

Report of Regional Workshop on Women and Minority Human Rights Defenders held on 12<sup>th</sup> -14th October 2009 at Imperial Royale Hotel, Kampala, Uganda.



With financial support from the Finnish NGO for Human Rights.

# Regional Workshop on Women and Minority Human Rights Defenders

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## ACRONYMS

ACHPR	-	African Commission on Human and People's Rights
AI	-	Amnesty International
AMWA	-	Akina Mama wa Afrika
CEDAW	-	Convention on the Elimination of all forms of violence against women
CSOs	-	Civil Society Organisations
EHAHRDP	-	East and Horn of Africa Human Rights Defenders Project
FIDA-U	-	Association of Uganda Women Lawyers
GBV	-	Gender based violence
HRDs	-	Human Rights Defenders
ICCPR	-	International Covenant on Civil and Political Rights
KIOS	-	Finnish NGO Foundation for Human Rights
MRDs	-	Minority Rights Defenders
OHCHR	-	United Nations Office of the High Commissioner for Human Rights
SGBV	-	Sexual and Gender Based Violence
UHRC	-	Uganda Human Rights Commission
UN	-	United Nations
UNDHR	-	United Nations Declaration on Human Rights Defenders, 1998
WHRDs	-	Women Human Rights Defenders

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# Regional Workshop on Women and Minority Human Rights Defenders

## EAST AND HORN OF AFRICA REGIONAL WORKSHOP ON HUMAN RIGHTS DEFENDERS

### Women Human Rights Defenders and Minority Rights Defenders

A.

Executive Summary

Over 40 persons, from across the region (East and Horn of Africa) attended the three day regional workshop convened by the East and Horn of Africa Human Rights Defenders Project (EHAHRDP) to discuss the experiences and challenges facing women and minority human rights defenders. Human Rights Defenders (HRDs) are persons working for the promotion and protection of internationally recognized human rights, including those working on civil, political, economic, social and cultural rights through peaceful means (United Nations Declaration on Human Rights Defenders, adopted on 9 December 1998). The purpose of the workshop was to allow women Human Rights Defenders (WHRDs) and minority rights

defenders (MRDs) to identify the challenges facing them and develop strategies to address these. The workshop would also provide an opportunity to expand the network as well as increase EHRDP's sensitivity to gender issues in the implementation of its work in the region.

The workshop was organized with support from the Finnish NGO Foundation for Human Rights (KIOS). Member countries of the East and Horn of Africa Region have signed up to many international human rights treaties protecting



Workshop participants after the opening of the workshop, EHAHRDP, 2009

human rights and obliging the state to undertake its duties in upholding its citizen's human rights. There are also other non binding legal instruments that protect human rights defenders both internationally and regionally. These include the UN Declaration on Human Rights Defenders, the EU Guidelines on Human Rights Defenders and the African Charter for Human and Peoples' Rights.

However, these have proven insufficient in ensuring the protection of human rights defenders who time and again fall victim of rights violations by governmental and non-governmental

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actors. The workshop highlighted how states parties fail to fully comply with their obligations and as a result, human rights defenders are suffering. The workshop showed that there is still a great deal of work to be done to improve the situation of HRDs. It was also apparent that there is immense potential to expand and replicate events such as this workshop in other parts of the region, not only to raise awareness of issues affecting human rights defenders but also to build their capacity on aspects such as gender mainstreaming, campaigning, lobbying and advocacy processes within their organizations.

In the plenary sessions, participants gave much emphasis on the active role of the UN Special Rapporteur on Human Rights Defenders who in this case is a Ugandan woman. Participants hailed the EHAHRDP for organizing the conference and they together declared their commitment in supporting each other and other defenders from across the region.

B.

Background

The East and Horn of Africa Human Rights Defenders Project, a is the Secretariat of 65 Organizations in 10 countries in the East and Horn of African region works to maximize the protection of Human Rights

Defenders (HRDs) in the region and to enhance the awareness of human rights work. EHAHRDP organized a workshop on women and minority rights defenders intended to bring together

network members, women human rights defenders and minority rights defenders to specifically discuss and identify challenges facing WHRDs and MRDs and create strategies to address them.

