activate and strengthen regional and international mechanism for the protection of HRDs.
- Campaign for closing loopholes in human rights laws, advocate for the repeal of anti-HRDs' laws and the adoption of new national laws in line with international Human Rights standards
- Build capacity of HRDs, especially in protection and security
- Set up an early warning mechanism to enhance the protection of HRDs and their work
- Empower HRDs to use new technologies for quick information-sharing and dissemination of human rights alerts and other information on abuses of HRDs
- Eliminate the restrictions on organizations and HRDs' work by asking the states to reform the oppressive laws and adopt legislation to protect HRDs
- International communities, UN and Embassies in different Africans countries should maintain suitable contacts with HRDs and enhance information sharing and pressurize the local governments to take their responsibilities to protect HRDs seriously
- HRDs should build networks and collaborate with other regional networks.
- The International Community should pressurize States to respect their obligations, protect HRDs and States should be held accountable for all HR violations.

HRDs working under Political Oppression

Rhadia Nasraoui - *Tunisian Association against Torture (TAAT)*

The presenter described how, under oppressive regimes, HRDs are labeled as opposition supporters or enemies of the state and thus are elements that must be dealt with severely. From this perspective, therefore, oppressive regimes take tougher stances to curtail the freedoms of HRDs as laid down by the international, regional and national instruments. Ms. Nasraoui noted that it is not surprising that you will find defenders who have been jailed for up to ten years for reporting or exposing a corruption scandal, advocating against malpractices or peacefully demonstrating against human rights violations by government.

The group discussing challenges experienced by HRDs working under political oppression identified additional challenges and recommendations to promote the work of HRDs in such contexts:

Challenges

- Oppressive governments deny human rights organizations external funding in order to narrow the scope of the work of HRDs
- The oppressive States criminalize the work of HRDs hence stifling their operations
- The politicization of some activities of HRDs where they label them as opposition in an attempt to discredit their work
- Impunity is rampant: oppressive governments use hit squads and henchman to get rid of, intimidate and gag critical defenders. The governments cover-up their acts and ensure no one is held accountable
- There seems not to be deliberate and consistent efforts to hold errant governments accountable for abuses against HRDs
- Interference of authorities especially security agents in the work of human rights organizations is rampant
- Closure of human rights organizations too critical of oppressive governments

Recommendations

- To set up independent fact finding commissions to investigate human rights abuses
- Delocalize human rights organizations: Establishing branches of human rights organizations outside oppressive States so that when the country offices are closed they can continue their activities
- The Need to raise awareness among legislators on international human rights instruments and treaties that respective governments have ratified and the attendant obligations to the concerned states
- Setting up early warning mechanisms
- Enhance collaboration with other human rights organisations and networks
- Issuing press releases condemning countries notorious in abusing human rights
- Help local human rights organizations to hold to account human rights violators before regional / international courts of justice; this could be done through advising them on procedures to obtain observer status with the various regional and international bodies

HRDs working under Legal Oppression

Kidist Alemu- *Action Professionals' Association for the People (APAP- Ethiopia)*



Ms. Alemu, in her introduction, said that civil society activity in Ethiopia started in the 1970s but only in 2005 did civil society's voice get noticed on the political arena, when they (CSO) questioned the efficacy with which the elections were conducted. Ms. Alemu explained that this was largely due to the fact that many organisations had started as relief and service delivery NGOs and only a few worked on human rights issues and even then, not at advocacy levels.

Therefore, the new found activism within HROs following the highly contested 2005 elections drew attention from the government, which has since adopted stringent legal mechanisms to curb further civil society activism. One such step, she said, was the enactment of the Societies and Charities Proclamation from 2009, which gives wide discretion and overarching authority to the regulatory agency bordering on interference with the operations of HR organisations. The Ethiopian government she added, tends to criminalise any criticism from HROs and HRDs and imposes heavy sanctions for anyone brave enough to criticize it. Ms. Alemu contended that such laws minimise, if not totally extinguish, the already limited role of HR organisations and HRDs, given that most organisations in Ethiopia and elsewhere in Africa rely heavily on foreign support to conduct their activities.

The ensuing group discussions focusing on HRDs operating under legal oppression contexts further built on the challenges presented and came up with recommendations on strategies to overcome them:

Challenges

- Denying funding from external sources
- Efforts to thwart partnerships between local and international organizations
- Restrictions on the scope of work (including the regions where organizations are restricted to confine their activities thus denying them a national scope and outlook)
- Efforts to isolate HRDs from other groups within society by stigmatizing their work through incessant negative propaganda
- Bureaucratic and cumbersome registration and administrative procedures
- Weakened judicial systems leaving HROs with little recourse when faced with legal challenges

Recommendations

- ✘ Ensure there is a good knowledge/understanding of the existing legal framework regulating the work of civil society organisations
- ✘ Make counter-proposals on draft legislation or propose amendments and ensure that there is sufficient expertise available to do so
- ✘ Challenge the aspects of laws which are unconstitutional (i.e. constitutional court)
- ✘ Network at local, regional and international levels to advocate/campaign against repressive laws for HRDs work
- ✘ Raise awareness on obligations from regional and international treaties among legislature and the executive
- ✘ Use regional and international procedures/mechanisms (i.e. ACHPR, Treaty bodies) to challenge the legality of domestic laws which criminalize Civil Society Organizations' activity
- ✘ Build strong and broad platforms of support a wider population
- ✘ Ensure that the conference brings about the drafting of a legally binding instrument, maybe in the form of a protocol to enhance enforcement of state obligations to HRDs protection instruments

Session on Best Practices on the Protection of HRDs The case of Latin America⁸

Ms Maria Martin, a HRD working in Costa Rica, made a presentation based on research carried out by Protection International (PI) analysing the best practices of the protection of HRDs in Latin America. The research is due to be published shortly as a manual. Ms Martin explained that although the paper had attempted to look at other global initiatives widely, her presentation would focus on experiences in Latin America, a region known to be more advanced in this area.

The presentation revealed how HRDs protection in Latin America has advanced due to collaboration between both national and regional networks as well as to the broad acceptance by member states of the Inter-American human rights protection system.

The Inter-American system

Ms. Maria Martin started off by explaining that in 2001 the Inter-American Commission Human Rights, an organ of the Organization of American States set up the Human Rights Defenders Unit. The unit's main belief was to receive information pertaining to the human rights situation in the region, maintain contacts with non governmental organisations and official government organs, and to coordinate those aspects of the activities of the Executive Secretariat that are linked to HRDs in the Americas among other protection mechanisms for persons at risk and HRDs.

She said that the rules of Procedure of the Inter-American Commission give it the mandate to by itself or at the request of a party, request from States where violations are about to occur, to adopt precautionary measures to prevent irreparable harm to persons and when no action is taken, it can "request that the Inter-American Court of Human Rights takes such provisional measures as it considers appropriate in serious and urgent cases which have not yet been submitted to it for consideration".

Ms Martin explained that the American Court on Human Rights, as the judicial arm of Inter-American system, has since 1979 passed rulings against States for human rights violations including violations against HRDs and the States concerned, on being found guilty, have admitted their liability and this clearly shows a certain regard of States to the Inter-American human rights system. Consequently she said, the Court has had occasion to make landmark rulings in various cases; she stated: "[...] in a democratic society, the duty of the State in creating conducive conditions effective human rights enforcement and guarantees for all persons under its jurisdiction is intrinsically linked to the safeguards and acknowledgement of the important role played by HRDs

As a consequence to such landmark rulings, she said, the Organization of American States has come to recognize, inter alia, the need "to support the task performed at national and regional levels by the HRDs, recognizing their valuable contribution to the promotion, respect and protection of human rights and fundamental freedoms while condemning acts that directly or indirectly impede their work in the Americas".

Reaffirming the contention that the work of HRDs impacts on the welfare of entire communities, Ms. Martin said that the "Court considers the threats and assaults on the dignity and lives of the HRDs as well as the impunity of those responsible for those acts as particularly grave as they impact not only on individuals but on the community at large." The court has

8 Maria Martin's presentation on 'Best Practices' is annexed to this report for reference purposes

also occasionally reaffirmed the UN Declaration on HRDs by ruling that “States have the duty to provide the necessary means to enable the HRDS to undertake their activities without hindrance; protect them when facing threats to forestall attempts on their lives or integrity; refrain from posing obstacles that impede their work and thoroughly investigate the violations committed against them, in a bid to combat impunity”.

In many respects therefore, Ms. Martin said that the Inter-American system is dissimilar to the African one but emphasized that civil society organisations in Africa can play an important role in its development and can point out the weaknesses in its protection system and possible remedies through consultation or in open discussion fora.

Plenary Session

Several participants subsequently reacted to the presentation mostly expressing disbelief and amazement at the positive strides made by defenders working within the Inter American system and countries. One participant asked the presenter Maria Martin whether sophisticated means of protection, such as bullet proof jackets, could not in fact expose HRDs to further attacks, by making them more visible, and prevent them from doing their job freely. Maria Martin along with other participants pointed out that protection can and should be seen as the recognition of the work of HRDs. The session concluded that African Human Rights Defenders and States should borrow a leaf from their Inter-American counterparts.



