



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

Defending Human Rights

A Resource Book for Human Rights Defenders

2nd Edition

Defending human rights: A resource book for human rights defenders (2nd ed.)
Published 2012

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This publication is available in English, French, Arabic, Amharic, Somali and Swahili on our website at <http://www.defenddefenders.org/resource-book>

Attribution should be made to East and Horn of Africa Human Rights Defenders Project

Produced with the financial support of the Swedish International Development Cooperation Agency and the Ministry of Foreign Affairs of the Kingdom of the Netherlands.

1st edition compiled by Nora Rehmer
2nd edition compiled by Neil Blazevic



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Acknowledgements

The publication of this resource would not be possible without the financial support of the Swedish International Development Cooperation Agency (SIDA) and the Ministry of Foreign Affairs of the Kingdom of the Netherlands. Thanks again to the International Development Research Centre (IDRC) of Canada who funded the first edition.

Thanks finally to all the contributors to this book, who have been named in the chapters, and to Nora Rehmer and Neil Blazevic who compiled the first and second editions respectively.

Dedicated to those who have lost their lives in the struggle for human rights.

Foreword

Five years have passed since the East and Horn of Africa Human Rights Defenders Project published the first edition of *Defending Human Rights: A Resource Book for Human Rights Defenders*. Over that time new challenges have evolved and shaped the context in which human rights defenders work.

States continue to employ restrictive legislation limiting the space to conduct human rights work. Anti-terror measures broadly conceived to bolster discretionary and heavy-handed law enforcement with reduced or delayed judicial oversight is increasingly being used to clamp down on legitimate forms of inquiry and dissent from civil society actors. Cross-border cooperation means that human rights defenders forced into exile may continue to face state harassment even in their country of asylum. Restrictive legislation for NGOs have in some cases been utilized to restrict both funding opportunities and human rights activities, while media laws are often interpreted and utilized arbitrarily to selectively stifle freedom of expression. Sexual minority defenders continue to fight to secure recognition that LGBTI rights are human rights, while threats from state and non-state actors have created a hostile space for these defenders.

While these challenges change, the tools human rights defenders have at their disposal also evolve and become more sophisticated and effective. Fully utilizing these tools in a strategic way is the challenge and the potential strength for effective human rights defenders.

Engagement with international and regional human rights mechanisms is one of the most effective ways of creating recognition of human rights issues and even requiring duty-bearing stakeholders to officially respond. Chapter 1 contains a discussion of these mechanisms and their effective usage.

Personal care and professional safety for human rights defenders is essential in order for their endeavours to be sustainable. Chapters 2 and 3 respectively cover security management and stress reduction for human rights defenders.

Strategies for campaigning are considered in Chapter 4, which has been updated with a discussion of social media tools for achieving advocacy goals in Chapter 4.5.

The particular challenges and strategies of defending women's rights and the rights of sexual minorities are examined in Chapters 5 and 6 respectively.

Finally the resource annexes have been updated to include the most relevant publications and organizations for human rights defenders.

We are pleased to be able to make this book available in English, French, Arabic, Swahili, Amharic, and Somali, thereby making it accessible to most populations in this sub-region. We thank our key donor in this project, the Swedish International Development Cooperation Agency.

EHAHRDP gratefully acknowledges all the contributors to this resource book for their submissions, as well as for their continued work in the service of human rights.

EHAHRDP dedicates this book to all those who have lost their lives in the struggle for human rights. Let us be united in making a better future.



Hassan Shire Sheikh

Executive Director/Chairperson

East and Horn of Africa Human Rights Defenders Project/Network (EHAHRDP/Net)

Chapter 1

International and Regional instruments for the Protection of Human Rights Defenders

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

1. UN Special Rapporteur on Human Rights Defenders
2. Special Rapporteur on Human Rights Defenders in Africa
3. European Union Guidelines on Human Rights Defenders

Readers are encouraged to promote the implementation of the international standards contained in the UN Declaration on human rights defenders that protect human rights defenders around the world and to use and strengthen the mechanisms described in this presentation.¹

Background to the UN Declaration on Human Rights Defenders

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

In Africa, a series of consultations had great impact in the elaboration of the UN Declaration on human rights defenders. The sub-regional and Pan-African campaigns that took place in 1998 before the adoption of the declaration, were clear demonstrations of NGOs’ interest and commitment to defend the right to defend human rights, and to campaign for a better campaigning environment for defenders throughout the continent. The outcomes of these campaigns in Africa were fed into the Paris Summit of December 1998 and into the text of the

¹ Original article by Musa Gassama, with updates and contributions by Rachel Nicholson.

UN Declaration on human rights defenders.

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

The UN Declaration on Human Rights Defenders

(A) General comments

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

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

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

- Represents international cooperation to protect the rights of human rights defenders worldwide;
- Recognises the legitimacy of human rights activities and the need for these activities and those who carry them out to be protected;
- Provides the legal framework to defend human rights defenders;
- Codifies the international standards that protect the activities of human rights defenders around the world;
- Reaffirms that individuals, groups, institutions

and non-governmental organizations have an important role, and a responsibility in contributing to the promotion of the right of everyone to a social and international order in which, the rights and freedoms set forth in the Universal Declaration of Human Rights and other human rights instruments can be fully realized;

- Articulates existing rights in a way that makes it easier to apply them to the practical role and situation of human rights defenders. It specifies how the rights contained in the major human rights instruments apply to human rights defenders;
- Contains principles and rights based on human rights standards protected in other international instruments, such as the right to freedom of expression, association and assembly, and the right to freedom of movement.

(B) Duties of States and everyone

The Declaration outlines some specific duties of States and the responsibilities of everyone with regard to defending human rights, in addition to explaining its relationship with national law. States have a responsibility to implement and respect all the provisions of the Declaration. Articles 2, 9, 12, 14 and 15 make particular reference to the role of States and indicate that each State has a responsibility and duty:

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

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

(C) The role of national law

As regards the role of national law, Articles 3 and 4 outline the relationship of the Declaration

to national and international law with a view to ensuring the application of the highest possible legal standards of human rights.

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

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

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

(D) Rights and protections accorded to human rights defenders

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

Article 1: Everyone has the right, individually and in association with others, to promote and to strive for the protection and realization of human rights and fundamental freedoms at the national and international levels:

- To seek the protection and realization of human rights at the national and international levels;
- To conduct human rights work individually and in association with others;
- To form associations and non-governmental organizations;
- To meet or assemble peacefully;
- To seek, obtain, receive and hold information relating to human rights;
- To develop and discuss new human rights ideas and principles and to advocate their acceptance;

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

(E) Other comments

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

The Mandate of the United Nations Special Rapporteur on Human Rights Defenders

In 2000, less than two years after the adoption of the Declaration, the UN Commission on Human Rights unanimously adopted resolution 2000/61 that called on the Secretary General to appoint a Special Representative on human rights defenders.

This was the first mechanism to be created at the international level to protect human rights defenders in accordance with the rights enshrined in the Declaration. Ms. Hina Jilani, a noted human rights attorney from Pakistan, was appointed as the first Special Representative. The Commission on Human Rights' successor body, the UN Human Rights Council, decided to continue the mandate for consecutive periods of three years in 2008 (resolution 7/8) and in 2011 (resolution 16/5). In March 2008, Mrs. Margaret Sekaggya, a Ugandan magistrate and former Chairperson of the Uganda Human Rights Commission, was appointed to the mandate, which at this point changed title to become Special Rapporteur on the situation of human rights defenders.

The Special Rapporteur undertakes activities in complete independence of any State, is not a United Nations staff member and does not receive a salary. The Special Rapporteur's mandate is to conduct the following main activities:

- To seek, receive, examine and respond to information on the situation of human rights defenders;
- To establish cooperation and conduct dialogue with Governments and other interested actors on the promotion and effective implementation of the Declaration;
- To recommend effective strategies better to protect human rights defenders and follow up on these recommendations;
- To integrate a gender perspective throughout her work.

The Human Rights Council urged all Governments to cooperate with the Special Rapporteur and to provide all information requested. The Special Rapporteur is requested to submit annual reports to the Council and to the General Assembly.

(A) A broad approach to implementation of the Declaration

The Special Rapporteur's formal mandate is a very broad one, requiring the identification of strategies, priorities and activities to implement it. The "protection" of human rights defenders is the Special Rapporteur's overriding concern. Protection is understood to include the protection of defenders

themselves and the protection of their right to defend human rights.

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

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

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

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

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

Human rights defenders are identified above all by what they do and it is through a description of their actions and of some of the contexts in which they work that the term can best be explained.

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

people act as human rights defenders outside any professional or employment context.

In Africa, human rights defenders include persons who may not define themselves as such, but whose operations in activism or academia or otherwise as a consequence promote the respect of human rights in Africa.

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

(C) A regional approach to implementation of the Declaration

The holder of the UN mandate has always expressed the need to implement the UN Declaration from a regional approach and this was Ms. Hila Jilani's message to the African Commission on Human and Peoples' Rights session that was held in Pretoria in May 2002. The responses from the Americas, the EU and Africa are encouraging. The challenge in this regard, is the Middle East and Asia where there is no similar regional body.

Putting this approach into practice, Mrs. Margaret Sekaggya and her counterpart Mrs. Reine Alapini-Gansou at the African Commission for Human and Peoples' Rights (see below) undertook a joint country visit to Togo in 2008. The UN and African Special Rapporteurs have also issued joint press releases. These practices give greater visibility and weight to their recommendations, and attempts are underway to encourage such cooperation more broadly between the UN and African special procedures.

(D) Contacts with human rights defenders

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

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

(E) Contacts with States

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

(F) Contacts with other key actors

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

(G) Individual cases

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

As information arrives, the Special Rapporteur first seeks to determine if it falls within her mandate. Secondly, every effort is made to determine the

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

Urgent action letters are used to communicate information about a violation that is allegedly ongoing or about to occur. The intention is to ensure that the appropriate State authorities are informed as quickly as possible of the circumstances so that they can intervene to end or prevent a violation. For example, a death threat reportedly made against a human rights lawyer in response to his or her human rights work would be addressed through an urgent action letter.

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

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

(H) Country visits

The Special Rapporteur is mandated to conduct official visits to States. Some States have issued standing invitations to all UN Special Procedures, and in other cases the Special Rapporteur writes

to the Government requesting that an invitation be extended. These visits provide an opportunity to examine in detail the role and situation of human rights defenders in the country, to identify particular problems and to make recommendations on how these could be resolved. By the nature of the mandate, the Special Rapporteur is required to look critically at the situation of human rights defenders in a country. Nevertheless, the process is intended to provide an independent and impartial assessment, which will be of use to all actors in strengthening both the contribution of defenders to human rights and their protection.

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

The Special Rapporteur submits an annual report to both the General Assembly and to the Human Rights Council detailing her year's activity, findings and recommendations, including all cases she handled and any responses from States to urgent action or allegation letters.

Since the establishment of the mandate, during sessions of both the General Assembly and the Human Rights Council, the two mandate-holders to date have had strong public reports condemning behaviour of States towards defenders operating at national level, making emphases on the fact that some defenders are more vulnerable during national election periods when trying to participate in the national election process.

The current mandate-holder, Mrs. Margaret Sekaggya, has also produced reports on pertinent thematic issues. In 2010, her report on the situation of women human rights defenders touch on broader issues of sexual orientation and gender identity. A recent report takes the form of a commentary on the Declaration, providing analysis of the rights contained therein. This useful reference tool for human rights defenders is available on the OHCHR website at:

<http://www.ohchr.org/Documents/Issues/Defenders/CommentarytoDeclarationondefendersJuly2011.pdf>

Contact details for sending submissions and for further correspondence:

Special Rapporteur on the situation of human rights defenders,
Mrs. Margaret Sekaggya
c/o Office of the High Commissioner for Human Rights – Palais Wilson

United Nations Office at Geneva
CH 1211 Geneva 10
Switzerland

To submit an allegation of a violation against a human rights defender:

Email: urgent-action@ohchr.org or fax: +41(0) 22.917.90.06

To contact the mandate holder for other purposes:
Email: defenders@ohchr.org or fax: +41(0) 22.917.90.06

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

At its 35th Ordinary Session, held from 21 May to 4 June 2004 in Banjul, The Gambia, the African Commission on Human and Peoples' Rights (ACHPR) decided to appoint Commissioner Janaiba Johm, as the new Special Rapporteur on Human Rights Defenders in Africa. She was replaced by Mme. Reine Alapini-Gansou in December 2005, a lawyer from Benin, who held the post until 2009. Mr. Mohamed Khalfallah held the post in 2010, followed by Mrs. Lucy Asuagbor from November 2010 to November 2011. Currently the position is again held by Mme. Reine Alapini-Gansou. The ACHPR is the first regional human rights body to create a specific special procedure to deal with the protection of defenders' rights.

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

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

- To seek, receive, examine and to act upon information on the situation of human rights defenders in Africa;
To submit reports at every Ordinary Session of the African Commission on the situation of human rights defenders in Africa;
- To cooperate and engage in dialogue with member States, National Human Rights Institutions, relevant intergovernmental bodies, international and regional mechanisms of protection of human rights defenders, human rights defenders and other stakeholders;

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

Since the establishment of the mandate, the Special Rapporteurs have also maintained regular contact with human rights defenders through their participation in international and regional forums. The mandate-holders have also carried a number of country visits, including joint visits and press releases with the UN Special Rapporteur (see above).

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

Contact details for sending submissions and for further correspondence:

African Commission on Human and Peoples' Rights (ACHPR)
 31 Bijilo Annex Layout, Kombo North District
 Western Region
 P. O. Box 673
 Banjul, The Gambia
 Tel: (220) 4410 505 / 4410 506
 Fax: (220) 4410 504
 Email: achpr@achpr.org
 Website: www.achpr.org

The European Union Guidelines on Human Rights Defenders

The European Union first adopted “Ensuring Protection – European Union Guidelines on Human Rights Defenders” in June 2004, and an updated version was circulated in 2008. The Guidelines² provide practical suggestions for enhancing EU action in support of human rights defenders in EU Missions’ contact with third countries at all levels as well as in multilateral human rights fora, such as the UN Human Rights Council. The Guidelines are part of EU efforts to encourage respect for the right to defend human rights. They give practical guidance to EU delegations in third countries on the interventions they can carry out on behalf of human rights defenders at risk, and suggest means to support and assist human rights defenders, within the context of the EU’s Common Foreign and Security Policy.

The Guidelines also provide for support for the Special Procedures of the UN Human Rights Council, including the UN Special Rapporteur on Human Rights Defenders, and other regional mechanisms (such as the ACHPR’s Special Rapporteur on HRDs). The EU supports the principles contained in the UN Declaration on Human Rights Defenders.

Practical interventions

a) Monitoring, reporting, and assessment.

EU Heads of Mission are already requested to provide periodic reports on the human rights situation in the countries where they are accredited. Missions are expected to address the situation of human rights defenders in their reporting, noting in particular the occurrence of any threats or attacks against human rights defenders.

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

EU Missions (that is, embassies of EU member states and EU delegations) play a key role in putting into practice the EU’s policy towards human rights defenders. EU Missions are expected as far as possible to adopt a proactive policy towards human rights defenders, while all the time being aware that in some contexts EU action could lead to threats or attacks against human rights defenders. Before taking action, EU Missions should therefore consult with human rights defenders. Feedback should be given to HRDs and their families following any

² Available at <http://www.consilium.europa.eu/uedocs/cmsUpload/GuidelinesDefenders.pdf>

action taken. Measures that EU Missions can take, according to the specific circumstances, include but are not limited to:

- Preparing local strategies for the implementation of these guidelines, with particular attention to women human rights defenders. EU Missions are expected to bear in mind that these Guidelines cover human rights defenders who promote and protect human rights, whether civil, cultural, economic, political or social. EU Missions should involve human rights defenders and their organisations in the drafting and monitoring of local strategies. HRDs should push to ensure that these local implementation strategies reflect the specific local context and contain measures that are appropriate for their working environment;
- Organising at least once a year a meeting of human rights defenders and diplomats to discuss topics such as the local human rights situation, EU policy in this field, and application of the local strategy for implementing the EU Guidelines on human rights defenders;
- Co-ordinating closely and sharing information on human rights defenders including those at risk;
- Maintaining suitable contacts with human rights defenders including by receiving them in Missions and visiting their areas of work (EU Missions are asked to consider appointing specific Liaison Officers to share the burden of this role);
- Providing, as and where appropriate, visible recognition to human rights defenders, through the use of appropriate publicity, visits or invitations;
- Where appropriate, visiting human rights defenders in custody or under house arrest and attending their trials as observers.

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

The EU's stated objective is to influence third countries to carry out their obligations to respect the rights of human rights defenders and to protect them from attacks and threats from non-State

actors. Where necessary, the EU is expected to express the need for all countries to adhere to and comply with the relevant international norms and standards, in particular the UN Declaration, with the overall objective of bringing about an environment where human rights defenders can operate freely.