However, WHRDs face peculiar problems associated with their gender and the rights they defend and there is a general knowledge gap and reluctant attitude among key stakeholders to address gender specific challenges. The abuses against WHRDs are generally not classified as human rights violations. One serious consequence of this is that the atrocities against them are given lower priority. Sometimes they are not considered 'serious enough' to merit response or redress, or they are simply ignored in favour of those committed against



Some of the participants from Somalia

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'recognised' human rights defenders who are usually male. As a consequence, women defenders are deprived of protection afforded to their male colleagues in the movements. Moreover, interlocking networks of silence and shame that blame victims (especially of sexual violence), and male language or male-defined processes in legal institutions have often resulted in the suppression of stories of abuse.

The workshop was aimed at highlighting the challenges faced by WHRDs within the region, and to impart gender mainstreaming skills to participants. The specific objectives of the conference were;

1. To provide a neutral and safe forum to dialogue and learn from each other about the work of human rights defenders.
2. To stimulate interest and awareness among other human rights service providers in the work of WHRDs and MRDs.
3. To impart knowledge and skills on gender mainstreaming.
4. To develop strategies and action plans on the most effective ways to protect WHRDS and MRDs.
5. To network and establish strategic linkages as persons with similar causes.

Similarly, the participants expressed their expectations of the workshop as follows;

- i. To learn what human rights defence work is all about.
- ii. To find ways of bridging the gaps between the different human rights defenders.
- iii. To share experiences of different WHRDs and MRDs across the region.
- iv. To learn how HRDs can take care of themselves and support each other within their different work areas.
- v. To learn new strategies of how to face resistance and challenges.

Through this workshop, EHAHRDP sought to highlight factors affecting the work of WHRDs and MRDs and to equip the defenders with skills relevant to their human rights work. In general, the conference builds on EHAHRDP's mission of increasing the impact of HRDs' work in defending human rights and enhancing their capacity to deal with situations of crisis.

This workshop comes at a crucial time when human rights defenders and the issues that they are speaking to are increasingly under attack. Furthermore, States are increasingly putting in place a range of legal provisions aimed at restricting the work of HRDs and the issues that they are addressing, such as the proposed - Homosexuality Bill in Uganda. This workshop was particularly important because it availed a platform for persons affected by these circumstances - the HRDs to thrash out the challenges that they face in their work, and for similarly placed persons and institutions - civil society, human rights commission, international human rights organizations and other partners to reflect on ways to work together in achieving the greatest output. Previously, many HRDs have worked in isolation and in a haphazard manner. There

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has been little exchange between the WHRDs and MRDs from across the 10 countries covered by the East and Horn of Africa region. The conference availed a forum for HRDs to voice out the predicaments facing them in their work, to interact with colleagues facing similar issues in different countries and within different thematic areas, whether they be in armed conflict, minority rights and gender based violence.

The methodology of the conference was interactive and participatory and included paper presentations, small group discussions, experience sharing, participating in plenary discussions and audiovisual activities which integrated the knowledge and experience of everyone involved. Resource persons and ever present facilitators enriched the group with theoretical and practical knowledge on issues of human rights defence work. Facilitators used methodologies that would contribute to the personal transformation of participants towards giving value to themselves and their work and being agents of learning. Further, the use of real life cases allowed participants to discuss problem-solving methods in a practical way.

At the conclusion of the conference, participants left having discussed some actionable first steps or strategies in achieving protection for themselves, and having gained some skills on how to mainstream gender into their work.

This report narrates the discussions had at the conference and the resolutions reached by the participants.

Day One

12 October 2009

C.

Official Opening



Mrs Sarah Stella Okuni.