PROTECTION INSTRUMENTS

The third day of the conference was dedicated to the review of the various HRDs protection instruments with the objective of analysing their achievements as well as the shortcomings in the effective protection of HRDs.

The instruments surveyed were:

- ✘ The United Nations Declaration on Human Rights Defenders (UNDHRD) & Special Rapporteur
- ✘ The European Union Guidelines on the Protection of Human Rights Defenders
- ✘ The Africa Commission for Human and Peoples' Rights (ACHPR) & Special Rapporteur

Mandate holders or representatives of protection mechanisms made presentations on the achievements and shortfalls of their respective instruments. A series of discussants acted as critics to point out the remaining challenges and potential. They stimulated the plenary discussions into more explanatory and further detailed ones.

UN Protection Instruments/mechanisms for HRDs

The UN Declaration on Human Rights Defenders and Mandate of the Special Rapporteur

By Margaret Sekagya - *UN Special Rapporteur on Human Rights Defenders*

The Special Rapporteur started her presentation by outlining her vision and priorities for carrying out her mandate, which, she said, is also contained in her first report to the General Assembly in October 2008. She proceeded to give an overview of the main aspects of that vision.

Analysis of general trends and challenges

In the course of her mandate the Special Rapporteur (SR) will be committed to conducting a thorough analysis of general trends and challenges affecting HRDs in order to fully comprehend the context in which those defenders operate, and therefore better protect them. Such analysis, she said, will be undertaken at different levels within the activities of the mandate.

Vulnerable groups of defenders

She expressed her determination to reinforce the focus on defenders exposed to specific forms of violence and attacks. These include: WHRDs who are at greater risk of suffering violence and are targeted by forms of prejudices, exclusion and repudiation by different parts of the social and political establishment, particularly when they work on women's rights; defenders working on economic, social and cultural rights; defenders working on the rights of minorities, indigenous peoples, and lesbian, gay, bisexual and transgender people (LGBT); defenders working on past abuses; and defenders engaged in student protests. These defenders, she said, need specific and enhanced protection as well as deliberate efforts to make the environment in which they operate a safer, more enabling and accepting one.

Rights and freedoms of HRDs

Mrs. Sekaggya said that her mandate intends to continue the analysis of the challenges and obstacles that defenders face in enjoying the rights to core freedoms of association and peaceful assembly set forth in the Declaration on HRDs, with a view to formulating recommendations aimed at overcoming these challenges and removing these existing obstacles. This, she said, will complement and update the work already done in previous reports by her predecessor.

“Early-warning mechanism”

With a view to strengthening the protection function entrusted to her mandate, the SR declared her interest in engaging in the processes and initiatives aimed at promoting the development of strategies, programmes, institutions and mechanisms for the protection of HRDs under threat. In particular, studying the factors necessary to devise an “early-warning mechanism” for the protection of defenders with a view to anticipating systematic threats against defenders by activating appropriate sectors of the national protection system will be central to this vision.

Follow-up

Another avenue of action she said will be the intensification on follow-up to various initiatives, including follow up on individual cases taken up in her communications. She emphasized that the role of following up cases and recommendations is not a preserve of the sources of such communications but the responsibility of the whole human rights community in all its ramifications at the national, regional and international levels, including states, whose obligation is to protect the rights of all.

Collaboration with stakeholder

Mrs. Sekaggya resolved to give priority to the strengthening of collaboration with regional mechanisms for the protection of HRDs, namely the Special Rapporteur on Human Rights Defenders of the African Commission on Human and Peoples’ Rights, the Unit for Human Rights Defenders within the secretariat of the Inter-American Commission for Human Rights, the Commissioner for Human Rights of the Council of Europe, the Focal Point on Human Rights Defenders within the Office for Democratic Institutions, and Human Rights of the Organization for Security and Cooperation in Europe.

She has also said that she is working on strengthening intra-mechanism cooperation between all regional mechanisms and, to this end, she had communicated that she had already undertaken a joint visit with the Special Rapporteur on Human Rights Defenders of the African Commission on Human and Peoples’ Rights to Togo in August 2008.

Other aspects of the Special Rapporteur’s vision highlighted in Mrs. Sekaggya’s presentation included the popularization of the UN Declaration on HRDs, sharing of good practices on human rights defenders and robust engagement with the Universal Periodic Review (UPR) of the Human Rights Council, a mechanism she described as being of strategic value in reviewing, and hopefully improving, the situation of HRDs in countries under review.

Background for the Declaration on human rights defenders

Mrs Sekaggya then proceeded to give an overview of the UN Declaration on HRDs saying that it is the recognition of the vital role of HRDs and the violence many of them face that convinced the United Nations that special efforts were needed to protect both defenders and their activities after incessant lobbying by human rights groups.

The first major step, she said, was to formally define the “defence” of human rights as a right in itself, and to recognize persons who undertake human rights work as “HRDs”. Thus after almost 14 years of negotiations, on 9 December 1998, by the resolution 53/144, the General Assembly of the United Nations adopted 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, a document commonly referred to as the Declaration on HRDs. The General Assembly adopted the Declaration on the 50th anniversary of the Universal Declaration of Human Rights. The second step which was taken in April 2000 the SR said was to call on the UN Secretary - General to appoint a special representative on HRDs to monitor and support the implementation of the Declaration by UN Commission on Human Rights.

While conceding that the Declaration is not in itself a legally binding document, the SR noted that it however contains a series of principles and rights that are based on the human rights standards enshrined in other international instruments that are legally binding. Additionally, the Declaration gains further strength from the fact that it has been adopted by consensus by the General Assembly and therefore represents a very strong commitment by States to its implementation.

Mrs. Sekaggya said that while the Declaration provides for the support and protection of human rights defenders in the context of their work, it does not create new rights, but articulates existing rights in a way that makes it easier to apply them to the practical role and situation of human rights defenders. The adoption of the Declaration, she reiterated, was a recognition of the dangers that human rights defenders confront, and a step taken by the international community to create norms for the protection of human rights activity. It makes it a primary responsibility of states to not only guarantee the safety of human rights defenders, but also to ensure that conditions exist in which they can carry out their activities because respect for human rights necessarily includes recognition of the legitimacy of the work of defenders.

Mandate of the Special Rapporteur on the situation of human rights defenders

Mrs. Sekaggya gave an elaborate description of the role of the mandate holder. The mandate holder was set up in 2000 when the then Commission on Human Rights requested the Secretary-General to appoint a Special Representative of the SG on the situation on HRDs. She however said the mandate was reviewed as a result of the institution-building phase of the new Human Rights Council in March 2008, and the title of the mandate changed to Special Rapporteur, but retained the content of the mandate almost intact. While the formal mandate is a very broad one, the overriding concern of the office is the protection of HRDs in practice. Protection here should be understood to include the protection of defenders themselves and the protection of their right to defend human rights.⁹

Achievements of the Mandate of the Special Rapporteur

The Special Rapporteur highlighted some positive aspects presented by her mandate in the promotion and protection of the rights of HRDs as outlined below:

- Communications to states to alert authorities of allegations of human rights violations against HRDs;
- Communications work as a watchdog for States, by exposing States to criticism, and it also works as a preventive tool to dissuade the abuse of HRDs
- Regardless of the response from the Government, the communications report is a protective tool by increasing the profile of HRDs as important, well-known figures
- In a significant number of the cases the communication does generate positive actions from the government,
- Country visits create opportunities for the mandate to interact directly with relevant authorities on the ground and to raise awareness on the mandate with all stakeholders including governments, civil society and donor community
- Through media coverage and the SRs interaction with politicians, country visits increase the profile of HRDs, consequently contributing to their protection through their greater visibility and political currency this generates, thus dissuading attacks
- Research on best practices presents a possibility to draft a future report to the General Assembly and the Human Rights Council dedicated to best practices in relation to protection programmes and policies
- Follow-up reports have great potential for enhancing the protection of HRDs because their situation can be powerfully highlighted in the stakeholders' report, the summary of UN information, and in some cases even in the national report
- Importance of national consultations in preparation of the report, which can galvanize civil society and make the different actors act in a more or less concerted manner.

Challenges and Negative Aspects confronting the Special Rapporteur

The Special Rapporteur conceded that in spite of the positive aspects enumerated above with respect to her mandate, there are both structural and institutional challenges facing the mandate. Among these are the following:

- Given that the Declaration is not legally binding in itself, the mandate experiences a high number of unsatisfactory replies, or lack of replies from governments
- While communications are in general a powerful and helpful tool to increase the profile of a defender, and therefore his/her protection, it also carries with it significant risks of attracting attention to the defender
- Lack of human and financial resources to adequately follow up on each case; however, she said that this can also be linked to the role of NGOs and regional mechanisms in following up cases
- The confidentiality rule prevents us from informing the sources when action is taken and this leads to lack of feedback to the source

⁹ Mrs. Margaret Sekaggya's presentation on the UN Declaration of HRDs and the Mandate of the Special Rapporteur is annexed to this report for reference.