Possible actions include:

- Meetings between high-level EU representatives and human rights defenders during their country visits, and raising the cases of individual HRDs with authorities where appropriate;
- Inclusion, where appropriate, of the situation of human rights defenders in the human rights component of political dialogues between the EU and third countries and regional organisations. The EU will underline its support for human rights defenders and their work, and raise individual cases of concern whenever necessary;
- Working closely with other like-minded countries notably in the UN Human Rights Council and the UN General Assembly;
- Promoting the strengthening of existing regional mechanisms for the protection of human rights defenders and the creation of appropriate mechanisms in regions where they do not exist.

d) Practical support for Human Rights Defenders including through Development Policy.

There are a range of practical support mechanisms available to human rights defenders through the programmes of the European Union and its member States aimed at assisting in the development of democratic processes and institutions, and the promotion and protection of human rights in developing countries – such as the European Instrument for Democracy and Human Rights.

Practical support as envisaged under the Guidelines is not limited to financial support. The following examples are included in the Guidelines:

- Bi-lateral human rights and democratisation programmes of the European Union and member States should take further account of the need to assist the development of democratic processes and institutions, and the promotion and protection of human rights in developing

countries by, *inter alia* supporting human rights defenders through such activities as capacity building and public awareness campaigns;

- By encouraging and supporting the establishment, and work of national bodies for the promotion and protection of human rights, established in accordance with the Paris Principles, including National Human Rights Institutions, Ombudsman's Offices and Human Rights Commissions;
- Assisting in the establishment of networks of human rights defenders at an international level including by facilitating meetings of human rights defenders;
- Seeking to ensure that human rights defenders in third countries can access resources including financial, from abroad;
- By ensuring that human rights education programmes promote, *inter alia* the UN Declaration on Human Rights Defenders.

Conclusion

Despite the protection accorded by the UN Declaration on HRDs, and over a decade of practical implementation, the situation of human rights defenders has not improved. The environment in which human rights defenders operate in many countries is becoming more and more hostile, limiting space for negotiation. Those who stand up for human rights continue to pay a high price for their courage. Their work puts them in positions of

great personal and professional risk, including risk to their family members, friends and associates.

Civil society has not taken full advantage of the content of the Declaration. Promoting the implementation of the Declaration by national authorities remains a major challenge.

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

Networking and network building at national, sub-regional and regional levels has been considered by many as one of the most effective tools civil society should use to campaign for a better human rights environment.

The vigorous pursuit of these strategies, along with engagement with regional and international mechanisms for human rights defenders is necessary to achieve greater protection, visibility and legitimacy to human rights defenders in Africa, allowing them to more effectively carry out human rights work, and by so doing, expand the environment in which human rights defenders are able to exercise their right to defend human rights.

Chapter 2

Human Rights Defenders Under Threat: A Field Security Approach to their Work

The challenges faced by human rights defenders working under threat, pose the need for comprehensive and dynamic systems to cope with the security requirements. Knowing their work context or “taking care”, cannot answer all the questions: we must take a step further and discuss a system for security management. In this paper, we propose an overall framework for a security management process and an incremental approach to security management, as well as some reflections on basic concepts like risk, vulnerability and threat. We also include some proposals to improve and develop the level of security for human rights defenders to work. All these topics should allow NGOs and defenders to better undertake strategies for coping with the increasing security challenges of human rights work.³

Introducing some key ideas

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

Beyond a few chaotic situations (in which a defender’s life may be in the hands of the soldiers at a check point), we cannot state that the violence against defenders is indiscriminate; in most scenarios such violence is linked to clear military or politic-military objectives for the aggressors. Knowing adequately the conflict scenario and understanding the politico-military logic are key elements to correctly manage human rights defenders’ security.

This paper does not offer “tailor-made solutions” ready to be applied, but examines strategies which are necessary to improve the defender’s security management. In the last few years, international humanitarian NGOs have developed their own security strategies and procedures with respect to

security management. As all too often happens, these developments have not been adapted and transferred to the human rights defender’s world, and this is a pending task.

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

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

Security Management versus Security Proceedings

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

The question still pending is: how can we achieve the necessary integration of security into all aspects of the management of an NGO’s work? We know

³ Article written by Luis Enrique Eguren.

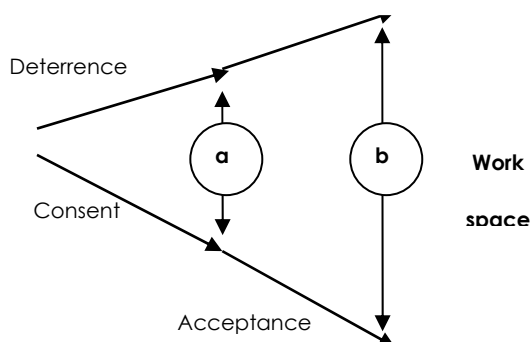
that limitations prevail, and those limitations on security are the same as those on the human rights work: scarce resources, few personnel, improvisation, a high level of pressure and repression, etc.

Security strategies and work space: A consent/dissuasion triangle

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

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

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



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

Risk, threats and vulnerability: Capacities in security

Risk is an inherent part of the work in conflict scenarios. There is no widely accepted definition of risk, but we can say that risk refers to "possible events, however uncertain, that result in harm"⁴.

In any given scenario, all human rights defenders may face a common level of danger, but not all defenders are equally vulnerable under that general **risk** merely through being in the same conflict scene. **Vulnerability** (the possibility that a defender will suffer an attack and harm of whatever kind) varies for each entity, according to several factors, so that a UN agency is not as vulnerable as a small national NGO.

The level of risk of an NGO is in accordance with the received **threats** and vulnerability to those threats, as can be seen in the following equation⁵:

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

Threats are the possibility that someone will harm somebody else (their physical or moral integrity or property), through purposeful, often violent action⁶. Threat assessment is the analysis of the likelihood of a threat becoming action.

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

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

⁴ López y Luján (2000), pag.23

⁵ Ver Koenraad van Brabant y REDR en la bibliografía seleccionada.

⁶ Dworken (1999).

rights defender is more vulnerable when s/he is out on the road than when located in their office (if it is well protected).

The vulnerability of an NGO can be seen to be affected by various factors, such as exposure (the degree to which the staff and property of an NGO remains in dangerous or unprotected places), the impact of the work programme (if the NGO's work has a negative impact on whichever armed actor, it makes the NGO vulnerable) etc⁷.

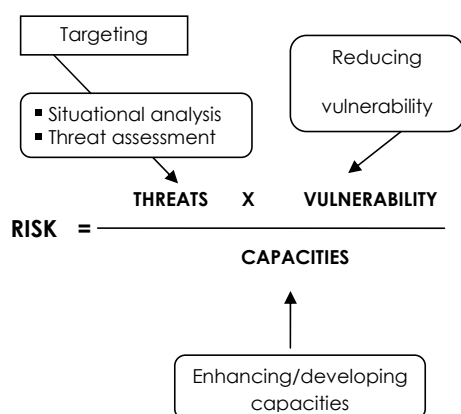
Capacities are the strengths and resources available for a group or individual to achieve a reasonable degree of security (or respect for their/his/her human rights). Examples of capacities are training (in security, in legal issues, etc), group work as a team, etc.

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

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

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

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



⁷ The necessary limit on the length of this document prevents us from including more detailed schema on the nature and function of the main factors of vulnerability.

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

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

Planning the work and security

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

Security occupies a specific niche when analysing the scenario and setting the aims and objectives of the work, as well as when planning the work, following it up and evaluating its results. The security guidelines occupy a specific place (in the planning stage) in the overall process, where they become living documents which receive feedback from the follow up and evaluation stages.

Coping with security challenges: security management as an incremental process

Security management is never complete, and is always partial and selective. There are limits that constrain the system⁸; cognitive limits (not all factors affecting security can be grouped and treated simultaneously) and limits in the process (the timing and sequence imperatives necessary to create awareness, develop consensus, train people, ensure an adequate personnel turnover, implement activities, etc.). Security management can rarely attempt a comprehensive, long-term view: Its contribution relies on its ability to prevent incidents and to point to the need for organisational integration and co-ordination to cope with such incidents. Maybe this is not very ambitious, but we **also have to take into account** that few resources are

⁸ Quinn, James B.: "Strategic change: logical incrementalism". Sloan Management Review Summer 1989 (pp. 45-60)

usually allocated for security, so that we never can be comprehensive. Pragmatism is a must in security management.

As we mentioned before, when reviewing the security practice of an NGO you may find some kind of security guidelines or plans or measures or patterns of behaviour in progress. There are many forces at stake, from stereotypes about security practice to a reluctance to increase the existing workload by incorporating new security activities. Security practice is typically fragmented, evolutionary and largely intuitive. In terms of security management it is necessary to proceed step by step, making incremental changes to improve performance. Security strategies and procedures tend to emerge from “strategic subsystems”, each of which covers a specific area of work (logistics, a field team specially concerned with its security, a headquarters manager under pressure by a donor’s concerns for security, etc.). Incrementalism⁹ in security management opens the door to informal processes and allows space for a nucleus of change agents at work. Precipitating events (such as security incidents) prompt urgent, interim decisions that shape the security practice and that, if properly managed, become part of a widely shared consensus for action among members of the field and management teams.

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

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

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

⁹ There are many studies about incrementalism and strategic planning. The approach reflected in this document draws on the work by C.E. Lindblom and James B. Quinn, among others.

When defenders face risk, they do so as others do: They develop adaptive behaviour and try to simplify the decision-making process, within the norms of social and group conditioning. Psychological studies on how people face risk have shown that risk is better accepted when it is voluntarily assumed, when the individual perceives that s/he has some control on the risk, and when this risk becomes familiar¹⁰. From a sociological point of view, risks are social constructs, which are related to socio-cultural factors linked to social structures¹¹. For this reason, each social sector highlights some risks and forgets others. Accordingly, research in cultural anthropology has shown¹² that every person has a certain tendency to assume risks, and this tendency depends on the reward associated to those risks and on the individual perceptions of those risks. It is very important to recognise that the avoidance of risk in human beings does not only respond to the perceived probability that harm produces, but also the willingness of exposure to risk, the compensation received for this exposure, or the equity in the distribution of risk.

The daily exposure to risk may create an apparent “indifferent behaviour”, linked to the denial of risk, and which leads the individual to undertake the normal work without security measures and even rejecting to talk about the subject¹³.

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

Impacts of traumatic events

Human rights defenders either witness traumatic events or are victims of them: Their impact affects the mental health and the group and individual behaviour of defenders. A common reaction is to become overloaded of work due to the increase of emotional demands linked to the traumatic events (anger, frustration, depression, etc). Sometimes defenders feel extremely guilty (for not being able to prevent the traumatic event) and then they

¹⁰ Crouch and Wilson (1982; pp. 85-6), cited in López and Luján (2000; pp. 71)

¹¹ López and Luján (2000; pp.72)

¹² Adams (1995:15)

¹³ Beristain (1999; pp. 48-9)

may develop high risk behaviour,¹⁴ which cannot be confronted by security strategies which do not take into account the psychological component associated to such behaviours.

Analysis of the work context

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

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

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

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

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

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

Security cooperation among NGOs and other institutions

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

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

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

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

Coping strategies: risk management by the group

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

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

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

¹⁴ Beristain (1999)

Among the coping strategies we can list:

- Reinforcing protective barriers, hiding valuables.
- Avoidance of behaviours which may be put into question by one or another armed actor (especially if the military hegemony of the territory where the group lives is under dispute).
- Using places to hide in moments of high risk (places of difficult access, like mountains or jungle), changing houses, etc. Sometimes the whole family hide, sometimes only the defenders do it. Hiding may take place in the night, or for several weeks' periods.
- Negotiation with State or Government or with illegal armed actors.
- Making denounces before legal bodies or to public opinion.
- Networking (with other groups in similar situation), joint protests, demonstrations, etc.
- Establishing (or promoting) "safe areas".
- Looking for armed or political protection by one of the armed actors.
- Forced migration (displacement or refuge), family by family or massive migrations. They can be planned displacements or improvised fleeing.

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

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

- Effectiveness: capacity to adequately protect.
- Reversibility.

Protecting others

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

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

Protection strategies are complex, because they must take into account factors which affect others' security (following, for example, the threats-vulnerabilities-capacities schema), but also what others do to protect themselves (their coping strategies). In order to deal with this complexity, we have developed an Operational Framework for Field Protection (OFFP), applicable to human rights defenders¹⁵. This OFFP should be more interpretative than a simple checklist: It must reflect the interaction and synergies and clashes of the full spectrum of entities working in protection, in order to assess the impact of the widest range or protection activities in a more systematic manner that is currently the case.

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

The Operational Framework for Field Protection has six stages:

1. Context and scenario analysis;

¹⁵ This work is still in progress and has been conceived to be also applied to IDP, humanitarian workers, trade unions, etc.

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

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

Further steps in security and protection of human rights defenders

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

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

In order to achieve these objectives, we can take at least these next steps¹⁶:

The Operational Framework for Field Protection (or another tool with a similar purpose) can be applied to review the security and protection needs of defenders under threat in selected scenarios.

- Training seminars or workshops in security and protection: Training can include the joint analysis (applying the OFFP) quoted in the previous point, so that both steps could be taken at once.
- Seminars or workshops to follow up and support the developments and the security plans developed after the trainings (those workshops

should be held 6-12 months after the initial training).

- Producing security and protection manuals and reference documents.
- Further research in order to improve defenders' security and protection.

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

Bibliography

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

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

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

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

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

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

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

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

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

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

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

¹⁶ The Research and Training Unit of the PBI European Office is already working on this, together with other NGOs such as ESCO International.

Chapter 3

Trauma and Coping Strategies for Human Rights Defenders

As a Human Rights Defender, you face many risks in your work. Many of you have been abused, tortured and otherwise traumatized – either directly, or as a result of witnessing and documenting the stories of others. Coping with the after-effects of your experiences can be very difficult, particularly in circumstances of exile and isolation, which are traumatic experiences themselves. Access to decent health care and short or long term professional trauma counselling (according your individual needs) is necessary, along with community support. In some cases, it can be difficult to get appropriate clinical treatment – either the services are not there, or because of generalized fear in the population, treatment is not available to the traumatized person. It is therefore important to develop a network of community support where you can find understanding and acknowledgement. Community support can be narrow or broad, depending on the unique circumstances of the individual. It can encompass fellow human rights defenders, family, friends, religious leaders, teachers, media, institutions, community groups, and more. The community is significant not only because of the personal support it provides you, but also because of its power to advocate for an intervention – to push the authorities (not just the government, but also religious authorities) to acknowledge that something did happen, to understand the reasons why it happened and to provide redress and compensation for what happened.¹⁷

It is vital to develop meaning for one's experiences in order to process and integrate them. An understanding of how trauma can affect you is also essential; as it helps you develop appropriate coping strategies in your daily life so you can continue to function as a whole human being. It is important for human rights defenders to realize that their experiences are not unique phenomena, but a result of carefully thought out strategies of oppression, with clearly defined goals. This understanding, grouped with appropriate medical interventions, attention to self-care, a sense of belonging and feeling of support from the community, can assist you in coming to terms with your traumatic experiences.

This section will hopefully assist you in developing a basic model of support that you, as a Human Rights

Defender can build upon in your work, and can be adapted to your needs and the environment at hand. It is based on a model of care developed by the Canadian Centre for Victims of Torture (CCVT) in Toronto, Canada and the work of the Cordelia Foundation in Hungary.

Torture and Organized Violence

Torture and organized violence is not something that “happens”. They are not irrational, chaotic, mad acts of insane people. They are carefully planned, rational strategies of social control. The techniques of torture and organized violence have history and they are taught. Different countries have their preferred practices and specialties. Individual perpetrators will consciously tailor the violations to the individual. One may experience torture and organized violence as an individual, however, the main audience is the larger community. The whole purpose is to destroy the individual physically, psychologically and spiritually in order to intimidate, demoralize and suppress his or her larger community. It is no accident that community leaders are often the first targets. It should be no surprise that human rights defenders are specifically singled out. When a strong leader is taken from a community, held for a time without any communication and nobody knows what is happening and there is no one you can approach for help, and then if she or he survives and is placed back into the community damaged, scarred and traumatized, it sends a strong message to the rest of the community not to struggle, to speak up, or to demand justice and equity. It can be a very effective tool of oppression. The fact that people continue to struggle and to speak up and denounce abuses is testament to their courage and commitment. But one cannot deny that they often pay a very high price.

¹⁷ Article written by Maria Teresa Dremetsikas and Michele Millard.

Part I

Torture, Organized Violence and Health

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

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

Physical

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

Psychological

- depression
- guilt, including survivor guilt
- paranoia and suspiciousness
- phobias
- sleep disturbances, including insomnia and nightmares
- impaired memory, loss of memory
- hypersensitivity
- concentration difficulties
- fear of authority
- irritability

- panic attacks
- suicidal feelings, suicide attempts
- nervousness
- flashbacks and intrusive thoughts
- expectation of a foreshortened future
- diminished ability to experience intense ranges of emotion
- diminished expectations of life and its possibilities
- excessive concern for children, relatives and friends
- decreased self-esteem
- introversion
- lethargy
- generalised fear
- sorrow and grief

While physical damage may eventually heal (although sometimes it does not), the psychological and spiritual damage, can be much more challenging to deal with. Shame, humiliation, fear and isolation are significant elements of this kind of trauma, and it can be very difficult for a person to reach out for help. However, in coping with torture, war and human rights abuses, it is not enough to focus on the individual alone. People exist within family, community, social, political and economic structures and each has an affect on the other. Quality of life is measured by many things and health is an important factor. Health itself is a complex idea – are we talking about physical, mental or spiritual health? How do they relate to each other? Is one more important than the other? A person who has experienced trauma will probably need some kind of medical and psychological help. But is it enough to just go to a doctor and get bandaged up? What happens when you return home? How do you speak to your neighbours and friends who may be fearful and intimidated themselves? What happens if you have to return to a community scarred by continuing violence and abuse that has strict taboos on talking about certain things? Can you become healthy in an unhealthy environment?