Mrs. Sarah Stella Okuni, Programme Coordinator (EHAHRDP) welcomed the participants and invited them to introduce themselves. She especially hailed those from outside Uganda for having accepted to be part of the gathering. She conveyed warm greetings from EHAHRDP's Executive Director Mr. Hassan Shire Sheikh who could not be at the workshop because he had to represent the Civil Society at preparatory meeting in London for the forthcoming Commonwealth Heads of Government (CHOGM) meeting due to take place in November in Port of Spain. She then gave a brief on the East and Horn of African Human Rights Defenders Project stating that it was initiated out of research findings that exemplified the need to provide systematic support to human rights defenders through

Protection, Advocacy and knowledge development and skills training. As an organisation



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working in 10 African countries, EHAHRDP responds to the constraints faced by human rights defenders and including WHRDS and MRDs. She said the last two groups had been identified as facing particular vulnerabilities. She remarked on the importance of the workshop as being to highlight the challenges faced by the two groups of human rights defenders, she further stressed that gender mainstreaming has not been adequate in this work and that this is one issue that the workshop would address. She expressed profound appreciation to the Finnish NGO foundation for Human Rights (KIOS) for funding the workshop. In her conclusive remarks she stated that she hope the general gathering would achieve the best results and wished everyone prolific deliberations.



Ms. Judith Maas opening the workshop. Error! No text of specified style in document.

Ms. Judith Maas, Legal Sector Advisor, the Royal Netherlands Embassy (RNE) expressed her gratitude for having been invited to address and open the workshop where human rights defenders from across the region were gathered. She stated that human rights defence was people's work and that the role of human rights defenders cannot be underestimated because this was the only force between the ordinary people and the power of the state.

The speaker affirmed that human rights are universal and indivisible and all persons are entitled to them. As such, steps should be taken for inclusiveness of every person's rights, especially of vulnerable groups such as women and minorities. She further pointed out that many of the rights of the above mentioned groups were under attack.

As a consequence, the timeliness of this workshop was very critical because it availed a vital forum to discuss issues pertinent to this point in time. She thanked EHAHRDP for organising the workshop and then went on to declare it open.

### Key Note Address

Ms. Solome Nakaweesi-Kimbugwe, Executive Director, Akina Mama wa Afrika (AMwA) begun her key note address by sharing slides depicting the life of a woman titled 'Women's Human Rights – Visions, Challenges and Strategies.' She stated that there are many women human rights defenders – of all ages and cutting across different periods of time, as far as the pre-colonial times, such as the pre-independence activists who advocated for equal rights of girls to go to school just like their male counterparts. She further articulated that whereas women's rights was an issue that had been addressed across the years, minority rights on the other hand are not well defined in history. She acknowledged the fact that there are people working in various circumstances where rights are violated such as during armed conflict. In such times, it is important as human rights defenders to move beyond just legal and morally acceptable



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means of defending rights. She advanced some creative strategies that have been used in advancing women's rights such as conversations - moving beyond the obvious to harder discussions on issues such as women's disempowerment and the creation of space, nurturing leadership in diversity in order to make stronger movements, respect for diversity, engaging with popular culture, bridging intergenerational gaps, using the power of dress, style and coordination, believing in and taking care of ourselves, as well as tapping into the African knowledge on human rights defenders.

The speaker highlighted some challenges affecting human rights work to date such as the fact that fewer younger women are willing to work on the broader issues, the lack of adequate knowledge of the political know-how, the rise in fundamentalism (religious, cultural, economic – investors), the failure to consolidate gains, an increasingly repressive state, weak support networks, the burden of women's issues being left to women alone and lastly, the predicament of burn out of human rights defenders.

Ms. Nakaweesi concluded by outlining some key actions steps that could be pursued for the further progression of women and minority rights. These included;

- The need to break silences on sex and sexualities.
- The need to mobilize and use resources for more consistent advocacy work.
- Building stronger institutions and networks (intergenerational / inter-movement) as well as setting up support networks that nurture the soul.
- Mainstreaming gender in all human rights defender's work.
- Implementing the Kampala Declaration on women and minority rights defenders.

One participant had this to say about the key note address;

“ Thank you for saying the things that were never said before. They clearly express what I feel.....”

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Ms. Nampewo Zahara

### E. Women Human Rights Defenders in the East and Horn of Africa Region; An Overview of Work Experiences

Experiences were shared by Ms. Zahara Nampewo from Uganda (Association of Uganda Women Lawyers – FIDA) and Ms. Hala Elkarib from Sudan (SIHA).

As the oldest women’s organization in Uganda, FIDA uses law as a tool of social change. It combines law and gender to foster the rights based approach in addressing the power imbalances and abuses in society.

