


Promoting Human Rights

Human Rights Defenders as Actors of Social Change

KIOS, Seminar Report 2013



“Everyone should have a right to be a human rights defender, and every state has an obligation to protect human rights defenders.”

Tarja Halonen • Hina Jilani • Mary Lawlor • Hassan Shire
Kasha Jacqueline Nabagesera • Anne Le Huerou • Krishna Gautam



The Finnish NGO Foundation for Human Rights (KIOS) was founded in 1998 to fund projects that promote human rights and development of democracy in the developing countries. The foundation is an independent, non-political, non-religious and non-governmental foundation. KIOS is a consortium of eleven Finnish organisations working for human rights and development issues: the Amnesty International's Finnish Section, Committee of 100 in Finland, Finn Church Aid, Finnish Disabled People's International Development Association (FIDIDA), Finnish League for Human Rights, Finnish Peace Committee, Finnish Refugee Council, UN Association of Finland, the Finnish NGO Platform KEPA, Finnish National Committee for UNICEF and UN Women Finland. The mission of KIOS is to channel development cooperation funds of the Ministry for Foreign Affairs of Finland effectively and with good quality to human rights projects of the developing countries. The KIOS office is located in Helsinki, Finland.

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Introduction

The Finnish NGO Foundation for Human Rights (KIOS) in co-operation with the *Finnish NGO Platform Kepa*, *Amnesty International's Finnish Section* and *Finnish League for Human Rights* organised the seminar Promoting Human Rights: Human Rights Defenders as Actors of Social Change on 18–19 September 2013 in Helsinki, Finland.

The seminar brought together nearly 120 participants from different countries, among them Uganda, Tanzania, Nepal, Pakistan and Ireland. The speakers and all participants offered valuable insights into the situations of the human rights defenders at the present moment. The discussion and debate was vivid and yielded rewarding insights during the sessions of the seminar.

The aim of the seminar was to highlight the results of the work of human rights defenders (HRDs) and their role in social change. By organising the seminar KIOS also sought to strengthen international cooperation by giving more visibility to the work of human rights defenders and supporting them in their work, as well as implementing efficient strategies and tools for their protection.

The key facilitators of the seminar included experts in human rights who represent NGOs in developing countries and in central Finnish and international institutions. The presentations and workshops discussed questions such as: How can we combat risks and work towards enhancing the protection of human rights defenders? What practical measures can human rights defenders and their organisations take to minimise risks and deal with threats related to their work? What are the best strategies for the cooperation and promotion of human rights when taking into account the challenges of HRDs?

In 1998, 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 funda-

mental freedoms”. The purpose and the main principles of the UN declaration on human rights defenders are as relevant today as in they were in 1998. Everyone should have a right to be a human rights defender, and every state has an obligation to protect human rights defenders. Governments have a responsibility to implement and respect all aspects of the declaration, and states ought to adopt national laws on the protection of HRDs. Because this is unfortunately not the case in many parts of world, it is necessary to make states more accountable for their policies to protect human rights defenders.

Although the declaration on human rights defenders is not a legally binding instrument, it is significant because there United Nations makes it clear that every state has an obligation to protect HRDs. UN special rapporteur on the situation of human rights defenders, Margaret Sekaggya, assessed in her 2011 report that many countries still continue to restrict human rights activities, and that even when the legislation does advance in accordance with international human rights’ norms, the implementation may not fulfil appropriate standards.

The declaration on human rights defenders is additive in relation to the Charter of the United Nations and the Universal Declaration of Human Rights and other international human rights covenants and agreements. The adoption of the declaration on HRDs can be seen as a part of a deeper understanding of the problems faced by people who work in human rights.

This recognition is necessary because human rights defenders unfortunately face threats and intimidation in several countries when they work on politically sensitive questions. According to Amnesty International, 112 countries tortured their citizens, 101 countries restricted their people’s right to expression, 80 countries conducted unfair trials, and 57 countries had prisoners of conscience

detained in 2012. This shows that violations of human rights are still common across the world, although there are some signs of improvement in the implementation of human rights in the long run (e.g. abolishment of death penalty or the decline in conflict mortality).

Besides questions related to protection, it is also important to highlight the results of the work of human rights defenders. Although HRDs may face risks, they should not be victimized nor should the risks of their work be seen as self-evident. Human rights defenders’ active roles in social change need to be considered when assessing issues related to development and development cooperation – and this cooperation can, and should, tackle the abuses and oppression that lead to risks also for the human rights defenders themselves.

Thus, cooperation is needed to protect HRDs from violence and harassment that may be induced by oppressive state policies or extremist groups. However, if HRDs’ work is only seen in terms of the need for protection, there is a risk of neglecting or underestimating the actual work that they do to strengthen the respect for human rights. Therefore, it is also important to pay attention to the strategies that could facilitate civil society cooperation and networking in human rights so that the people working in this field can more effectively share experiences and learn from one another.

This seminar served as a platform for communication between human rights defenders from different parts of the world. This report aims to describe the speeches, discussions and recommendations of the seminar in such ways that can help to both mobilize and to protect human rights defenders.

Reference Human Rights Facts and Figures 2013. http://files.amnesty.org/air13/fnf_air_2013_en.pdf (retrieved on the 19th of October, 2013). Amnesty International.

President Tarja Halonen: “Human rights defenders need not only our respect, but our protection and support”



Tarja Halonen acted as the President of Finland during years 2000–2012. President Halonen has paid close attention to issues of human rights, democracy and civil society, and also issues concerning social justice and promotion of equality have been her central theses throughout her political career.

In her opening speech at the seminar, President Halonen reminded the participants that “The most important issue is not, however, who they [human rights defenders] are, but what they do. They reveal human rights violations, and help to redress these violations by peaceful means. This is why they need not only our respect, but our protection and support.”

President Halonen stated that without these courageous people the world today would look very different. “We can only be grateful for the work they’re doing: they document violations, seek remedies for victims and combat cultures of impunity, to mention a few of their most important actions. Often this work comes with a too big of a price: too often the defenders themselves end up becoming victims of human rights violations,” she commented.

President Halonen also pointed out how the fact that human rights defenders may criticize the government and other authorities should not be seen as something negative or unpatriotic, but as a prerequisite for change.

The European Union adopted the Guidelines on Human Rights Defenders in 2004, and President Halonen described it as an important tool in strengthening the EU human rights policy. One of the most concrete and important results of the Guidelines have been the joint human rights defenders’ meetings held by EU Delegations and EU member state embassies together with local human rights defenders. “These meetings not only serve as an important platform for exchanging information, but also give political support to the local human rights defenders,” she said.

President Halonen pointed out how experience has shown that cooperating with the civil society is a key to positive changes in the human rights system. She also explained that the strategy of the Foreign Service of Finland

is committed to intensifying cooperation with civil society, and that the Ministry for Foreign Affairs of Finland has begun to prepare public guidelines on the implementation of the EU Guidelines on human rights defenders for diplomatic missions.

In spite of these and other positive developments in the protection of the human rights defenders, the situation of defenders has declined in many parts of the world. Therefore the human rights defenders need our support and protection even more in the future, President Halonen reminded, and added: “Development doesn’t develop by itself, it needs some action”.