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

- income inequality
- social inclusion and exclusion

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

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

In an effort to address the needs of survivors of violence during war and torture perpetrated against individuals, families and communities, CCVT uses as a framework the concept of psychosocial trauma and destruction as defined by Ignacio Martin-Baro. Martin-Baro was a Spanish Jesuit priest and a psychologist working in El Salvador in the 1980's. His work has been published by the University of Harvard Press. When he was approached by his Harvard colleagues who wanted to translate his work, he replied: "In your world, it is publish or perish. In mine, it is publish *and* perish." And indeed, he was assassinated in 1989 by a death squad in El Salvador in a massacre along with his housekeeper, her daughter and a number of other priests and intellectuals working in the field.

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

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

1. While the individual remains the principal victim of organized violence, the nature of the trauma rests in its social origins. Torture and organized violence are primarily social problems, and not the discrete acts of individuals. It occurs as a method of social control and because permission has been given on many levels. The perpetrator has been given permission by his or her direct supervisor, the

supervisor by his or her commander, and on up the hierarchy. Society can also be complicit in this through their silence and denial that these actions are occurring.

2. Since the trauma is socially produced, both the individual victim and the precipitating social causes require treatment and remedy. It is not enough to bandage the individual. If she or he is then sent out into the very same circumstances that allowed the trauma to occur, then re-traumatization will occur. If torture and organized violence is a social problem, then its solution must also be social.
3. The trauma will remain chronic when the factors that brought it about remain intact.

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

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

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

At the individual level the survivor:

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

speaking about certain experiences, particularly in regards to gender and sexual violence. It is not uncommon for victims to be blamed for what has happened to them and in some cases be further ostracized or targeted in honour killings.

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

At the family level the closer members:

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

At the social and institutional level people:

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

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

Circles of Support

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

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

At the individual level, the survivor:

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

At the family level, they:

- Develop understanding – traumatic experiences often changes people. They may become quieter, more withdrawn, easily startled, sleep poorly and be more irritable, angry or depressed. The family understands where this behaviour comes from.

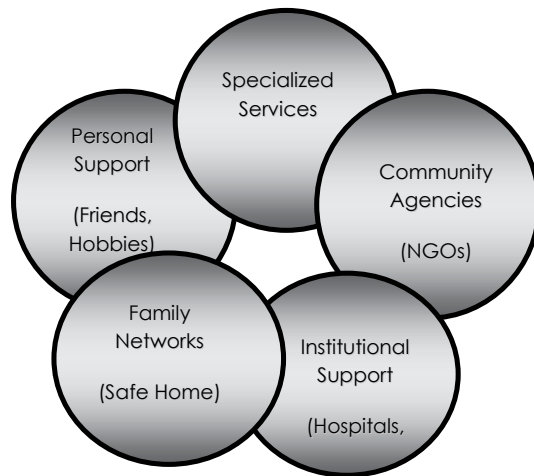
- Acquire supportive skills to cope – to listen, give a person space and privacy. To offer non-judgmental support and be available to the survivor.
- Recognize traumatic effects on family – it is difficult to realize that the person who comes back may no longer be the same as before. Because of a disappearance,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

At the societal and institutional level, the community:

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

Continuum of Care

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

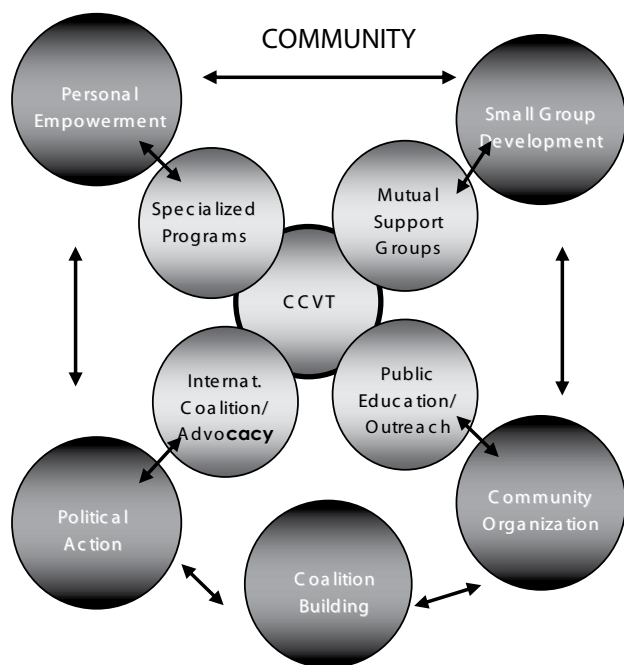


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To translate the continuum of care into a cohesive scope of services and a true community development model, a further expansion of the circles is needed. This is necessary to ensure movement from a circle of **personal empowerment** where personal perceptions of power are developed to the next circle of **small group development**. There social supports result in personal behaviour changes and leads the group to a **community organization circle** which develops local actions on community defined issues, promotes community/professional dialogues, raises conflict to the conscious level. This usually establishes links with other community groups, thus forming the next circle of **coalition and advocacy**, lobbying for healthier public policies, achieving strategic consensus and conducive to collaboration and conflict resolution. Many times a fifth circle of **political action** is needed to close the chain of circles which ends again in a state of personal empowerment. Such political actions support broader social movements, creating a vision of a sustainable, preferred future and enhanced participatory democracy.

The strategy followed by CCVT to ensure that the below processes takes place includes specially designed services such as settlement counselling, English as a Second Language (designed for traumatized survivors), befriending members of the community and links to professional services for therapy and/or medico-legal documentation. Ongoing mutual support groups (peer support) also prepare survivors to engage with the larger system described above. While CCVT’s services are created for survivors of torture who generally come as refugees to Canada (hence the settlement counselling and language training), how the

community and medico-legal establishment becomes involved in the rehabilitation process is of particular importance to human rights defenders. Much, if not all of the structures illustrated above, can be successfully adapted to meet the needs of human rights defenders working on the ground. Ongoing peer support has proven to be vital to the healing process as well as strengthening connections to the community at large. Even when the situation seems the most hopeless, it is not impossible to find allies in ordinary folks as well as those in positions of power or authority who share your sympathies. Being mindful of these connections and being able to identify when they occur is a valuable tool in the healing process. Public education and international coalitions are necessary tools that have allowed CCVT to engage with the community and ensure linkages with broader issues that require political action. Engagement not only in the local community, but the larger, international one will also improve the effect and range of the struggle for human rights. What cannot be accomplished alone and in isolation will be successful within an extended network of support. This holds true for healing as well as for human rights work itself.



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

In addition to direct trauma experiences, human rights defenders are often exposed to the trauma of the people they are helping. Secondary or vicarious trauma is not an uncommon result. The two diagrams below can be used as a basic guide in identifying symptoms of vicarious trauma within you and what is required in order to counteract the effects.¹⁸

When assisting traumatized people, remember:

- The experience of torture is as individual as the individuals themselves.

¹⁸ Part II of this article will discuss vicarious trauma in further detail.

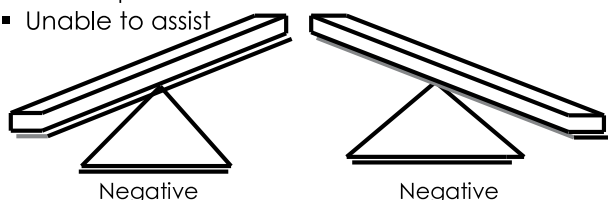
Vicarious Traumatization

Over identification

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

Avoidance

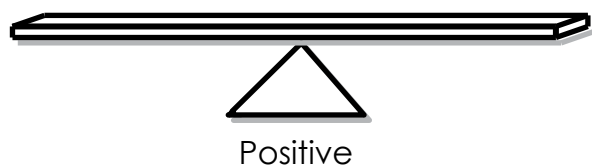
- Loss of empathy
- Closed to survivor
- Cynical expectations
- Does not want to think about trauma
- Believes no one can help
- Unable to assist



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Prevention of vicarious trauma and burnout requires balance:

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



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Adapting CCVT Principles of Operation

- Re-empowerment - survivors are agents of their own recovery.
- Awareness of political, religious and cultural dimensions – the experience of trauma is very subjective. No two people experience it the same way. Healing can also be complex and informed

by different world views, beliefs and individual coping abilities.

- Flexibility.
- Holistic approach – the needs of a survivor are manifold. Be aware that it is not just a medical concern, but a psychological and spiritual one as well. Quality of life also impacts on the healing process. When responding to the needs of a survivor, it is important to deliver a range of services, both professional and community based. When dealing with your personal experiences of trauma, be aware and take advantage of available services and networks.
- Trust, confidentiality and respect are extremely important for you and the people you work with/for.
- Authority remains with survivor – you do not have to be powerless or marginalized because of trauma. Neither do the people you assist.
- Care with interview and assessment questions in your work as HRDs is of paramount importance; not only because of credibility, but also because of re-traumatization (both yours and the person you are helping).
- Active listening – concentrate on what a person is telling you. Absorb it as clearly as possible.
- Creative silences – sometimes it is better to simply *be* with someone. Silence does not necessarily mean emptiness.
- Awareness of re-traumatizing factors.

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

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

Part II

Vicarious Trauma and Burnout

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

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

Vicarious trauma

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

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

Facing cruel, inhuman and degrading human relationships can destroy one’s belief in humanity and increase the woundedness of the HRD. Facing traumatic experiences might evoke the HRD’s own traumatic experiences – who chooses the role of the helper? When working within teams that become vicariously traumatized, it is possible to develop paranoid attitudes (“everyone is out to get me” or “he or she is an agent of the government”), recreate the aggressor/victim dynamic of the perpetrator and to scapegoat a weaker team member. Teams and

even organizations have broken up because of this, particularly if there are no policies or interventions in place to proactively deal with issues.

Burnout

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

Reasons for Burnout

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

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

Three things are associated with burnout:

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

- *Role overload:* The individual cannot say no and keeps on taking on more responsibility than he can handle until he finally burns out.

Symptoms

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

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

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

Burnout Prevention and Recovery

- **STOP DENYING.** Listen to the wisdom of your body. Begin to freely admit the stresses and pressures which have manifested physically, mentally, or emotionally.
- **AVOID ISOLATION.** Don't do everything alone! Develop or renew intimacies with friends and

loved ones. Closeness not only brings new insights, but also is anathema to agitation and depression.

- **CHANGE YOUR CIRCUMSTANCES.** If your job, your relationship, a situation, or a person is dragging you under, try to alter your circumstance, or if necessary, leave.
- **DIMINISH INTENSITY IN YOUR LIFE.** Pinpoint those areas or aspects which summon up the most concentrated intensity and work toward alleviating that pressure.
- **STOP OVER-NURTURING.** If you routinely take on other people's problems and responsibilities, learn to gracefully disengage. Try to get some nurturing for yourself.
- **LEARN TO SAY "NO".** You'll help diminish intensity by speaking up for yourself. This means refusing additional requests or demands on your time or emotions.
- **BEGIN TO BACK OFF AND DETACH.** Learn to delegate, not only at work, but also at home and with friends. In this case, detachment means rescuing yourself for yourself.
- **RE-ASSESS YOUR VALUES.** Try to sort out the meaningful values from the temporary and fleeting, the essential from the nonessential. You'll conserve energy and time, and begin to feel more centered.
- **LEARN TO PACE YOURSELF.** Try to take life in moderation. You only have so much energy available. Ascertain what is wanted and needed in your life, then begin to balance work with love, pleasure, and relaxation.
- **TAKE CARE OF YOUR BODY.** Don't skip meals, abuse yourself with rigid diets, disregard your need for sleep, or break the doctor appointments. Take care of yourself nutritionally.
- **DIMINISH WORRY AND ANXIETY.** Try to keep superstitious worrying to a minimum - it changes nothing. You'll have a better grip on your situation if you spend less time worrying and more time taking care of your real needs.
- **KEEP YOUR SENSE OF HUMOUR.** Begin to bring joy and happy moments into your life. Very few people suffer burnout when they're having fun.

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

Chapter 4

Advocacy Campaigns for Human Rights

Campaign strategies, lobbying, and advocacy work can be used as tools by human rights defenders in their work to defend the rights of others.

Campaigning aims at bringing about positive change, making people act on their commitments or to fulfil their duties and obligations. It can also be used to raise widespread awareness on a certain issue. This article seeks to provide a basic overview on how to design campaign strategies applicable to different issues and diverse organisational backgrounds.¹⁹

Campaigning on human rights is an essential way to seek an end to human rights violations and redress for those whose rights have been violated. Individuals and communities may stand up for their own rights (see the recent growth in citizen activism) or others may campaign on their behalf, especially where groups lack awareness of their own rights or the influence to demand change. According to Article 1 of the UN Declaration on Human Rights Defenders,²⁰ “[E]veryone has the right, individually and in association with others, to promote and to strive for the protection and realization of human rights and fundamental freedoms at the national regional and international levels.” In effect, everyone has the right to campaign for the rights of others as well as their own.

Planning a campaign

In order to campaign successfully, objectives must be set depending on what change you want to bring about. These objectives must be specific, measurable, achievable, realistic and time-bound. To find out how specific and measurable your objectives are, you must ask first yourself what you hope and expect will be different after the campaign.

¹⁹ Original article by Carol Magambo with updates by Rachel Nicholson.

²⁰ The Declaration’s full name is: Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms. It can be accessed via the Office of the United Nations High Commissioner for Human Rights: <http://www.ohchr.org/english/law/freedom.htm>

Secondly, research has to be carried out to inform your campaign strategy. Only a full understanding of the issues at stake will allow for an effective strategy to be developed. This allows you to define the problem you are trying to solve and to understand, for example, who is responsible for the violations and why are they happening. When researching you also must be able to answer questions like **what** is the message we are trying to communicate and **what** change do we want to see? **Why** do we want this to change? **Who** are we targeting – who are the stakeholders and duty bearers that have an influence on this issue? **How** shall we do this and **which** means are we to use? Is it going to be through the internet, telephone, media, lectures, debates demonstrations, exhibitions or preparation of a petition? **Where** are we going to target our efforts? Is it at the local, national, regional or international level? And lastly **when** will the campaign take place? When researching the campaign issues, one needs to establish the best way of achieving the objectives and what mixture to use of the different campaigning techniques which will be looked at later. A discussion within the campaign team on which methods to use will prove to be beneficial as advantages and disadvantages will have to be weighed.

Here is an example of a specific campaign, going step-by-step through the research and planning process.:

You are a civil society organisation in Uganda that wants to see the Domestic Relations Bill passed. You need to ask yourself, why do we want the Bill passed?

To accord women and men equality in matters relating to marriage, divorce and family property.

Why has it not been passed so far?

Due to resistance from some sections of society.

Who are the influential people in this context?

Parliamentarians, Ministers and staff of the Ministry of Gender.

Ok, so how do we persuade them to act?

Can that be done through signing of petitions, demonstrations or public rallies, or would private

advocacy through letters and meetings be more effective?

Who else is working on this issue - can we form networks with other civil society organisations? When is the best time to do this? The answers to these questions provide the foundations of your campaign strategy.

Campaigning can most often be characterised as a conversation with society, persuading people to take an unusual interest in supporting an action that may not directly benefit them. Campaigning aims to mobilise and motivate large numbers of people and if used well is a good tool for creating change. To begin any campaign there has to be awareness building i.e. establishing and making known that the problem exists. Secondly, there is need to get the public and all those concerned looking in the same direction and agreeing to what the problem is, who suffers, who is to blame and what possible solutions are there. Then, an appeal or call for the general public, concerned civil society organisations and all those concerned to join in has to be made and this requires a commonly available tool or mechanism before action is finally taken. In the case of campaigning against human rights violations, a human rights defender (HRD) first needs to empower or ensure that the target group (individuals or the general public) know their rights, acknowledge that their rights have been violated and that something has and most importantly **can** be done about it.

When embarking on a campaign to stop human rights violations, the HRD must know his/her targeted audience and be able to 'understand' them. To achieve this, it is important to carry out a "stakeholder analysis". There are those already 'converted' i.e. people who already know about the problem and want to see change. It is worth investigating where partnerships with other groups concerned by your topic and other networks can be formed. Then, there exists a group of those very difficult to reach with the information you want to convey because they assume to know everything on the subject matter in this case, human rights violations. Legislators may fall in this category. Time and energy should be spent to educate both these groups on the facts and benefits of the campaign.

Campaign communication plan/tools

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

Lobbying involves giving views and information to decision-makers in order to influence them toward the action you want. This often means contacting officials who make laws and policies, communicating desires and opinions, challenging the arguments of opponents, and demonstrating wide support for an issue.