FIDA members protect human rights as advocates, grassroots activists, teachers, counsellors and mentors. FIDA members take a leading role in human rights protection by challenging inequality, repression and traditional gender roles and offer services such as legal aid , community rights sensitization and paralegal training , advocacy as well as strategic Litigation. As a result of FIDA’s work, women have been enabled to speak out against violations and to seek legal redress. Further, there is increased acceptance of women’s rights within the society. There are challenges however such as vulnerability to hostility and reprisals, lack of recognition of the work of women rights defenders and poor leadership.

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SIHA on the other hand is a membership organization of indigenous women's rights organizations. It addresses aspects affecting women in Sudan such as the existing 'Public Order Code' that oppresses women by requiring them to wear Islamic dress. The Code is enforced through a special police force – the Public Order Force.

Through her discussion, Ms Hala illustrated some of the challenges faced by women human rights defenders in Sudan such as the divisions amongst women rights organizations, the compartmentalization of human rights, repressive legal regimes, direct threats and the lack of adequate response mechanisms.

Arising from the above experiences, it is clear that women human rights defenders put themselves on the front line in the promotion and protection of human rights. In doing so, they face risks that are specific to their gender and additional to those faced by men. Harassment and attacks against them may themselves take gender-specific forms ranging from verbal abuse directed exclusively at women because of their gender. These human rights abuses can, in turn, have repercussions that are, in and of themselves, gender-specific such as pregnancies resulting out of rape.

From the discussion that followed, Agreed Common Grounds from this session were that:

- Women's human rights are the easiest to violate and get away with because of the layers created by culture and tradition that support these violations.
- Many women are 'role filling' - many of them are in positions of power but are not empowered to act. Further, many women go out of their way to take up responsibilities that are not acknowledged, recognized, or even documented.
- Very few people understand what women human rights defenders really are or the role that they play. Nevertheless, these should be recognized and affirmed as equal partners and leaders.
- Women's human rights should not be compartmentalized as 'women issues only' but should be addressed within the mainstream human rights discourse.
- Strategies should be sought on how to protect all women human rights defenders in new and creative ways and using on agreed regional and international human rights



F. Minority Defenders in the East and Horn of Africa; An Overview of Work Experiences

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Ms. Val Kalende and Dr. Chris Dolan (Executive Director, Refugee Law Project) took members through the subject of Lesbian, Gay, Bi-Sexual, Trans-Sexual and Inter Sexual (LGBTI) rights. LGBTI are considered a minority due to the immense levels of discrimination against them. As relayed of the Ugandan experience, a space of only five years has enabled the creation of visibility for sexual minorities. Participants were informed that it is only as late as 2005 when the gay movement in Uganda started forming, raising awareness, doing advocacy and service provision. It is now comprised of a number of a number of associations and works towards crafting a comprehensive understanding of gay rights. The movement has managed to raise awareness on key issues affecting the well being of MRDs working to defend LGBTI rights. Despite these efforts, numerous factors confront the full realization of rights of MRDs. These include stringent legal regimes. For instance Sudan and Djibouti have death sentences for homosexuality.

Other factors that need to be highlighted include;

- There is little or no information existing on LGBTI in the East and Horn of Africa as well as a poor understanding of the same especially arising from the fact that these groups are not permitted to engage in public.
- The ‘unnatural’ silence on the aspect of LGBTI does not preclude the fact that these persons exist, and their rights should be protected.
- The glaring lack of support from mainstream human rights organizations.

One participant had this to say after the presentations;

“ No one should be discriminated against because of their sexual orientation. Everyone should be treated with unconditional positive regard.” (Per Dr. Thomas Aquinas Mugumbya).

