

## **Human Rights Defenders – Do They Make a Difference?**

Maria Dahle, Human Rights House Foundation

Presentation given at the Seminar “60th Anniversary of the Human Rights,” at the Oslo Center for Peace and Human Rights, Oslo, Norway, 24th November 2008,  
[www.oslocenter.no/en/2008/11/seminar-60th-anniversary-of-the-human-rights/](http://www.oslocenter.no/en/2008/11/seminar-60th-anniversary-of-the-human-rights/)

### **Dear ladies and gentlemen, colleagues and friends**

1

First of all I would like to thank the organiser very much for the invitation to be part of a conference focusing on the human rights mechanisms in the United Nations, and the role and impact of human rights defenders.

This session raises the question: Human Rights Defenders – do they make a difference?

Next to me here on this panel, you have the living proof that the answer is yes. Over the last year, Maina Kiai, fronted the Kenya National Commission for Human Rights’ reporting on the massive post-election violence in his own country. He did so for the sake of maintaining the rule of law, for the sake of protecting democracy, for the sake of human rights. And there is no doubt that in doing so, in the longer term, Maina Kiai has made a huge, positive difference. I want to thank you for this.

2

There is no doubt that the human rights organisations have been instrumental in the revolution, which has occurred in international human rights norms during the last 60 years. It has been said that without the human rights organisations; this development would not have taken place.

When Shirin Ebadi received the Nobel Peace Prize in 2003, Kofi Annan described the human rights defenders and their contributions like this:

“ - Human rights defenders stand in the front lines of protection, casting the bright light of human rights into the darkest corners of tyranny and abuse. They work to safeguard the rule of law, to reduce violence, poverty and discrimination, and to build structures for freer, more equitable and more democratic societies. It is to them that many victims of human rights violations turn in their hour of need.”

Kofi Annan draws a picture of the brave, strong and courageous human rights defenders and their important contributions in society. There seems however to be a growing gap between the perceived influence of human rights defenders and the actual impact on peoples lives. The defenders are themselves aware of this fact, as well as some of the reasons for this development, and they are discussing, both on the national and international level, how to revise the strategies.

I have chosen to focus on the situation for human rights defenders, 10 years after the Declaration for human rights defenders was adopted, and to share with you some of the trends we witness today. This can partly, and I underline partly, add to the understanding of why

there has been a change in the human rights defenders impact on peoples' lives, and hence, contribute to the discussion on what to strengthen in the future.

3

The impact of the local human rights defenders advocacy depends, among others, on the governments' political will to respect and protect the human rights that are preconditions for the work of human rights defenders -- as Jan Helgesen mentioned -- the right to association, to peaceful assembly, access to information and funding, and the freedom of expression.

From throughout the network that I represent, we have seen in recent years that it has become increasingly dangerous to be a human rights defender. The space for human rights defenders to act and participate openly and actively in the society is reduced.

One reason for this development may be the human rights defenders' increased visibility and impact in the international arena and at home – the fact that human rights defenders' have grown to become a real challenge to the people in power and their desire to maintain their position, at any cost.

4

Another reason, undoubtedly, is the shift in the international political climate that the terrorist attack in 2001 made. The increased fear of terrorism and hence, international focus and cooperation on security and anti-terrorism measures, introduced new laws and regulations that in many cases were not in line with international human rights standards.

The call for increased security and the presumed need for further protection of citizens have been used by governments in many countries as an excuse to clamp down the human rights defenders' work. In a growing number of countries, human rights defenders have found themselves labelled as terrorists and criminals. Some have even been persecuted as such.

Human rights defenders experiences that after the terrorist attack in 2001 and due to commercial interests, the international pressure on national governments to respect human rights and promote and protect human rights defenders' rights has weakened. This makes it easier for national authorities to tighten the grip on the defenders -- step by step.

At the national level, we see numerous consequences of this: There is an increased use of legislation to reduce the space within which human rights organisations and defenders can operate. The new legal framework for NGOs limits their activities and scope of work, limits the group of clients they may represent, their access to funding and information. We also have cases where the new NGO-laws criminalise the individual defender.