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

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

targeted, how to phrase the message and how the different media houses operate. For example, there are radio stations that are more youth oriented and thereby reach a younger audience. Using them would mean your target group should be the youth. You also have to carry out a research on media outlets that cater for your target audience and find the contact details for appropriate journalists.

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

Celebrity support is another strategic tool of campaigning where a famous individual is used to help influence public opinion by lending credibility and image to an issue.

Online campaigning using the *internet* has become well-established in recent years as a way of sharing information and campaign messages with a wide audience. Online petition sites such as Avaaz have been used to considerable effect to mobilise wide support for specific campaigns and to enable supporters to take action swiftly.

This article would however not be complete without talking about social media, one of the newest and fastest developing campaigning tools available. See the inset on social media (Chapter 4.5) at the end of this chapter for a more in-depth discussion.

Unaffected by many of the constraints of traditional media, social media can reach an audience not tied to an immediate location. Social media also provides an opportunity to present information which the traditional media might not normally cover especially if it does not appear newsworthy to the media houses. It provides the chance to give the whole story and the opportunity for the user to give feedback or even engage in a dialogue with others by posting comments. The instantaneous nature of how social media spreads, not limited by publication deadlines and broadcast news slots, makes it one of the best tools for discussions of fast-changing situations. A recent example in which this was effectively used was during the recent uprising in the North Africa and Middle East. Videos, tweets, and Facebook posts were made to tell the world what was going on in these countries.

While using the internet or some forms of social media, online security must be taken into consideration²¹. These tools also have limits especially in terms of accessibility. Campaigners need the skills and equipment to create a website and not all people have access to the internet. The success of a website is also difficult to evaluate.

In practice it is advisable to use a range of campaigning tools to put across your message: for example, while some will be content signing a petition, others may want to express their position by taking part in a demonstration. This encourages diverse participation. A campaign slogan could also be a good idea because if you continue using the slogan over time, it becomes known and your campaign will be linked through the slogan.

When using any of the above campaigning tools, communicating the message in the right way is the key to success. You need to present your message in such a way that people can clearly understand what is your campaign all about and what you want to achieve. The message that you intend to pass on must be specific: for example 'end child sacrifice' rather than a general message like 'justice now', which doesn't explain who you want justice for or why. Your message and how it is presented must be clearly related to the purpose of the campaign and the intended audience: for example, a detailed report may be the best way to convince government to support a certain issue but may not work for the public to take action. Instead the public are likely to respond more to the human side of the issue. The information you are communicating must also be trusted and reliable. In addition, the timing of your communication is also important in terms of how much attention your issue will receive. For example releasing a press statement when the sale of prime land is making headlines might not be appropriate because your campaign will be overshadowed. When campaigning, human rights defenders should always remember that communication is a two way process, i.e. it requires active involvement of both parties. Be keen on receiving feedback to verify that the message was received as intended. This is a must for effective communication.

²¹ For a comprehensive resource on digital security see 'Security in a Box' by Front Line and Tactical Tech at <http://security.ngoin-abox.org/>

When designing a campaign strategy, you must provide practical and realistic solutions or recommendations to the problem that you seek to address. Usually these are suggestions of what you think should be done to achieve change and they can be directed towards different stakeholders. It is from there, that authorities can get ideas on how to address the situation and what direction to take.

In organising a campaign one must always have a crisis plan or a plan B just in case of an emergency. Brainstorming should be done on potential risks and how to handle a crisis situation. For example, as you carry out a demonstration, the police threaten to arrest you if you do not stop. This is where the plan B comes in because as a team you should have anticipated what possible emergencies could come in. In this case, do you end the whole campaign at that, call on influential supporters to protest the ban or call for a press conference to use the ban to further the publicity of your campaign?

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

Resource allocation

Campaigning often requires funds. The campaign team therefore needs to assess which financial and human resources are available to carry out the campaign. What resources do you have? Is there a chance to get further support from elsewhere? Who can help do the work given the fact that most people might work on the campaign in their spare time? These and many other questions should be asked during the planning phase of the

campaign as they determine the means and scale of the campaign since campaigning takes a lot of time and resources to prepare and execute. Again, partnerships may help as other HRD organisations can come in to help either financially or providing resource persons and equipments.

Impact evaluation

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

In summary, campaigning is worthwhile if it leads to real long term change. Sometimes it is hard to measure the impact of the campaign but that should not deter you. It offers a huge potential to achieve change for the better as it rallies public support and translates that support into action. When used well, campaigning can yield great results in combating human rights violations around the world and bringing perpetrators to book.²²

²² For further reading on campaigns read the Amnesty Campaigning Manual at <https://www.amnesty.org/en/library/info/ACT10/002/1997>(Arabic: <https://www.amnesty.org/en/library/asset/ACT10/002/1997/en/5d58f141-e8a4-4a23-bc17-224a7e12c756/act100021997ara.pdf>)

Chapter 4.5

Social Media for Human Rights

Social Media for Campaigning

Human rights defenders should become familiar with the usage of social media technologies and strategize how they can be used to meet campaigning goals. At the same time new technologies should be critically examined for their usefulness, allowing human rights defenders to make more informed decisions allocating time and resources during the execution of human rights campaigns.²³

Most campaigns are public by their nature however if, for any reason, your campaign deals with private information or is only targeted at a private community, you should reconsider your use of social media. Most social media material resides in the public domain, and some methods of securing your communications can be easily circumvented. Different social media sites use different methods for making communications private and they should be understood on their own merits.

Beyond considerations of privacy and security is the question of effectiveness. A well-worded campaign message spread through social media can't replace an official letter, a submission to a human rights mechanism, or a meeting with a duty-bearing stakeholder. Some campaigning goals are better met through traditional forms of advocacy.

What is social media?

Social media began through websites on which people could connect with friends and family and share personal communications with one another. As these social networks became increasingly popular they also became networks for the distribution of content. When a piece of content is particularly popular it is passed throughout the social network from person-to-person, exponentially increasing the audience for that content. When this happens the content is said to have 'gone viral'.

This raises the difference between traditional and social media. It concerns editorial decision-making and audience. In the case of traditional media, established media houses make the decisions of *what to say*, with *whose perspective*, and *how to promote it*, all through centralized editorial control.

²³ Written by Neil Blazeovic

Not only can media houses decide to report or not report a story, they choose the overall message and the impression the reader will be left with, and also decide if it is 'front page news' or a story to be buried in the middle of the paper.

Conversely, in the case of social media, content originates from various sources and is distributed according to decisions made by its audiences. If a reader within a social network enjoys a piece of content they may 'share' or 'like' the content and send it to the contacts in their own social network. If they are not interested by the content they may simply ignore it.

In this way, within large and chaotic social networks, relevant media can reach 'communities of interest' as individuals pass on only content which is of interest to them to other people with similar interests. As you engage social media for the purpose of human rights work, you should discover these communities of interest appropriate to your own field of work and strive to become a known member of those communities

Using Social Media

The tools of social media are always changing, with different networks gaining and reducing in popularity over time. MySpace, one of the great social media pioneers, dramatically lost popularity between 2005 when the company was purchased for \$580 million, and 2011 when it was sold again but at only \$35 million. At the time of publishing the most popular social networking sites include Facebook, Twitter, Youtube, LinkedIn, Reddit, Digg, and Google+.

Remember that different networks are useful for different purposes. Twitter specializes in very short text messages usually including links and keywords. Youtube specializes in online video while sites like Flickr or Picassa offer image services. LinkedIn is a social network for professionals while Facebook combines many types of media for both personal and professional communications.

Despite these differences among platforms, certain common strategies should be considered while formulating and implementing your social media strategy:

Identify yourself – in the ‘information overload’ of the world wide web, it is important to clearly represent your organization and your campaign so that it can be understood quickly and easily by a viewer. Choose a name which describes your work and avoid long acronyms. Attach your organizational or campaign logo to your online accounts and communications.

Become a trusted source – use your social media platform to spread your campaign message, your original content, and also to redistribute relevant content from other sources. By consistently sharing relevant content on the topic of your campaign, you will become a trusted source within the community of people interested in the same topic. In this way your campaign and organizational brand is strengthened and becomes a recognizable authority in your area of work.

Network and Interact – engaging in social media in a consistent way will bring you into better contact with like-minded organizations and individuals. You may find that you can interact with large organizations or high-profile personalities and decision makers if they use the same social media tool as you. When fruitful, take the conversation ‘behind closed doors’ and share key information or discuss collaboration via private messages, emails,

or phone calls. Social media is a forum in which you get back what you put in: the more you engage and interact the more others will respond and interact with you.

Be creative – social media is a new phenomenon and the site of much creativity. Be creative in the way you use social media tools for your human rights work. Do a multi-day awareness-raising campaign with different content prepared for each day. Invite your audience to respond with personal stories in video-blogs. Offer a prize for submissions of artworks, stories, or poetry. Brainstorm with your organization and also watch what other organizations are doing in their social media strategies.

Go offline – recognize that not all of your beneficiaries and stakeholders may be able to follow you on social media. Look at using SMS distribution through programs like FrontlineSMS to spread your message to beneficiaries and stakeholders through text messages. Encourage people to spread your message via word-of-mouth or to become community-level ambassadors for your campaign. Feed your social media activities and content into your traditional organizational strategies, and vice-versa.

Chapter 5

Women Human Rights Defenders – Need for Strategic Action

The crucial role played by women human rights defenders (WHRDs) has been increasingly recognized in recent years. However, their particular challenges and needs have not been entirely understood and addressed from outside or inside the human rights movement. This article aims at providing an overview on the situation and challenges of WHRDs as well as possible avenues for improved protection and support in the region of the East and Horn of Africa.²⁴

Challenges

The definition of women human rights defenders does not only encompass women who are human rights defenders but also may include men who defend the rights of women. As defined during the campaign on WHRDs launched in 2004,²⁵ “Women Human Rights Defenders’ are both women active in human rights defence who are targeted for *who they are* as well as all those active in the defence of women’s rights who are targeted for *what they do*.”²⁶

Women human rights defenders often face several challenges due to their being human rights defenders and being women and/or defending women’s rights. These come in the shape of continued discrimination engrained in statutory, customary and religious laws. The fact that women human rights defenders continue to operate in a highly male-dominated society that assigns women characteristics such as submissiveness, care-taking and obedience, makes it even more difficult to stand up for one’s own rights and those of others. Such actions are quickly considered a threat to the prevalent (patriarchal) order and dismissed as deviant and defying culture and tradition. The fact that it is still mainly men that shape the perceptions and values of communities and societies makes it easy to utilise this discursive power to portray these efforts as negative and harmful to society, so as to maintain the status quo.

24 Original article by Nora Rehmer, with updates by Lynsey Allan and Carina Raj Maria Jacobs

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

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

It is equally important to consider those men who are engaged in women’s rights movement and who are also targeted for challenging ‘gender norms’. The rights advocated for by women (and some men) such as equality in marriage, right to land and property ownership, right to healthcare and education etc., are often not considered relevant or valid. The response towards women human rights defenders therefore is often rejection and disapproval, leading to punishment and violence by families, communities and the wider society.

Examples from the sub-region

Kenya:

Examples supporting this argument are manifold, such as that of a WHRD who advocated against Female Genital Mutilation (FGM) in the Somali area of Kenya. After having her daughter forcefully circumcised by relatives, she started a campaign in her home area against this widespread cultural practice. She recalls,

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

Women who campaign against FGM still face significant challenges in their daily work. A positive development in Kenya however is the passing of the recent law against FGM.²⁷ The new law makes it illegal for FGM to be practiced and to take someone abroad for it to be performed.

27 BBC News Article “FGM: Kenya acts against unkindest cut” 8th September 2011. <http://www.guardian.co.uk/society/sarah-boseley-global-health/2011/sep/08/women-africa>

Members of the Kenyan Women Parliamentary Association (KEWOPA) said it was a historic day:

“I have fought for 18 years to achieve this legislation. Today is independence day for women. Men got their independence in 1963 - but today women have achieved independence from the cruel hands of society”²⁸ said Sophia Abdi Noor.

Although the legislation is an exceptional step forward, it takes more than just legislation to truly eradicate a practice that is so deeply embedded in a culture, and WHRDs continue to engage in this campaign.²⁹

Uganda:

In Uganda, women’s organisations; Akina Mama wa Afrika, Action Aid International Uganda, Isis-WICCE and Uganda Women’s Network attempted to stage a play entitled “Vagina Monologues”, that addressed the high incidence of sexual violence against women including genital mutilation, incest, and sexual abuse. The play which had been successfully staged in Kenya, was however, banned by the Media Council for allegedly glorifying what it called unnatural sex, i.e. masturbation, lesbianism and homosexuality. The Council’s action amounted to the restriction of freedom of expression and proof of the power of patriarchy that is still prevalent in most decision-making bodies. In the process of heated public debate, the organisers experienced hostility and defamation by government officials as well as other public figures. In a more recent incident, the Minister of Ethics and Integrity “advised” a leading hotel in Uganda not to provide a venue for a workshop on sex workers’ rights which led to the organisers being forced to relocate the workshop.

Ethiopia:

In 2001, the Ethiopian Government temporarily suspended the Ethiopian Women Lawyers Association (EWLA) and froze its accounts for what it called “engaging in activities different from those it was mandated by law”.³⁰ This occurred following EWLA’s criticism of the Ministry of

28 Ibid According to this news article at the time of the African Union summit in June which proposed prohibition of FGM, Benin, Ivory Coast, Djibouti, Egypt, Eritrea, Ethiopia, Ghana, Guinea, Niger, Nigeria, Kenya, Central African Republic, Senegal, Chad, Tanzania, Togo and Uganda already had legislation against it. There are nine countries (including those where it is illegal) it is still widely practiced: Djibouti, Egypt, Eritrea, Ethiopia, Guinea, Mali, Sierra Leone, Somalia and Sudan, 85% of women undergo mutilation.

29 IRIN News Article “Kenya: Legislation failing to curb FGM/C” 2nd June 2011. <http://www.irinnews.org/report.aspx?reportid=92869>

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

Justice for failure to effectively prosecute a perpetrator of ongoing domestic violence. EWLA, one of the few outstanding NGOs in Ethiopia working for equality and social justice, had to leave hundreds of cases of domestic violence unattended during the period of the suspension. The act of the Government constituted a clear infringement on the freedom of expression and right to disseminate information. However, EWLA was later able to achieve a reinstatement of its operation through a court verdict after the Minister of Justice was transferred to a different portfolio. Tactics such as this continue to be used by governments of the East and Horn of Africa. In response to this trend, the United Nations Special Rapporteur on the situation of human rights defenders, Margaret Sekaggya, addressed this issue within a report issued December 2010 in preparation for the 13th session of the Human Rights Council. The SR instructs that no state is permitted to implement measures of “intimidation, profiling, confiscation of assets, suspension of activities and exclusion from national consultative processes” on the basis of discrimination.

Gender-Based Challenges

A decisive challenge women human rights defenders face in their work is that the defender’s sexuality is often central to the campaign against their work. Often women human rights defenders are targeted in a way that aims at hurting them as women,³¹ such as sexual violence and rape. Minority rights defenders advocating for the rights of gays and lesbians have faced attacks and the threat of “curative” rape accompanies their work. ‘Sexuality-baiting’ is often used to “intimidate, humiliate, embarrass, stifle or discourage women from addressing issues of sexuality, sexual or other human rights.”³² This can take various shapes, most of them aiming at compromising the credibility and respect yielded by a defender. Labels such as *lesbian*, *alien* and *anti-culture* are used to discredit and de-legitimise the rights they are fighting for, as well as their right to speak out. The persistent tabooing of sexuality and sexual rights works as a support for those attempting to silence women human rights defenders.

Impunity for perpetrators

Acts violating the rights of WHRDs target individual woman human rights defender as well

31 A/HRC/16/44, Special Rapporteur on the Situation of Human Rights Defenders Margaret Sekaggya’s Report to the Human Rights Council 20th December 2010. Found at paragraph 87 page 17. The report refers to a communication sent in 2005 from the Central African Republic about an attempted rape of a woman defender’s daughter, and the threatened rape of an LGBT activist in Kenya.

32 Supra n. 6 page 8

as organisations advocating for women's rights. Perpetrators of discrimination and outright violation of the defenders' rights range from State³³ to non-State actors including members of the community and the defenders' families. Holding violators accountable, poses a difficult task in an environment often generally hostile to women human rights defenders or the rights they defend. Though most of the governments of the sub-region subscribe to international human rights standards, their compliance is arbitrary and guided by political agendas. The support of "women's issues" by some governments is often revealed to be superficial and opportunistic without efficiently addressing the root causes of persisting discrimination and inequality. Women's continued marginalised position in society aggravates their ability to take violators of their rights to justice. This is the truer for women human rights defenders who have transgressed allegedly common rules by speaking out on rights and entitlements. Authorities can use their power in various ways such as withholding the registration of an organisation on basis of their areas of engagement, protracted lawsuits and outright harassment by security agents. Though the international system is built on the accountability and obligations of states towards their citizens, this is often difficult to be enforced. The weakness of the international community in exerting pressures on state violators is often revealed in its lack of influence in so-called issues of national concern that are evoked by pointing to the sovereignty of a state. Within her report, SR Margaret Sekaggya specifically acknowledged the role of the State and the alarming incidents communicated in which state perpetrators appear to target women and minority rights defenders.

