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**Closing Plenary: On the Front Lines:  
Protecting Human Rights Defenders in Times of Transition**

Wednesday, January 25, 2012

2:45 – 5:00 pm

***Session Organizer:***

- IHRFG Human Rights Defenders Working Group

***Facilitator:***

- David Mattingly, Director of Programs, Fund for Global Human Rights

***Panelists:***

- Bahey Eldin Hassan, Cairo Institute for Human Rights of Studies
- Romdhani Messaoud, Board Member, Tunisian League for Human Rights
- Claudia Samayoa, Founder, Guatemalan Human Rights Defenders Protection Unit

***Strategy Discussion Tables:***

- Urgent and Flexible funding
  - Regional Hubs
  - Unarmed Civilian Peacekeeping
  - Advocacy and Policy Work
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*Introduction:* The closing plenary session focused on political transitions and protecting human rights defenders (HRDs). It explored the challenges and opportunities currently facing human rights defenders in the Middle East and North Africa (MENA) and also in Central America—highlighting lessons learned and drawn from this region, and sharing best practices, models, and tools.

Bahey: Provided the context in MENA for HRDs and provide specific examples from Egypt on challenges and opportunities.

- The common expression now is the 'Arab Spring' – do we really have an Arab Spring in the region?

- In January 2007, there were only two Islamic countries in Arab region-- Sudan and Saudi Arabia. Now we have Islamic governments in six countries-- Tunisia, Morocco, Libya is on the same track, Egypt though not purely dominated by Islamists, etc.
- There is a question mark concerning the situation in Syria and Yemen with ongoing uprisings. It is expected that Islamists would enjoy influential roles in such situations.

- Different political realities— even the Muslim Brotherhood is different in different countries of the region.

- Muslim Brotherhood of Egypt is leading the International Muslim Brotherhood. They are the most conservative Muslim Brotherhood organization.
- One Arab Spring with different political realities—main feature is the rising of political Islam as occupying government positions.

- By 2012 we have a completely different region—need to think of new strategies and methodologies on regional and local level. Recommendations:

- In depth Assessment of needs:
  - Capacity building
  - Strategic planning and developing new strategies
  - Dissemination of human rights culture in increasingly religious, conservative societies
- Escalation of bloody repression—serious impact on civil society, human rights, and how donors and NGOs should respond.

- International advocacy has become more important now. Recommendations:

- Emergency Fund
- International Advocacy

- Egypt has a unique situation—Mubarak's mechanisms, policies, and oppressive practices are still in place.

- Since Mubarak stepped down, the people in power are the military, Islamists etc. attacking and oppressive groups. Potential conflict between military and Islamists, as well as within the military— can be bloody.
- This has serious implications for anyone who wants to take an active part in Egypt.

Romdhani: Challenges and opportunities for HRDs now that Tunisia is creating legal framework to protect HRDs.

More optimistic than Egyptian colleague—discussion in four parts:

- Civil Society in time of dictatorship

- Main characteristic of dictatorship is power of state over society —suppressing burgeoning of civil society.
- Any action taken by civil society was seen as a challenge to autocratic regime and deserving to be repressed.
- There was an absence of communication between decision makers and civil society.
- Gradual erosion of vibrant and vocal society due to harassment.
- Tunisian government discrediting civil society organizations

- Turning point leading to revolution

- Triggered process to open new horizons, promising future of democracy and freedom.
- Ex: Tunisia- first country to overthrow a long-ruling dictatorship, but also to hold elections that were free and fair, consistent with principles and practices of democracy in general.

- Challenges to civil society in Tunisia today

Economic and Social Challenges:

- Parts of Tunisia still suffering from denial of these rights.
- There is poverty and high rate of unemployment.
  - Unemployment rates are high as ever, especially among women and girls—35% of children drop out of school after primary education.

- More than 800,000 unemployed people in Tunisia today.
- There is no improvement in economic and social situation.
  - Poor and marginalized regions are still in same situation as before the revolution.
  - There are general strikes every day and sit-ins, and frustration with government's neglect of the community's pressing needs.
  - The same demands for reforms and government intervention exist— adequate compensation and to hold accountable those responsible for corruption and nepotism.

#### Political and Institutional Challenges:

- Political parties are still fragmented—the opposition was carrying out protest. One could feel political and institutional vacuum.
- Government against media—despite being isolated, these examples of Islamists trying to domesticate the media are worrying.

