

Report on the Pre-Conference Institute

SECURITY OF HUMAN RIGHTS DEFENDERS: SUPPORTING GRANTEE SAFETY

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Introduction

The International Human Rights Funders Group (IHRFG) is a global network of donors and grantmakers committed to advancing human rights around the world through effective philanthropy. On January 23, 2013 IHRFG held its Pre-Conference Institute in San Francisco on “Security of Human Rights Defenders: Supporting Grantee Safety.”

The Institute provided international funders with an overview of the safety, security needs, and priorities of human rights defenders, giving attendees the tools necessary to be as effective as possible in assessing, preventing, and responding to security threats faced by grantees. It was led jointly by donors and activists from around the world, and was an opportunity for participating grantmakers to hear and engage with leading human rights practitioners, policy makers, scholars, and peers on timely human rights issues.

The discussions presented grantmaker peers with a thought-provoking opportunity to explore critical areas of interest in human rights that warrant greater understanding; to sharpen knowledge of best practices in human rights grantmaking; to challenge their own and each other’s views; and to promote exchange and collaboration among funders, practitioners, activists, policy-makers and scholars.

The following report provides an overview of the major themes and recommendations discussed. The first section begins with four case studies presented by human rights defenders on the threats they face in a variety of contexts. It then summarizes their recommendations on how funders can better support their security needs. The second section of the report reviews different strategies funders can use or support to prevent and respond to threats to defenders.

Presenters

Esther Adhiambo, Persons Marginalized and Aggrieved (PEMA), Kenya

Claudia Samayoa, Guatemalan Human Rights Defenders Protection Unit (UDEFEQUA), Guatemala

Nawla Darwiche, New Woman Foundation, Egypt

Rauda Morcos, Aswat ("voices") and Mantiqitna Platform (MENA), Palestine

Catherine Townsend, Wellspring Advisors, USA

David Mattingly, Fund for Global Human Rights, USA

Ali Ravi, Tactical Technology Collective, Germany

Bahey El-Din Hassan, Cairo Institute for Human Rights Studies, Egypt

Mary Lawlor, FrontLine Defenders, Ireland

Anne-Sophie Schaeffer, Euro-Mediterranean Foundation of Support to Human Rights Defenders, Denmark

John Lindsay-Poland, Fellowship of Reconciliation, USA

Facilitators

Julie Dorf, Council for Global Equality, USA

Kate Kroeger, Urgent Action Fund, USA

Section I: Assessing Security Threats and Vulnerabilities

Case Studies

i. Protecting and promoting the rights of Lesbian, Gay, Bisexual, Transgender, Queer, Intersex (LGBTQI) people

Esther Adhiambo is a human rights defender (HRD) working for Persons Marginalized and Aggrieved (PEMA Kenya), an LGBT organization based in Mombasa, Kenya. Through capacity building and advocacy on social, health, legal and economic issues, PEMA's mission is to empower the community to respect the rights of people of diverse sexual orientations and sexual and gender minorities.

In the socially conservative city of Mombasa, the safety of HRDs and LGBT people is of great concern. Homosexuality is illegal in Kenya and can be sanctioned by up to fourteen years of imprisonment pursuant to Article 162 and 163 of the Criminal Code. Even though there are few convictions, LGBT persons are routinely harassed by the police, held in custody beyond the constitutional period without charges being pressed against them, and presented in court on trumped-up charges.¹

The LGBT community remains specifically targeted by politicians and religious leaders. For instance, at a rally in January 2011, Prime Minister Raila Odinga stated that gay couples should be arrested. Several members of PEMA have received threats and Esther herself has been harassed through Facebook. As a result, PEMA has established a number of security strategies, which center on security trainings to equip members with safety protocols and legal tools.

PEMA is determined to gain acceptance and tolerance for Kenya's LGBT community. Esther has steered PEMA Kenya to start dialogue with the police, religious leaders, and media representatives on the human rights of gender and sexual minorities.

ii. Resource rights and corporate accountability

Claudia Samayoa is the coordinator of the Unidad de Protección de Defensoras y Defensores de Derechos Humanos Guatemala - UDEFEGUA (Human Rights Defenders Protection Unit in Guatemala), an organization that supports the work of human rights defenders in preventing and responding to security risks through monitoring and advocacy work. The organization has also played a key role in protecting witnesses in the historic genocide trial against former Guatemalan dictator Mr Efraín Ríos Montt.

