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

Tabitha Netuwa
Legal / Protection Officer

The national, regional and international framework
for the protection of Human Rights Defenders

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Outline

- Who is a Human Rights Defender?
- EHAHRDP and its activities
- HRD Mandate
- Situation of HRDs in Uganda
- National framework in Uganda
- Regional framework
- International Framework

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Definition of a Human Rights Defender

A Human Rights Defender (HRD) is someone who individually or in association with others, promotes and strives for the protection and realization of human rights and fundamental freedoms at the national and international levels.

(Adapted from the UN Declaration on HRDs)



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Introduction of the EHAHRDP-Net

Gaps in the protection of HRDs identified through research notably:

- Insufficient collaboration amongst HR organizations;
- Resource constraints;
- Insufficient knowledge and skills.

The Network therefore established a set of objectives:

- To protect and defend HRDs in the region;
- To build the capacity of HRDs in the region;
- To advocate and raise public awareness and profiles of HRDs in the region.



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Countries/territories covered by the Network are:

Burundi
Djibouti
Ethiopia
Eritrea
Kenya

Rwanda
Somalia (+ Somaliland)
Sudan (+ South Sudan)
Tanzania
Uganda

There are currently 65 organizations that are members of the Network.



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EHAHRDP activities

Protection

- Legal advice to HRDs
- Financial and technical support to HRDs in the sub-region
- Assistance with Refugee Status Determination and other administrative matters
- Medical assistance to HRDs- primarily in order to ensure access to trauma counselling

Advocacy

- Engagement with the E.U missions on implementation of the E.U Guide lines on human rights defenders

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EHAHRDP activities cont'd

- Advocacy activities at the African Commission on Human and People's Rights (ACHPR)/ NGO Forum – Bi annual report
- Panel events at the UN Human Rights Council e.g Kenya, Somalia and Sudan
- Press / public statements

Capacity Building

- Training HRDs in Security issues and putting in place strategies to ensure their security – carried out by Protection Desk Uganda
- Training in the utilising international advocacy channels e.g Universal periodic review mechanism
- Needs based training programmes

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HRD Mandates;

The mandates include:

- monitoring and advocating for fundamental rights and freedoms;
- using the national and international legal mechanisms to ensure respect of human rights;
- carrying out research and reporting about human rights situations;
- human rights education;
- making recommendations to governments on human rights matters;
- information sharing and networking;
- legal assistance



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Situation of HRDs in Uganda

Though there are improvements in the human rights situation in Uganda which

are manifested by ;

- Reduction in prolonged and illegal detention
 - End of the fighting in Northern Uganda
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- Torture cases continue to be reported;
 - Violations of freedom of expression and media freedom;
 - Journalists continue to be harassed, arrested and detained
 - Repeated closure and suspension of operations of independent media outlets



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- Self – censure is rife
- Legal restrictions
- Minority rights violations

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1. National Framework

- No national protection framework targeting defenders per se
- The Constitution includes key provisions
 1. In the preamble – guaranteeing **fundamental rights and freedoms** and supporting institutions whose role it is to guarantee these
 2. Chapter Four of the Constitution, Article 20 (1) provides that the **rights and freedoms of the individual are inherent and not granted by the state**
 3. Article 21 (1) provides that all persons are equal before the law and shall enjoy equal protection of the law
 4. Article 50 of the Constitution provides for the **enforcement of the rights and freedoms through courts of law**



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National Framework cont'd

- National Human Rights Commission is mandated to:
 - Monitor and investigate human rights violations
 - Monitor the State's Treaty Obligations
 - Established under Article 51 of the Constitution

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2. Regional Framework

- Inter - American Commission on Human Rights (IACHR); Human Rights Defenders Unit (since 2001);
- African Commission for Human and People's Rights (ACHPR); Special Rapporteur on Human Rights Defenders (since 2004);
- European Union Guidelines on Human Rights Defenders (since 2004).

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Regional Framework cont'd

- ACHPR Special Rapporteur on Human Rights Defenders is mandated to:
 - Seek, receive and act upon information on the situation of HRDs in Africa;
 - Cooperate and engage in dialogue with member states, national human rights institutions, NGOs, International and regional organisations and protection mechanisms;
 - Submit a report at every ordinary session of the Africa Commission on the situation of HRDs in Africa;
 - Develop and recommend effective strategies to better protect the human rights defenders and to follow up on his/ her recommendation;
 - Raise awareness and promote the implementation of the UN Declaration on HRDs in Africa.

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Regional Framework cont'd

- The ACHPR Special Rapporteur on Human Rights Defenders:

- Engages with governments and other key stakeholders
- Receives communications
- Intervenes when deemed necessary

Limitations of the Mandate

- Non binding
- Funding

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Regional Framework cont'd

- The EU Guidelines on the Protection of HRDs seek to:

- Provide practical suggestions on EU action towards defenders notably:

- To monitor and report periodically on HRDs situation in a given country

- To condemn threats and attacks of HRDs through formal and informal channels

- To provide financial support to HRDs

- To support regional and international mechanisms offering protection to HRDs

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3. International Framework

- UN Special Rapporteur on HRDs is mandated:
 - To seek, receive, examine and respond to information on the situation and the rights of HRDs;
 - To establish cooperation and conduct dialogue with governments and other interested actors on the promotion and effective implementation of the dialogue;
 - To recommend effective strategies for better protection of HRDs and follow up on the recommendations.
 - Independent of any State

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Contact Information

Regional Coordination Office

EAST AND HORN OF AFRICA HUMAN RIGHTS DEFENDERS PROJECT Human Rights House, Plot 1853, Lulume Rd., Nsambya

P.O. Box 11027 Kampala, Uganda

Phone: +256-312-256820 (direct)

+256-41-510263/ext.112

Fax: +256-312-256825

Email: program@defenddefenders.org

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



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