- Lack of awareness of the mandate in Africa and the lack of electronic resources to communicate issues pertaining to the protection of HRDs result in the relative paucity of communications from, and consequently about the region
- Due to budget constraints, normally only two country visits are possible annually
- The visits can take place only at the invitation or with the agreement of the state (in case of countries with standing invitations). This poses significant difficulties in accessing countries
- Limitations on follow-up: the need to empower and educate NGOs on the essence for follow up
- Challenges in protecting of HRDs provide information to Special Rapporteur during visits; here she cited examples of Indonesia in 2007 and Kenya in 2009 where reprisals have followed such country visits. In Kenya, for example, two HRDs were killed shortly after the visit of the SR on summary executions, Philip Alston in February, 2009.
- There is limited dissemination of communication reports
- Collaboration and cooperation with the regional instruments need to be strengthened through regular consultations
- Weak coordination of campaigns to raise awareness of the public
- Weak coordination and monitoring of individual cases
- Limited possibility of civil society participation in the Universal Periodic Review process itself
- Reprisals against HRDs participating in the UPR process;
- Increased expectations and the inability to fulfil those expectations on the ground due to lack of implementation structure (staff, resources, structures)

Message to HRDs

The Special Rapporteur then addressed HRDs directly impressing upon them the need to engage more with her mandate and other available instruments at their disposal to improve the situation under which they work. In doing so, she made the following remarks:

- since the mandate cannot act on information based solely on media reports, it is crucial that NGOs and individual HRDs take responsibility for submission of information
- in case there is inadequate information coming from a given country, the subsequent communications report may show a distorted picture of the situation; this is especially true in certain countries where society is more active and/or aware of the mandate and sends ample information. On the other hand in some cases, although the situation may be equally or more serious, there may not be a corresponding level of information received by the mandate
- the communications report is a powerful advocacy tool therefore needs to be used more by HRDs. She said that the replies (or the lack of them) from governments can and should be picked up by defenders, giving them publicity and using them in their interactions with their respective governments

Finally, Mrs. Sekaggya said that information from civil society during the preparation of a country mission is crucial and therefore called for increased CSOs participation and engagement with the mandate to enhance follow up on recommendations contained in mission report as well as its dissemination.

The situation of human rights defenders

Clément Voulé - *International Service for Human Rights*

The discussant noted that the first main objective of the session was to reflect on the achievements, remaining challenges, as well as potential for improvement on the effectiveness of the UN HRDs mechanism. Secondly, giving an overview of the different activities carried out by the UN mandate, and analysed those areas that can be strengthened.

Mr Voulé said that the Special Rapporteur is an expert who works on an honorary basis and acts independently of any state. Mr Voulé then proceeded to highlight the procedures of the SR's activities, acting independently of any State or organization. These include examining individual cases, undertaking country missions and submitting annual reports to the General Assembly and the Human Rights Council.

Individual cases

Mr Voulé said that NGOs, UN agencies, media and state authorities inform the UN Special Rapporteur on HRDs of the alleged violations of the rights of HRDs. And if the information given is reliable and falls within the SR's mandate s/ he sends a letter of allegation or an urgent action letter to the concerned governments for clarification in the aim of

providing a degree of HRDs' protection. He indicated that, in 2008, the Special Rapporteur sent 493 communications. He quoted the SP presentation in citing the challenges that thwart the effectiveness of communications on individuals' cases and the actions taken by the Special Rapporteur to address those issues.

Press releases

Mr Voulé said that the Special Rapporteur may also issue public statements and press releases in cases of serious concern and call on the concerned government to stop these violations and take appropriate measures to correct the situation. These statements and press releases are a powerful tool to draw attention from the media, the public and the international community to a situation of concern.

Regarding this aspect of the SR's work, the discussant raised the following discussion points:

- How effective is the use of press releases to follow-up on individual communications and to draw international attention to the situation of defenders in specific countries?
- What are the opportunities and limitations concerning this aspect of her work?

Country visits

By undertaking fact finding missions, the discussant noted, the Special Rapporteur is able to gather first-hand information on the situation of human rights defenders in a specific country and to identify specific problems they face. Country visits are an opportunity to meet and dialogue not only with defenders, but also with the government and other relevant actors, such as national human rights institutions, UN agencies and the media. Following a country visit, the Special Rapporteur releases a report outlining main violation concerns and recommendations for action.

Regarding this aspect of the SR's work, the discussant raised several issues:

- With regard to the country visit to Togo together with the SR on HRDs of the ACHPR, it would be important to know; the opinion of the UN SR on HRDs on whether this joint mission has had further impact on the situation of HRDs in Togo; what added value such a joint mission has; whether other such joint missions in the regions were in the pipeline;
- The role of HRDs and NGOs in strengthening follow up to country mission recommendations; and
- Enhance the opportunities for collaboration with other regional or UN mechanisms such as the treaty bodies and UPR with regard to follow up on monitoring the implementation of recommendations issued to governments with a view to intensify her follow up work by strengthening collaboration with different stakeholders.

Universal Periodic Review and Human Rights Defenders



Mr Voulé said that it was instructive that in her first report to the UN Human Rights Council, the Special Rapporteur made a strategic choice on theme, namely the link between Universal Periodic Review and Human Rights Defenders. Therefore, there is need to come up with concrete strategic actions/suggestions that defenders in Africa could adopt at national and regional levels to ensure their situation is being taken into consideration in states' report and the final recommendations.

Reporting and defenders' protection

In carrying this activity, Mr Voulé noted, the Special Rapporteur submits annual reports to the Human Rights Council and the General Assembly on activities undertaken, trends and concerns on HRDs issues identified during the year and her recommendations on appropriate action. He emphasized that the recommendations contained in this reports should provide the basis for action by States, UN agencies, human rights defenders and other actors.

To enhance the efficacy of these report, there is need to explore the possibility of focusing the SP subsequent reports to the Human Rights Council or the General Assembly to further elaborate on the issue of protection; by analyzing best practices of protection initiatives being implemented at the national levels to prevent the risks faced by HRDs and to protect them from violations. These could include:

- National policies and protection programs or measures adopted by States;
- Protection mechanisms established by non-governmental organizations, and
- Protection initiatives adopted by other relevant actors, such as national HR institutions and regional mechanisms.

He concluded his remarks by saying that recommendations in this report could serve as the basis for the development of national protection initiatives for defenders and emphasized that the civil society has a significant role to pay in this development.

Plenary Session

The plenary session that ensued led to recommendations specific to the above presentation. The conference participants pointed out the following:

- Need to nurture a relationship between the UN SR and the SR on HRDs of the ACHPR in terms of generating synergy to reinforce the protection of HRDs;
- The SR should explore the possibility of publishing her country visit schedule to enable the various stakeholders to prepare for meaningful engagement;
- The issue of maintaining confidentiality in regard to communications with countries on alleged violations of HRDs rights may result to further violations. These communications should be made public so that the concerned HRDs can know what steps the SR has taken as well as monitor progress of state response. Maintaining this confidentiality protocol is viewed as counter-productive.
- The SR should collaborate with CSOs of countries coming up for UPR to enhance CSOs capacity to engage with her mandate.
- The UN Declaration on HRDs is enhanced to explicitly make it legally binding to states. This is especially necessary in compelling states to honour country visit requests by the SR as well as strengthening her mandate to make follow up on recommendations issued. This will increase states' accountability to the UN HRDs protection mechanisms.
- How to facilitate country visits to war-torn nations where there are no governments to process requests from the SR? This will go a long way in extending benefits of the UN HRDs protection mechanisms to HRDs operating under extraneous conditions in such countries.

The reactions of UN Special Rapporteur on HRDs

- The SR conceded that the UN mechanism on HRDs protection has little recourse as the mandate does not have enforcing powers for states which either do not honour requests for country visits, do not give sufficient responses to letters of allegations or do not implement recommendations contained in country reports altogether. She cited the Kenyan example where the UN Special Rapporteur on Extra-Judicial killings, Prof. Philip Alston has issued a Press Release condemning the harassment of HRDs/witnesses who had testified before him during his country visit, yet no action seems to be forthcoming. "We have done a lot of work on this matter which will help highlight the Kenyan case. The rest, as we await government's response would be for HRDs defenders to take up the matter of protecting the Kenyan HRDs at risk through relocations and issuance of emergency visas. And I hope this will not happen after the fact".
- On the issue of confidentiality of communications to states, the mandate is bound by an ethical code that enforces confidentiality and unless that is reviewed in the future, nothing much can be done. She however reiterated that this did not mean that the communications are entirely non-effective, saying that there have been instances where states have acted fast to remedy allegations and lives have been saved.
- The SR acknowledged that there is a need for generating synergy between the UN mandate and the ACHPR SR and cited the joint country mission in Togo in August 2008 as an indication of goodwill towards that collaboration.