President Tarja Halonen, Finland

President Tarja Halonen acted as the 11th President of the Republic of Finland and was thus Finland’s first female head of state from 2000 to 2012. President Halonen took office on March 1 in 2000, and was re-elected in 2006. Her political career began in 1974 when she was appointed parliamentary secretary to the Prime Minister. During her time as Foreign Minister (1995–2000), Finland held for the first time the EU Presidency from July to December in 1999. Issues concerning human rights, social justice and promotion of equality have been central themes throughout her political career. She has also been actively involved for instance at such international organizations as the Council of Europe and the United Nations. Additionally, President Halonen will continue to chair the Council of Women World Leaders (CWWL), a position to which she was elected in 2009.

www.presidenthalonen.fi

Hina Jilani: The Role of the UN in the Protection of the Human Rights Defenders and the Special Challenges of Women Human Rights Defenders



Pakistani lawyer and human rights activist **Hina Jilani** served eight years (2000–2008) as a Special Representative of the United Nations Secretary General on the situation of human rights defenders. She was the first Special Representative after the UN declaration on human rights defenders was adopted in 1998.

In the beginning of her speech on the role of the UN in the protection of human rights defenders, Ms. Jilani advised us to look at the history behind the UN declaration on HRDs. She reminded how difficult it was to get states to agree on acknowledging the right to protest, and the fact that to participate in governance is not possible without the right to criticise and expose human rights violations. It took over 13 years (1984–1998) for states to negotiate over the declaration of “how far they will allow the defence of human rights to go”.

The Declaration has given the civil society a role and responsibility in safeguarding democracy, in promoting human rights and fundamental freedoms, and in contributing to the promotion and advancement of democratic societies, institutions and processes. However, human rights defenders can fulfil this responsibility effectively only if they have a secure and enabling working environment. Protection of human rights defenders is a shared responsibility of states, civil societies and the international community.

“The Declaration is perhaps the first instrument that not only spoke about the duties of the state but also about the duties and responsibilities of the civil society to protect human rights, democracy and freedom,” Ms. Jilani underlined. On the other hand, the declaration has given the state also a responsibility and a duty to ensure that political, economic and social conditions exist where civil society actors can play their roles. “This is the root of the concepts of duty and responsibility capsulated within the text of the declaration,” she continued.

The UN declaration on HRDs ensures the rights to defend human rights. Ms. Jilani emphasised that it is very important to understand what this new right entails, and to ensure that it will also be implemented.

Ms. Jilani noted, however, that the UN sought to ensure the right to defend human rights with security and safety even before the declaration. The General Assembly had given the Secretary General a mandate to collect information on reprisals towards HRDs who exposed human rights violations in different countries. Part of the process was to define who are the people that work in defending human rights, to see what their activities were, and finally to create the system to protect their work.

“During those eight years that I worked as a Special Representative, I realized how difficult it is to defend human rights with honesty and courage,” Ms. Jilani regretted.

“Everybody pays lip service to the human rights but the true implementation of the rights is difficult. It’s a challenge in every part of the world.”

In addition to the lip service, Ms. Jilani raised the question about the impact of the general mind-set in the society which affects especially women and other vulnerable groups when trying to defend their human rights.

Even if the human rights and fundamental rights are written within the laws, the judges can act on the basis of the prevailing prejudices of the society. Ms. Jilani had many unfortunate examples of these kinds of situations especially from the Pakistani courtrooms, and she emphasized that questions concerning the independence of the judges “need to be brought into the light”.

Even today, human rights defenders face every kind of threat and harassment. Ms. Jilani also noted a new and alarming phenomenon that the human rights defenders confront: “There is a very serious threat from the non-state actors, and most in danger, the most vulnerable, are women.”

During her mandate as the Special Representative, Ms. Jilani gave particular attention to the situation of women human rights defenders. She commented that women defenders are more at risk for certain types of violence and restrictions, and that they become vulnerable to prejudice, exclusion and public repudiation not only by states but also by social actors. “This is the situation especially when women are engaged in the defence of women’s rights” she noted.





The non-state actors cause problems most likely in societies where women are already in a situation where their human rights are not recognised. “When that reality already exists, it is much easier for the state to target women human rights defenders,” Ms. Jilani pointed out. She mentioned that for example in South Asia, the women HRDs and organisations cannot exist because non-state actors do not allow them to work. Also the activists who defend children’s social rights confront opposition by both the state and by the non-state actors in the society. Ms. Jilani referred to the well-known case of the 14-year-old Pakistani girl, Malala Yousafzai, who was shot in the head by Taliban only because she had spoken up for girls’ right to be educated. “And she is not the only victim, there are many of them,” she reminded the audience.

“There is a very serious threat from the non-state actors, and most in danger, the most vulnerable, are women.”

Ms. Hina Jilani, Founder, AGHS Legal Aid Cell, Pakistan

Ms. Hina Jilani has been an Advocate at the Supreme Court of Pakistan since 1992. She is a founder of the first free legal aid centre in Pakistan and a founding member of the Council of Human Rights Commission of Pakistan, Women’s Action Forum, and the Asia Pacific Forum for Women Law and Development. She acted as Special Representative of the United Nations Secretary General on the situation of human rights defenders during 2000–2008. She has received several awards, the Millennium Peace Prize for Women in 2001 and the Amnesty International Genetta Sagan Award for Women’s Rights in 2000, among others. In 2013 Ms. Hilani was appointed as a member of the Elders, a group of world leaders working together in

the pursuit of peace, justice and human rights, initiated by Nelson Mandela in 2007 and chaired today by Kofi Annan.

AGHS Legal Aid Cell is a human rights and legal aid organization, which has operated in Pakistan since 1980. The main objective of the organization is to use legal aid for protection and implementation of human rights. AGHS is an important partner in several human rights and NGO networks at national and international levels, and has achieved a position which enables it to influence public opinion and policy initiatives as well as legislation processes.

<http://aghsblog.wordpress.com>

Ms. Jilani emphasized that there is no better protection for women defenders than the strength and support of their own movements. “My sense of security comes not only from the declaration on human rights defenders but from the network of people I work with,” she said.

Ms. Jilani stated that it is extremely important to promote the networks of human rights defenders on every level: national, regional and international. An effective network helps a human rights defender especially in the very remote areas. The network gives not only a channel to share information but also “the way to put heads together”, to figure out best practices to enhance security, for example. “The network is moreover a way to share courage and inspiration of what a human rights defender needs in his or her duty,” Ms. Jilani concluded.

Mary Lawlor: Protection of Human Rights Defenders



“We set out in Front Line Defenders, 12 years ago, with enthusiasm, excitement and the unspoken promise of individual commitment. At the core of our work was the thought of all of the brave defenders and their relentless work for the human rights of others. We believed then, as we do now, that human rights defenders are the key agents of change who help build civil and just societies. They need protection so that they in turn can empower their communities to claim their rights. We wanted to be linked to them, to witness their work and recognise its value, and to be fast, flexible and furious in our determination to protect them. This was, and remains, our moral horizon,” started **Mary Lawlor**, Executive director of Front Line Defenders, her speech on protection of the human rights defenders.

Front Line Defenders was founded in Dublin in 2001 with the aim of protecting human rights defenders. Front Line Defenders aims to address the protection needs identified by the defenders themselves, and provides rapid and practical support to human rights defenders at risk.

Ms. Lawlor pointed out how “strange as it may seem, repression is often a measure of effectiveness – HRDs are attacked specifically when their work is making a difference.” She also reminded the audience that the situation of human rights defenders in 2012 was a serious cause for concern: governments reduced the space for civil society through legislation, restrictions on funding, promoting a negative public perception of the work of human rights defenders, and fomenting hostility against them. Violations against human rights defenders continued unabated.