In addition, defenders also experience violations from non-state actors. This term embraces a wide range of actors such as family and community, private corporations, media workers, armed groups, fundamentalist organisations and international financial institutions. Unfortunately, the current international legal system remains weak in its provisions on accountability of these actors and their actual enforcement. States' obligation to protect its citizens and therefore also WHRDs is and can often not be fulfilled. Hence, the perpetrators often act with impunity. Radical political and/or

33 Supra n.12 at paragraph 107, page 20. "The Special Rapporteur is concerned at the large number of violations which appear to be perpetrated by agents or representatives of the State, including police officers, military, Government officials and the judiciary. These violations reportedly include arrest, mistreatment, torture, criminalization, wrongful sentencing but also stigmatization, threats, death threats and killings."

religious forces often infringe on civilians' rights and establish a rule of law that deliberately limits basic freedoms of communities. Women are often targeted on basis of their sex and their communal role. Especially in situations of armed conflict and secession, non-state actors are among the main perpetrators of rights violations. Women are often attacked and humiliated based once again on their role as life-giver and symbol of communal honour. Women human rights defenders working in situations of armed conflicts face the increased challenge of being a defender and a woman and are thereby vulnerable to gender-specific attacks. Defenders are singled out for attacks to illustrate the risk of speaking out and thereby deter other community members from following their footsteps. However, if it is the immediate family or community that violates the rights of a woman human rights defender, accountability and redress become even more difficult by the inclusion of emotional and social dependencies. The negative effect of their human rights defence work on family and children and the negative attitude of spouses, may limit women's willingness to speak out. Fear of rejection and being ostracised by the community may easily influence a defender's outspokenness on a sensitive issue. Ordinarily, little alternative safe havens are available to a defender when having come under threat other than their own home. Acts of physical and sexual violence from within the family caused by a woman's work as a defender will often be handled as a "domestic issue" by authorities with little or nothing done to persecute the perpetrators. It is because of these prevailing conditions, that improving accountability of non-state actors and the recognition of the rights of women human rights defenders to defend the rights of others remains a major challenge.

Small steps towards change

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

However, it seeks to provide some ideas for action intending to address the specific vulnerabilities of WHRDs in a long term perspective.³⁴ The international campaign on WHRDs mentioned above is a good example of attempting to create change collectively. It emerged out of networking efforts between women's rights groups and human rights organisations, thereby bringing together expertise and motivation from different backgrounds. It is the campaign's declared aim to support human rights defenders all over the world in their struggle of promoting the rights of others. However, the campaign intends to focus on those defenders that are at risk because of their sex and/or gender identity. To achieve this, emphasis will be put on "developing collective analytical and political strategies for strengthening the defence of women human rights defenders within a broader context of reaffirming internationally recognised commitments to democratic principles and universal human rights and freedoms." Broken down, this is to mean that national and international efforts have to be maintained side by side to give consideration to national particularities and at the same time utilize the strength of an international movement in initiating and pushing for change. Practically this means that WHRDs need to organize themselves. On a national level the challenge is to unite WHRDs and together identify the obstacles they face on basis of their work and their sex. This has to happen with reference to the existing social, legal, political and cultural framework within which WHRDs operate and which at the same time determines their discrimination and vulnerabilities. Only by a clear analysis of the root causes of discrimination and insecurity can meaningful instruments for change be developed. National consultation meetings such as those that were held in Togo or Nepal³⁵ might be one option to bring together WHRDs for analysis and strategic planning. However it appears crucial to involve the wider national human rights movement in any action either as target of a campaign or partner for change. Creating general acceptance and support among the wider human rights defenders movement on the validity of WHRDs' claims to be equal partners in the defense of human rights should be one of the objectives.

The avenues chosen to address the causes of WHRDs' particular vulnerabilities very much depend

34 Other sections of the book provide advise how to treat individual security concerns. See chapters "Human Rights Defenders Under Threat: A Field Security Approach to their Work" and "International and Regional Instruments for the Protection of Human Rights Defenders".

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

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

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

However, legal reform cannot be the sole solution. Such change needs to go hand in hand with targeting the mentality and structures that help to perpetuate currently existing inequalities and notions of masculinity and femininity. WHRDs' recurrent difficulties experienced from and within their own communities and families on basis of their work call for additional measures targeting beliefs sanctioned by tradition and culture. Therefore, taking campaigns and sensitization to communities is essential.

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

Several organizations are currently providing support for the protection of WHRDs. Among them

Front Line and Urgent Action Fund for Women whose contact details and brief outline of their field of work can be found in the annexe of the book.

Recognition

The creation of various initiatives to recognise and honour the courageous work of HRDs can be utilised to benefit the campaign for visibility and recognition of WHRDs and their specific challenges. Human rights awards³⁶ granted to women human rights defenders can serve as an important motivation in their work, which not only serves their individual cause but also holds opportunity to enhance the visibility of WHRD's achievements and challenges.

An example of such an initiative is the International Women of Courage Award which was presented by First Lady Michelle Obama and Secretary of State Hillary Clinton in 2010.³⁷ The award was presented to a Kenya Lawyer Ann Njogu the Chairperson of CREAW, a legal clinic that offers legal aid and workshops about women's rights to poor women from rural areas. Amongst other human rights initiatives, Ann also helped campaign for a new constitution and worked on projects on sexuality, widow inheritance and bride price. As a part of her work, Ann has experienced the dark side of promoting women's rights; she has been threatened, arrested and assaulted. Despite all this, Ann still chooses to continue with her work, exhibiting a strong dedication to human rights.

All in all, it is essential for WHRDs themselves to recognise and actively address challenges. This can best be done by joining hands to develop appropriate strategies to combat inequalities inherent in society, yet unfortunately also visible in the human rights movement. Getting fellow human rights defenders aboard, would benefit the cause, by drawing on their potential and widening the scope of influence. Recognition of WHRDs' specific challenges by State and non-State actors should furthermore be a centrepiece of human rights advocacy by international organisations and other relevant actors in forums such as the UN Human Rights Council. Only a strategy waged on all fronts will yield sustainable results in the long-term perspective.

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

37 Human Rights Watch, "Defending Women in Kenya" 19th April 2010. <http://www.hrw.org/en/news/2010/04/19/defending-women-kenya> (Accessed 1/12/11)

Chapter 6

Defending Sexual Minorities

The issue of sexual minorities remains extremely sensitive in Africa. Lesbian, gay, bisexual, transgender and Intersex (LGBTI) activists face serious threats from governments as well as society in general due to the cause they are advancing. Currently, these activists still lack support from the wider human rights movement itself, something that is grossly demoralising. The LGBTI movement therefore, faces numerous external challenges. However, there are internal structural and ideological challenges that also hamper its capacity to drive its issues in a strategic and controlled manner. This article seeks to give an overview on LGBTI issues by providing definitions and describing challenges of activists working in this field, as well as linking their work to the wider efforts of human rights defenders and their rights.³⁸

Terminology

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

The acronym LGBTI also includes variations of gender identity in the term ‘transgender’. *Transgender* refers to individuals whose gender identity does not fit into the male/female categories usually placed on people at birth. In fact, the meanings, expectations, and obligations attached to the *gender* categories “male” and “female” are constructed by society. In comparison, the biological term *sex* refers to the physiological condition of having male or female sexual organs. At or before birth, children are named as male or female depending on the way family, birth attendants, and/or doctors view their genitals. Transgender people psychologically, physically, emotionally, sexually and/or spiritually either feel they are a different

gender than the one they were assigned at birth or cannot reconcile their own identity to either gender category.³⁹ *Intersex* persons are individuals “whose sex is unclear based on sex organs or chromosomal structure. There are many different conditions and diagnosis that belong to and are grouped with this term. It is a biological syndrome.”⁴⁰

Challenges of LGBTI individuals

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

Challenges faced by LGBTI individuals on the basis of their sexual orientation and gender identity among others include:

- Discrimination in accessing employment, health care, information and security;
- Torture, arbitrary detention and degrading treatment as a violation of one’s right to liberty and humane treatment;
- State-sanctioned assault by family members, relatives, “friends”, employers, and prison-mates. Lesbian and bisexual women face high levels of

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

40 As defined by the Swedish Federation for Lesbian, Gay, Bisexual and Transgender Rights. Found at <http://www.rfls.se/?p=3307>

38 Original article by Nora Rehmer, with updates by Lynsey Allan and Carina Raj Maria Jacobs

rape by heterosexual men. Gays are often raped in prison by heterosexual men;

- Denial of the right to justice and remedy;
- Extortion using threats of revealing someone's sexual orientation in return for money, assets and/or sexual favours, which increases their emotional, economical and physical vulnerability;
- Defamation and baiting

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

These individuals also often face violence and arbitrary violation of their rights such as torture, rape, detention, harassment and defamation solely due to their sexual orientation/identity. Basic rights enshrined in the Universal Declaration on Human Rights and the country's constitutions are denied to those openly or allegedly being homosexual or transgender. "[V]iolence against lesbian, gay, bisexual and transgender persons is frequently unreported, undocumented and goes ultimately unpunished. [...] This shameful silence is the ultimate rejection of the fundamental principle of universality of rights. [...] Excluding LGBT individuals from these protections clearly violates international human rights law as well as the common standards of humanity that define us all", says UN High Commissioner for Human Rights, Louise Arbour.⁴¹

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

treatment. As a result, this group has remained potentially high-risk.⁴²

In 2006 a Ugandan tabloid, *The Red Pepper* published a list of names, places of work, and areas of residence of alleged gays, inciting fear within the LGBTI community and clearly violating their rights as individuals to privacy. The publication thereby stirred a polemic and homophobic discussion, carried out in the newspapers and joined by high-ranking politicians and religious leaders calling for the prosecution of homosexuals.⁴³ In 2010, Uganda's *Rolling Stone* paper also published a list of individuals "outing" them to the public and called for them to be hanged. Several of the individuals whose photos were published were harassed as a result.⁴⁴ Activists took the newspaper to court and were rewarded compensation for defamation. By 2011, the culture of 'outing' individuals of a different sexual orientation had culminated in a tragic death. A prominent Ugandan LGBTI activist David Kato, who was one of the individuals that had been mentioned in the article published by the *Rolling Stone* paper was brutally murdered in January 2011.⁴⁵

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

The silence of mainstream human rights defenders on these issues has proven a challenge in advancing the notion of the universality of human rights.

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

⁴¹ Presentation of the Office of the United Nations High Commissioner for Human Rights Ms. Louise Arbour to the International Conference on LGBT (Lesbian, Gays, Bisexual and Transgender) Human Rights; Montreal, 26 July 2006.

⁴² For example: International Gay and Lesbian Human Rights Commission (2007) Off the Map. How HIV/AIDS Programming is Failing Same-Sex Practicing People in Africa. <http://www.iglhrc.org/files/iglhrc/otm/Off%20The%20Map.pdf>

⁴³ Human Rights Watch (2006) "Uganda: Press Homophobia Raises Fears of Crackdown. Government Campaign Against Gay and Lesbian Community Escalates", September 8, 2006 <http://www.hrw.org/news/2006/09/07/uganda-press-homophobia-raises-fears-crackdown>

⁴⁴ BBC News Article "Attacks reported on Ugandans newspaper 'outed' as gay", 22 October 2010 <http://www.bbc.co.uk/news/world-africa-11608241>

⁴⁵ BBC News Article "Uganda gay rights activist David Kato killed", 27th January 2011, <http://www.bbc.co.uk/news/world-africa-12295718>

Legal Protection

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

It declared that the provisions in Article 2(1) of the International Convention on Civil and Political Rights 1966 (ICCPR) on non-discrimination on basis of “sex” are to include an individual’s sexual orientation.⁴⁶

Article 2(1) of the ICCPR:

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

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

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

Article 26 of the ICCPR:

All persons are equal before the law and are entitled without any discrimination to the equal protection of the law. In this respect, the law shall prohibit any discrimination and guarantee to all persons equal and effective protection against discrimination on any ground, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

⁴⁶ With reference to the case *Toonen vs. Australia*, Communication No. 488/1992, UN Doc CCPR/C/50/D/488/1992, 4 April 1994.

The provisions of the African Charter on Human and Peoples’ Rights 1986 guarantees:

*Every individual shall be entitled to the enjoyment of the rights and freedoms recognized and guaranteed in the present Charter without distinction of any kind such as race, ethnic group, color, sex, language, religion, political or an other opinion, national and social origin, fortune, birth or any other status.*⁴⁷

In light of Article 60⁴⁸ of the Charter that allows for an inspiration from provisions of international human rights law, and instruments adopted within the United Nations, this means that its decisions should be guided by jurisprudence decided in similar human rights bodies.

In 2006, the Yogyakarta Principles⁴⁹ were established, as an interpretive guide of the application of international human rights law to sexual orientation and gender identity. It encompasses existing international human rights law, and applies it to sexual orientation and gender identity. For example, Principle 6 on the right to privacy reads:

*Everyone, regardless of sexual orientation or gender identity, is entitled to the enjoyment of privacy without arbitrary or unlawful interference, including with regard to their family, home or correspondence as well as to protection from unlawful attacks on their honour and reputation. The right to privacy ordinarily includes the choice to disclose or not to disclose information relating to one’s sexual orientation or gender identity, as well as decisions and choices regarding both one’s own body and consensual sexual and other relations with others.*⁵⁰

⁴⁷ Article 1 of the African Charter on Human and Peoples’ Rights 1986

⁴⁸ “The Commission shall draw inspiration from international law on human and peoples’ rights, particularly from the provisions of various African instruments on human and peoples’ rights, the Charter of the United Nations, the Charter of the Organization of African Unity, the Universal Declaration of Human Rights, other instruments adopted by the United Nations and by African countries in the field of human and peoples’ rights as well as from the provisions of various instruments adopted within the Specialized Agencies of the United Nations of which the parties to the present Charter are members.”

⁴⁹ Available at <http://www.yogyakartaprinciples.org/>

⁵⁰ Principle 6: http://www.yogyakartaprinciples.org/principles_en.htm

On the 15th of June 2011, the Human Rights Council during its seventeenth session adopted a Resolution⁵¹ on sexual orientation and gender identity. The strength of this resolution is its reaffirmation of previous resolutions on the promotion and protection of human rights without discrimination, as well as deciding to convene a panel discussion⁵² on this issue during the 10th session of the Human Rights Council.

LGBTI activism

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

Internal division and conflict among LGBTI activists on the prioritisation of issues and which methods to use for advancing LGBTI rights weakens their efficiency.⁵³ It is therefore essential that **LGBTI activists are supported in conflict resolution and**

51 Resolution on Human Rights, Sexual Orientation and Gender Identity. A/HRC/17/L.1/Rev.1. United Nations General Assembly of the Human Rights Council, seventeenth session. 15 June 2011. (<http://daccess-dds-ny.un.org/doc/UNDOC/LTD/G11/141/94/PDF/G1114194.pdf?OpenElement>)

52 Ibid paragraph 2 "Decides to convene a panel discussion during the 19th session of the Human Rights Council, informed by the facts contained in the study commissioned by the High Commissioner and to have constructive, informed and transparent dialogue on the issue of discriminatory laws and practices and acts of violence against individuals based on their sexual orientation and gender identity."

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

strategic planning to allow for a bundling of efforts

and strengths in addressing the current challenges faced by sexual minorities. Further challenges are created from within the movement through mistrust, betrayal and abuse of authority caused by extreme social and economic marginalisation, lack of opportunities that force many to put their individual survival ahead of the wider struggle as well as negative effects of donor conduct. The latter, often comes in form of inadequate research upon which funds are allocated, insufficient assessment of individuals' track record of managerial competence, as well as unrealistic expectations in terms of outcomes and documentation with regard to the capacity of organisations. These issues can only be addressed through an intensified dialogue with all stakeholders involved, to strengthen the potential of the movement to deal with its massive external challenges.

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

To achieve change, LGBTI activists need to address the obstacles spelt out above in a strategic manner. More recently they have received stronger support from within the human rights movement in their advocacy and campaigns to revoke discriminatory legislation and practice however a lot remains to be done.

Besides building strong partnerships with civil society, LGBTI activists should exhaust the formal avenues available with international bodies, such

as the United Nations or the African Commission on Human and Peoples' Rights. The United Nations' system of Treaty Bodies⁵⁴ and Special Procedures,⁵⁵ holds potential to "monitor the compliance of States with international human rights law and to make recommendations accordingly. The analysis and conclusions of the Special Procedures and Treaty Bodies can lead in turn to changes in national law and practice, as states endeavour to bring their laws and policies in line with international standards. [...] The submission of individual cases and briefings which demonstrate patterns of violations relevant to LGBTI rights can also result in the Treaty Bodies and Special Procedures giving attention to this area of human rights protection, including through the development of jurisprudence."⁵⁶ To be able to take action and put pressure on Governments, the Treaty Bodies and Special Procedures require credible and objective information upon which to base their recommendations. This can be supplied by international, regional or local organizations by following established procedures. Amnesty International has developed a document entitled, "The Human Rights of Lesbian, Gay, Bisexual and Transgender People: A primer to working with the United Nations Treaty Monitoring Bodies and the Special Procedures of the United Nations Commission on Human Rights"⁵⁷ detailing the potential and procedures for LGBT activists in using these mechanisms in their advocacy work.