- The mandate usually has only two scheduled visits per year but the Rapporteur must be granted an invitation to visit a country from the authorities. These requests are usually either delayed or denied, making it difficult for the mandate to draw and maintain a reliable schedule. However, HRDs and CSOs can use unofficial channels to invite the SR informally without involving the government. While this will not be considered as a country visit, it does not limit the SR latitude to comment on allegation concerns. HRDs in countries where governments are hostile to the mandate are encouraged to use this alternative to circumvent state bureaucracies.
- In her opinion, the SP supported the recommendation on lifting the confidentiality requirement arguing that it would help those who filed the allegations to know that their grievances have been taken up with their respective governments.

The EU Guidelines on human rights defenders (HRD)

Georg Klusmann - *International Protection of Human Rights, Federal Foreign Office, Germany*

Mr. Klusmann started off his presentation by offering a brief background of the guidelines on HRDs. The EU Foreign Ministers adopted the EU-Guidelines on HRDs in June 2004 to advance long-term action of the EU in third countries to support and protect HRDs. The first review of the Guidelines took place in June 2006, leading to recommendations for improved implementation and later, in 2008, a mid-term review (an evaluation of the results of the implementation strategies) was conducted and the resultant technical update of the Guidelines was published in early 2009.

In an overview of the content of the EU guidelines, Mr. Georg Klusmann revealed how these seek to provide practical suggestions for enhancing EU support for HRDs. They seek to assist EU Missions (embassies, consulates, Commission delegations) in their approach to HRDs and finally contribute to reinforcing the EU's Human Rights policy in general. He explained how the EU guidelines draw upon the definition of HRDs as described in 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. Based on this definition, HRDs are those individuals, groups and organs of society that promote and protect universally recognised human rights and fundamental freedoms. The definition however excludes those individuals or groups who commit or propagate violence. He then proceeded to give an elaborate overview of the various sections of the EU Guidelines as outlined below.

The Introduction

Mr. Klusmann said the introduction to the EU Guidelines states the recognition of the European Union of the important role of other actors in furthering the cause of human rights while the primary responsibility lies with individual states. It describes the situation and possible activities of HRDs and stresses the need for governments not to see criticism of their policies and actions by HRDs as negative but acknowledge the positive role HRDs can play in assisting governments to promote and protect human rights.

Operational Guidelines

He said this is the main part of the Guidelines meant to identify ways and means of effectively working towards the promotion of HRDs in third countries within the context of the Common Foreign and Security Policy. It foresees:

- **Monitoring, reporting, and assessment:** EU Heads of Missions (HoMs), Mr. Klusmann explained, are required to submit periodic reports on the human rights situation in the country of their accreditation following an approved outline of fact sheets. These reports should contain briefs on local working groups and their implementation strategies, recommendations to the Council Working Party on Human Rights (COHOM) for possible EU action, as well as on the effectiveness of EU actions.
- **An important role for EU missions for putting into practice the Guidelines:** EU Missions are the primary interface between the EU and its Member States and HRDs on the ground. Mr. Klusmann therefore restated their role in the preparation and monitoring of local strategies in collaboration with HRDs, maintaining contacts with HRDs through meetings, ensuring (EU) internal coordination and information-sharing and promoting visible recognition for HRDs and their work through public statements, media, visits, invitations, and prizes etc.
- **Promoting respect for HRDs in relation with third countries and in multilateral fora:** Since the EU's has as objective to encourage third countries to respect their obligations towards HRDs and to bring about an environment where HRDs can operate freely, Mr. Klusmann said there are concrete actions in place to support this objective including:

- i. Meetings with HRDs at every visit to third world countries by EU Representatives;
 - ii. Inclusion of the situation of HRDs into the Human Rights component of political dialogues (in collaboration with HRDs) between the EU and third countries;
 - iii. EU Embassies remind third country authorities as to their obligations to implement effective protection measures (démarches);
 - iv. Close cooperation with like-minded countries notably in the UN Commission on Human Rights and the UN General Assembly;
 - v. Include HRDs into recommendations to countries under Universal Periodic Review (UPR); and
 - vi. Strengthening existing regional mechanisms for protection of HRDs.
 - vii. Support for Special Procedures of the United Nations Commission on Human Rights (UNCHR)
- ✘ The EU recognizes that the Special Rapporteur on HRDs and mandates of other Special Procedures are vital to international efforts because of their independence, impartiality and relevance to the protection of human rights defenders. Specific actions in support of these Special Procedures include:
- i. Encouraging states to accept requests for country visits by UN Special Procedures,
 - ii. Promotion of the use of UN mechanisms by local human rights communities and human rights defenders and
 - iii. Support of the allocation of sufficient funds to the Office of the High Commissioner for Human Rights to enable them carry out their mandate efficiently [inconsistent series: encouraging, promoting, supporting; OR encourage, promote, support. This is a recurrent issue in this document.]
- ✘ Practical supports to HRDs: He went on to describe Programmes of EU and member States aimed at assisting in the development of democratic processes and institutions like the European Initiative for Democracy and Human Rights (EIDHR) among a wide range of practical support for assisting HRDs. These practical supports can include:
- i. Support to HRDs through such activities as capacity building and public awareness campaigns,
 - ii. Facilitate cooperation between NGOs on human rights protection initiatives including supporting the establishment and work of national bodies for the promotion and protection of human rights,
 - iii. Fund HRDs activities, provision of measures of swift assistance to HRDs,
 - iv. Facilitate meetings of HRDs at regional and international level to promote networking and exchange of best practices. He cited this conference as a concrete example of such practical support.
- ✘ Role of Council working parties: The Working Group on Human Rights (COHOM) Mr. Klussmann explained, is mandated to review the implementation of and follow-up to Guidelines on Human Rights Defenders in close co-ordination and cooperation with other relevant Council Working Parties. This mandate entails:
- i. Promoting the integration of the issue of human rights defenders into relevant EU policies and actions;
 - ii. Undertaking reviews of the Guidelines when appropriate, and
 - iii. Reporting to Council on an annual basis on progress made in the implementation of the Guidelines.

Achievements in implementing the Guidelines

Mr Klussmann then enumerated examples of best practice attained since the EU Guidelines came to force. Citing a report by Amnesty International (EU: Rising to the challenge of protecting HRD, June 2008), he presented some of such best practices, which included:

- i. Under German Presidency, 124 embassies have been instructed to report on the situation of HRDs in their respective host countries in cooperation with EU partners and to develop local implementation strategies where applicable. This, he said, reflects a major achievement of the Guidelines. Reporting on HRDs situation demands an up to date knowledge of the human rights situation in a country and effective contacts of local HRDs. Similarly, developing a local implementation strategy necessitates intimate knowledge of the Guidelines among EU mission personnel;
- ii. In 2005 a Manual for the EU-Guidelines on HRDs was prepared by the Dutch Presidency and this has been distributed to EU Embassies worldwide;
- iii. Under British Presidency a worldwide campaign on the freedom of expression was organized focussing on HRDs and culminating in an international forum in London in December 2005.

- iv. In June 2006 following the first review of the Guidelines, the Austrian Presidency formulated widely recognized recommendations for further implementation;
- v. German Foreign Ministry has revised its policy concerning the funding of HR projects worldwide. As HRDs are important agents for the improvement of HR situations, the funding of projects supporting the work of HRDs has become an important area of focus of the German Foreign Ministry policy;
- vi. To explore practical tools for the implementation of the updated Guidelines, Czech Presidency organized a brainstorming meeting in early February 2009, in Prague, in which a number of renowned INGOs were invited to provide suggestions on practical modalities on the implementation of the guidelines. In this meeting, financial instruments focusing on HRDs, such as the European Instrument on Democracy and Human Rights (EIDHR) were discussed. Special attention was dedicated to emergency assistance to HRDs in difficult situations. The Presidency presented its "Shelter Cities" Initiative which would primarily engage municipalities and regions in providing temporary shelter to HRDs in need.

Key challenges

In spite of the achievements enumerated above, Mr. Klussmann said the implementation of the EU Guidelines has not been without challenges. The challenges outlined below have been encountered since the adoption of the EU guidelines:

- ❏ Cooperation with HRDs networks of different fields of work and especially in remote areas has not been established. This, he said has to be resolved by putting in place a more systematic and conscious strategy geared towards the involvement of Human Rights Defenders in the development, review and implementation of local strategies.
- ❏ Lack of a coordinated approach concerning possibilities of financial support to HRDs. The way forward would be to establish local working groups on HR issues in every country as valuable forum for the exchange of opinions, the sharing of information and the development of concepts to support the work of HRDs. Burden sharing among EU member states in dealing with individual cases; trial monitoring, visits of HRDs, financial support of projects and to HRDs should be coordinated.
- ❏ Limited knowledge and awareness of the EU Guidelines in spite of its existence for five (5) years now. The application of measures to improve the knowledge and understanding of the Guidelines with EU diplomats as well as HRDs has to be intensified.
- ❏ The implementation of the Guidelines has not made proper use of the media. This could be improved through intensifying the use of the media for the support of the work of HRDs. Consistency in the implementation of the guidelines should be improved by institutionalizing the process as opposed to the current situation where the implementation depends too much on individual commitment, initiative and interest at Embassy or capital level.
- ❏ Lack of consistency in the follow-up to EU actions such as démarches has also been undermining the object of the EU Guidelines. This could be improved by demanding responses from respective governments.