Significance of speed and flexibility

Ms. Lawlor emphasised that when human rights defenders are in danger, speed and flexibility are crucial. Over the last 12 years, Front Line Defenders has developed a holistic and needs-based programme of practical and moral support for HRDs. They offer 24/7 emergency support in English, French, Spanish, Russian and Arabic.

From the beginning, Front Line Defenders has given grants for security and protection, and their budget has grown impressively every year – from the 50 000 euros in

the first year to the 700 000 euros in 2013. Last year they gave 269 grants for things like physical security (e.g. CCTV, alarm, walls, steel doors etc.) and communication equipment (e.g. phones, laptops), medical treatment for illness or after torture or prison sentences, and legal assistance. Emergency grants can be approved and disbursed even within 24 hours. In cases of grave danger, they can help relocate human rights defenders in a country or a region. Last year Front Line Defenders aided in moving 105 people.

“Over time we expanded the programme to include some family support as it is not only the human rights defenders who suffer – the effect on their families can also be profound,” Ms. Lawlor added.

Front Line Defenders’ Security and Protection Training Programme for HRDs aims to facilitate a sharing of skills, knowledge and expertise to help human rights defenders address their security situation. “The objective is to enable them to carry out a realistic risk-assessment and put in place an effective security plan. The programme emphasises the need for behavioural change by human rights defenders themselves, to better manage their security, both physical and digital.” In 2012, 236 human rights defenders participated in personal and organisational security trainings.

Intergovernmental institutions and protection of human rights defenders

In June 2004, the European Union adopted the EU Guidelines on Human Rights Defenders. The guidelines spell out the steps the EU should take to support and protect human rights defenders. “Front Line Defenders lobbied the Irish Government to make protection of human rights defenders a priority of their EU Presidency in 2004. The Irish Government agreed and subsequently commissioned Front Line Defenders to prepare a consultation document for the EU member states,” Ms. Lawlor explained the process.

According to her, there have been many interventions to the cases of individual HRDs by the EU under the EU Guidelines on Human Rights Defenders, “with a 47 %



Good strategies shared by HRDs who have participated in Front Line Defenders' personal security trainings:

For demonstrations: wear two T-shirts, one red or yellow on top of a brown or grey one. While you are organising the demonstrators, the authorities will notice you as the person in the bright T-shirt. When you have to escape quickly, take off the bright T-shirt and you can easily blend into the crowd and make your escape.

One HRD received credible death threats and had to wait a few days before he could be assisted out of the country. He went to live on the streets as a homeless person and no one would look for him there.

A female HRD posed as a bread-seller to take information into dangerous villages – the chapatis (folded breads) were prepared in advance and messages were folded inside. Those chapatis with messages inside had marks on top, so that the bread-seller knew who should get which one. This defender also talked about preparing her appearance for this: letting her hair become unkempt, not moisturising her skin, so she would look poor.

When travelling through an aggressive roadblock, one female HRD said you can cut up an animal liver and put it in your vagina. Then tell the soldiers you are going for medical attention as you are four months pregnant and may be having a miscarriage.

“An Ambassador said he would ring me every week to check I was safe. I said ‘no, don’t, because my phone is monitored’. He said ‘exactly!’.”

“When people living on the edge of town see military on their way to town, the

women – and especially the older women who are least likely to be attacked because of local tradition – bang the metal electricity poles with metal pans. When others closer to town hear this, also they make this noise to alert the whole community.”

A HRD was warned that the security forces were coming to abduct or arrest him, and there were just two people in the office. So he sent a text message to all of his contacts saying ‘come to the office immediately’. When the security forces arrived, there were 50 people there, and as they wanted to detain him secretly, they just left.”

“I was warned that a fatwah had been issued against me for my work with female prisoners (seen as ‘support for sex workers’). I flew back to my hometown wearing a burka (so I wouldn’t be recognised at the airport). Then I went to talk to a religious leader who was supportive. He talked to the mullah who issued the fatwah and it was called off.”

“If you know there is a risk of drugs being planted on you, don’t put your hands in your pockets or in your bag when you are grabbed by the police. If they have planted drugs on you and you do this, you will put your fingerprints on the planted drugs.”

“When we are organising a demonstration, one of our female members goes to the relevant police station and sits there amongst crowd. When she sees a group of police rush out together, she sends a text message to the demo organisers that the police are on their way.”



positive response rate”. She continued by regretting that the real problem with EU action is the question of political will and the willingness to apply the guidelines in an impartial and consistent way. “Too often the response is patchy and dependent on the commitment of each individual.”

In order to support the mandate on human rights defenders at the United Nations and the African Commission, Front Line Defenders has an internship in the office of the UN Special Rapporteur on human rights defenders in Geneva and a second internship in the office of the Special Rapporteur on human rights defenders in the African Commission. This increases the capacity of each office to be able to take up more cases, Ms. Lawlor said.

She told that recently there has also been a breakthrough at the Organization for Security and Cooperation in Europe (OSCE): “Following sustained lobbying of, and interaction with the 2012 Irish Chairmanship of OSCE, by Front Line Defenders and the launch of the Dublin Declaration by the Civic Solidarity Platform, a network of more than fifty human rights NGOs from throughout the OSCE region, the Office for Democratic Institutions and Human Rights (ODIHR), is developing OSCE/ODIHR Recommendations on the protection of Human Rights Defenders. The proposed recommendations will be finalised by June 2014.”

In 2012 Front Line Defenders took up the cases of 460 human rights defenders at risk in 69 countries through the UN, EU, and other intergovernmental institutions.

“When human rights defenders are in danger, speed and flexibility are crucial.”

Ms. Mary Lawlor, Executive Director, Front Line Defenders, Ireland

Ms. Mary Lawlor has 35 years of experience in human rights work and in developing and sustaining the work of human rights organizations. In 2001 Ms. Lawlor set up Front Line Defenders, the International Foundation for the Protection of Human Rights Defenders, and is currently working as the organisation’s Executive Director. During the years from 1988 to 2000, Ms. Lawlor was Director of the Amnesty International’s Irish Section and prior to this she was involved with the organization as a Board Member from 1975 and as the Chair from 1983 to 1987. She has received several awards, among them the Irish Tatler Woman of the Year Special Recognition Award 2011.

Front Line Defenders was founded in Dublin in

2001 with the specific aim of protecting human rights defenders at risk, people who work, non-violently, for any or all of the rights enshrined in the Universal Declaration of Human Rights (UDHR). The organisation aims to address the protection needs identified by the defenders themselves. Front Line Defenders seeks to provide rapid and practical support to at-risk human rights defenders through the international advocacy on behalf of human rights defenders at immediate risk, through training and resource materials on security and protection (including digital security) and through an emergency 24-hour phone line.

www.frontlinedefenders.org

**The situation of HRDs
in different countries**

*“The most important issue
is not, however, who they
[human rights defenders]
are, but what they do.”*

-Tarja Halonen

Hassan Shire: Challenges and Results of the Work of Human Rights Defenders in East Africa



Mr. **Hassan Shire Sheikh** acts as an Executive Director of the East and Horn of Africa Human Rights Defenders Project (EHAHRDP). In his seminar speech, Mr. Shire Sheikh stated that during the past six months there have been significant developments in the human rights situation in East Africa, especially related to key elections and democratic transitions in the region. He summarised some recent events in Kenya, Djibouti, Rwanda and Somalia, and continued by telling that EHAHRDP has reported on harassment, intimidation, arrests, detention, attacks and killings of journalists during this period in every country of the sub-region.