¹ "The Outlawed Amongst Us", Kenya Human Rights Commission, 2011. p. 21.

In June 2010, the United Nations Special Rapporteur on the Rights of Indigenous Peoples, Mr. James Anaya, visited Guatemala and reported on the climate of instability and social conflict caused by extractive industry companies operating in the traditional lands of Guatemalan indigenous peoples in relation to projects in their lands.² UDEFEGUA is currently working with the Guatemalan communities of San José El Golfo and San Rafael Ayampuc in opposition to the unilateral approval for the gold mining venture of Kappes, Cassidy and Associates (a US-based company). The communities, which will be negatively impacted by the mining venture, have engaged in non-violent protests to assert their right to free, prior, and informed consent. Human rights activists within the movement have endured violence and threats, including attempts on their lives. A complex web of state and non-state actors are responsible for threats, making it difficult to discern who is behind each attack. The government consistently undermines the movement's credibility, and puts activists in danger by labeling HRDs as terrorists, anti-development, and threats to national security.

"It's better to have five security rules and commit to them than it is to have many rules that aren't followed."

Claudia Samayoa, UDEFEGUA

According to the 2010-11 Annual Report on Guatemala from the International Federation for Human Rights (FIDH), defenders who accompany, document, and denounce acts of aggression against other human rights defenders and those who struggle against impunity are also

victims of threats and harassment. On February 2, 2010, the personal car belonging to Claudia was sabotaged when oil was placed underneath the carpet in the driver's seat, causing the pedals to become slippery. As Claudia was not travelling at high speed, she managed to avoid an accident. She had been on her way to attend a meeting of the Institution for the Analysis of Attacks Against Human Right Defenders. A number of other attacks against UDEFEGUA staff and researchers have been reported, yet as of April 2011 there had been no progress in the investigations.³ More recently, on April 18, 2013 the organization's office in Nebaj, in the Department of El Quiché, was broken into. Claudia is accused, in a document published by the Fundación Contra el Terrorismo (Foundation Against Terrorism), of trying to blame the National Civil Police (PNC) for violent clashes between them and local communities. This incident is the latest of a series of threats and intimidating acts directed against human rights defenders who protect witnesses in the historic genocide trial against Rios Montt. It also takes place in a climate of violence and threats directed towards human rights defenders in

² See UN Human Rights Council, Informe del Relator Especial de Naciones Unidas sobre los derechos de los pueblos indígenas, James Anaya, Observaciones sobre la situación de los derechos de los pueblos indígenas de Guatemala en relación con los proyectos extractivos, y otro tipo de proyectos, en sus territorios tradicionales, UN Document unedited version A/HRC/16/xx, March 4, 2011.

³ See Extracts from the 2011 Annual Report of the Observatory for the Protection of Human Rights Defenders (FIDH-OMCT). Updated May 2011. Available online at: <http://www.fidh.org/GUATEMALA-2010-2011>

Guatemala. Claudia continues to work with at-risk indigenous Guatemalan communities to secure their lands and security.

iii. HRDs working in the context of political transition

Nawla Darwiche is the Co-Founder of the New Woman Foundation in Egypt. Since the revolution, fundamentalist discourse has become more prominent, sweeping aside more progressive agendas. Women human rights defenders have been increasingly exposed to public acts of violence and largely excluded from the transition process. In the Egyptian parliament, there are only 11 women out of 498 members. Infringements against women have also been worsened by the new constitution, which was adopted after a hasty referendum in December 2012. Women's rights are marginalised in the new constitution while discrimination against them is not explicitly forbidden. Moreover, many religious leaders accuse human rights NGOs of representing Western interests and benefitting personally from Western funding. As a result, it has been increasingly difficult for them to receive foreign support, and groups such as the New Woman Foundation are labeled as 'Agents of the West'.

Civil society organizations in Egypt are struggling to work, and sometimes even survive, as the government cuts off the foreign funding they rely on. Many employees of non-governmental organizations say the situation is worse now, under President Mohamed Morsi, than it was under ousted President Hosni Mubarak, whose regime was notoriously hostile to civil society.⁴ Under the law governing such organizations, any grants from foreign organizations to run projects in Egypt must receive approval from the Ministry of Insurance and Social Affairs before they can be disbursed. According to the International Federation for Human Rights (FIDH), "The basic spirit of this law is to align civil society with government policies, with the risk of stifling any dissenting voice and further criminalizing civil activists."⁵ Since 2011, when government officials under the military junta launched a crackdown on civil society organizations, the flow of foreign funding has been virtually shut off, particularly for organizations that work on human rights issues.⁶

"Provide discreet, timely, and core funding."