Similar procedures are available with the African

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

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

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

57 Ibid.

Commission on Human and Peoples' Rights (ACHPR). Article 55 allows for the submission of complaints over violations of provisions as stipulated in the African Charter by a state party (referred to as Communication) to the Commission by an individual or an organization as long as the complaint is compatible with the African Charter and national remedies have been exhausted where possible (Article 56(5)).⁵⁸ The Commission will then decide on the admissibility of the complaint. If admitted, it will communicate to the respective State, which is requested to respond with an explanation on the case and steps taken for remedy. Upon consultation, the AU Assembly may ask the Commission to publish its results and provide recommendations. If a massive violation seems to appear, further investigations can be ordered. The various Special Rapporteurs have encouraged individuals, activists and organizations to report cases of violations to allow for further investigation and engagement with States on redress. Using Observer Status with the African Commission to prepare reports countering or seeking to correct reports provided by member States, is another mechanism that can be used to seek redress for violations and advocate for the respect of rights on the regional level.⁵⁹ A Government report was recently responded to by the International Gay and Lesbian Human Rights Commission (IGLHRC) and Sexual Minorities of Uganda (SMUG) in "Report on the Rights of Lesbian, Gay, Bisexual and Transgender People in the Republic of Uganda, under the African Charter on Human and Peoples' Rights".⁶⁰ This shadow report was presented to the African Commission during the 40th Session in November 2006 in response to the Periodic Report prepared by the Government of Uganda as presented during the 39th Session. Such shadow reports provide an opportunity to rectify factual wrongs in relation to rights violations perpetrated by the State against LGBTI individuals and fills gaps in relation to LGBTI issues apparent in the periodical reports by States. Recommendations on how the State in question, is to act to rectify the problems, are part of the lobbying strategy that then includes the other members of the African Commission in holding the said member State accountable.

58 See Amnesty International (2006) *A Guide to the African Charter on Human and Peoples' Rights*. AI Index: IOR 63/005/2006. <http://web.amnesty.org/library/Index/ENGIO R630052006?open&of=ENG-373>

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

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

An NGO that has sought observer status before the African Commission is the Coalition of African Lesbians (CAL). The application for observer status⁶¹ was filed back in 2008, two years later on October 25th 2010, their application was denied. The African Commission failed to give a reason as to why the application was denied after having been deferred twice before.

World Social Forum

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

Martin Ennals Award for Human Rights Defenders 2011

At the age of 21, Kasha Jacqueline Nabagesera became involved in working with gay rights in Uganda. Since then she has been a powerful spokesperson for LGBTI rights. Kasha was one of the first individuals to openly speak out about her sexual identity. In 2007 after speaking about respect and tolerance of homosexuals at the World Social Forum in Kenya, she was harassed. She is the Founder and Executive Director of Freedom and Roam Uganda (FARUG). Kasha's name also appeared in the Rolling Stone publication earlier last year. In 2011, Kasha was made the honorary recipient of the Martin Ennals Award for Human Rights Defenders. Despite facing public harassment, Kasha has maintained a steadfast dedication to defending LGBTI rights.

LGBT activists however, have to carefully assess the situation in their respective countries. The first challenge is to find trustworthy, dedicated partners, to agree on what is to be achieved within a given national setting, and to determine how that can be most effectively done. It is essential to identify likely supporters of one's cause, which often are selected local women's organizations, international human rights organizations, donor organizations, staff of international organizations, and diplomatic missions. Forming an alliance with such organisation could have negative consequences as well as

positive ones. Benefiting from their social, political and economic power can help in publicizing and to some extent legitimize LGBTI issues. However, with regards to openly involving international organizations in local struggles, the self-motivation, genuineness and dedication of local activists should not be overshadowed by international support, as the argument of homosexuality being "alien" and "non-African" is still rife. Activists should therefore enter strategic alliances with supporters taking into account all possible effects and utilize these alliances more on the legislative and policy-making level. Donors and international organizations on the other hand should make it a point to involve an LGBTI component in their activities wherever possible. For example, inviting LGBTI activists to workshops and trainings will not only enhance their ability to defend the rights of LGBTI individuals but also communicate to fellow activists their views and allow them to get to know the human factor that is often left out in the discussion about homosexuality. By including LGBTI individuals in sexual healthcare, and HIV/AIDS programmes, organizations can try to combat the neglect that this group has experienced in this area and that has enhanced their vulnerability even further.

Getting support from local civil society is the biggest challenge LGBTI activists face in the current setting throughout the East and Horn of Africa. Their persistent marginalization within the national human rights movements denies them legitimacy in the eyes of the public and the State and helps to abet the crimes perpetrated against LGBTI individuals. Meeting on neutral grounds with civil society members for sensitization can be the start for a more positive attitude. Involving policy-makers and legislators in such forums at a later stage will allow for lobbying to decriminalize homosexuality. Advancing arguments from a human rights and legal perspective in a professional manner, with the support of civil society and if possible national human rights institutions, e.g. Human Rights Commissions, can contribute to fresh and more humane perspectives on the issues at stake and allow for a dialogue.

In 2009 the Civil Society Coalition for Human Rights and Constitutional Law was formed in Uganda in response to the Anti-Homosexuality Bill being presented to Parliament by Hon. David Bahati. The Coalition is comprised of LGBTI and so called mainstream organisations seeking to block the passing of the Bill as well as working towards full recognition and respect for sexual rights of all Ugandans. To date, the Bill has not been passed which can largely be credited to international

61 http://www.defendingwomen-defendingrights.org/cal_application.php

pressure and the tireless work of the Coalition and its partners.

Educating the wider public is to be well-planned taking into account the prevalent religious and cultural beliefs that are widely held. Promoting LGBTI issues from a certain angle that is likely to find the most receptiveness is vital to make an in-road into people's minds. Amnesty International in its "Campaigning Manual"⁶² devotes a chapter on how to campaign on LGBTI rights.⁶³ A study conducted by Urgent Action Fund for Women's Human Rights entitled "LGBTI Organizing in East Africa: The True Test for Human Rights Defenders"⁶⁴ provides lessons learnt from LGBTI activism in Southern Africa and gives recommendations on how to advance the cause of LGBTI rights in the East African setting. In 2010 Protection International published a manual for LGBTI activists entitled "Protection Manual for LGBTI Defenders"⁶⁵ which helps to identify security threats that are specific to LGBTI defenders, and offers practical steps on how to improve personal security. Also in 2010, G-Kenya Trust published "My way, your way, or the RIGHT way?"⁶⁶, a handbook describing the rights compiled in the Yogyakarta principles as relevant in the Kenyan context.

In summary, LGBTI individuals face violations of their basic human rights throughout the East and Horn of Africa. For their advocates, defenders of LGBTI rights, there are many challenges to achieving general acceptance of LGBTI rights as human rights though progress has been made in recent years. As these challenges are met with cooperative action by both mainstream and LGBTI human rights defenders, the violations of LGBTI rights such as discriminatory legislation and treatment can be addressed much more effectively.

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

63 See also the article on campaigning in this publication.

64 Urgent Action Fund for Women's Human Rights.

65 Available at: <http://www.protectionline.org/Protection-Manual-For-LGBTI.html>

66 G-Kenya Trust (2010). My way, your way, or the RIGHT way?. Nairobi. Available at: www.gaykenya.com/GKTBOOK.pdf

Annex 1

African Commission: Resolution on the Protection of Human Rights Defenders in Africa (2004)

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

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

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

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

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

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

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

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

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

Recalling its decision to include on its agenda the situation of human rights defenders and to nominate a focal point on human rights defenders; **Now decides to appoint** a Special Rapporteur on human rights defenders in Africa for a period of two years with the following mandate:

- to seek, receive, examine and to act upon information on the situation of human rights defenders in Africa;
- to submit reports at every Ordinary Session of the African Commission;
- to cooperate and engage in dialogue with Member States, National Human Rights Institutions, relevant intergovernmental bodies, international and regional mechanisms of protection of human rights defenders, human rights defenders and other stake holders;
- to develop and recommend effective strategies to better protect human rights defenders and to follow up on his/her recommendations;
- to raise awareness and promote the implementation of the UN Declaration on Human Rights Defenders in Africa;
- Further decides to nominate Commissioner Jainaba Johm as the Special Rapporteur on Human Rights Defenders for the current duration of her mandate within this Commission;
- Reiterates its support for the work carried out by human rights defenders in Africa;

- Calls upon Member States to promote and give full effect to the UN Declaration on Human Rights Defenders, to take all necessary measures to ensure the protection of human rights defenders and to include information on measures taken to protect human rights defenders in their periodic reports;
- Invites its members to mainstream the issue of human rights defenders in their activities;
- Urges Member States to co-operate with and assist the Focal Point in the performance of his/her tasks and to provide all necessary information for the fulfilment of his/her mandate;
- Requests the African Union to provide adequate resources, assistance and support in the implementation of this Resolution.

Banjul, The Gambia, 4 June 2004

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 (1998)

The General Assembly,

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

Reaffirming also the importance of the Universal Declaration of Human Rights and the International Covenants on Human Rights¹ as basic elements of international efforts to promote universal respect for and observance of human rights and fundamental freedoms and the importance of other human rights instruments adopted within the United Nations system, as well as those at the regional level,

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

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

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

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

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

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

Declares:

Article 1

Everyone has the right, individually and in association with others, to promote and to strive for the protection and realization of human rights and fundamental freedoms at the national and international levels.

Article 2

1. Each State has a prime responsibility and duty to protect, promote and implement all human rights and fundamental freedoms, inter alia, by adopting such steps as may be necessary to create all conditions necessary in the social, economic, political and other fields, as well as the legal guarantees required

¹ Resolution 2200 A (XXI), annex.

to ensure that all persons under its jurisdiction, individually and in association with others, are able to enjoy all those rights and freedoms in practice.

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

Article 3

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

Article 4

Nothing in the present Declaration shall be construed as impairing or contradicting the purposes and principles of the Charter of the United Nations or as restricting or derogating from the provisions of the 23

Universal Declaration of Human Rights, the International Covenants on Human Rights and other international instruments and commitments applicable in this field.

Article 5

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

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

Article 6

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

- (a) To know, seek, obtain, receive and hold information about all human rights and fundamental freedoms, including having access to information as to how those rights and freedoms are given effect in domestic legislative, judicial or administrative systems;
- (b) As provided for in human rights and other applicable international instruments, freely to publish, impart or disseminate to others views, information and knowledge on all human rights and fundamental freedoms;
- (c) To study, discuss, form and hold opinions on the observance, both in law and in practice, of all human rights and fundamental freedoms and, through these and other appropriate means, to draw public attention to those matters.

Article 7

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

Article 8

1. Everyone has the right, individually and in association with others, to have effective access, on a non-discriminatory basis, to participation in the government of his or her country and in the conduct of public affairs.

2. This includes, inter alia, the right, individually and in association with others, to submit to governmental bodies and agencies and organizations concerned with public affairs criticism and proposals for improving their functioning and to draw attention to any aspect of their work that may hinder or impede the promotion, protection and realization of human rights and fundamental freedoms.

Article 9

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

Article 10

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

Article 11

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

Article 12

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

Article 13

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

Article 14

1. The State has the responsibility to take legislative, judicial, administrative or other appropriate measures to promote the understanding by all persons under its jurisdiction of their civil, political, economic, social and cultural rights.
2. Such measures shall include, inter alia:
 - (a) The publication and widespread availability of national laws and regulations and of applicable basic international human rights instruments;
 - (b) Full and equal access to international documents in the field of human rights, including the periodic reports by the State to the bodies established by the international human rights treaties to which it is a party, as well as the summary records of discussions and the official reports of these bodies.
3. The State shall ensure and support, where appropriate, the creation and development of further independent national institutions for the promotion and protection of human rights and fundamental freedoms in all territory under its jurisdiction, whether they be ombudsmen, human rights commissions or any other form of national institution.

Article 15

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

Article 16

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

Article 17

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

Article 18

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

Article 19

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

Article 20

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

European Union Guidelines on Human Rights Defenders (2008)

i. Purpose

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

ii. Definition

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

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

iii. Introduction

4. The EU supports the principles contained in the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognised Human Rights and Fundamental Freedoms. Although the primary responsibility for the promotion and protection of human rights lies with States, the EU recognises that individuals, groups and organs of society all play important parts in furthering the cause of human rights. The activities of human rights defenders include:

- documenting violations;
- seeking remedies for victims of such violations through the provision of legal, psychological, medical or other support;
- combating cultures of impunity which serve to cloak systematic and repeated breaches of human rights and fundamental freedoms; and
- mainstreaming human rights culture and information on human rights defenders at national, regional and international level.

5. The work of human rights defenders often involves criticism of government policies and actions. However, governments should not see this as a negative. The principle of allowing room for independence of mind and free debate on a government's policies and actions is fundamental, and is a tried and tested way of establishing a better level of protection of human rights. Human rights defenders can assist governments in promoting and protecting human rights. As part of consultation processes they can play a key role in helping to draft appropriate legislation, and in helping to draw up national plans and strategies on human rights. This role too should be recognised and supported.

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

iv. Operational Guidelines

7. The operational part of these Guidelines is meant to identify ways and means of effectively working towards the promotion and protection of human rights defenders, within the context of the Common Foreign and Security Policy.

Monitoring, reporting and assessment

8. EU Heads of Mission are already requested to provide periodic reports on the human rights situation in their countries of accreditation. The Council Working Party on Human Rights (COHOM) has approved the outline of fact sheets to facilitate this task. In line with these fact sheets Missions should address the situation of human rights defenders in their reporting, noting in particular the occurrence of any threats or attacks against human rights defenders. In this contexts HoMs should be aware that the institutional framework can have a major impact on the ability of human rights defenders to undertake their work in safety. Issues such as legislative, judicial, administrative or other appropriate measures, undertaken by States to protect persons against any violence, threats, retaliation, de facto or de jure adverse discrimination, pressure or any other arbitrary action as a consequence of their legitimate exercise of any of the rights referred to the UN Declaration on Human Rights Defenders are all relevant in this regard.

9. The EU Heads of Mission are requested to deal with the situation of human rights defenders at meetings of local working groups on human rights. Where it is called for, HoMs should make recommendations to COHOM for possible EU action, including condemnation of threats and attacks against human rights defenders, as well as for demarches and public statements where human rights defenders are at immediate or serious risk. HoMs may decide to conduct an urgent local action to support human rights defenders who are at immediate or serious risk, and to report on their action to COHOM and other relevant working parties with recommendations concerning the scope for following up the European action. HoMs should also report on the effectiveness of EU action in their reports. Furthermore, Missions should pay particular attention to the specific risks faced by women human rights defenders.

10. The HoM reports and other relevant information, such as reports and recommendations from the Special Rapporteur on Human Rights Defenders, other UN Special Rapporteurs and Treaty bodies and the Commissioner for Human Rights of the Council of Europe as well as non-governmental organisations, will enable COHOM and other relevant working parties to identify situations where EU action is called for and decide on the action to be taken or, where appropriate, make recommendations for such action to PSC/ Council.

Role of EU Missions in supporting and protecting human rights defenders

11. In many third countries, EU Missions (Embassies of EU Member States and European Commission Delegations) are the primary interface between the Union and its Member States and human rights defenders on the ground. They therefore have an important role to play in putting into practice the EU's

policy towards human rights defenders. EU Missions should therefore seek to adopt a proactive policy towards human rights defenders. They should at the same time be aware that in certain cases EU action could lead to threats or attacks against human rights defenders. They should therefore, where appropriate, consult with human rights defenders in relation to actions which might be contemplated. If action is taken on behalf of the EU, EU Missions should provide feedback to human rights defenders and/or their families. Measures that EU Missions could take include:

- preparing local strategies for the implementation of these guidelines, with particular attention to women human rights defenders. EU Missions will bear in mind that these Guidelines cover human rights defenders who promote and protect human rights, whether civil, cultural, economic, political or social. EU Missions should involve human rights defenders and their organisations in the drafting and monitoring of local strategies;
- organising at least once a year a meeting of human rights defenders and diplomats to discuss topics such as the local human rights situation, EU policy in this field, and application of the local strategy for implementing the EU Guidelines on human rights defenders;
- coordinating closely and sharing information on human rights defenders, including those at risk;
- maintaining suitable contacts with human rights defenders, including receiving them in Missions and visiting their areas of work; consideration could be given to appointing specific liaison officers, where necessary on a burden-sharing basis, for this purpose;
- providing, as and where appropriate, visible recognition for human rights defenders and
- their work, through appropriate use of the media – including the internet and new information and communication technologies – publicity, visits or invitations for such purposes as presenting prizes they have obtained;
- where appropriate, visiting human rights defenders in custody or under house arrest and attending their trials as observers.