According to Mr. Shire Sheikh, the challenges in the East and Horn of Africa sub-region vary from country to country, but include harassment and intimidation, arbitrary arrests and detention, targeted killings, disappearances, defamation/smear campaigns, and involvement of human rights defenders in trumped-up legal proceedings designed to drain organizations' time and resources. "Organisations face repeated administrative hurdles such as obstacles to receiving funding or protracted renewal processes for their NGO registration," he noted. At the Protection Stakeholders Meeting which EHAHRDP organised in April 2013 in

Kampala, the shared experiences of the human rights defenders revealed an alarming trend of increasingly restrictive legislation in several countries of the region.

In spite of all the challenges, human rights defenders in East Africa have also accomplished great achievements over the recent years. Human rights defenders have been successful in securing the adoption of laws that domesticate international human rights obligations, as well as lobbying for the ratification of regional and international human rights instruments. For example, in Uganda HRDs successfully campaigned for years for the passing of the Torture Act that domesticates the provisions of the UN Convention against Torture. Human rights defenders in different countries have also used the Universal Periodic Review (UPR) mechanism at the United Nations as a way to initiate engagement with their governments and to bring about incremental reforms.

"Human rights defenders could be said to act as cultural diplomats by translating the universal human rights standards contained in international and regional instruments into a form that is relevant to the national context. They give these standards a real meaning and a concrete application," Mr. Shire Sheikh phrased the idea.

"Human rights defenders could be said to act as cultural diplomats by translating the universal human rights standards into a form that is relevant to the national context."

Mr. Hassan Shire Sheikh, Executive director, East and Horn of Africa Human Rights Defenders Network, EHAHRDP, Uganda

Mr. Hassan Shire Sheikh is a Somali-Canadian human rights defender whose commitment and passion for human rights can be traced back to his early years growing up in Mogadishu, Somalia. Mr. Shire Sheikh acts as an Executive Director of The East and Horn of Africa Human Rights Defenders Project, EHAHRDP. In 2005, he was elected the Chairperson of the East and Horn of Africa Human Rights Defenders Network (EHAHRDN) and currently serves his second term (2011–2016). For a number of years, Hassan has served also as a coordinator of the African Human Rights Defenders Project at Centre for Refugee Studies, York University, Canada. He also engages actively with the African Commission on Human and Peoples' Rights, UN Human Rights Council and Community of Democracies. In addition, he is an active member of the World Movement for Democracy, Advisory Council member of the International Center for Not-for-Profit

Law and a board member of the Centre for Civic and Political Rights.

The East and Horn of Africa Human Rights Defenders Project (EHAHRDP) is an organisation based in Africa with the mandate of protection and promotion of the work of human rights defenders in the East and Horn of Africa sub-region. EHAHRDP is the secretariat of a network, the East and Horn of Africa Human Rights Defenders Network (EHAHRD-Net). The countries in this sub-region covered by EHAHRDP are Djibouti, Eritrea, Ethiopia, Kenya, Somalia (together with Somaliland), Sudan (including South Sudan) Tanzania, Rwanda, Burundi and Uganda. The regional coordination office of the organisation is located in Kampala, Uganda, and the organisation is registered as a foreign, non-profit organisation in Uganda.

www.defenddefenders.org

Kasha Jacqueline Nabagesera: Defending the Rights of LGBTI Minorities in Uganda



In the beginning of her presentation, Ugandan human rights activist **Ms. Kasha Jacqueline Nabagesera** showed on the map the unfortunately many African countries where homosexuality is illegal.

Ms. Jacqueline Nabagesera told how African media is witch-hunting gay people today: “They are claiming that LGBTI activists recruit children to become gay, and portraying their work of increasing awareness of gay rights as advertising homosexuality. The media is also demonizing certain activists, which has led to threats, arrests and even killings of LGBTI activists,” she explained, and detailed several occasions where the media has exposed the names of gay people, and published their addresses etc. Also their children have been attacked because of the articles and news. “The media is selling newspapers by turning LGBTI issues into shocking and negative headlines.”

Ms. Jacqueline Nabagesera was one of the three petitioners in the case against Rolling Stone, a Ugandan newspaper that had published photographs and addresses of “Uganda’s Top Homos” and urged readers to “hang them.” In January 2011, the High Court of Uganda at Kampala found that the newspaper had violated the petitioners’ rights to have their human dignity and privacy respected, and issued an injunction.

Ms. Jacqueline Nabagesera told that Uganda is a very Christian and religious country where many religious fundamentalists issue strong propaganda against LGBTI

people, and are lobbying for a more rigorous anti-gay law. The church has asserted that homosexuality is a direct threat to the cohesion of African families. “Some LGBTI church members have committed suicide because they are seen as demons in their church,” she said. There have been extensive protests in Kampala and across the country against LGBTI people, under the slogan “LGBTI bring curse to Uganda”. Moreover, LGBTI issues are often used as a campaign tool in Ugandan politics because it is a way to gain support among citizens.

In contrast with all these obstacles, the Ugandan LGBTI community has also received strong international support, which in many occasions functions as protection to the activists. Ms. Jacqueline Nabagesera nonetheless emphasised that the voice of the local community always needs to be heard before international actors perform any supporting activities. “International support should be given only after consulting the local LGBTI people because they live under such a great threat,” she reminded.

“The situation cannot be changed overnight. If it’s impossible to work openly, other means are needed; we need some innovativeness. There have been great losses and more losses will be suffered before the situation can be better for LGBTI people in Uganda and other African countries, but there is also still hope, and the time for celebration will someday come.”

“The media is selling newspapers by turning LGBTI issues into shocking and negative headlines.”

Kasha Jacqueline Nabagesera, Former Executive Director, Freedom and Roam Uganda (FARUG)

Ms. Kasha Jacqueline Nabagesera is a Ugandan human rights defender who has fought for the rights of LGBTI persons not only in Uganda but in Africa at large. She is the founder and executive director of Freedom and Roam Uganda, FARUG, a leading LGBTI rights organisation in the country. She has stepped down from the leadership duties of Executive Director of FARUG, but her activism still continues. In 2010 she was elected the most inspiring queer woman in the world by Velvetpark, a lesbian and feminist arts and culture website. In 2011 Kasha got awarded The Martin

Ennals Award for Human Rights Defenders.

Freedom and Roam Uganda, FARUG, is a lesbian, bisexual, transgender and intersex (LBTI) organisation founded in 2003. The organization emerged as a joint effort to offer a more assertive voice to many scattered lesbians in Kampala. After an informal start, FARUG decided to organize more formally to work for achieving the goals of full equal rights to LBTI women and to end all discrimination based on sexual orientation.

www.faruganda.org

Ms. Anne Le Huerou: Human Rights Defenders in Russia and Belarus



Ms. **Anne Le Huerou**, Mission Delegate of the International Federation for Human Rights (FIDH), has specialized in human rights in Russia and in Central Asian States, and she presented a brief overview on the situation of human rights defenders in these areas.

In 2012 the Duma, Russia's parliament, passed a law requiring non-governmental organisations that receive funding from abroad to register as "foreign agents". In March 2013, state prosecutors began to make spot inspections of dozens of NGOs across Russia, arriving unannounced to demand everything from staff lists to tax records. Many of Russia's most prominent NGOs, including the corruption watchdog Transparency International, the election monitor Golos, and the environmental group Greenpeace Russia, rely on foreign grants to operate in a country where the government often views them as enemies.