Nawla Darwiche, New Woman Foundation

After the ministry rejected approval for a grant received by the New Woman Foundation, the group appealed the decision in court. In June 2013, the court ruled in their favor. However, this is their first grant approval in a year

and a half. The organization is waiting to start work on seven grants it has received but

⁴ This report was compiled prior to the ousting of Mohamed Morsi on July 3, 2013. The circumstances of HRDs are subject to change as the political situation is uncertain.

⁵ See "Urgent Statement on the Situation in Egypt." *International Federation for Human Rights (FIDH)*. June 6, 2013.

⁶ Chick, Kristen. "Egypt quietly stifles NGOs by cutting off foreign cash flow." *The Christian Science Monitor* 28 February 2013. *The Christian Science Monitor*. Web. June 28, 2013.

which the ministry has not yet approved or denied. Nawla explains, “For one year we've been obliged to cut salaries of people working at the organization. They work now half-time and half-salary. Lots of people left us because they have to find a way to live.” She urges funders to provide discreet, timely and core funding to civil society organizations in Egypt.

Threats to HRDs come from both state and non-state actors. Defenders and NGOs have increasingly been perceived not only as political adversaries but also as ideological enemies. Journalists are still attacked for documenting human rights violations, and opponents of the government have been tortured and killed. The security situation is exacerbated by sensational media coverage and inflammatory rhetoric of religious leaders.

Changes in Egypt are occurring rapidly. Defenders are bringing lawsuits against the government, building local coalitions of human and women's rights activists, and drafting alternative laws in an attempt to promote the adoption and implementation of human rights reforms and to fend off the possibility of democratic setbacks. According to Nawla, “Laws that get put on the books now will impact the country for years to come.”

iv. Intersectionality: LGBTQI rights in regions of conflict

Rauda Morcos is the Co-Founder of Aswat (“voices”) – and coordinator of Mantiqitna Platform (MENA). Aswat provides a safe space and serves as a critical resource for Palestinian women who self-identify as lesbian, bisexual, transsexual, transgender or intersex. They raise the profile of Palestinian LGBTQI women's issues and address the intersections of gender, sexuality and nationality through education, media and advocacy.

Members of Aswat work to create a language amongst themselves in a society where even talking about sexuality is taboo. As a group, they are increasing their visibility very carefully. The faces of members do not appear in the photo section of their website, and their recently published anthropology does not reveal the real names of writers. They actively work to hide the identity of members while, as a collective, they struggle to make their rights visible.

While Palestinian law doesn't criminalize homosexuality, there is no specific civil rights legislation to protect LGBTQI individuals. Strong taboos exist within Palestinian society regarding female sexuality and sexual orientation. The marginalization of Palestinian LGBTQI women is further compounded by the Israeli occupation of Palestinian territory. The occupation is in its fifth decade and the undercurrent of violence, the inherent abuses of fundamental human rights and the disregard for international law stifle Palestinian civil society. Israeli forces restrict the movement of Palestinians in the West Bank, and Israeli military authorities continue to detain Palestinian activists who

demonstrate non-violently against Israeli settlements and the separation barrier.⁷ For the people of the West Bank and Gaza, the struggle against occupation is seen as more critical than the struggle for women's rights and LGBTQI rights. Aswat and its members still face rejection and silencing within the feminist community, the Palestinian community, and Israeli society.

In 2007, Aswat organized the first Palestinian conference on freedom of expression, choice and existence that included LGBTQI speakers, political leaders, and others involved in the defense of human rights. Two weeks before the conference, a number of religious fundamentalist groups issued statements denouncing the event and demanding its immediate cancellation. Details about the conference, such as the location, also appeared online and pamphlets condemning the conference were distributed.

Aswat needed to strategize a response to those threats in a short period of time. They were reluctant to rely on Israeli police forces for fear that other Palestinians might associate Aswat with an Israeli political agenda. Israel's protection might have also been seen as a form of "pinkwashing": a deliberate strategy used by Israel to conceal the continuing violations of Palestinians' human rights behind an image of modernity signified by the promotion of gay rights.⁸

"International solidarity is only helpful when it is coordinated by local groups. It is often seen as interfering or reinforcing Western values. The first reaction to LGBTQI rights in the region is that it is part of the Western agenda, and that LGBTQI people don't exist in the Arab world."