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

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

- where the Presidency or the High Representative for the Common Foreign and Security Policy or the Personal Representative of the SG/HR on Human Rights or EU Special Representatives and Envoys or representatives of the Member States or the European Commission are visiting third countries, they will, where appropriate, include meetings with human rights defenders during which individual cases and the issues raised by the work of human rights defenders are addressed, as an integral part of their visits;
- the human rights component of political dialogues between the EU and third countries and regional organisations, will, where relevant, include the situation of human rights defenders. The EU will underline its support for human rights defenders and their work, and raise individual cases of concern whenever necessary. The EU will be careful to involve human rights defenders, under the most appropriate arrangements, in the preparation, follow-up and assessment of the dialogue in accordance with the EU Guidelines on human rights dialogues;

- EU Heads of Mission and EU Embassies will remind third countries' authorities of their obligation to implement effective measures to protect human rights defenders who are or could be in danger;
- working closely with other like-minded countries notably in the UN Human Rights Council and the UN General Assembly;
- recommending, where appropriate, to countries when they are under the Universal Periodic Review of the Human Rights Council that they bring their legislation and practices into line with the UN Declaration on Human Rights Defenders;
- promoting the strengthening of existing regional mechanisms for the protection of human rights defenders, such as the focal point for human rights defenders and national human rights institutions of the OSCE Office for Democratic Institutions and Human Rights, the Commissioner for Human Rights of the Council of Europe, the Special Rapporteur on Human Rights Defenders of the African Commission on Human and Peoples' Rights and the special Human Rights Defenders Unit within the Inter-American Commission on Human Rights, and the creation of appropriate mechanisms in regions where they do not exist.

Support for Special Procedures of the UN Human Rights Council, including the Special Rapporteur on Human Rights Defenders

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

- encouraging States to accept as a matter of principle requests for country visits under UN Special Procedures;
- promoting, via EU Missions, the use of UN thematic mechanisms by local human rights communities and human rights defenders including, but not limited to, facilitating the establishment of contacts with, and exchange information between, thematic mechanisms and human rights defenders;
- since the Special Procedure mandates cannot be carried out in the absence of adequate resources, EU Member States will support the allocation of sufficient funds from the general budget to the Office of the United Nations High Commissioner for Human Rights.

Practical supports for Human Rights Defenders including through Development Policy

14. Programmes of the European Union and Member States aimed at assisting in the development of democratic processes and institutions, and the promotion and protection of human rights in developing countries – such as the European Instrument for Democracy and Human Rights – are among a wide range of practical supports for assisting human rights defenders. These can include but are not necessarily limited to the development cooperation programmes of Member States. Practical supports can include the following:

- supporting human rights defenders, as well as NGOs that promote and protect human rights defenders' activities, through such activities as capacity building and public awareness campaigns, and facilitating cooperation between NGOs, human rights defenders and national human rights institutions;
- encouraging and supporting the establishment, and work, of national bodies for the promotion and protection of human rights, established in accordance with the Paris Principles, including, National Human Rights Institutions, Ombudsman's Offices and Human Rights Commissions.

- assisting in the establishment of networks of human rights defenders at international level, including by facilitating meetings of human rights defenders both within and outside the EU;
- seeking to ensure that human rights defenders in third countries can access resources, including financial resources, from abroad and that they can be informed of the availability of those resources and of the means of requesting them;
- ensuring that human rights education programmes promote, inter alia, the UN Declaration on Human Rights Defenders;
- providing measures for swift assistance and protection to human rights defenders in danger in third countries, such as, where appropriate, issuing emergency visas and facilitating temporary shelter in the EU Member States.

Role of Council Working Parties

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

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

Resources on International and Regional Mechanisms

Regional and International Mechanisms

African Commission on Human and Peoples' Rights (ACHPR)

Established by the African Charter on Human and Peoples' Rights which came into force on 21 October 1986 after its adoption in Nairobi (Kenya) in 1981 by the Assembly of Heads of State and Government of the Organization of African Unity (OAU), the African Commission on Human and Peoples' Rights is charged with ensuring the promotion and protection of Human and Peoples' Rights throughout the African Continent. The Commission has its headquarters in Banjul, The Gambia.

African Commission on Human and Peoples' Rights
31 Bijilo Annex Layout, Kombo North District
Western Region
P. O. Box 673
Banjul, The Gambia
Email: achpr@achpr.org
Tel: (220) 4410 505 / 4410 506
Fax: (220) 4410 504

Official Site: <http://www.achpr.org>

Roadmap for Civil Society Engagement: State Reporting Procedure of the African Commission on Human and Peoples' Rights *International Service for Human Rights, Association for Justice Peace and Democracy, and Conectas Human Rights (2011)*

The African Charter provides specific responsibilities to African Union (AU) Member States to give effect to the African Charter at domestic level. In particular, each State party shall submit every two years, from the date the Charter comes into force, a report on the legislative or other measures taken, with a view to giving effect to the rights and freedoms recognized and guaranteed by the Charter (Art. 62). It provides an opportunity to evaluate State actions to advance the rights protected in the ACHPR and its protocols, identify obstacles to the realization of these rights, and formulate recommendations for improving State practice. Civil society participation is critical to provide a counterpoint to government reports, ensuring that

the Commission has an accurate picture of the situation on the ground. In general, States parties have shown insufficient engagement in the process: the majority of States parties are not up to date in their reporting; States fail to engage actively with the ACHPR; and the Commission lacks capacity to ensure appropriate follow up and implementation of its recommendations. Relatively few CSOs participate regularly in ACHPR's sessions and those that do often do not focus on the State reporting procedure. In addition, available advice on CSO engagement with the ACHPR focuses relatively little attention on this procedure. This road map is an effort to address this gap and encourage CSOs to engage more extensively in the process. It provides basic information, describes challenges and share tips based on concrete experiences by CSOs working with the ACHPR.

Link: http://www.ishr.ch/component/docman/doc_download/1325-road-map-to-the-achpr-english

Rules of Procedure of the African Commission on Human and Peoples' Rights

The Rules of Procedure establish the guidelines for the day-to-day functioning of the African Commission on Human and Peoples' Rights. This includes the composition of the Commission, its mandate, and reporting and subsidiary mechanisms.

Link: <http://www.achpr.org/english/ROP/Rules%20of%20Procedure.pdf>

African Charter on Human and Peoples' Rights

The African Charter on Human and Peoples' Rights (Banjul Charter), which entered into force in 1986, is the most significant human rights instrument at the regional level.

Official Site: http://www.achpr.org/english/_info/charter_en.html

A Guide to the African Charter on Human and Peoples' Rights *Amnesty International (2006)*

Human rights advocates and non-governmental organizations (NGOs) in Africa can enhance their work to hold governments to account by collaborating with the African Commission on Human and Peoples' Rights. This Guide to the African Commission is intended to help NGOs in Africa and other human rights defenders to access the African Commission in support of their work. It is a companion to the Guide to the African Charter on Human and Peoples' Rights.

Official Link: <http://www.amnesty.org/en/library/info/IOR63/005/2007>

English: <http://www.amnesty.org/en/library/asset/IOR63/005/2007/en/6796e85a-d36a-11dd-a329-2f46302a8cc6/ior630052007en.pdf>

Celebrating the African Charter at 30: A Guide to the African Human Rights System *Human Rights Centre at The University of Pretoria & ACHPR (2011)*

The guide provides a brief history to the African Charter, takes stock of the accomplishments of the African Commission on Human and Peoples' Rights, its monitoring body, and reflects on future challenges. Although the African Commission has thus far been the primary human rights body in Africa, it has been complemented by the African Court on Human and Peoples' Rights and the African Committee of Experts on the Rights and Welfare of the Child. These bodies and their founding documents are also discussed to provide a holistic picture of the African human rights system.

English Link: http://www.pulp.up.ac.za/pdf/2011_13/2011_13.pdf

ACHPR Special Rapporteur on Human Rights Defenders in Africa

Similar to the UN system of special procedures (working groups, independent experts and special rapporteurs), the AU also has thematic special procedures. This special rapporteur works on the issue of human rights defenders in Africa.

Official Website: www.achpr.org/english/_info/index_hrd_en.html

ACHPR Resolution on the Protection of Human Rights Defenders in Africa

This resolution is the official document that creates the mandate for the Special Rapporteur on Human Rights Defenders.

Official link: http://www.achpr.org/english/_info/hrd_res_appoin_3.html

European Union

EU Guidelines on Human Rights Defenders

Support for human rights defenders is already a long established element of the European Union's human rights external relations policy. The purpose of these Guidelines is to provide practical suggestions for enhancing EU action in relation to this issue. The Guidelines can be used in contacts with third countries at all levels as well as in multilateral human rights fora, in order to support and strengthen ongoing efforts by the Union to promote and encourage respect for the right to defend human rights.

Link: <http://www.consilium.europa.eu/uedocs/cmsUpload/GuidelinesDefenders.pdf>

European Union: Rising to the Challenge of Protecting Human Rights Defenders *Amnesty International (2008)*

This booklet is designed for those directly involved in the implementation of the 'European Guidelines on Human Rights defenders'. The purpose of the Guidelines "is to provide practical suggestions for enhancing EU action" in relation to human rights defenders. If fully implemented, the potential for bringing about change is significant. This document aims to reinforce recommendations made in Amnesty International's 2007 report and to trigger increased, effective, systematic and consistent action to support and protect human rights defenders.

Official Link: <http://www.amnesty.org/en/library/info/EUR01/009/2008/en>

English: <http://www.amnesty.org/en/library/asset/EUR01/009/2008/en/af7612f2-3eb0-11dd-9656-05931d46f27f/eur010092008eng.pdf>

United Nations

UN Declaration on Human Rights Defenders (1998)

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 (known in short as the UN Declaration on Human Rights Defenders) 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, 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, a human rights activity.

Official Site: <http://www.ohchr.org/EN/Issues/SRHRDefenders/Pages/Declaration.aspx>

Universal Declaration OF Human Rights

The Universal Declaration of Human Rights, which was adopted by the UN General Assembly on 10 December 1948, was the result of the experience of the Second World War. With the end of that war, and the creation of the United Nations, the international community vowed never again to allow atrocities like those of that conflict happen again. World leaders decided to complement the UN Charter with a road map to guarantee the rights of every individual everywhere

Official Site: <http://www.un.org/en/documents/udhr/>

UN Special Rapporteur on the Situation of Human Rights Defenders

The mandate on the situation of human rights defenders was established in 2000, by the Commission on Human Rights (as a Special Procedure) to support implementation of the 1998 Declaration on human rights defenders. In 2008, with resolution 7/8 and in 2011, with resolution 16/5, the Human Rights Council, decided to continue the mandate on human rights defenders for consecutive periods of three years. The current mandate-holder, Mrs. Margaret Sekaggya, was

appointed by the Human Rights Council in March 2008. Mrs Sekaggya is a magistrate from Uganda and was the Chairperson of the Uganda Human Rights Commission from 1996 to 2008. Between 2006 and 2008 she was a member of the United Nations High Level Task Force on the Implementation of the Right to Development.

Official Link: <http://www2.ohchr.org/english/issues/defenders/index.htm>

Complaints procedure: <http://www.ohchr.org/EN/Issues/SRHRDefenders/Pages/Complaints.aspx>

Commentary to the Declaration on human rights defenders (2011)

The 'Commentary to the Declaration on human rights defenders' is a 100-page downloadable document which maps out the rights provided for in the Declaration, based mostly on information received and reports produced by the two Special Rapporteurs on the situation of human rights defenders, Hina Jilani (2000-2008) and Margaret Sekaggya (since 2008), during the past eleven years.

From the rights to protection and freedom of opinion and expression, to the rights to communicate with international bodies and to access funding, the 'Commentary' analyses what these rights entail and what is needed to ensure their implementation. It also addresses the most common restrictions and violations faced by defenders, and provides recommendations to facilitate States' implementation of each right.

<http://www.ohchr.org/Documents/Issues/Defenders/CommentarytoDeclarationondefendersJuly2011.pdf>

Human Wrongs, Human Rights: A guide to the human rights machinery of the United Nations Northern Ireland Human Rights Commission & British Irish Rights Watch (2011)

This is guide that will help NGOs, lawyers and individuals to find their way around the various human rights mechanisms of the United Nations. The mechanisms can seem complex to those who are not familiar with them but, as this guide shows, they are in fact accessible and simple to use. Although primarily aimed at readers in Britain and Ireland, much of the information and the insights contained in the guide will be useful to people in many countries around the world.

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

Other

Norway's Efforts to Support Human Rights Defenders: Guide for the Foreign Service (2010)

Guidelines have been drawn up for the embassies concerning Norwegian support for human rights defenders, in order to strengthen Norway's bilateral support for this group. The main objective of the guidelines is to help the Ministry of Foreign Affairs and the Norwegian missions to systematise measures and intensify efforts to support human rights defenders and their work. A module on human rights defenders for the Foreign Service Institute's e-learning course on human rights has also been developed, as a competence-building measure.

Link: http://www.regjeringen.no/en/dep/ud/Documents/veiledninger/2010/hr_defenders_guide.html?id=633052

Resources for Human Rights Defenders

Protection and Security for Human Rights Defenders

New Protection Manual for Human Rights Defenders

Protection International (2009)

The purpose of this new manual is to provide human rights defenders with additional knowledge and some tools that may be useful for improving their understanding of security and protection. It is hoped that the manual will support training on security and protection and will help defenders to undertake their own risk assessments and define security rules and procedures which suit their particular situation. This manual is the result of over 25 years combined experience of Protection International-PI- members in working with human rights and humanitarian law and in the protection of HRD and other vulnerable groups. PI members experience originates from their former involvement and participation in Peace Brigades International – PBI-field missions and structure. We have had the opportunity to learn from and share experiences and knowledge with hundreds of defenders in the field, as well as in workshops, meetings and discussions about security. Most of the manual's contents have already been applied in practice, either in protection work or in training workshops with defenders. This manual is the fruit of all these exchanges, and we owe the defenders involved a huge thanks for their input.

Link: <http://www.protectionline.org/New-Protection-Manual-for-Human>

Workbook on security: Practical steps for human rights defenders at risk *Front Line (2011)*

The Workbook on Security is designed to raise awareness about security issues and to help human rights defenders consider how to mitigate threats. The workbook takes human rights defenders through the steps to producing a security plan - for individuals and for organisations. It follows a systematic approach for assessing their security situation and developing risk and vulnerability reduction strategies and tactics.

Link: http://www.frontlinedefenders.org/files/Workbook_ENG.pdf

Security in a Box

Front Line & Tactical Technology Collective (2011)

Security in-a-box is a collaborative effort of the Tactical Technology Collective and Front Line. It was created to meet the digital security and privacy needs of advocates and human rights defenders. Security in-a-box includes a How-to Booklet, which addresses a number of important digital security issues. It also provides a collection of Hands-on Guides, each of which includes a particular freeware or open source software tool, as well as instructions on how you can use that tool to secure your computer, protect your information or maintain the privacy of your Internet communication.

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

English: <https://security.ngoinabox.org/en>

French: <https://security.ngoinabox.org/fr>

Arabic: <https://security.ngoinabox.org/ar>

A Practical Guide to Protecting Your Identity and Security Online and When Using Mobile Phones (2011)

This guide is written for citizens in the Middle East and North Africa, who want to use technology safely to communicate, organize, and share data (news reports, information, media etc), but it can be used by anyone online anywhere who wants to protect their privacy and security. It is written for a wide audience with average computer literacy who would like to know what steps they can take to be safer online and when using mobile devices. This guide has tips and tools for reducing surveillance and monitoring, protecting privacy, and dealing with censorship. It covers: secure use of email and chat, good password habits, how to keep your computer free of viruses and spyware, how to get around censorship online while remaining anonymous, tactics for using mobile phones safely, and has links to more in-depth resources.

Link: http://www.protectionline.org/IMG/pdf/fcea379753a53a03bf_ofm6bnld6.pdf

Operational Security Management in Violent Environments

Humanitarian Practice Network (2010)

Since the publication of the first edition of Good Practice Review 8 on Operational Security Management in Violent Environments a decade ago, the global security environment has changed significantly. New conflict contexts have created new sources of threat to international humanitarian action. Increasing violence against aid workers and their operations, including more kidnappings and lethal attacks, has had serious implications for humanitarian relief work in insecure contexts. Meanwhile, agencies themselves have become much more conscious of the need to provide for the safety and security of their staff. To reflect these changes, the Humanitarian Practice Network has published a new version of GPR 8. The new edition both updates the original material and introduces new topics, such as the security dimensions of 'remote management' programming, good practice in interagency security coordination and how to track, share and analyse security information. The new edition also provides a more comprehensive approach to managing critical incidents, in particular kidnapping and hostage-taking, and discusses issues relating to the threat of terrorism.

Link: <http://www.odihpn.org/hpn-resources/good-practice-reviews/operational-security-management-in-violent-environments-revised-edition>

Cameras Everywhere: Current Challenges and Opportunities at the Intersection of Human Rights, Video and Technology

Witness (2011)

This report asks the hard questions about how to protect and empower those who attempt to expose injustices through video. It provides specific recommendations for immediate and future actions that can reduce danger for those risking their lives. This report is an important step to understanding how we can harness the power of video and technology to empower activists to protect and defend human rights. This is the age of transformative technology.