"Now there are several legal proceedings going on against many NGOs because organisations haven't registered as foreign-actors," Ms. Le Huerou said. "Russia wants only obedient civil society. Now it's really important to give Russian human rights defenders and organisations all the support and help they need."

Human rights defenders and organisations face same kind of problems also in Belarus. Ms. Le Huerou spoke about the case of Mr. Ales Bialiatski, head of the Belarusian

Human Rights Center Viasna and Vice President of FIDH, who was detained in Minsk on charges of tax evasion in 2011. He was later sentenced to four and a half years of imprisonment with the confiscation of all his property, including assets registered to other persons. Mr. Bialiatski was imprisoned for using his personal bank accounts in Lithuania and Poland to support his organization's human rights work in Belarus. Since 2003, The Belarusian authorities have refused to register Human Rights Centre Viasna. As a result, the organization has been barred from opening a bank account in its name in Belarus, and it has had no choice but to use bank accounts in neighbouring countries to fund its human rights work.

FIDH created the Observatory for the Protection of Human Rights Defenders (OBS) in 1997, in partnership with the World Organisation Against Torture (OMCT). The objective of this programme is to intervene, prevent or remedy situations of repression against human rights defenders. The action of the programme is based on the conviction that strengthening cooperation and solidarity in favour of human rights defenders and their organisations will contribute to breaking their isolation and to reinforcing their protection and security. The Observatory publishes every year a Report based on interventions throughout the world, highlighting the most serious obstacles and threats against defenders in each country.

"Russia wants only obedient civil society."

Ms. Anne Le Huerou, Mission Delegate, the International Federation for Human Rights, FIDH, France

Ms. Anne Le Huerou is currently working as a Mission Delegate with the International Federation for Human Rights. She has been working with FIDH for several years, taking part in numerous fact-finding missions and feeding the organization's strategic reflection on how to mobilize these countries. Ms. Le Huerou is a sociologist, specialized in human rights in Russia and Central Asian States. She has conducted research on various issues concerning contemporary Russian Politics and Society. This research has included local and regional politics and administration, demonstrations of violence, aspects of violence and repression in Russian society, and local and community policing issues.

The International Federation for Human Rights

(FIDH) is a non-governmental federation for human rights organizations. Founded in 1922, FIDH is the oldest international human rights organisation worldwide, and today brings together 178 member organisations in over 100 countries. FIDH is an international NGO defending all civil, political, economic, social and cultural rights, set out in the Universal Declaration of Human Rights. It acts in the legal and political field for the creation and reinforcement of international instruments for the protection of Human Rights and for their implementation. FIDH's headquarters and the International Secretariat is located in Paris, France.

www.fidh.org

Mr. Krishna Gautam: Human Rights Defenders Promoting Rights of Persons with Disabilities in Nepal



Mr. **Krishna Gautam**, Secretary General of Independent Living Centre (CIL) in Kathmandu, gave a presentation on the work of his organisation and the situation of the persons with disabilities in Nepal.

CIL aims to promote the principle of “independent living” by raising awareness and empowering persons with disabilities in Nepal. The organization promotes equal rights and opportunities for all. The organisation’s objective is to shift the disability movement from charity-based to rights-based. “Our goal is to empower the disabled so that they can live the life they want in the community they like,” said Mr. Gautam.

The term “independent living”, as defined by people with disabilities, does not mean doing things for yourself, or living on your own, Mr. Gautam pointed out. Instead, it means having a choice and control over the assistance and/or equipment/assistive devices needed for daily life and having access to amenities that society has to offer, such as housing, transport, health services, employment, as well as entertainment, education and training opportunities. “Independent living is a vision, a philosophy and a movement

of persons with disabilities to promote and protect the human rights of people with disabilities. It interprets disability through a social model and rights-based approach,” explained Mr. Gautam.

Independent Living as a movement grew out of the civil rights and disability rights movement during the late 1960s and the 1970s. It is a worldwide movement that promotes equal opportunities, self-determination and self-respect for the disabled. The key features of the independent living movement are consumer choice, autonomy and control.

There have been a lot of improvements in the issues concerning persons with disabilities in Nepal, but there are still major barriers to be crossed before the disabled can live independently. Workplaces, shops, schools, health facilities, public buildings and especially public transportation still lack adequate improvements. Government legislation and regulation forces people with disabilities to live segregated against their will. “There are still negative attitudes about the ability of people with disabilities to live where and with whom they choose, and to make decisions for themselves,” Mr. Gautam added.

“Our goal is to empower the disabled so that they can live the life they want in the community they like.”

Krishna Gautam, Secretary General, Independent Living Center Kathmandu (CIL), Nepal

Mr. Krishna Gautam has been long involved in the movement to improve the rights of persons with disabilities in Nepal. From 1998 onwards he has worked in the field of disability rights. In 2005, and with the leadership of Mr. Gautam, the first initiation to promote the concept of independent living was brought to Nepal. The main objective behind the effort was to shift the paradigm of disability from charity-based to rights-based. Mr. Gautam is the Secretary General of Independent Living Centre of PWDs in Kathmandu, and he is also a member of various regional, national and international networks and organizations that promote the rights of persons with disabilities.

Independent Living Center Kathmandu (CIL) started work on disability rights in 2005. CIL-Kathmandu promoted a new concept in Nepal by shifting the focus from the charity-based approach in disability issues to a rights-based approach. The organization is entirely run by disabled persons and in its activities CIL-Kathmandu always emphasizes the direct involvement of people with disabilities, parents of PWDs, local community people and local government and non-government stakeholders. It performs its activities in cooperation with CIL networks and local organizations for disabled people.

www.cil.org.np/background.php

Panel discussion: What can be done to reduce risks of the work of human rights defenders?

Chair



Mr. Frank Johansson
the Amnesty International's Finnish
Section

Panelists



Mr. Qamar Naseem
Blue Veins, Pakistan



Mr. Erik Lundberg
Unit for Human Rights Policy, Ministry
for Foreign Affairs of Finland



Ms. Hina Jilani
AGHS Legal Aid Cell, Pakistan



Ms. Mary Lawlor
Front Line Defenders, Ireland

Mr. Johansson: “Is visibility good or bad in reducing the risks of HRDs?”

Mr. Naseem: “It would put some pressure on the government, but visibility has also problematic consequences and it can put people under threat, especially in the conflict areas. On the other hand, sometimes the donors and actors want more and more visibility and don't concentrate as much on the actual content of the work.”

Ms. Lawlor: “It depends a lot on the circumstances whether visibility is good or bad. But sometimes, even often, defenders say that visibility, prominence and international contacts give legitimacy and credibility to their work. Front Line never asks the HRDs to put out our logo.”

Ms. Jilani: “Is it wise to expose a person or wise to hide them? Sometimes visibility is not useful but it's important to show support, that someone has support from the outside and within the community. Even in cases that need low profile, the governments and international community need to show their support. If you want to protect and promote the rights, why would you stop talking about them? If we hadn't started talking about rights, they would have not made the news.”

Mr. Lundberg: “We appreciate the contact that we have with the local NGOs in the field because from them we get information about what is going on, and we listen to their opinions on whether it is wise to expose a certain situation. The HRDs need to be consulted to decide whether to

make their case visible. All information needs to be taken into account so that lives are not put at risk.”

Mr. Johansson: “There is a lot of turnover in the ministries and embassies. How does the support for HRDs continue when the personnel changes?”