In concluding his remarks, Mr. Klussmann pledged that the Federal Foreign Office would strive to improve education and awareness among its staff on the EU Guidelines and their requirements to improve their implementation.

Arjan Van der Waal: *Amnesty International discussant:*

Mr. Arjan Van Der Waal, as the discussant of the presentation, offered a critique of the EU Guidelines. He expressed his hope that this session would help participants to review current protection mechanisms and come up with short, medium and long-term strategies that could help to ensure a more effective implementation and usage of the guidelines. He highlighted examples of how and when the EU Guidelines have offered concrete and practical protection support to HRDs:

- ❏ The presence of European diplomatic observers at a court hearing in Zimbabwe is believed to have played a crucial role in making the magistrate ignore instructions and grant bail to two arbitrarily arrested lawyers;
- ❏ French diplomatic intervention in Tunisia was significant in securing the release from detention in 2007 of Mohammed Abou, even if this intervention only came after a long period without démarche or public statements about his plight;
- ❏ In December 2008, the Dutch Ministry of Foreign Affairs gave the 'Human Rights Defenders Tulip' award to Justine Masika from the DRC, thus raising her profile and probably making her less vulnerable to attack;

- ✘ Finally, he highlighted the contribution of the current financial support at present on the protection of HRDs in Kenya.

He praised the European Union for being the first, among other diplomatic constituencies, in recognising the importance of HRDs in Africa by responding to an appeal made by HRDs back in 1998 in Johannesburg, in which HRDs urged diplomats in country “to support HRDs in their activities and particularly come to their assistance when they face threats”. The EU Guidelines, he asserted, if fully implemented, could become an important tool to sanitise and embolden HRDs working under strenuous conditions in Africa.

Having been adopted in June 2004 and updated in December 2008, the EU guidelines are purposed ‘to provide practical suggestions for enhancing EU action’ in relation to HRDs. These suggestions mainly go out to the EU’s diplomatic missions, the Embassies and Consulates and the diplomats that populate them - with the aim of promoting the principles outlined in the UN Declaration on HRDs, in the EU’s relations with countries outside the EU.

Mr Waal then went on to look at the shortfalls associated with the implementation of the measures.

Local implementation strategies

The first measure requires that EU diplomatic missions should devise local strategies for implementation of the Guidelines in each country. Under the German Presidency of the EU, the first implementation strategies were drafted. However, Mr. Waal questioned the extent to which these strategies have actually been implemented. Furthermore, as conceded by Mr. Klusmann, their implementation has not been sufficiently institutionalized and their implementation often depends on the initiative and personal inclinations of individual diplomats. In too many countries, he pointed out, these strategies are either non-existent, or kept confidential and away from local human rights defenders. On the other hand, Mr Waal explained that HRDs rarely took the time to familiarise themselves with the EU Guidelines and to demand involvement in the drafting of the implementation strategies from local EU missions.

Coordinating closely and sharing information with HRDs, including those at risk

Mr. Waal said that this probably provides the greatest challenge in the implementation of the EU guidelines. Too little is known about the EU Guidelines, even more so of their implementation. There is too much confidentiality, possibly too little checks and balances to demand accountability and definitely a huge lack of transparency around the actual implementation. He remarked that it is not possible to say whether the glass is half full or empty; the view is too blurred to see the glass properly.

Unfortunately, Mr. Waal noted, this lack of coordination and information sharing also applies to concrete day-to-day protection of HRDs. Diplomats, he said, often have access to information that is not available to human rights activists, be it for example about the implementation of legislation or about developments in the higher political spheres, which could make a crucial difference for HRDs’ protection.

Visible recognition for HRDs and their work, including visits to defenders in custody, under house arrests and attending trials as observers

Mr Waal noted that significant efforts and good practices have been established in efforts to ensure visible recognition and gave the example of an EU diplomat in a neighbouring country who decided to drive a couple of times through the street on which a defender who was at risk of abduction lived. The diplomat used his diplomatic number-plated car, and waved at the intelligence officers parked not far from the gate of the defender’s residence.

Sadly, Mr Waal explained, this is an exception rather than the rule and, in fact, too often in Angola, Ethiopia, the DRC, and the Gambia and in a host of other countries, diplomats are all too ready to make up pretexts for their non action in line with the Guidelines. He proceeded to list some of the arguments diplomats make for their inaction including:

- ✘ That action would actually not be effective under the given circumstances
- ✘ That the situation is actually not so bad
- ✘ That the embassy is too small and doesn’t have sufficient capacity to deal with such issues
- ✘ That the EU mission has other interests to consider
- ✘ That they have no leverage
- ✘ That there are too many cases and
- ✘ That the defender hasn’t asked for help.

While concerns about the impact of EU action may be legitimate in some contexts, he argued that generally, they do not provide justification for failing to take effective action in support of HRDs. He referred to a specific incidence in which EU missions accepted the Ethiopian authorities' condition that an observer's assessment would not be made public. This, he said, is extremely worrying because it is worse than not observing an unfair trial of a HRD; he said that "observing that trial and then not speak out about it, thus giving at best the suggestion of legitimacy to the trial....I guess you agree, is extremely worrying". Here too, he suggested that HRDs have a role to play; "they should keep diplomats informed and should propose concrete actions rather than wait for the diplomats to gather the information, make the analysis, and consider the options and shift into action".

Emergency visa

Mr Waal applauded this as a potentially positive development particularly given the fact that, in the African context, it has been extremely difficult for HRDs to obtain exit visas to EU countries, even in emergency situations where evacuation abroad was the only way out and neighbouring countries didn't provide an alternative. He urged EU countries to appreciate the fact that it may be impossible for HRDs at high risk to follow standard visa procedures and lamented that in some cases, the fact that the HRD was at high risk seem to have been a decisive factor to turn down the visa application. As a consequence of this insensitivity he said, HRDs lost precious time in finding alternative solutions to their security problem.

The potentially good news is that the updated version of the Guidelines now makes special mention of the issuing of emergency visa and facilitating temporary shelter in EU member states. He observed that current Czech Presidency has just started consulting a small number of international partners on its plans to push implementation of this new provision.

Support the protection of HRDs through development policies

While appreciating the German funding for the organisation of the Jo'burg + 10 Conference in Kampala as a positive example of using the development facilities to promote the protection of human rights defenders, Mr. Waal regretted that this was an exception rather than the rule and that other possible options were not being explored.

He wondered how many in country EU Missions were covering the cost of managing the protection of the human rights defenders when they fund the projects that may put them at risk, while they themselves lived in Fortresses. He remarked that while "Most European embassies have a Fort Knox character: double doors, barriers, guards and lots of many other security measures, offices of some human rights defenders in Kenya, Burundi, Cote d'Ivoire, Sudan and many other countries have been raided, burgled or ransacked and challenged the EU missions to be willing to cover the core, institutional costs for HROs to take measures to secure offices and information. On the other hand, he called on HRDs and their organisations to systematically include the cost of security management and protections measures in their projects and funding requests and by so doing pass the ball to their partners to make funding for the protection of HRDs part and parcel of development aid.

Conclusion

In conclusion, MrWaal urged HRDs to recognize that there is a good framework for their protection in place especially after the update of the EU Guidelines in December 2008. He however pointed out that it is the implementation that needs to be strengthened. He also stated that the ball is primarily in the camp of the European diplomats but underscored the role African HRDs and their international partners can play in formulating constructive proposals for effective engagement.

Plenary Session

The plenary session started off with a participant citing a case of best practice in Kenya where accredited European Union Member States' Missions have constituted themselves into a Working Group on EU Guidelines, which incorporates the Kenyan National HRDs Protection Coalition defenders. The participant noted that following the recent increased intimidation, harassment and summary execution of HRDs in the country, this working group has now included the US and Canadian Missions. In total, thirteen Missions came together and reacted to the killings of two activists and have been meeting to look for possible ways forward in responding to cases of HRDs at high risk. This however depends largely on HRDs' initiatives to acquaint and follow up on the implementation of the EU Guidelines.

Another participant mentioned how the Democratic Republic of Congo is another country that offers examples of best practice in the implementation of the EU Guidelines, although there is room for improvement. Most observations made

from the plenary however pointed to the fact that while the EU Guidelines protection framework sounds good on paper, many diplomatic missions' members seem not to be acquainted with their requirements. There is a need, therefore, to put in place measures to increase awareness and develop local implementation strategies as well as a monitoring and evaluation mechanism. A good starting point, it was observed, would be to demand the submission of progress reports on the implementation of the guidelines as a matter of course. The discussions laid out conditions for the full implementation of EU Guidelines:

- An increase in the level and the consistency of the concrete actions that EU diplomats take for the protection of HRDs
- An attitude change among EU diplomats to do away with risk avoidance and the use of improper arguments not to take action
- protection of HRDs must be part and parcel of the development programmes run by the EU and the Member States, i.e. security management needs funding
- In their political dialogue, not only do EU missions need to create a conducive environment for local HRDs to operate systematically at country level with the local authorities, but also on a more institutional level, there is a need for EU-AU human rights dialogue
- EU diplomats need to draft, implement and review the local implementation strategies in consultation with the local human rights community in each country
- EU missions need to respond more rapidly on the ground in case of direct threats against the lives of HRDs. The participants mentioned that the issuance of an emergency visa is only one effective response amongst many other possible
- EU missions need to diversify their implementation: the single use of "discrete action" is in most contexts inadequate
- EU missions need to improve on institutional memory: successes and good examples where EU diplomats actively intervened and contributed to the protection of HRDs should go on record, be celebrated and made known among EU diplomats throughout the continent
- Last but not least, EU diplomats need to become more transparent and more accountable in how they implement these Guidelines. They need to avail information on what they do and don't do and then engage all stakeholders in discussion for the improvement of HRDs' protection.