### G. Gender Based Violence against Women Human Rights Defenders and Minority Rights Defenders

Gender Based Violence (GBV) is any act that results in, but is not limited to, acts of physical, sexual, and psychological violence in the family, community, or perpetrated or condoned by the State, wherever it occurs. This definition is wide and follows a continuum, with both small acts and gross violations that all build up to a violation of women’s and sexual minority’s rights. Testimonies from women and minority rights defenders were recounted at the workshop making reference to their experiences with gender based violence. All the stories evidenced the fact that the gender based violence that was suffered covered different forms including physical, sexual and psychological forms of violence, whether occurring in public or in private life. The practice also extends to denial of basic necessities of life such as HIV drugs, food and

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other medicines to persons affected by HIV. Gender based violence is exacerbated by situations of armed conflict. Conflict situations almost inevitably reaffirm patriarchal attitudes and values at every level and heighten the risks and vulnerabilities of human rights defenders living and working in situations of conflict.

Although it is clear that violence violates rights and that member states have signed human rights treaties against the practice, many of their citizens still suffer from it, especially women and sexual minorities. Further, many victims do not know what to do or where to go to seek redress. At the same time, institutions such as the police ridicule and make petty the crime of violence rather than providing protection to victims that see their way into their offices. As such, there is a prevailing sense of impunity signaling that often, violence will go unpunished. Hence, human rights defenders who suffer violence sometimes remain silent out of fear of reprisal or ostracism, especially as perpetrators often hold powerful positions. So while it may have been possible to report violations, it is extremely difficult and dangerous for human rights defenders to call attention to the violations or seek punishment for the perpetrators.

From the discussion that followed, Agreed Common Grounds from this session were that:

- Women and minority rights defenders face numerous risks and are extremely vulnerable because they put themselves on the front line in the promotion and protection of human rights. Violence may extend beyond the defenders themselves to their close family members.
- Conflict situations further endanger and heighten the risks and vulnerabilities faced by HRDs and leave WHRDs acutely vulnerable to sexual and other forms of exploitation. This may come from local forces or even peacekeepers.
- Gender Based Violence involves power imbalances, leaving men as perpetrators and women as victims. The most wide spread form of violence mainly occurs in patriarchal societies – societies where power lies in male hands. This is as a result of gender imbalances that give men superior power in gender relations.
- Freedom from Gender Based Violence is a right.
- GBV is a political rather than a private matter for which government must design measures for elimination.
- Awareness raising on GBV, advocacy and lobbying are some ways of dealing with GBV.

“ We need to unlearn the values that we have been brought up with and relearn new values, including freeing women from gender based violence.....”

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### Influence of Patriarchy

More often than not, women's understanding is conditioned by the cultural, religious and traditional norms and context in which they live. These norms are often shaped by patriarchy which bestows more powers on men while seeking to enhance the subordination of women to men.

H.

### Mainstreaming Gender into Human Rights Defenders Work

Ms. Jacqueline Asiimwe, the Wellspring Advisor in Uganda elucidated the concept of gender in depth. She began her presentation on the assumption that human rights and fundamental freedoms are inherent in the human person but that this is not always the case. She cited the actuality that mainstream human rights approaches have long insisted that human rights are gender neutral. However, that the exclusion of women's experiences perpetuates inattention to gender specific abuses predominantly suffered by women. She alluded to the fact that gender mainstreaming today is a strategy for development practitioners in addressing a gender blind approach to development and ensuring that women too benefit from development.

The presenter defined gender mainstreaming as a commitment to ensure that women as well as men's concerns and experiences are integral to the design, implementation, monitoring and evaluation of all legislation, policies, programs in all areas and at all levels so that both sexes benefit equally and inequality is not perpetuated. As such mainstreaming is not about adding a "woman's component" or even a "gender equality component" into an existing activity. It goes beyond increasing women's participation; it means bringing the experience, knowledge, and interests of women and men to bear on the development agenda. It may require changes in goals, strategies, and actions so that both women and men can influence, participate in, and benefit from development processes. The goal of mainstreaming gender equality is thus the transformation of unequal social and institutional structures into equal and just structures for both men and women.