Mr. Lundberg: “Of course the policies and changes will affect the work of the embassies and the ministries, but normally there are no quick changes in foreign policy. Long term support is essential and there's a need and an effort to stay engaged.”

Mr. Johansson: “One instrument which attempts to address this issue is the EU guidelines. How are the guidelines working in Pakistan?”

Mr. Naseem: “The EU delegation has started working on these guidelines in Pakistan but there are many challenges. The EU has no organizational memory because there are often changes in the personnel at the embassies and the new officials don't know what has happened in the past. There are also many areas where the EU delegation cannot go due to the security challenges – the EU cannot go where they are needed the most.”

Mr. Johansson: “What is the importance of the resources in reducing risks? Is more really more? Where should the money come from?”

Ms. Jilani: “If we didn't get funding, we wouldn't be able to work to promote any rights. I have been working

for a long time using my own resources as a lawyer, and without any foreign funds or funds from the government. The cornerstone for all human rights work is transparency and it also provides a shield for HRDs.”

Ms. Lawlor: “How do resources mitigate risks? It depends on the NGO. If they have just started, they do not think about how important it is to have a strategy for financial issues. The fund-raising skills need to be built up by using human rights education. Financial management and fund-raising skills are crucial for any NGO.”

Mr. Johansson: “What is the most important thing for reducing the risks of HRDs?”

Mr. Lundberg: “Governments need to work together with the human rights defenders in the field and listen to them.”

Ms. Jilani: “There's not just one thing, not one simple answer. The answer depends on the context. For example, in Pakistan there are a lot of problems in the safety of HRDs.”

Ms. Lawlor: “The essential thing is the speed in responding to the security risks.”

Mr. Naseem: “Long-term plans are needed. One needs to integrate a culture of safety and security into the organizations and their plans. There is a need for cooperation with the security personnel in the country, e.g. with the police, and also cooperation with the local media.”

Working groups and recommendations

During the second day of the seminar the participants gathered in three different working groups. In terms of facilitating the work of human rights defenders and strengthening their protection, the working groups were asked to draft recommendations to the human rights NGOs, the Government of Finland and to the Finnish Ministry for Foreign Affairs. Every working group focused on specific questions and two or three experts gave short presentations on the group's topic. There were altogether over 50 participants in the working groups.

Working group 2 discussed the practical measures and tools for enhancing the security of human rights

defenders from the point of view of the HRDs themselves. Group 3 analysed the different strategies used by human rights defenders and human rights organisations. Group 4 discussed on the Finnish foreign policy and practical measures to support human rights defenders within it.

Working group 1, which was planned to focus on the international cooperation of human rights defenders and the international and regional policies to support and strengthen their work, was cancelled due to the lack of pre-registered participants.



“The cornerstone for all human rights work is transparency and it also provides a shield for HRDs.”

-Hina Jilani

Working group 2:
Practical measures for
enhancing the security of
human rights defenders

Chair
Dr. Päivi Mattila, Finnish League for
Human Rights, Finland

Experts
Mr. Charlie Lamson, Front Line Defend-
ers, Ireland, **Mr. Qamar Naseem**, Blue
Veins (Women Welfare and Relief Servic-
es), Pakistan,
Mr. Hassan Shire, East and Horn of
Africa Human Rights Defenders Project
(EHAHRDP), Uganda

Questions for discussion

1. What practical measures can human rights defenders and their organisations take to minimise risks and deal with threats related to their work?
2. What should partners, funders, international organisations and civil society in the South and North do for the security and protection of human rights defenders?
3. What are the challenges or gaps for effective measures to enhance the security and protection of human rights defenders?

Recommendations

Recommendations were divided in three categories: networking, information sharing and building secure and credible mechanisms for the protection of human rights defenders.

Improving networking and
covering the gaps in networking

- Human rights defenders and their organisations should connect on several levels, from the local and regional to the national and international level. Good examples, e.g. in Kenya or the East and Horn of Africa region, should be shared with similar organisations around the world.
- Women’s rights groups and female human rights defenders have specific needs and may need specific strategies in networking, information sharing and protection.
- Human rights defenders and their organisations should network horizontally and vertically, and ensure a paid staff to support the work right from the beginning.
- When building networks, it is also important to guarantee inclusiveness so that these networks are accessible to different HRDs, also those easily excluded, e.g. LGBTI organisations. It is also necessary to address administrative barriers, e.g. the issues with registration need to be tackled.
- All networks should integrate security as a theme that cuts across their other activities. A platform for all organisations that can provide emergency support can also be an effective tool.
- Foreign donors that support grass root organisations have also a

responsibility to provide support for networking and ensuring measures for protection.

Information sharing

- There is a need to establish systematic and regular coordination among both the local human rights organisations and the international organisations and embassies that are present in a country (especially the EU, NOK, the USA and the UN). If there is a national commission on human rights, this provides a good opportunity to create a common platform for HDRs. The coordination should be carried out by forming HRD working groups with the embassies and by linking HRDs and political administrators in the embassies.
- It is necessary for embassies also to pay attention to the role of the non-state actors: the same embassies and staff are also working with the multinationals based in the country. The Missions’ engagement with human rights and human rights defenders should also be improved and made more systematic. There is lack of information even on the existence of the EU guidelines on human rights defenders, and a better understanding of the implementation of the EU guidelines should be required. The policies on human rights defenders depend too much on individual embassies and persons.
- Emergency measures are required for HRDs in risky circumstances. Organisations should not be supported without protecting the individuals who are at risk. Therefore, sharing information with embassies is necessary. The

potential emergency systems in the EU delegations function very differently depending on the country. When HRDs are given emergency visas to enable their protection in Europe, it is necessary to also support their families.

- Especially international networks could benefit mutually from information sharing.
- It is important to build the HRDs’ capacity in information sharing to strengthen security measures.
- Information on already existing paths or mechanisms of protection should be shared, but confidentiality needs to be observed.
- Different levels in communication need to be taken into account: national, regional and international levels.

Strengthening mechanisms for
protection

- Security issues and risk assessment should become a part of the personnel policy of human rights organisations; good security guidelines and mutual learning are necessary security measures.
- Donors should encourage or require human rights organisations to have a security strategy and measures at the organisational level, and encourage and finance making such plans and security training.
- Northern embassies are suspicious about the motivation of applying a visa in protection cases. The mentality that “they try to abuse the system” has to be changed, as it is very rare for HDRs to want to leave their country even

for a short time. In case someone needs to leave their country, utmost support needs to be given for the person so that they will be able to continue their work abroad.

- As a priority, protection mechanisms should facilitate HRDs to continue their work in the field.
- Both international and local organisations need to understand the difference between long- and short-term exile. Embassies need to re-think visa policies, e.g. in some situations multiple-entry visa is much more helpful than an emergency visa since waiting 24 hours for the emergency visa may be too long a time. A multiple-entry visa which can be used in case of an acute need to leave may prove more useful.
- Training is needed for HRDs regarding, for example, the following themes:
 - Security management and assessment
 - Stress management: urgent need for more skills and training.
 - EU and national mechanism
 - Counselling strategies
 - IT skills and information protection
 - Networking and information sharing
 - Financial training
- Good examples for those who live in exile are important: building a network with the HRDs from the same country inside the exile country.
- Northern NGOs should learn from the organisations directly involved in protection.