The Mandate of the African Commission on Human and Peoples' Rights and the Special Rapporteur

Madame Reine Alapini-Gansou - *ACHPR Special Rapporteur on Human Rights Defenders*



The Special Rapporteur provided a background of the normative framework and implementation mechanism of human rights in African system through the mandate of the Special Rapporteur on Human Rights Defenders of the African Commission on Human and Peoples' Rights (ACHPR). She said that the atrocities' witness to the World War II made them think about how they could curb the carnage of civilians. They identified a series of measures and instruments aimed at ensuring that States would respect human rights during future conflicts. The resultant instrument was the Universal Declaration on Human Rights. Consequently, the ACHPR SR noted, the founding texts of the Organization of African Unity (OAU) and later of the African Union (AU) took into account the human rights principles outlined therein. It is for

this reason that several texts aimed at better promoting and protecting human and peoples' rights within the African continent context have been adopted. She said that the most important of these texts are the African Charter of Human and Peoples' Rights (ACHPR) and the Banjul and Kigali Declarations.

Ms Reine Alapini-Gansou explained that the African Charter on Human and Peoples' Rights, which was adopted in 1981 and implemented five years later, not only recognises the rights but also the obligations of all individuals and peoples of Africa. The rights outlined in the Charter, she remarked, deal with fundamental freedoms universally referred to as the civil, political, economic, social and cultural rights.

The Charter consists of three components dealing respectively with rights and obligations (29 articles), safeguard measures (15 articles) and various provisions (5 articles). Ms Reine Alapini-Gansou observed that it is the safeguard measures provisions that led to the creation of the ACHPR whose main aim is the promotion and protection of human and peoples' rights. In 1999, she remembered, the First Ministerial Conference of the Organisation of African Unity adopted the Grande Baie Declaration to respond to the 1998 United Nations' "Declaration on the right and the responsibility of individuals, groups and other societal organs to promote and protect the universally recognized human rights and fundamental freedoms", popularly known as the "UN Declaration on the Rights of Human Rights Defenders".

In addition to the foregoing texts, the SR noted, African States affirmed the principles of universality, the indivisibility, and interdependence of human rights, and crafted treaties that would support the struggle against all forms of human rights abuses and provide for equal chances in the enjoyment of civil, political, economic, social and cultural rights. It is these preoccupations that informed the spirit and substance of the Kigali Declaration of 2003.

Further to the three texts described above, she noted, the Additional Protocol to the African Charter of Human and Peoples' Rights adopted in June 1998 in Addis Ababa, Ethiopia governs the creation of the African Court of Human and Peoples' Rights. Although the Court has witnessed a slightly delayed implementation because the text was only implemented in 2004, it reaffirms commitment of African States to respect the principles of freedom, equality before the law, justice, peace and human dignity. Ms Reine Alapini-Gansou outlined the mandate of the African Commission and the constitutive Charter on the promotion of human rights as follows:

- ❑ Document, carry out studies and research on African problems related to human and peoples' rights, organize seminars, etc;
- ❑ Formulate and elaborate principles and laws that help in solving judicial problems related to the enjoyment of human and peoples' rights and fundamental freedoms;
- ❑ Cooperate with African or international institutions interested in the promotion and the protection of human and peoples' rights
- ❑ Prepare and carry out a specific program to visit African countries and organise sensitisation activities on human rights in partnership with host states and the civil society.

Besides the promotion, the SR noted, the ACHPR ensures the protection of rights and freedoms guaranteed in the Charter through examining communications from states, organisations or individuals in accordance with the conditions outlined in the Charter. The SR stressed that since the Commission's decisions are not legally binding to States and are regarded as mere recommendations, it only hopes to achieve its goals by prioritizing dialogue with member States.

Concrete protection of African HRDs by the Special Rapporteur on HRDs' Mandate

In 2004, the African Commission on Human and Peoples' Rights (ACHPR) created the mandate of the Special Rapporteur on Human Rights Defenders in Africa. The ACHPR was 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, Ms Reine Alapini-Gansou said, followed the establishment of a focal point on this issue as a response to the grave risks faced by defenders in Africa. It is through this mandate that the Commission examines reports and acts upon information concerning the situation of defenders on the continent. She highlighted some of the roles of her mandate as defined by the ACHPR as follows:

- ❑ Seek, receive, examine and act upon information on the situation of human rights defenders in Africa
- ❑ Submit reports at each ordinary session of the African Commission on the situation of human rights defenders in Africa
- ❑ Cooperate and engage in dialogue with member States, National Human Rights Institutions, relevant intergovernmental bodies, international and regional mechanisms of protection of human rights defenders and other stake holders

- Develop and recommend effective strategies to better protect human rights defenders and to follow up on his/her recommendations
- Raise awareness and promote the implementation of the UN Declaration on Human Rights Defenders in Africa

Ms Alapini observed that while hers is an ambitious and extensive mandate, the support of HRDs and a wide range of CSOs have ensured that the holder of the HRDs' Special Rapporteur in Africa take some concrete measures from simple communication letters sent to concerned states, urgent appeals, and press releases. So far, she said, the Special Rapporteur has been able to send 53 Communications to 53 AU member states raising various issues including asking states to investigate on alleged threats against HRDs and violations of rights of HRDs. Depending on the nature and veracity of the information received, the Special Rapporteur sends urgent appeals to African Heads of States and/or publishes press releases on the Website of the African Commission¹⁰.

The Special Rapporteur remarked that as a preventative measure, her mandate carries out country visits during which she conducts activities to create awareness on the need to protect human rights defenders in Africa. Since the country visits need an invitation from the authorities, the SR said that so far, only six countries i.e. Cameroon, Libya, Mali, Uganda, Togo and Tunisia, have allowed the Special Rapporteur to carry out the activities of the promotion and protection of human rights.

She mentioned that her office also sent many communications to states and published numerous press releases whenever her office received and verified allegations of HRDs' rights' violations. She said that her mandate is faced with a myriad of institutional and operational challenges related to non-response to communications by states, financial and human resources that hinder the realization of the rights of Human Rights Defenders. She pointed out that the available texts and instruments at the disposal of the African Commission on Human and Peoples' Rights are not adequate to ensure the respect of human rights in Africa. Therefore, there is an increasing need for complimentary in lobbying against the eloquent silence of States in reactions to the SR communications. She challenged African HRDs to advocate for a structure similar to the UN Human Rights Council for an adequate follow-up of recommendations and ensure that the envisaged African Court on Human and Peoples' Rights is operationalized to reinforce the protection mechanism.

Limitations of the Mandate

The SR then went on to point out some of the shortfalls of the mandate of ACHPR SR on HRDs.

- Lack of a follow-up mechanism on recommendations made to State. The responsibility lies with NGOs to persuade their governments to implement the recommendations;
- Failure by states to respond to the SR's communications;
- Limited resources in terms of material, human, and intellectual and
- The requirement to await governments' consent to conduct country visit missions.

Talking points on the Mandate of the ACHPR Special RAPPORTEUR on Human Rights Defenders

Hassan Shire Sheikh - *Executive Director, EHAHRDP- Net*

The Executive Director of EHARDP-Net, Mr. Hassan Shire Sheikh was the discussant of the session on the ACHPR HRDs protection mechanism. He said that his role was to raise pertinent questions that would further provoke and guide the participants' debate during group discussions. He raised the following concerns:

- What efforts had been undertaken by the SR to overcome the constraints associated with seeking relevant authorities' consent to carry out a country visit;
- What activities has the SR undertaken to ensure follow-up of recommendations and to ensure that the mandate interacts with NGOs at this level?
- Efforts to overcome the fact that very few human rights defenders in Africa make use the mandate;
- Whether the ACHPR and the SR have developed any strategies to raise HRDs' awareness on the importance of establishing and maintaining interaction between human rights defenders and the ACHPR SR.
- What contingent measures the mandate had instituted to protect HRDs from reprisals from states for providing information to the SR during country visits.
- How the ACHPR mandate gets or can get over the issue of confidentiality (notably on the delays of states responses) and whether there are innovative methods that have been put in place so far.