Rauda Morcos, Aswat ("voices") and Mantiqitna Platform (MENA), Palestine

A rapid response grant provided by the Urgent Action Fund allowed Aswat to hire a private security company for the duration of the event. Over 380 people attended the conference, including activists from outside the region who came to offer solidarity. Two important Palestinian organizations came without being publicly announced, which provided an additional measure of protection and legitimacy within the community. Aswat continues to legitimize the expression of women's sexuality and articulate a Palestinian feminism that encompasses gendered and national struggles against oppression.

⁷ See Human Rights Watch World Report 2013: Israel/Palestine. January 10, 2013.

⁸ Schulman, Sarah. "Israel and 'Pinkwashing'." *The New York Times* November 22, 2011. Web. July 4, 2013.

Recommendations to Funders by Human Rights Defenders

Fund Capacity-Building:

- Encourage grantees to ask for capacity-building funds to cover safe digital technology.

Support Preparedness:

- Support grantees in developing a risk analysis and security plan, including support for staying in-community versus evacuation.
- Encourage grantees to establish networks to share information about threats. Early warning and prevention are critical.

Be a Flexible Funder:

- Remain adaptable to activists' needs in rapidly changing contexts.
- Be willing to provide core support rather than funding for specific activities only. For example, supporting a grantee to pay rent for a secure office space is often essential to sustain activities in times of shifting political contexts or under repressive regimes.
- Ensure that funding is discreet and timely. Mechanisms of transferring funds should remain flexible.
- Fund organizations with various statuses – e.g. private companies, law firms. But be ready to pay associated taxes.
- Respond quickly and shift expectations to require less reporting.
- Do not insist that your organization's name appear on all funding activities. This exposure of Western support could be detrimental to the public image of grantees.
- Stay connected with HRDs in the region to assess the current political situation and keep up-to-date with events on the ground.
- Ensure that application procedures are accessible and simple. Keep in mind that structural constraints may make it difficult for organizations to access safe Internet, send an application, or even complete a long application under time constraints.

Be an Advocate:

- Pressure governments in transition to adopt and ratify UN conventions.
- Mobilize communities abroad to keep governments (e.g. Egypt) accountable for violations of the right to freedom of association. As Nawla emphasized: "The mobilization of Egyptians abroad in front of Egyptian embassies is a way to demonstrate solidarity. Sometimes HRDs don't have access to these communities, but funders do."

Defer to Activists:

- Remain aware of the perception that is created of grantees receiving Western support. For example, it is more helpful for straight Palestinians to stand in solidarity with LGBTQI Palestinians than for Westerners to voice their support.
- Allow local activists to set their own agenda. International action can be counterproductive and should always be led by defenders themselves and their families.

Section II: Supporting Grantees to Prevent and Respond to Security Threats

i. Donor planning and communication with grantees

Noting the tension between safety and visibility for human rights defenders, David Mattingly of the Fund for Global Human Rights argues that while it is in a funder's interest to advocate for human rights by publicizing grantmaking activities and demonstrating their impact, the funder must ultimately ensure the security of the grantee.

"The burden is on the funder to ensure that communication remains private and anonymous."

David Mattingly, Fund for Global Human Rights

Recommendations to Funders

- Be cautious in communication with grantees. Transmit sensitive information discreetly, and be vigilant when communicating by e-mail or phone.
- Ensure confidentiality by communicating privately and anonymously.
- Avoid publishing confidential grantmaking activities on your website.
- Name activities differently so as not to attract attention: 'education' or 'travel', rather than 'advocacy' or 'legal support'.
- When conducting site visits at the location of the grantee, be aware of power dynamics. Funders have different privileges than HRDs, especially when in the field. Avoid putting grantees in a situation where they have to choose between fulfilling a request to visit a community or group and risking their own safety.
- Do not bring unwanted attention to grantees. For example, it may be important to travel with the same trusted taxi driver rather than introducing new drivers without notice.
- Grantee information that appears on a site visit itinerary should be shared with caution.

ii. Training on safety and security

Claudia Samayoa is the Founder of UDEFEGUA, which provides training to human rights defenders in Latin America, to help them increase their security and prevent future threats. Claudia argues that activists need to be given clear guidelines and tools that are easy to implement.

Recommendations to Funders

- Give the grantee a few key security-related recommendations that they can work on immediately.
- Create boundaries with activists who don't follow security protocols and then continually request support in emergencies.
- Require the executive director of the grantee organization to attend all security trainings. Other staff members must also be familiar with security strategies so that if the director is threatened and forced to leave, the organization and the work will be able to continue.