The European Union Guidelines on Human Rights Defenders

In June 2004 the Council of the European Union adopted the EU Guidelines on Human Rights Defenders with the aim of providing direction to its member states on how to fulfil their obligations to promote and respect the rights of human rights defenders and to protect them from attacks and threats from state and non-state actors. The Guidelines identify practical ways for the EU to support and assist human rights defenders working in non-EU countries, in five different areas:

- 1. Monitoring and reporting on the situation of human rights defenders
- 2. Support and protection of human rights defenders
- 3. Human rights defenders’ promotion with third countries and in multilateral fora
- 4. Support for the Special Procedures of the UN Human Rights Council
- 5. Support through other EU programs, including development policy

The Guidelines provide particular actions such as encouraging periodic meetings of embassy personnel with human rights defenders, providing visible recognition to the human rights defenders and their work, observing trials held against defenders, visiting defenders in jail, and delivering emergency visas.

The Guidelines also represent the political framework under which financial support is given to human rights defenders through the European Instrument for Democracy and Human rights (EIDHR). Through some of the projects it finances, the EIDHR provides urgent direct financial or material support for human rights defenders at risk.

European Parliament published a study on the implementation of the EU Guidelines in 2013. The study acknowledged the good practice shown in strategies towards ensuring the security of human rights defenders, including the monitoring of hearings and trials, the provision of support in emergency situations, and the challenging of laws that criminalise human rights defenders. The study showed also that there still is a lack of proper implementation of the guidelines. It highlighted for example the fact that the limited dissemination of the Guidelines to human rights defenders has hindered progress with human rights defender engagement, and revealed that diplomats often respond only after HRDs are sentenced, instead of intervening earlier.

Working group 3: Strategies of human rights defenders for promoting human rights and social change

Chair

Dr. Reetta Toivanen, Finnish League for Human Rights, Finland

Experts

Ms. Kasha Jacqueline Nabagesera, Freedom and Roam Uganda (FARUG), Uganda
Mr. Krishna Gautam, Living Centre for PWDs Kathmandu (CIL-Kathmandu), Nepal

Questions for discussion

- 1. What are the prerequisites and main obstacles in human rights work? How does context influence the situation?
- 2. How to overcome the obstacles of, for example, criminalization of the LGBTI, social stigmatisation of different groups, and violations of the NGOs right to funding?
- 3. How can HRDs collaborate in their strategic work?
- 4. How to choose best strategies for specific purposes?

Human rights defenders work to bring about societies that respect and promote human rights in all of their aspects. Some NGOs focus on specific aspects on human rights while others concentrate on monitoring human rights violations and getting these violations acknowledged, and thus helping the justice system to function. Social change for promoting human rights cannot be carried out only by NGOs. But their advocacy work and campaigning can play a significant role in the process.

Lack of security may be a serious problem for human rights defenders since they often risk their own security and lives in defending the rights of others by challenging and making visible the occurring human rights violations.

Recommendations

Education, awareness raising and advocacy

- It is essential to raise awareness about the universal nature of human rights. Human rights education should reach all the individuals of a society and concern every individual’s rights.
- Different strategies are needed for advocacy at different levels of society, including communities, and national and international levels.
- Advocacy aims at the implementation of human rights because there may be shortcomings in the implementation of the rights, regardless of the legislation.
- Empowerment training can also be a part of human rights education. Journalists are often “gatekeepers” for sharing information and therefore their education is important. Also other gatekeepers should be identified. In addition, it is recommended to arrange education and training for human rights defenders.
- Due to the insufficient education of persons with disabilities and lack of knowledge about their rights, they may need accessible and targeted education regarding human rights.

Documentation

- Credible documentation is an essential part of reliable work for the promotion of human rights. Improving the capacity to document human rights violations is often needed.

Expertise and capacity building

- NGOs are often ill-equipped to function in legal contexts and to interpret laws, and therefore they may need capacity building in this field. It is necessary to analyse what kind of policies can be carried out through the legislation and to monitor the implementation of laws. NGOs can use independent experts to support their work so that human rights defenders can extend their knowledge.

Contacts and networking

- Human rights defenders need knowledge about the legislation and implementation of human rights policies in different countries. Networking between all of the partners available is often necessary. There is also a need to empower local organisations through campaigns and cooperation with each other and with international organisations. Social media is a good channel in networking, although it may also include risks.
- Cooperation with the oppressors may be needed in order to change social systems and to prevent human rights violations, although this work may be extremely challenging.

Security measures

- HRDs need security measures. Social media also protects HRDs because other people know where they are and what they do. Because LGBTI people may be threatened due to national legislation, they may encounter special risks in their human rights work and need special security measures.

The UN Declaration on Human Rights Defenders

The United Nations Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms, commonly known as the Declaration on Human Rights Defenders, was adopted by the UN General Assembly in December 1998. After 14 years of negotiations with governments and under the continuous pressure from human rights associations, the international community finally recognised the need of human rights defenders for a better protection.

One of the main concerns during the negotiations was the question of duties of the human rights defenders, and if there are such duties, how to define them. In addition, the states argued on human rights defenders' and human rights organisations' right to get funding for their work.

The Declaration codifies the international standards that protect the activity of human rights defenders around the world. It recognises the legitimacy of human rights activity, and the need for this activity and those who carry it out to be protected. Under the Declaration, a human rights defender is anyone working for the promotion and protection of human rights. This broad definition encompasses professional as well as non-professional human rights workers, volunteers, journalists, lawyers and anyone else carrying out, even on an occasional basis, human rights activity. The Declaration outlines specific duties of States as well as the responsibility of everyone with regard to defending human rights.

The rights protected under the Declaration include the right to develop and discuss new human rights ideas and to advocate their acceptance; the right to criticise government bodies and agencies and to make proposals to improve their functioning; the right to provide legal assistance or other advice and assistance in defence of human rights; the right to observe trials; the right to unhindered access to and communication with non-governmental and intergovernmental organisations; the right to access resources for the purpose of protecting human rights, including the receipt of funds from abroad.

Working group 4: Human rights defenders in Finnish foreign policy

Chair

Dr. Ulla Anttila, the Finnish NGO Foundation for Human Rights, Finland

Experts

Dr. Petri Hautaniemi, Senior Officer, Unit for Non-Governmental Organisations, Ministry for Foreign Affairs Finland

Prof. Sirkku Hellsten, University of Dar es Salaam, Tanzania

Questions for discussion

1. What are the Finnish/Norwegian embassies' practical measures to implement European Union Guidelines on human rights defenders, and other efforts to support HRDs?
2. Implementation of Finland's human rights-based development policy and human rights strategy: What are Finland's on-going efforts to promote and encourage respect for the right to defend human rights in its broader foreign policy?
3. What are the limitations of Finland's actions to support and protect HRDs? Give practical suggestions to Finland for enhancing action in relation to the issue of human rights defenders in countries where Finland is involved in development cooperation and in its broader foreign policy.