#### -Encouraging opportunities for defenders:

- Networks of associations have now emerged trying to cover various aspects of life.
- Compensating for years of marginalization.
- Many NGOs lacked adequate resource to face challenges.
- Few independent human rights groups faced with challenges to revive their structure with increasing demands and solicitations.
- These actors and new ones need means to adopt.
- Capacity of Tunisian society to answer social challenges on sustainable basis.
- Revolution was a reaction against poverty, unemployment and racial discrimination inside the country.
- Illegal migrants are mistreated
  - Hundreds of thousands refugees were coming from Libya when Europe declined them.
  - Lobbying legal status for refugees in conformity with international conventions.
  - Stop criminalizing migrants and renegotiate treaties with member states.

Claudia: Democratic transition in Central America; Current situation of HRDs in the region and applicable in MENA.

- Recognize that transitions happened in Latin America in the 80s and 90s coming from societies with dictatorships. Transition at that time was to develop into democratic regimes. In 2005, the Latin America Center for Economic Studies found that even though they have democratic process, they have more poverty, economic inequality and less freedom. What happened?

- Concessions to powers that made societies poor.
- Impunity to grave human rights violations.
- Not changing rule of the game.
- Transitions without making equals equal.
- Democratic process was done to continue power in legitimate way – those excluded were never included, there was no process to include them.

- Symptoms: attacks against human rights defenders— examples: El Salvador, Guatemala, Honduras

- Honduras: not seen or visible in the transition- silent war and silent process, less changed.

- Still had provision in the Constitution enabling the government to take away citizenship for saying “something bad outside the country.”
  - Take for granted that everyone was being civilized.
  - Lawyers and journalists killed.
- Pregenocidal pattern in Guatemala.
- After transition society is pre-genocidal.
  - Human rights not considered as something good in transition.
    - Something good was entrepreneurs, economics.
    - Transition was used to make structural adjustment of society.
    - More capability now to confront problems
  - Street gangs, organized crimes.
- If you do not change root causes, you will continue to see problems emerge and be sustained.
- Murder rates: 80 people killed from every 100,000— worse than even places of war like Afghanistan.
  - Pandemic of violence is the result of the transition without addressed the causes.
- Contest what is fair and free election: Who is making decisions?
  - Genocide perpetrator and drug trafficker has been elected as president.
  - Other challenge is to have cooperation in united issues—discuss all of these issues together: development, impunity, citizenship, empowerment
    - Human rights based approach should be embedded in every intervention.
    - Address risk of human rights defenders.
    - If you empower organizations to say the truth, they will be attacked regardless of region.
- Opportunities in Central America
  - Indigenous groups do not work apart from peasant or woman’s groups.
  - To build real democracy, we need to build institution.
  - Need to find in the government and judicial process that want to foster human rights.

*Q: What has changed in Egypt? How can funders respond to the situation?*

Bahey:

- What happened today is very telling. Thousands went to the streets in 18 cities, demanding the same demands of the revolution of last year—the young generation, leftists, civil society groups mobilized.
- Who is the rising political power?
  - Funders should think in more critical way in the situation of the region. Many assume rising power is Islamists—western countries have been supporting repressive regimes because of Islamists.
  - But new political actors were not considered—this is the new rising power.
    - It needs more time, but focusing on Islamists only is misleading despite that they are leading Parliament, etc.
    - Look to the situation today in Egypt—the street voice is still occupied by youth, leftists, etc.
- NGOS Main Concerns:
  - Networking and coordination
  - Emphasis on international advocacy
  - Continue to disclose poor record of the military.

- Working with Islamists in some areas like ESCR– but not women’s rights, freedom of religion etc.
- Political Islam in human rights should be addressed more by research etc.
- Donors focus more helping to strategize in complex situations/co-funding.
- People have become hungry for culture for human rights.
  - What is needed is not just traditional human rights courses but mass dissemination of human rights culture—educational workshops, publications, etc.

## Closing Plenary Strategy Table: Urgent and Flexible Funding

### **Facilitators:**

- Anne-Sophie Schaeffer, Program Manager, Euro-Mediterranean Human Rights Foundation
  - Romdhani Messaoud, Board Member, Tunisian League for Human Rights
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### First Round:

*Q: Do you consider urgent funding crucial during times of change? Are there institutions without mechanisms to act quickly and efficiently? How can you strengthen these mechanisms?*

Yeshica:

- Interested in providing urgent funding with organization that does provide it.

Teri:

- Provide emergency grants for media—journalists attacked and radio stations taken down.
- But we have limited funds and only fund in areas where they have partners on the ground.
  - We do have grant money that pays for crisis but we have to pick and choose.
  - We're looking to find partners to grow the pot.