Catherine Townsend, a Program Officer at Wellspring Advisors, coordinates a human rights defenders grantmaking portfolio. She discusses how funders can better understand grantee security needs and approaches that help ensure that donor interventions are supportive and complimentary to the grantees' own work on security. As she notes, this theme has come up often with grantees: "We were reacting to a lot of emergencies, but we didn't know what we could do around prevention."

Recommendations to Funders

- Provide training and resources to educate program staff about security and protection.
- Integrate questions around security into grantee discussions and relationships. Don't segregate it as an "extra".
- Gauge grantee's strengths and weaknesses around security and channel funding accordingly.

iii. Digital security

Ali Ravi is the Program Director of the Tactical Technology Collective (TTC), an organization that helps HRDs use digital tools safely and effectively. He emphasizes the importance of keeping up to date with digital security: "As technology continually changes, digital security measures need to change as well." For example, smartphones can hold more information than a general cell phone, making it more useful but also riskier and more prone to surveillance. TTC, in collaboration with FrontLine, has developed a 'Security in-a-Box' tool to meet the digital security and privacy needs of advocates and HRDs. 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 to use that to secure computers, protect information, or maintain the privacy of Internet communication.

"In the Middle East, the security of Twitter can be problematic, but we used it to create a revolution."

Nawla Dawiche, New Woman Foundation

Recommendations to Funders

- Avoid using Skype, as it is not open-source software. Skype is owned by Microsoft, which has previously provided China with “backdoor channels for authorities to eavesdrop.” Skype also allows multiple and simultaneous log-ins. Use GoogleTalk instead, when possible.
- Maintain ‘password hygiene.’ As Ali advises, “Don’t have your password be ‘password.’”
- Maintain ‘social network hygiene’ by not posting too much information about your grantees online.
- Work in an encrypted way to ensure the safety of grantees.
- Train activists on how to use technology safely. Remember that core support is the biggest way funders can support digital security efforts.
- Social media sites are a challenge for personal security but it remains an important tool for mobilization.

iv. Protective accompaniment

John Lindsay-Poland notes that the United Nations increasingly recognizes protective accompaniment as an effective alternative to protective measures by governments. At the request of HRDs, companions provide a physical presence 24/7 and are always ready to respond. Protectively accompanying the HRD does not involve acting as a human shield, but rather involves monitoring and raising public awareness about the situation of the HRD. Accompaniment can be used as a tool to raise the profile of a community and increase the legitimacy of defenders. There are three primary impacts that stem from accompaniment: protection, encouragement and global alliance-building.

“Protective accompaniment means being present without being a protagonist.”

John Lindsay-Poland, Fellowship of Reconciliation

Recommendations to Funders

- Funders can think of themselves and their local staff as protective companions. For example, if a grantee is testifying at a court case, funders can stand in solidarity with him or her.

v. Advocacy

“Effective international action needs to be fast, accurate, and strategic.”

Mary Lawlor, FrontLine Human Rights Defenders

Mary Lawlor of FrontLine Defenders raises the question of how to foster political will to protect HRDs. Rapid and strategic international action can make a strong impact on the security of HRDs, while moral support and solidarity also has a preventative effect. In 2004, the European Union adopted guidelines

to establish liaison officers to serve as contact points for HRDs. The guidelines are not legally binding, but represent a clear political commitment by EU member governments. The guidelines established liaison officers that serve as contact point for HRDs. In 2012, FrontLine forwarded more than 200 cases to the EU. It received responses in 71% of cases, and in 47% of cases proactive measures were taken.

Recommendations to Funders

- Be attentive to -and supportive of- national NGO efforts for increased integration of advocacy at the national, regional and international levels.
- Develop personal contacts with those who we ask to take action on behalf of grantees.
- Be ready and take advantage of already scheduled meetings.
- Look for innovative ways of raising awareness and building support.
- Adopt a flexible approach, be compelling and coherent.

Conclusion

The Institute provided international funders with an overview of the safety and security needs and priorities of human rights defenders. Led jointly by donors and activists from around the world, the Institute gave attendees the tools they need to be as effective as possible in assessing, preventing, and responding to security threats faced by HRDs. The Institute was an open space for grantees and grantmakers to share their own experiences and develop concrete strategies towards more safe and responsible partnerships.