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- The role of the ACPHPR mandate in assisting human rights defenders, like those in East and Horn of Africa, who are in emergency situations and whose lives are at great risk. Are there obstacles preventing the ACHPR mandate from helping HRDs in such situations?
- How the agenda of the ACHPR SR country visits are prepared and what is the allocation time during the country visits: time allotted to authorities and that allocated to human rights organisations.
- How they determine credibility of communications in a region where the ACHPR mandate has had less experience or the credibility of communications from countries where the ACHPR mandate has not much contact. He wondered whether the mandate is in contact with actors on the ground like those in East and Horn of Africa.
- What is the contribution of HRDs in Africa to make the ACHPR mandate more effective.
- Finally, whether it could be possible for the SR to offer feedback to organisations that have been providing briefing material for a number of missions.

Plenary queries

The points raised by Mr Shire were taken up by some of the participants. Their queries centered on the following items:

- One participant mentioned the fact that during the country visits the Special Rapporteur tends to be accompanied by government officials which makes it very hard for HRDs to express themselves freely during meetings. This, the participant observed, tends to go against the envisaged principle of impartiality with which the SR is expected to conduct business.
- Some participants felt that the SR is not always accessible during his/her country visits. It was mentioned that the ACHPR Special Rapporteur did not meet Tunisian human rights defenders during her mission to that country.
- Participants eloquently articulated their frustrations with the helplessness displayed by the in instances when countries do not respond to her communications and called for the adoption of a stringent instrument to enforce compliance with the SR's recommendations.

Response by the ACHPR Special Rapporteur

The ACHPR Special Rapporteur, Ms. Reine Alapini-Gansou, was then given the opportunity to respond to some of the concerns raised by the discussant and from the plenary. She restated that her mandate considers close collaboration with HRDs as of paramount importance given that human rights defenders have a privileged position of working on the ground and therefore have first hand information and are better placed to follow up implementation of resolutions, etc. At the same time, she acknowledged that the visibility of her mandate is hampered by the aforementioned limitations. Regarding state compliance and confidentiality of the communications, she urged defenders to persistently lobby for change of the instruments which prescribe such provisions. With regard to dissemination of her mandate's reports, the SR pointed out that communication difficulties in Africa and defenders limited access to IT are great hindrances to effective dissemination.

Breakout Group Reports

After the presentations on the EU Guidelines and those made by both the UN and ACHPR Special Rapporteurs and the subsequent plenary brainstorms, participants broke out into three discussion groups to further analyse the implementation of these protection instruments with a view to overcome the challenges and attempt to come up with recommendations to overcome these implementation challenges.

UN Mechanism Group Report

The group discussions under the chair of the UN Special Rapporteur on HRDs, Mrs. Margaret Sekaggya focused on the protection strategies and the strengthening of the mandate of UN Special Rapporteur on HRDs.

The confidentiality issue raised most attention with participants asserting that it impedes information flow. The participants called for the review of the code of conduct, recently adopted by the Human Rights Council, prohibiting the SR from mentioning countries that do not respond to communications until the issue is brought up with the HRC. Moreover, participants expressed scepticism on the effectiveness of the UN HRDs mandate since it does not have the necessary legal backing to enforce and even impose sanctions to errant countries.

Recommendations

The working group offered the following recommendations:

- Need for increased collaboration between UN SR and ACHPR SR on the follow-up of HR cases, and sharing out of tasks among all HR partners
- That HROs devise ways of circumventing the issue of the requirement that the SR must seek country consent before carrying out country missions by inviting the Special Rapporteur informally in the country through seminars, workshops or conferences, to create the opportunity to create awareness on the plight of HRDs.
- Country visits should be done with consultation with the intended beneficiaries and not just the State (the SR clarified that during these visits, she meets government officials and CSOs both at the national and grassroots level)
- Utilise international organizations for the dissemination of HR information
- Train HRDs in international and regional instruments including on the mandate of HRDs SR
- Use of media in campaigning for the implementation of recommendations
- Involve domestic HR organizations in the preparation of SR country visits
- Translate HRDs' declarations, treaties and instruments into local languages for their effective dissemination, through civil society organizations and other available platforms
- HR organisations should ensure follow- up of HR cases following publication of SR reports with the concerned authorities if possible. Human rights NGOs on the ground must regularly inform Special Rapporteurs of the evolution of HR situation in their countries
- Use States' delegations to relay the message of the civil society during the Universal Periodic Review evaluation
- Once UN SR sends a communication to a state and the State does not respond, there should be reminding communications asking for clarifications.
- There should be joint communications and country visits of Special Rapporteurs to give more profile to their actions and to enhance their collaboration
- Regional networks should carry out monitoring of
- Countries should face severe sanctions when they violate provisions they have already consented to

Working group on EU Guidelines



This working group was chaired by Mr. Georg Klusmann and focused discussion on the relevance of the EU Guidelines to Africa and how best to implement them to maximise on the benefits to the African HRD. The group gave due consideration to the challenges and the best practice in the implementation of the Guidelines as highlighted by the discussant and further reiterated the following:

Challenges

The group observed that the uneven level of implementation of the Guidelines tends to depend on the individuals whims of Missions' and thus lacks continuity in the event such individuals are recalled or posted elsewhere. They noted that:

- Lack of usage of the human rights documentation/ information on the situation of human rights in the host country in the shaping of the foreign policy of the EU member states greatly undermines the spirit of the guidelines;
- Economic and political concerns/ interests of the EU member states often tend to have a negative impact on HRDs. This situation is especially heightened by the divisions between the ministries and their portfolios;

- Lack of implementation of HR clauses based on Cotonou, between EU missions and African and Caribbean Countries, agreement is a major inconsistency to the EU Guidelines;
- Low level of knowledge and awareness on the Guidelines on the part of both the EU missions' personnel and the human rights defenders greatly hampers their implementation

Best practices

- EU Members of Parliament visiting countries and making a point to meet with HRDs in the country ;
- Facilitation of HRDs visits to EU countries in order to reinforce lobbying of key stakeholders;
- Council of Europe consultations with HRDs particularly prior to EU-AU dialogue on HRDs, and
- Regular meetings of HRDs and the EU missions in times of crisis to chart out HRDs' protection action and subsequent funding of HRDs' relocation.

Recommendations

- Trainings of both the EU missions' staff and HRDs to not only raise their awareness on the EU guidelines but also to make them more aware of issues specific to the African context;
- Identifying and enhancing two way information sharing between EU diplomats and HRDs should be cemented and periodically evaluated; this will help build and enhance strong and sustainable relationships between them; and
- There should be creative demands including but not limited to study grants for HRDs at risk to enable them to enhance their capacities while under protection.

Specific recommendations for EU missions

- Mainstreaming the guidelines into the bilateral/ multilateral policies with different countries. This is to ensure that the policies of EU countries towards third world countries are hinged on the HR record of a country;
- Institutionalising interaction i.e. ensuring that the local EU missions establish a HRDs' focal point person to streamline interaction, consultation and enhance collaboration with HRDs;
- Ensuring that the development of local implementation strategies are carried out in collaboration with HRDs before being put forward to the authorities;
- Publishing annual country reports on the implementation of the EU Guidelines on HRDs;
- Enhancing the collaboration between EU missions and the regional/international mechanisms on issues of protection; and
- Consider offering greater emergency protection support ranging from emergency Visas, psycho-medical to family support for HRDs under protection.

Specific recommendations for HRDs

- Carry out proactive initiatives and engagements with the protection framework availed by the EU guidelines to maximize on the opportunities the guidelines offer;
- HRDs should identify missions with best practices within the EU community and single them out for awards, to motivate them to pursue the guidelines' implementation onto the agenda of the EU Council;
- Pursue individual and collective systematic interaction with the EU Missions by:
 - a) Inviting EU mission staff to their consultations events,
 - b) Enhancing information sharing between HRDs and EU Missions, and
 - c) Approaching EU missions and calling for a HRD focal point to be appointed and operationalized.
- Enhance discussions amongst defenders on their exact protection needs to enable them approach EU missions with very specific/concrete demands;

Working Group on African Commission on Human and Peoples' Rights

The discussions were chaired by the ACHPR Special Rapporteur, Ms Alapini-Gansou. The group noted that of all the three protection mechanisms for HRDs, the ACHPR one appears as the most ineffectual due to the numerous limitations preventing it from exerting pressure on non compliant countries. The ACHPR lacks resources - both material and human - to pursue the mandate.

As a result of these limitations, it has only managed to get two approvals for country visits. Broad recommendations were made but the most basic ones involved ways of seeking recognition for the Mandate from the AU Member states so that they can cooperate with the Special Rapporteur. These included lobbying compliant states to spearhead the process of a declaration that would bind states to accept country visits or submit themselves to the mandate and opening dialogue with states that have not shown willingness to cooperate. The group identified challenges facing the ACHPR Special Rapporteur and elaborated recommendations.