Talia FGHR:

- We have \$75,000 for discretionary grants and can turn grants around in 48 hours.
- We go through the 75K every year, funding mostly to support our own grantees in danger. We give 45 million in general support grants to grantees.
  - This 75k is open to human rights activists in danger who are NOT their grantees.
  - Flexible criteria—support HRDs affiliated with an organization for due diligence purposes.

Deanna UAF:

- Urgent funding is all that we focus on.

### *Questions:*

*-Are there countries where funders would not intervene? Ex: Egyptian NGOs targeted by government but also under bank scrutiny. How do you find mechanisms? What are the lessons learned?*

*- There are grantees that were creative about how they would list projects that were being funded. They put that their project was about women's income generation.*

*The situation is that funds are frozen at banks. The foreign funding issue is now even larger. How to avoid being accused as a traitor?*

*- Do funders have capacity to make grants for projects? Preventative measures?*

*(Ex: Tunisian Forum— new initiatives to answer needs, at that time there were few donors ready to invest in new initiatives with seed funding.)*

- Mechanisms to make HRD life easier:

- Have rapid process of obtaining entry visas/Schengen visas, etc- It takes weeks to get visas while life may be at risk. The EU should have a special section for HRDs.
- Develop criteria— It's important for both funders and grantees to develop criteria about urgent funding.

- In Egypt, a big problem is that they are afraid of people being spoiled by foreign funding.

Romdhani:

- All groups in civil rights movement have same problem as Egypt. But in trying to answer demands and problems otherwise, civil society will fade away.
- Many donors before revolutions refused to give money for core funding—refused to build assets for you, such as owning a flat so you don't have to rent it. This is the type of capacity building and empowerment donors should strategize.
- Should have trust fund in the name of Egyptian NGOs to guarantee protection regardless of foreign building
- Moroccan Organization for Human Rights survived all of these years because a wealthy funder paid for a house, thus covering the core so that the NGO does not have to pay for rent.
- Another strategy is to register or set up an account to receive funding in Europe so that NGOs can continue to receive foreign funding.
- Ex: Nigeria NGO set up account in France.

*Q: What is the most effective strategy during time of political change? What does not work?*

- There needs to be a certain trust relationship built, transparency, must be flexible in way that you fund groups.
- That type of grantmaking much easier when making relatively small grants (US laws etc).

Second Round:

*Q: Would you consider urgent funding essential during times of major political change? If so, why? If not why?*

- Some funders consider it better to be preventive. Maybe in certain contexts it was difficult to prevent a situation, so what were needed were urgent funds to respond to projects as well as risks.
- New Israel Fund keeps certain funds separate for urgent funding. But in Egypt it wasn't enough so they had to be strategic.
- American Jewish World Service:
  - The challenge is when partners cannot receive funding—what to do then? Put funding on pause until better environment. How many of those grantees are new versus partners that they have been funding? Otherwise they refer to Frontline or UAF to get money out quickly. Or they allow grantees to use portion of existing grants.

*Q: Do funders have preference as to what they would fund in urgent situation?*

- If it is a trusted partner, it is at their discretion. Groups are already working on issues that are aligned with funders' goals.
- Frontline:
  - 500,000 EUROS per year for small grants. It can be done very fast. In emergency situation get the money out.
    - Ex: Syria— funded a woman in danger and hiding. Western Union is now more difficult to deal with. For NGOs not allowed to take money from the West, they must find a trusted intermediary (university etc.)

*Q: Times of major political change can have increasing risk—there are needs to fund urgent, new project— core funding to start employing staff to deal with managing of an office or ground work for strategizing, office rent etc. This is a long term investment. How do you see need for urgent funding for projects?*

- Regional hub/recommendations:

- Funders need to know what other funders doing—need database of funders who provide urgent funding, in what situations etc.
- Define what is short term funding
  - Difference between someone who is threatened and needs to leave the country versus upcoming election planning, etc.
  - In circumstances of rapid political change, it is issues of civil society versus person's life threatened.

American Jewish World Service:

- Off-docket grants are now called “opportunity grants” to grantees under 25K. The Program Officer balances money they have to spend in the year, but other than that it is at PO's discretion.
  - Ex: Anti-homosexuality bill in Uganda— mobilized more funds.

- Big funders keep aside money to intervene with partners.

Conclusion:

Paul Carroll, Nonviolent Peace Force:

- Often moral compass even in bad situation.
- Continuum needs to continue to be funded.
- Often hear that band aid approach, but these save lives too.

Anne-Sophie:

- Activists and donors agreed that small grants make it easier to overcome risk, but also needed funding for new projects and initiatives.
- There is a need for more information, criteria, period of funding, type of funding, how long will the decision be made?
- Shared amongst funders but also with civil society organizations.
- Need more coordination amongst donors.