English: <http://witness.org/cameras-everywhere/report-2011/inquiry-form>

Arabic: http://witness.org/sites/default/files/downloads/ce_exec_summary_arabic-final2.pdf

Protection of Human Rights Defenders Best Practices and Lessons Learned: Legislation, National Policies and Defenders' Units (Volume I)

Protection International (2009)

In recent years several governments have developed specific national mechanisms to protect defenders, all of them in countries seriously lacking in protection for human rights defenders. These mechanisms (laws, action policies, offices) have been established under pressure from (and with the cooperation of) national and international human rights organisations, with essential legal support from the UN Declaration on Human Rights Defenders.

At **Protection International**, this development has led us to study these national initiatives: what are they and what do they consist of? How did they come about, how do they work and what is their impact on the protection of defenders? We set up a study group (made up of protection lawyers and experts) and carried out a large number of interviews with men and women defenders as well as government officials in 16 countries on three continents. We also embarked on a process of compiling and analysing legal enforcement instruments at the national level (while examining existing universal and regional ones). During the study we only found national non-governmental initiatives of this type in Brazil, Colombia, Guatemala, Mexico and Peru (Central and South America), in Uganda and the Democratic Republic of Congo (Africa) and Nepal (Asia). While there may be several organizations working on protection-related matters and making important contributions, only Guatemala (UDEFUGUA), Uganda (EHAHRDP) and Colombia (Somos Defensores Programme) have three defender units specifically set up by civil society. They are pioneers in the field and together with the Protection Desks established by PI and supporting organizations (such as Peace Brigades International), are among those civil society groups whose sole mission is the protection of defenders on the ground.

Link: <http://focus.protectionline.org/-Protection-of-human-rights->

Protection of Human Rights Defenders Best Practices and Lessons Learned: Operational Aspects of Defenders Protection (Volume II)
Protection International (2009)

This second volume, Protection Programmes for Defenders, analyses the practical aspects of protection programmes: the measures they include, how they are structured, and their results. The book focuses on the three countries whose protection programmes were examined, namely Brazil, Guatemala and Colombia.

Link: <http://www.protectionline.org/Protection-of-human-rights,10400.html>

Defending Human Rights

Monitoring and Investigating Political Killings
Amnesty International & CODESRIA (2000)

An application of general principles for monitoring and documentation specified to the conditions of following-up a suspected case of a political killing.

Link: http://www.protectionline.org/IMG/pdf/spa_killings.pdf

Ukweli - Monitoring and Documenting Human Rights Violations in Africa
Amnesty International & CODESRIA (2000)

This Handbook and the accompanying booklets were developed in response to a call for a more effective, professional and locally-grounded approach to human rights monitoring, documentation and fact-finding in Africa. The collection seeks to facilitate monitoring, documentation and fact-finding by human rights organisations and individual activists and to do so on the basis of the best practices and experiences of African human rights defenders.

Link: http://www.protectionline.org/IMG/pdf/Ukweli_eng.pdf

The International Criminal Court - Information for Human Rights Defenders
Front Line

Frontline Defenders has published a manual on the International Criminal Court for human rights defenders. This manual contains important information about how the Court functions, how it is accessible, and how an individual can use the Court.

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

New Tactics in Human Rights: A Resource for Practitioners
New Tactics in Human Rights (2004)

All around the world and at all levels, in small villages and in national governments as well as at the highest levels of international justice, people are creating and using innovative tactics to make their work more effective. The New Tactics in Human Rights Project captures these tactical innovations and shares them with others striving to advance human rights.

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

Implementing Freedom of Expression A Checklist for the Implementation of the Declaration of Principles on Freedom of Expression in Africa
Article 19 (2006)

This checklist has been specifically designed for civil society organizations in Africa and elsewhere who wish to conduct a thorough analysis of the implementation status of the Declaration of Principles on Freedom of Expression in any African country. The checklist allows civil society organizations working on issues relating to freedom of expression and access to information to establish the deficiencies in terms of concrete provisions for the fulfilment and protection of freedom of expression. For this reason some of the questions cover areas broader than the issue of freedom of expression itself. The checklist interprets each article of the Declaration in a comprehensive manner, providing substantial details on how freedom of expression should be fulfilled and provided for.

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

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

The guide is aimed at monitoring state-sponsored violence in Africa and, in particular, what we call “informal repression”: covert activities in which the hand of government is hidden or disguised. However, most of the skills can be used in a variety of different situations. Although it is geared to human rights activists in Kenya, Nigeria and South Africa, we hope it will be of use in training monitors throughout Africa and possibly elsewhere. Human rights activists should feel free to simplify or adapt parts of the guide to fit their specific needs, including translation into local languages.

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

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

Front Line commissioned SERAC (the Social and Economic Rights Action Center) to produce an on-line manual specifically focused on Economic, Social and Cultural rights.

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

Civil and Political Rights Manual *Front Line (2003)*

Front Line commissioned Human Rights Consultants to produce an online interactive manual for human rights defenders working on Civil and Political Rights.

Link: <http://www.frontlinedefenders.org/manuals/frontline-civil-political-rights>
English: <http://www.frontlinedefenders.org/manual/en/>

Journalism, media and the challenge of human rights reporting *International Council on Human Rights Policy (2002)*

The purpose of this report is to discuss the difficulties of reporting human rights issues and establish what lessons can be drawn from different experiences so as to make sound recommendations to the journalistic profession, policymakers, and human rights advocates. The objective is to improve the quality and consistency of work in this area.

Link: http://www.ichrp.org/files/reports/14/106_report_en.pdf

Women Human Rights Defenders

Urgent Responses for Women Human Rights Defenders at Risk: Mapping and Preliminary Assessment

Association for Women's Rights in Development (2011)

AWID and the Women Human Rights Defenders International Coalition reviewed a broad range of urgent responses available to Women Human Rights Defenders (WHRDs) at risk around the world. This report describes the types of resources and strategies available to respond to urgent situations of violence against WHRDs as well as some of the organizations that offer them.

This publication is part of a new series that AWID is producing with the WHRD International Coalition. The aims of the WHRD series are to increase awareness of resources that exist to support and defend WHRDs and to ensure that women's rights activists around the world have the necessary information to easily access these resources.

English: <http://www.awid.org/Media/Files/WHRD-Urgent-Responses-ENG>

Making rights a reality - toolkits for workshops on stopping violence against women

Amnesty International (2004)

A guide to states' obligation to make women's rights a reality - to implement their obligations under treaties and customary international law to respect, protect and fulfil human rights in law and practice.

Link: <http://www.amnesty.org/fr/node/867>

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

A collection of papers presented at the plenary sessions of the International Consultation on Women Human Rights Defenders held in Colombo, Sri Lanka between 29 November – 2 December 2005. The articles are arranged in five parts: an explanation of the context and rationale of the

campaign, historical and conceptual background of terminologies, critical issues facing women human rights defenders, recommendations for protective strategies, and accountability for women working in the quest for justice.

Link: <http://www.forum-asia.org/?p=5422>.

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

This draft document outlines concrete suggestions¹ for EU Missions (including embassies and consulates of EU member states and European Commission delegations) in implementing “Ensuring protection – the European Union Guidelines on Human Rights Defenders” (EU Guidelines). It is specifically aimed to ensure due support and protection of women human rights defenders.

Link: <http://www.omct.org/violence-against-women/statements/2006/11/d18321/>

Women Human Rights Defenders Security Strategies: Insiste, Persiste, Resiste, Existe Urgent Action Fund (2008)

Resiste brings us the voices of women human rights defenders (WHRDs) from all over the world. Each woman speaks from her personal experience of combating violence and discrimination in complex contexts – in situations of overt or hidden conflict, organized armed violence as well as rising fundamentalisms in Iran, Colombia, Nepal, Burma, Thailand, Algeria, Tunisia, Bosnia, Serbia and the Democratic Republic of Congo. Resiste is a journey and an exhilarating celebration of resilience. The astonishing strategies that enable WHRDs to survive, thrive and succeed despite the challenges and risks of the work, and the extremely limited resources and support. Resiste introduces the concept of ‘integrated security’ – coined by Colombian activists and echoed by other WHRDs across the world: a concept that challenges us all to redefine the militarized, disconnected concept of ‘security’ and recognize that integrated security is about feeling safe in all aspects of our lives – from our ability to feed our families to speaking freely about our governments.

Link: <http://urgentactionfund.org/index.php?id=144>

English: <http://urgentactionfund.org/assets/files/Resiste/Resiste-Final-Web.pdf>

Minority Defenders

Lesbian, Gay, Bisexual, and Transgender Rights:

A Human Rights Perspective (2000)

This curriculum is intended to further thoughtful examination and responsible action among high school students about LGBT issues. Unlike other curricula, however, this discussion is not in the context of civil or political rights but in the broader context of human rights. These rights, as defined in the Universal Declaration of Human Rights, include, among others, the right to education, identity, security, assembly, expression, employment, health, and family – all relevant to the current discussion of lesbian, gay, bisexual, and transgender rights.

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

Protection Manual for LGBTI Defenders *Protection International (2010)*

Protection International has been working in the protection of human rights defenders for some years. To date our work has focused mainly on mainstream human rights defenders working in situations of open conflicts. In conversations with various defenders working on SOGI rights it became evident that we needed to expand our focus and our work to include the specifics faced by this sector of the human rights community. Many discussions as to what kind of format this would take happened over a period of several months that involved conversations with a whole range of defenders both mainstream and “non-mainstream”. PI worked with the comments and criticisms that had been made about its previous manuals for the protection of defenders and began to look at how it would address the need to highlight the specifics. Through its work with LGBTI defenders in Nepal and confirmed by other defenders around the globe it began to identify common issues that affected our community and those that defend it. Extensive research was carried out, both primary and secondary sources consulted and PI began to adapt its framework for mainstream defenders to suit.

The manual is a result of the input of many people not only the research and training unit of PI. It is designed to be practical, it is designed to challenge, to generate a debate within organisations and perhaps more ambitiously within our umbrella as a whole. What does it mean to include more and more acronyms without adapting our discourses

and agendas and more over adapting our security measures to ensure that the umbrella really does its job of protection? The manual has been tested, it has been adapted and PI hopes that it will continue to evolve and hopefully remain relevant in its content for the LGBTI community. It can only do that if LGBTI defenders engage with this process that has begun.

Link: <http://www.protectionline.org/Protection-Manual-For-LGBTI.html>

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

The purpose of this document is to provide basic guidance on how non-governmental organizations (NGOs) can use the United Nations (UN) Treaty Monitoring Bodies (referred to as the “Treaty Bodies”) and the Special Procedures of the UN Commission on Human Rights (the Commission) to raise cases concerning the promotion and protection of the human rights of people who are lesbian, gay, bisexual or transgender (LGBT). This document provides practical advice on how to use these bodies to raise individual cases as well as general situations of violations of the human rights of LGBT people.

Link: <http://www.amnesty.org/en/library/info/IO40/004/2005>.

The Yogyakarta Principles (2006)

In 2006, in response to well-documented patterns of abuse, a distinguished group of international human rights experts met in Yogyakarta, Indonesia to outline a set of international principles relating to sexual orientation and gender identity. The result was the Yogyakarta Principles: a universal guide to human rights which affirm binding international legal standards with which all States must comply. They promise a different future where all people born free and equal in dignity and rights can fulfil that precious birthright.

Link: <http://www.yogyakartaprinciples.org/>

Organizations working with Human Rights Defenders

Amnesty International

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

Official Link: <http://www.amnesty.org>

Article 19

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

Official Link: <http://www.article19.org>

Avocats Sans Frontières

ASF intervenes in countries where human rights are not respected, where political violence and armed conflict reign, and where legal rules are flouted. Justice in those countries, too often arbitrary, does not guarantee the security of the population. Conflicts are not satisfactorily resolved before the local courts. People whose rights have been abused tend to resort to vigilante justice, which evolves into the law of the strongest or richest, and contributes to a climate of violence.

Official Link: <http://www.asf.be/>

Committee to Protect Journalists (CPJ)

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

Official Link: <http://www.cpj.org>

Commonwealth Human Rights Initiative (CHRI)

The Commonwealth Human Rights Initiative (CHRI) is an independent, non-partisan, international non-governmental organisation, mandated to ensure the practical realisation of human rights in the countries of the Commonwealth. In 1987, several Commonwealth professional associations founded CHRI. They believed that while the Commonwealth provided member countries a shared set of values and legal principles from which to work and provided a forum within which to promote human rights, there was little focus on the issues of human rights within the Commonwealth.

Official Link: www.humanrightsinitiative.org/

European Centre for Development Policy Management (ECDPM)

ECDPM helps to reduce the 'asymmetries' in policy making between Africa, Caribbean and Pacific (ACP) and the European Union. This is done by reinforcing the capacities of public, private and non-profit organisations in ACP countries to better manage their own development policies and international cooperation. ECDPM also works with governments and organisations in Europe to make their development policies and instruments more effective.

Official Link: <http://www.ecdpm.org/>

Front line

Front Line was founded with the specific aim of protecting Human Rights Defenders, people who work, non-violently, for any or all of the rights enshrined in the Universal Declaration of Human Rights (UDHR). Front Line is the International Foundation for the protection of human rights defenders. We work to provide fast and effective action to help protect human rights defenders at risk so they can continue their work as key agents of social change.

Official Link: www.frontlinedefenders.org

Human Rights First

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

Official Link: <http://www.humanrightsfirst.org/>

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

Email: defenders@humanrightsfirst.org

Human Rights House Network

We protect, empower and support human rights organisations locally and unite them in an international network of Human Rights Houses.

Official Link: <http://humanrightshouse.org/>

Human Rights Watch

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

Official Link: www.hrw.org/

Interights

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

Official Link: <http://www.interights.org>

International Commission of Jurists

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

Official Link: <http://www.icj.org>

International Federation for Human Rights (FIDH)

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.

Official Link: <http://www.fidh.org>

International Lesbian and Gay Association

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

Official Link: <http://ilga.org>

International Service for Human Rights (ISHR)

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

Official Link: <http://www.ishr.ch>

New Tactics for Human Rights Project

Since 1999, the New Tactics in Human Rights Project has worked to provide resources to human rights advocates that offer innovative tactical solutions for confronting specific local challenges. These resources enable activists to map the unique challenges specific to their site of intervention, identify approaches that have worked in other contexts in order to adapt and implement these tactics locally.

Official Link: <http://www.newtactics.org/>

Norwegian Ministry of Foreign Affairs

Protecting human rights defenders is a main priority in Norway's human rights policy. The overall objective is that efforts to promote and defend human rights in all parts of the world can be carried out without restrictions or threats to human rights defenders or their families. At the UN and other international organisations, Norway actively promotes efforts to support human rights defenders.

At national level, many Norwegian diplomatic missions are in charge of various measures and joint campaigns with other international actors to support their work. Human rights defenders are important cooperation partners for our diplomatic missions.

Official Link: <http://www.regjeringen.no/en/dep/ud.html?id=833>

Observatory for the Protection of Human Rights Defenders

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

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

Email: Appeals@fidh-omct.org

Protection International

Human Rights Defenders are one of the main actors fighting against impunity in the name of justice; they are essential markers in constructing and consolidating peace and democratisation. They find themselves on the receiving end of attacks and intimidation on a regular basis. PI contributes to reinforcing the security and protection of HRDs by mobilising the national and international community (parliaments, governments, the UN, ordinary citizens, the media) and by providing the concerned parties and beneficiaries with the knowledge and necessary tools to integrate protection on the ground into work plans and programmes. This programme will also facilitate the exchange of experiences locally and foster best practices between HRDs.

Official Link: <http://www.protectioninternational.org/>

Reporters Without Borders (RSF)

Reporters Without Borders defends journalists and media assistants imprisoned or persecuted for doing their job and exposes the mistreatment and torture of them in many countries, fights against censorship and laws that undermine press freedom gives financial aid each year to 300 or so journalists or media outlets in difficulty (to pay for lawyers, medical care and equipment) as well to the families of imprisoned journalists, and works to improve the safety of journalists, especially those reporting in war zones.

Official Link: <http://en.rsf.org>

Urgent Action Fund

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

Official Link: <http://www.urgentactionfund.org/>

Africa branch (Nairobi): <http://www.urgentactionfund-africa.or.ke/>

Tel: (+254) 020 2301740

Fax: (+254) 020 2301740

Office cell: +254 726577560

Email: info@urgentactionfund-africa.or.ke

Witness

WITNESS is an international nonprofit organization that uses the power of video and storytelling to open the eyes of the world to human rights abuses. It was co-founded in 1992 by musician and human rights advocate Peter Gabriel, Human Rights First and the Reebok Human Rights Foundation.

Official Link: <http://witness.org/>

World Organization Against Torture

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

Official Link: <http://www.omct.org>

The East and Horn of Africa Human Rights Defenders Project (EHAHRDP) seeks to strengthen the work of human rights defenders (HRDs) throughout the sub-region by reducing their vulnerability to the risk of persecution and by enhancing their capacity to effectively defend human rights.

EHAHRDP is the secretariat of EHAHRD-Net, a network of over 75 human rights organizations in the eleven countries of the sub-region: Burundi, Djibouti, Eritrea, Ethiopia, Kenya, Rwanda, Somalia (together with Somaliland), South Sudan, Sudan, Tanzania and Uganda.



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PROJECT
(EHAHRDP)

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Produced with the support of:



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