Challenges

- ❑ Difficulties in getting states' approval for country visits;
- ❑ Inordinately long delays in getting responses to the SR communications regarding violations of HRDs rights;
- ❑ The procedure to request for such visits are entwined in State bureaucracies and it takes about 1-2 years for states to accept the given deadline for the country visit;
- ❑ Unwillingness of some states to cooperate with the ACHPR mandate;
- ❑ Lack of sufficient resources to allow the ACHPR SR to carry out her mandate effectively. The office of the ACHPR Special Rapporteur is still fledgling;

Recommendations

- ❑ Civil Society Organisations should lobby for the laying out of a text/protocol that binds states to expedite the processing of visit requests.
- ❑ States, especially those that are compliant on the other hand, were urged to lobby and put peer pressure on the intransigent ones to submit themselves to the mechanism.
- ❑ The SR should collaborate with National Human Rights Commissions while lobbying for state visits. Similarly, lobbying NGOs during forums held before AU General Assembly sessions would serve in identifying focal points which would include the media to disseminate recommendations. To this end, the SR can appoint a liaison officer to work with the civil society in following up on the recommendations.
- ❑ The SR should collaborate with the UN SR on HRDs for joint missions, especially to give weight to the visit request.
- ❑ During emergencies, the SR's country visit should be mandatory and states should be obliged to facilitate such visits. This calls for the drawing up of a text to be adopted by the General Assembly of the African Union.
- ❑ In addition, the SR should ensure that the itinerary includes meeting with bona fide HRDs and civil society. Even if the visits are state sanctioned, the SR should accord adequate time to all parties to avoid instances where the state takes control of the visits and determines who to meet with the SR. This will avoid situations like what happened in Tunisia, where the civil society could not access the SR during her country visits.
- ❑ Stakeholders and partners should grant strengthening assistance the fledgling ACHPR office to cope up with the challenges deemed insurmountable.

Plenary session

The presentation of the working group reports was followed by the reactions of the plenary to tie up the loose ends of the reports. The participants raised concerns on the fact that some states refuse to respond to the SR. The suggestion was that there should be a mechanism to redress the situation because such intransigence by the state renders the mechanism ineffectual.

They also proposed to address the need to incorporate the Inter-American best practices to fully operationalize the mandate on Human Rights Defenders. On the other hand, human rights defenders need to be duty bearers and devise safe and protective strategies for themselves.



NEED FOR A LEGALLY BINDING INSTRUMENT

The discussions then focused on the need for coming up with a more binding instrument to hold States accountable for their non-compliance with the ACHPR Special Rapporteur's recommendations to further enhance the protection of HRDs in the continent. Participants noted that considering the current trends where African states are enacting new laws to restrict the activity HROs, the venture to lay out such a binding text needs careful thinking and immense lobbying and campaigning. Consequently, African human rights defenders should focus on national constitutions and centre their energies on an unrelenting lobbying tool at the continental level.

Testimony Session on the Gambian HR situation¹¹

Ndey Tapha Sossey – *the President of the Gambian press Union*



In opening her testimony, Ms. Ndey confessed that as a journalist, like many others in her profession, she did not really consider herself a defender of human rights but instead, considered her duty to be that of reporting and recording events as they unfold. This perception, however, has changed over the years, especially considering that The Gambia has dived deeper and deeper into an abyss of legal darkness and human rights violations. As a Union leader and a journalist, she feels it is her duty to do more than just report events.

She explained how over the past eighteen months, the Gambia Press Union (GPU) and the Foundation for Legal Aid Research and Empowerment (FLARE) have decided to associate themselves with not only cases of rights violations against journalists and media workers, but have also taken it upon themselves to document these violations where they exist, hold public lectures and organise seminars related to human rights issues. At FLARE legal aid, some advice is also given to victims of human rights violations.

¹¹ Ms Sossey's testimony is annexed to this report for reference

Violations of Rights to Freedom of Expression and Speech

Ms. Sossey went on to give an overview of her assessment of the human rights situation in The Gambia from the perspective of freedom of speech and expression. She said that both these freedoms are enshrined in Section 207 Subsections 25-27 of the Constitution of The Gambia and that The Gambia is, of course, a signatory to most international human rights instruments, among which the Universal Declaration of Human Rights. Despite these assurances and guarantees, she said, the Gambia is arguably degenerating into one of the most hostile and 'non' conducive environments in terms of basic freedoms including that of expression, opinion and association.

She expressed her regret that despite the fact that the Gambian Constitution in Section 207 Guarantees freedom of expression and other basic freedoms including that of association and opinion, the Gambian government have put in place other laws to counter such guarantees. The hidden agenda of such acts is that they are all geared towards stifling opinion, opposition and expression.

Ms. Sossey's testimony focused on the ongoing State prosecution and intimidation of the media including, the detention, police questioning and dragging of journalists and publishers to the Courts over sedition and other related charges which have inevitably bogged down the operations of the third estate in Gambia.

Plenary Session

In the light of the three day proceedings and the Gambian testimony, the reflections of the participants that revealed that African HRDs are moving on the right track. Other participants commended the conference as positive. They said that there is an emerging consensus to reinforce the existing instruments and make them more binding. Human rights activists need a protocol to protect the conventions against state abuses. The instrument must bind states to submit themselves to the existing mechanisms. This goes hand in hand with some sanctions that may be meted out against non-compliant states. Thus the questions of confidentiality and the government reluctant relationships will be ironed out.

Another participant said the conference should be an impetus for HRDs in their daily activities. He said the HRDs of the Democratic Republic of Congo tried to advocate and lobby for the domestication of various international mechanisms on the protection of HRDs but this legislation had failed to go through the parliament. He added that this however gives stimulus to defenders to continue their honourable struggle since the advocacy and lobbying does not bear fruit overnight. Owing to the fact there are nowadays laws protecting HIV positive victims, he went on to say, there must be probable ones for HRDs because both of them are equally vulnerable.

While there was agreement that there is need for such a binding instrument, some participants called for caution saying that welcoming the need for the binding instrument was one thing and getting states to ratify it is another. Therefore, it was stressed, there is a need to approach the issue tactfully and this should involve consulting relevant expertise in order to present a watertight strategy. Participants were told that the UN Declaration was won by intense concerted lobbying by HROs; similarly, participants pointed out that they do not expect states to readily welcome the intended binding instrument but they were nonetheless committed to campaign and see to it that the UN Declaration is accepted and ratified if the various HRDs Protection mechanisms are to have meaning in the African context.

A participant from Benin remarked that amidst the optimism and scepticism that characterized this brainstorming, HRDs have to realize that the only unanimous option that should emerge from the conference should be the intention to criminalize non-compliance to HRDs protection mechanisms by states. She added that the first step of the journey counts and therefore the campaign should start on a positive note; most importantly therefore, HRDs must realize that this would be an instrument at the disposal of everybody as a last resort once all other avenues are exhausted and also provide a concrete mechanism for HRDs to aid in holding governments accountable for HRDs violations within their jurisdictions. Moreover, it was stressed that HRDs should consciously choose to challenge the status quo and lobbying for such a protocol will present an opportunity for such a protracted struggle which will ultimately bring the issue of HRDs protection to the fore. Finally when the battle is won, the plenary concluded, the instrument will act as a reference and safeguard for some fragrant violators of human rights like the failed States as well as enhance the mandate of the ACHPR Special Rapporteur.

In her conclusion, the ACHPR Special Rapporteur Ms. Reine Alapini Gansou, remarked that the need for such a legally binding instrument cannot be gainsaid and the plenary discussions had underscored that reality. She therefore called on human rights defenders to research, lobby, collaborate and network widely to bring the robust discussions to fruition. The identification of allies, democratic States, HRDs, partners and stakeholders she noted, is of paramount importance to achieve full protection and promotion of human rights in the continent.

Reactions on the Kampala Plan of Action (KAPA)

Before the conference came to a close, the Kampala Plan of Action and Declaration drafts were presented at the plenary for debate and subsequent adoption by the participants. In a session characterised by robust debate, many suggestions and inputs were tabled and these were finally collated and taken into account in the conference outcome documents. The Kampala Declaration's main feature was the resolution to establish a steering committee composed of five sub-regional network focal points and four representatives of special interest groups to oversee and implement the Kampala Plan of Action upon adoption and also work on the effective implementation of the proposed Pan-African Human Rights Defenders Network (PAHRD- Net). The Steering Committee will therefore consist of the Cairo Institute for Human Rights, East and Horn of Africa Human Rights Defenders Network, West Africa Human Rights Defenders Network, Southern African Human Rights Defenders Network, and Central African Human Rights Defenders Network, and four female representatives of key interest groups: women HRDs, Lesbian, Gay, Bisexual, Transgender and Intersex (LGBTI), African journalists, and defenders working in armed conflict. The EHAHRDP-Network was invited to establish a provisional secretariat that will be in-charge of implementing the KAPA.

CLOSING REMARKS BY ACHPR SPECIAL RAPPOREUR



Ms. Reine Alapini Gansou, the ACHPR SR for Human Rights Defenders, while officially closing the four-day conference, commended African Human Rights Defenders for their tireless and valuable work in the protection and promotion of human rights in Africa in general and more specifically for their enthusiasm and robust participation in the conference deliberations. She said that, while African HRDs face numerous challenges in the course of their work, they have demonstrated unwavering resilience which has won them worldwide recognition, hence the commitment shown by partners in supporting such initiatives as this conference. Finally, she restated her appreciation to the sponsors of the conference, the host country and EHAHRDP making the event a huge success.

ANNEX

Johannesburg +10 all Africa Human Rights Defenders Conference attendance list

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