Bahey:

- In countries where there's no legal status, donors supported UPR process to help countries obtain legal status. The main feedback is on local level— no way to get such feedback and impact without going to UN or Geneva.
- Supporting advocacy by supporting institutional building and support. Supporting human rights in risk by developing NGO strategies at all levels— national, regional, international levels.
- Help lobby with governments, regional mechanisms, etc.
  - Pressure governments.

- Look at examples for success for international mechanisms



## Closing Plenary Strategy Table: Regional Hubs

### **Facilitators:**

- David Mattingly, Director of Programs, Fund for Global Human Rights
  - Claudia Samayoa, Founder, Guatemalan Human Rights Defenders Protection Unit
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Claudia: Provided an overview of funding regional hubs—supporting regional groups to offer comprehensive regional services, looking at both emergency responses on the ground and international advocacy.

- UDEFEGUA was created in 2000 based on an understanding that civil society actors and HRDs should not have to bear violence alone.

- Activists anticipated attacks on youth organizations so they went to the youth group funders and told them how to take preventative steps.
- A problem they consistently run up against is that of overwork, over-stress and mental health problems, which put people at additional risk. UDEFEGUA has partnered with mental health providers to attempt to address this (this partnership also has enabled them to provide psychological assessments for legal purposes).
- Also it is critical to work with the families of HRDs.
- UDEFEGUA focuses their work on “transferring documentation capacities” and offers direct trainings.
- Regional networks can be intermediate-level groups that help local groups connect with larger international organizations who may have access to emergency funds or other resources.
- UDEFEGUA also has emergency funds for HRDs in need in addition to advocacy. They also push other larger organizations to do additional advocacy on behalf of HRDs.
- One of the more effective aspects of regional organizations is their ability to stay on top of the bigger picture and more in-depth issues while also dealing with on the ground HRD issues.

*Q: What did you mean when you mentioned your organization had transferred from a training model to a “transfer of capacity” model?*

Claudia:

- We train the trainers by involving them in the trainings of others and then we transfer the task of trainings entirely to them.

*Q: What do you know about the workings of other regional hubs beyond Central American – do they operate differently?*

Claudia:

- In the Eastern Horn of Africa there is a group of lawyers/HRDs who do trainings and have some emergency funds.
- International Freedom of Expression Exchange - “IFEX” (network of journalists working on freedom of expression) - have applied regional pressure of different sorts.
- IFEX also works with human rights groups. Right now they have a campaign in Bahrain although many activists are being denied visas. The embarrassment factor is also pretty high with this campaign because lots of press will cover this.

- It is important to remember that when HRDs are attacked this is fundamentally a freedom of expression issue.

*Q: Is there a component of cross-regional connections in addition to within one region?*

*There is a new pan-African HRD network.*

- Russia as a region in-and-of-itself - have great difficulty discussing HRDs in Russia.

Transparency international attempted to work on this.

Cross-fertilization as an important motivational tool but then need to follow up and try to really ground the regional networks.

*Q: Is there any support available for HRDs being prosecuted?*

-Defamation cases are a big problem - both finding lawyers and getting funding are difficult.

*Q: Why not use networks that are already there to protect HRDs?*

- These networks produce complimentary reports. It is helpful to have both networks working simultaneously.

- There are three networks in Guatemala doing their own documentation and UDEFEGUA supports each of them in the aspects they are unable to do themselves.

*Q: Do you collaborate with groups of lawyers?*

- The Lawyers Community for Human Rights in Zimbabwe does amazing work. In Meso-America there are fewer lawyers and they do not have an active network. Honduras is one the few places where this type of network exists and they are being targeted and killed.

## Closing Plenary

### Strategy Table: Unarmed Civilian Peacekeeping

#### **Facilitators:**

- Paul Carroll, Program Director, Ploughshare Fund
  - Jit Man Basnet, General Secretary, Lawyers Forum for Human Rights
  - Mel Duncan, Outreach and Advocacy Director, Nonviolent Peaceforce
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#### First Round:

- Unarmed Civilian Peacekeepers
- Nepal → Because of ten year conflict, multiple human rights violations have occurred
  - Many people still missing
- Military officials responsible for the human rights violations are very aware of the media against them
  - Therefore, decisions-makers become better at deflecting attention/criticism
- Non-violent Peace Force
  - 60% of funding is from large groups/GOs
    - No money from the US

#### Second Round:

- Unarmed civilians on the ground, protecting victims of direct conflict
  - Internationals and nationals can be a deterrent from conflict occurring
  - Local areas building up their own capacity to protect themselves
  - Works because all groups (in power or not) have sensitivities
    - Works within strategy