In addition, tighter restrictions on holding peaceful demonstrations and gatherings have been introduced, often with the same reference to the need for increased security. Furthermore we witness frequently how authorities prevent organisations from being registered and thus enabled to operate legally. New NGO-laws also open up for an increased administrative and bureaucratic harassment of human rights organisations – with the effect that more and more of the human rights defenders' time has to be spent on detailed reporting. Meanwhile, their offices are being searched by officials, intimidating and threatening the defenders. The final

step is often to take organisations to court and shut them down for not having observed the overwhelming amount of red tape imposed on them.

5

The authorities use the media strategically for campaigns against human rights defenders and organisations. This increases the level of threats and danger for the targeted defender. In the worst cases the human rights defender disappear or is killed, with impunity for those behind the criminal act.

Lack of independent media makes it hard for human rights defenders to reach out to the people. Journalists admit they impose self-censorship on human rights issues and often keep a distance to the human rights organisations dealing with sensitive issues, due to the difficulties they may face. The murder of Anna Politkovskaya in Russia, who was one of the very few who dared to report what she witnessed in Chechnya, is a sad example of the risk they face.

6

There is an increased use of threats and persecution against the defenders, their family members, colleagues and friends – and critical voices are imprisoned or in some cases forced into psychiatric institutions.

I have listed some of the trends that we see on the national level during the last decade. Altogether they have led to a harder climate for human rights defenders in many countries. This is a serious challenge to their human rights advocacy work. A consequence is that local human rights organisations have become more isolated and hence more disconnected from the people.

7

The 90's were a "decade of hope" for human rights. Around the world, civil society in general, and the human rights sector in particular, experienced an explosive growth. Since then, working with human rights has gradually required ever more specific expertise. In response, many organisations have become more professional. Their work is often donor driven, and therefore they have become more bureaucratic, less creative and spontaneous. Several of the human rights organisations, especially the international and those working in the capitals, have become part of a national and international elite and are often less connected – or not connected at all – to social movements. Hence, they lose support from their own people.

8

We see a trend on the international arena towards an increased number of GONGO's (governmentally organised NGOs) participating in international fora and organisations. Many such GONGOs have consultative status within the UN, which they now get very easily, often in contrast to independent national and international human rights organisations involved in monitoring and advocacy. The GONGOs are active and numerous in the UN and supportive of their own governments' human rights policies. They consume more and more of the limited time provided for NGOs at the UN. The presence of GONGOs, at the expense of genuine

NGOs, has become a threat to the strengthening and credibility of the UN's human rights work.

9

The Universal Periodic Review (UPR) was introduced in the UN's Human Rights Council this year and is a country-by-country assessment of the human rights record of all the United Nations' 192 member states. The UPR system forms the core of the reform of the previous Human Rights Commission. As such, the new Human Rights Council's reputation and credibility rests on the success of the Universal Periodic Review mechanism.

In the course of a four-year cycle, all countries will be examined according to the exact same procedures. The entire UPR process is designed to be open, dialogical and co-operative. The final report on each country will consist of input from three separate sources; 1) the authorities of the state in question, 2) the UN's Office of the High Commissioner for Human Rights and all its relevant treaty bodies, committees and special rapporteurs, and 3) so-called 'other stakeholders,' which in most cases are national and international human rights organisations.

I have just arrived from the Balkans where 20 human rights defenders from the region were studying the new UPR mechanism, and making strategies for creating national networks of human rights organisations to produce national shadow reports. We also discussed how to engage their authorities in constructive dialogue and how to interest their national media in the process.

This is not *the* answer to how human rights organisations can make a greater impact on people's lives, but it is a new platform where local human rights organisations together in networks can play a vital role on the national level for the promotion and respect for human rights worldwide.

In conclusion, I will borrow the words of Mary Lawlor, the director of Frontline Defenders:

"Human Rights Defenders who work in the frontline are those who bring about changes. It is our job to try to keep them alive."

Thank you.

*"Menneskerettighetsforkjempere som arbeider i frontlinjen er de som bringer frem endringer. Det er vår jobb å prøve å holde dem i live."*  
Mary Lawlor, Frontline Defenders.