

Human Rights Defenders are ordinary people taking extraordinary risks

Support and protect them

Burundi, Democratic Republic of Congo, Kenya, Rwanda and Uganda 2012 - 2014



“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 level.”

(Article 1 of the UN Declaration on Human Rights Defenders, March 8, 1999)

Human Rights Defenders (HRDs) are ordinary people taking extraordinary risks. Whether they are members of civil society organisations, community leaders, paralegals, social workers, media workers, volunteers or lawyers, HRDs share one common objective: they act, individually or with others, to promote and/or protect human rights.*

Through their actions, HRDs build bridges between vulnerable peoples prevented from accessing and

enjoying their basic human rights, and states authorities who had promised, through international engagements, to ensure the respect, protection and promotion of these rights. These defenders ensure that society's most marginalised peoples' voices are heard, providing them with information on how to best defend their interests, investigating sensitive issues that affect their rights' realisation, and exerting pressure to turn governments' promises into concrete and sustainable actions.

Protecting HRDs

HRDs are often confronted with attempts to limit their capacities to defend and promote human rights while carrying out their work. These attempts take various forms: physical threats, administrative or judicial harassment, criminal charges, and sometimes violent crimes (such as beating, torture or killings).

Engaged in the defence of human rights and the establishment of the Rule of Law, *Avocats Sans*

Frontières (ASF – lawyers without borders) and the East Africa Law Society (EALS) decided to join efforts in a project designed to support and protect lawyers and HRDs in East Africa and the African Great Lakes Regions (“the regions”). Although democratisation processes are under way in the regions, HRDs continue to suffer from various obstacles to their work that require urgent protection as well as long-lasting solutions.

The ASF and EALS Project provides for

Response to urgent protection and assistance needs...

Legal assistance for HRDs in need

A pool of 42 lawyers from the regions committed to human rights for all is being trained to provide legal assistance for HRDs. The aim of this pool of lawyers is to bridge the gap between the protection issues confronted by HRDs on a daily basis, and the national and international legal protection frameworks that guarantee their basic rights.

Depending on the origin of the threats to HRDs and the precise assistance needs, the lawyers involved in the project build protection strategies through various types of actions:

- assistance for HRDs at all stages of judicial cases, at national, regional or international levels;
- whether they need representation following criminal charges or as victims of crimes;
- dialogue, negotiation and mediation with stakeholders involved in HRD protection issues;
- submission of amicus curiae briefs to provide expert opinions on the extent of HRDs legal protection frameworks; and
- trial observations, to witness, analyse and collect evidence on the administration of justice in cases involving HRDs.

* Most commonly used definition referring to the wording of 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, General Assembly resolution 53/144 (A/RES/53/144), 8 March 1999, commonly known as the UN Declaration on Human Rights Defenders.

Risk prevention and direct protection of HRDs and HRDs organisations

In situations where HRDs are subjected to immediate and ascertained threats or risks, actions are designed to reduce their vulnerability. Together, implementing the legal and direct protection actions enable the development of comprehensive strategies that aim to:

- 1) identify the origin of the precise threat faced by specific HRD;
- 2) respond to the immediate needs of the HRD; and
- 3) bring long-lasting solutions, based on the application of the HRDs fundamental rights and freedoms.

... Framed in sustainable regional solutions

Contribution to the development of specific regional protection frameworks

The primary responsibility for the protection of HRDs rests on the States. While governments continue to ratify international treaties and adopt legislations ensuring the protection of human rights (including those of HRDs), their commitments are too often poorly reflected on the ground.

Alongside the development and provision of sustainable assistance to HRDs in danger, it is equally important to promote and contribute to:

- 1) the development of a legal framework designed to provide protection specific to HRDs; and
- 2) the emergence of good practices in state institutions, promoting respect for the work of HRDs.

The partners in the project are joining efforts in implementing advocacy strategies at regional and national levels in order to foster those changes and strengthen the HRDs protection legal framework.



This direct assistance to HRDs is designed to respond to the following needs for:

- providing and increasing physical safety;
- supplying basic means of subsistence when needed;
- ensuring certain freedom of movement to reduce imminent risks; and
- providing communication means to avoid isolation.

Creation of a regional protection funding mechanism

A key component of the project is to create a regional dynamic among HRDs, lawyers, protection organisations, networks and institutions, donors and other stakeholders in establishing a funding mechanism designed to provide long-term and comprehensive responses to HRDs legal protection.

Although the regions benefit from a considerable number of programmes and initiatives designed to increase HRDs' protection, the following challenges still need to be addressed at the regional level:

- supporting efficient and quality legal and judicial responses to the restrictions and threats faced by HRDs;
- strengthening operational collaboration and coordination among key stakeholders involved in the legal protection sector; and
- identifying new sources of funding in order to support national and regional actors and increase current response coverage.

In collaboration with other protection initiatives, this new regional mechanism aims to guarantee that HRDs receive reinforced personal and legal protection throughout the regions, independent of their countries of origin, or the structure where they first requested support.

The project partners: A common commitment for the promotion of human rights and the rule of law

AVOCATS SANS FRONTIERES

www.asf.be

Created in Brussels in 1992, Avocats Sans Frontières (ASF - lawyers without borders) is an international NGO specialising in defending human rights and access to justice. From Kathmandu to Kinshasa, from Bogota to Tunis, its teams defend the victims of torture and prisoners held illegally, train local lawyers, magistrates and judges and ensure that the voices of the victims of international crimes are heard by the courts. Present in the Great Lakes region since 1996, ASF intervenes in certain judicial emblematic cases and also mobilises on behalf of lawyers at risk in the practice of their profession. ASF's programmes are centred on the themes of access to justice and the fight against impunity.



EAST AFRICA LAW SOCIETY

www.ealawsociety.org

THE EAST AFRICA LAW SOCIETY (EALS) is the umbrella regional Bar Association of the legal profession in East Africa. It is a dual membership organization that brings together the six national Law Societies of: the Burundi Bar Association, the Kigali Bar Association, the Law Society of Kenya, the Tanganyika Law Society, the Uganda Law Society and the Zanzibar Law Society; as well as their respective individual membership. The EALS works to promote the Observance of and adherence to the Rule of Law, Democracy and Good Governance; and to enhance the professional knowledge and skills of its membership. The EALS enjoys formal Observer Status with the East African Community.



Contacts

Regional Coordination Office:

Avocats Sans Frontières c/o East Africa Law Society
No 6, Corridor Area, Off Jandu Road, PO Box 6240, Arusha –
Tanzania
t +255 27 250 3135
hrd-ddh@asf.be

This project is financed by the European Union