## Closing Plenary

### Strategy Table: Advocacy and Policy Work

#### **Facilitators:**

- Jessica Wrenn, Senior Program Officer, American Jewish World Service
  - Bahey eldin Hassan, General Director, Cairo Institute for Human Rights Studies
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#### First Round:

Participants: Godfrey Odongo, Diana Samarasan, Emily Martinez, Rachel Pfeffer, Navin Moul, Mary Lawlor, Emily Arnold, Katrin Wilde, Ruth Meinsen-Dick

Q: How have those in the room supported Human Rights Defenders to engage with advocacy, and how have you protected HRDs when that are doing advocacy work?

Emily Martinez, Open Society Foundation

- Mundane laws that governments use to go after HRDs are important to focus on (i.e. tax laws, laws pertaining to registering as a legal entity). That's where groups have become most vulnerable.

Internews

- We have worked on this quite a bit, but it is really difficult to work on this in times of crisis.
  - Have found it useful to hook grantees into legal defense network and to find companies interested in doing pro bono work. Also useful to link grantees with networks of networks on the international level that could shine a spotlight.
  - Have set up safe houses where individuals and organizations can go, either to stay for a period of time or at least to have a safe place to discuss.

Euro-Mediterranean Foundation

- Some observers think that because the situation has improved in some places (i.e. Tunisia) the importance of international advocacy is less— not true, it is still critical.

Frontline

- Support defenders in what they themselves want
- Send cases to the UN
  - Frontline is increasingly supporting HRDs to go to the UN to participate in the UPR process for their own countries
- Agreement with Irish government
  - Have an office to follow every possibility within the EU
  - Bring defenders to Brussels to advocate directly with the desks and on speaking tours. 38% positive outcome.
- Have done a lot of work on Bahrain— former protection officer resigned to get involved with democracy movement and he was arrested, tortured and serving life sentence. The American Bar Association is representing him pro bono.
- Embattered NGO fund from State Dept via Freedom House— Frontline just received money from them but said it will not disclose certain information.
  - Internews also partnered with Freedom House. There is such a desperate need for rapid response mechanisms, especially in real time.

Partners have relationships with embassies that are friendly to their cause.

Disability Rights Fund

- We worked with Frontline on moving 2 defenders.
  - Helped to get in touch with Human Rights Watch because they have a person on the ground who could get in touch with the defender and provide in-person support.

#### Second Round:

Participants: Prakash Tyagi, Miguel Bustos, James Logan, Yeshica Weerasekera, Michael Hirschhorn, Annie Hillar, Bahay el din Hassan

*Q: What kind of advocacy efforts work in political transitions and how can funders support them as relates to Human Rights Defenders?*

James Logan, Oak Foundation

- Funding for accountability and international actors to put pressure on domestic authorities.

Central America economic transition with free trade regime, Appleton funded campaign of 82 organizations in 6 countries that went to the Inter-American Commission on Human Rights regarding violation of labor rights, as the governments in the region were changing labor laws to facilitate the Central American Free Trade Act

*Q: What does advocacy mean as applied to this issue?*

Urgent Action Fund

- Funding group in Pakistan, 2 cases of violations of women's human rights, and having a tribunal and large public awareness campaign around this

Bahay el din Hassan

- NGOs and INGOs lobbied for special session at Human Rights Council on Libya and then lobbied to other governments and Arab League. Referring Libya to ICC

It is challenging to understand advocacy re Human Rights Defenders in times of transition (all of the overlapping layers)

- Example: US policy in Colombia. % of US military assistance has human rights conditions. Human Right First worked to make military assistance conditional on the way the Colombian state was dealing with the safety of HRDs. This did require the State Dept to issue reporting about how the Colombian state was doing this. This type of conditionality could be inserted into other legislation as well.

Prakash Tyagi, GRAVIS

- The Right to Information Act gives every Indian citizen the right to get decisions of details made by government. Activists working on RTI have been killed.
- Massive anti-corruption campaign going to force government to have a people's panel in every district to bring corruption cases against government officials.
- Currently discussing the right to recall your representative from senate, parliament, etc.  
→ don't know if it will happen or not

*Q: What do NGOs in transition contexts need?*

- Capacity building to respond to changing realities with new political actors
- Can include protection, preventive measures
- In Egypt now deal with Islamists differently, not victims as before but now as rulers. They don't care about human rights. Before they were the primary political victims.
- Younger generations of Muslim Brotherhood seem promising. Some have joined leftist groups.