Recommendations

- There is a need to specify the EU guidelines for Finnish Embassies and Missions. Finnish authorities should elaborate on both the experiences based on the European Union countries' policies, as well as on the Norwegian measures taken since their national guidelines have been adopted.
- Well-designed visa protocols for HRDs need to be a part of the Finnish implementation of the EU guidelines. It is necessary that Finnish Embassies and Missions can take action quickly to provide security for human rights defenders in non-EU countries. For example, some of them may need visas immediately for 3 months in order to be protected.
- Security measures for HRDs should be strongly supported by the Ministry for Foreign Affairs. NGOs in both Finland and other countries need to be included in these measures.
- Finland should focus on addressing HRDs in different international contexts. An important part of this work is the facilitation of the human rights defenders' work in the UPR and other UN protocols. Finland should support the special rapporteur of the UN on HRDs. Also cooperation within the EU and between likeminded countries should be strengthened and Finland's active support in order to promote the work of HRDs needs to be secured.
- Strengthening the role of human rights defenders in Finnish development cooperation is essential. Facilitation of application processes regarding human rights projects is also a necessary as part of this process.
- There is a need to strengthen the way the human rights-based approach is applied to the evaluation of development policies. Because human rights defenders' work may be prohibited by governments, institutions or persons who oppose their ideas, the assessment of HRDs' work and projects is complicated and potentially requires special measures.
- The personnel of the Ministry for Foreign Affairs need further education on human rights and human rights defenders.
- An assessment of on-going measures regarding HRDs is needed. This assessment would help to make the varying policies on HRDs more coherent.

Conclusions

Human rights defenders encounter challenges

Human rights defenders work for social change that leads to respect for human rights. Although there are international mechanisms that support their work and prevent violence, there remain challenges posed by direct threats and other risks in their work. Because of this, there is an acute need to protect human rights defenders. One of the results of the seminars was to raise awareness of the outcomes of the work of HRDs, and to acknowledge the need to conduct special measures to protect them.

The organisers of the seminar wish that this report can also facilitate the HRDs’ activities and lead to a better understanding of how to connect the support for HRDs to the larg-

er contexts of NGOs’ work across the world, and their roles in development cooperation and the EU’s foreign policy. The seminar also provided a platform for networking, and as such, it may have had the greatest impact on Finnish HRDs.

Working groups: recommendations on security and protection, strategic outcomes and policies of Finland

The seminar working groups made recommendations on the safety and protection of human rights defenders, on the strategies of HRDs, and on the policies of Finland in the promotion of human rights and providing support to the HRDs. The recommendations by the three working groups



There is a need to integrate the protection of human rights defenders into the wider policies of promoting human rights and global development.

were interlinked. For example, the NGOs that focus on human rights profit from networking and cooperation both in terms of security measures and in terms of developing accurate strategies to tackle specific problems.

Awareness raising among HRDs is necessary to ensure that they take the security risks seriously and get sufficient support for their safety. These measures can extend from protecting individual persons to adopting secure ways of using information technology. Tools for avoiding risks should be made accessible to all HRDs, especially to the groups and individuals who acknowledge that they may be considered as potential targets for violent attacks by aggressive groups, regardless of their position in relation to the state. It is important to identify which individuals or groups among HRDs may face the largest risks because this kind of approach may lead to specific strategies which, at their best, can facilitate the actions of HRDs. A similar course of action can be applied to especially risky situations and circumstances as well: when the risks can be identified, better strategies may be carried out.

Finland can enhance policies that provide stronger support for human rights defenders. These policies should be connected with and based on the EU guidelines on HRDs. Different follow-up methods are needed in order to provide broader support for the human rights defenders. Follow-up work is required both regarding the new human rights strategy of the Ministry for Foreign Affairs, as well as the governmental white paper on development cooperation, Finland's Development Policy Program 2012.

It is essential to provide information about the EU guidelines on HRDs as well as the UN-based approaches to support human rights defenders. Through this, HRDs can build contacts with the EU Missions and the Finnish Embassies which can help them to attain support and protection if needed. These contacts should facilitate the HRDs' work and help them make human rights work visible. The UN-mechanisms, the UPR among them, can also be utilized by HRDs, but they often need support to get involved.

When assessing the outcome of the working groups, one should keep in mind the main principle of the UN Declaration on HRDs which states that their work should be respected and protected by every state. As NGOs provide support and protection to HRDs, they need to remember that the violations of the rights of HRDs should not be accepted at any circumstances, and that making states accountable from this perspective is a priority for providing support and protection to HRDs.

Vulnerable groups

It is necessary to focus attention on the groups among human rights defenders who are at the risk of being marginalized or face circumstances of multiple discrimination. Human rights defenders who are not well-known or live in remote places may face greater risks in their work because it is more difficult for them to get protection or support from other organisations that work for human rights. Therefore, both civil society actors and the international community should pay more attention to the vulnerable groups among human rights defenders.

Women who work to defend human rights often encounter additional threats and need specific measures for protection. In some cases women HRDs provide information related to human rights violations that may be seen as politically or culturally sensitive and they may be targeted due to this fact. On the other hand, they may be targeted also due to their gender alone because being a woman who defends human rights may cause special problems.

LGBTI groups envisage discrimination in a large number of countries. In Uganda, for example, HRDs focusing on LGBTI issues have faced serious threats and have also been attacked. In many societies, the rights of the LGBTI minorities are denied, and any open expressions to support these rights is strongly resisted.

Persons with disabilities may encounter prejudice,

although they usually do not need to fear direct threats. HRDs with disabilities often have to deal with prejudices. If persons with disabilities do not know about their rights, they are at a risk of being marginalized or abused. HRDs with disabilities also need support to make their working environments accessible, because otherwise they may encounter insurmountable difficulties in communicating and working adequately.

Future of the human rights defenders

It is not easy to assess how much or in which way the position of HRDs is changing. There are various trends in different countries but as the reports by international human rights organizations – including Amnesty International and Human Rights Watch and the reports of the UN special rapporteur on human rights defenders – show, the human rights defenders still unfortunately grapple with massive challenges in their work. The fact that human rights violations are still common across the world may induce pessimism, but HRDs work tirelessly to make human rights violations visible and try to find ways to prevent them.

As we have learnt during this seminar and from several reports on human rights defenders, states do not necessarily have an intention to fulfil and implement the UN declaration on HRDs. It is also clear that in many countries, state authorities or other officials may cause serious problems to human rights defenders. On the other hand, the lack of protection of human rights defenders by the state in cases where HRDs are threatened by non-state actors, is also a significant issue. Insufficient protection may also be a specific problem of especially vulnerable groups like women human rights defenders.

There is a need to integrate the protection of human rights defenders into the wider policies of promoting human rights and global development. Many organizations work on the development agenda for the future – the so-

called “post-2015” agenda. In this process, it is important to acknowledge the role of human rights defenders in the promotion of social change. Although this is a sensitive issue to many states, a more profound respect for human rights is necessary when constructing ways to deal with the challenges of the future, including climate change, social inequality and the prevention of armed conflicts.

KIOS's role in supporting HRDs in the coming years

KIOS works as a funder for human rights defenders in developing countries. It seeks to promote human rights and advocate policies to promote the work of human rights defenders so that these aspects will be taken seriously in all the dimensions of Finnish foreign policy. KIOS collaborated with KEPA, Amnesty International and the Finnish League for Human Rights to organise this seminar. In the Finnish context, further cooperation is needed between these organisations to raise awareness about the risks to HRDs and to emphasise the significance of their work.

Continued monitoring of the position of human rights defenders is important to KIOS and all of the organisers of the seminar. KIOS plans to arrange a new seminar on the theme of human rights defenders in 2015. With this seminar, as well as regional seminars in Asia and Africa in 2014 and 2015, KIOS also aims to strengthen the strategic cooperation between human rights defenders in different parts of the world.

As KIOS defends human rights and works with HRDs, annually the KIOS office deals with several processes regarding gross human rights violations or serious threats concerning HRDs. Unfortunately, also KIOS's partner organizations may face serious threats. Although KIOS's resources are limited, we want to employ various measures to support our partners both in terms of security issues and strategic development of human rights work.