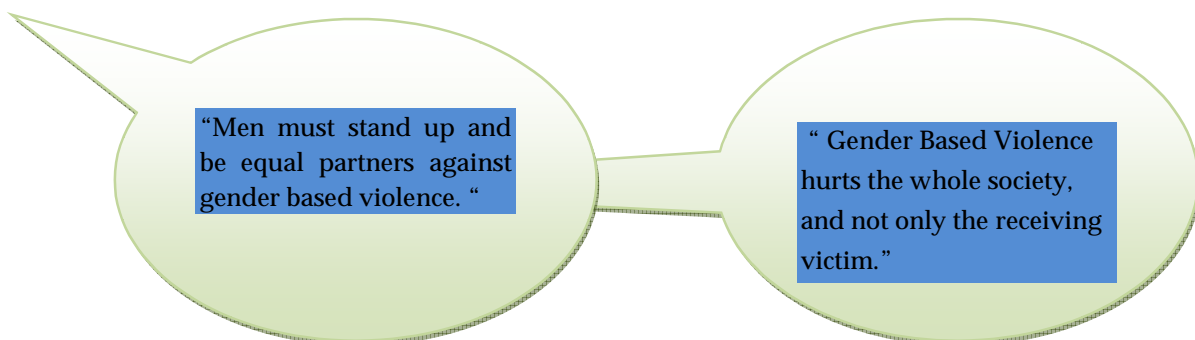
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Participants learnt that the responsibility for implementing the mainstreaming strategy is system-wide, and rests at the highest levels within organizations. The presenter told participants that gender mainstreaming follows specific steps, including:

- The initial diagnosis of issues and problems across all areas / activities of an organization;
- The adoption of gender mainstreaming policies;
- The use of tools for gender mainstreaming, such as gender analysis, the use of data disaggregated by sex and age, sector-specific gender surveys, gender sensitive studies as well as guidelines and checklists for programming;
- The establishment of instruments and mechanisms for monitoring and evaluation, such as gender- impact analysis methodologies;
- Allocation of adequate resources for mainstreaming, including additional financial and human resources;
- The creation of accountability mechanisms such as monitoring for gender mainstreaming.

It was also stressed that gender mainstreaming is a commitment comprising of a wide range of actions that require an institution to pay attention to the unequal relationships of power within all structures and organizational frameworks. It requires the making of some hard decisions in order to ensure that human rights defenders are availed with protection mechanisms that come with the vulnerabilities of their work. Gender mainstreaming should in particular tilt to fit the work of human rights defenders. It should address aspects such as non documentation of violations and abuses against defenders in order for them to demand accountability for, and support each other. Further, it should address features such stress, trauma, burn-out, loss of self esteem and non recognition of human rights defenders. Participants were called upon to get more skills on this subject matter, to embed gender in organizational roles and processes and to build the capacity of others in their organizations.

The participants ended the day with a documentary featuring stories of victims of gender violence titled “Four Stories of Women Survivors of Domestic Violence.” Two key messages arose from the documentary;





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Day Two

13 October 2009

The facilitator welcomed participants for the second day of the workshop and allowed new members to introduce themselves. She then invited the next presenter to commence.



## I. Regional Advocacy and Lobby Campaigns on Women Human Rights Defenders and Minority Rights Defenders - Practices

Mr. Arjan Van Der Waal, Coordinator of Africa Human Rights Defenders Program, Amnesty International shared some of the common practices of advocacy. He began by imploring the participants to have a good advocacy plan as the key to effective advocacy. Advocacy in this case was defined as a project designed to achieve specific responses of a particular audience.

The presenter illustrated this by dissecting the famous 'Lubna Ahmed al Hussein' case concerning a Sudanese journalist who was arrested and charged for wearing trousers in public in contravention of Sudanese indecency laws, and in which Amnesty International intervened. Through this, participants were able to evaluate different types of advocacy strategies. He outlined the core steps of an advocacy plan to incorporate the following;

- Identification of the problem

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- Identification of the solution
- Identification of the outcome
- Identification of persons / institutions that have the power to bring about the outcome
- Identification of the best way to reach the above mentioned persons/ institutions
- Identification of the action(s) desired of your allies and audience
- Identification of the message and the messenger
- Identification of the tools and materials required
- Setting of timelines
- Identification of the resources to carry out the advocacy

Ethical principles that should be taken into consideration were summarized. These comprise of confidentiality, non exploitation, equity and non discrimination, respect for the autonomy and dignity of the beneficiary, integrity and transparency, accountability, informed consent, follow up as well as the principle of 'do no harm.'

Participants were cautioned to make certain that their advocacy campaigns were not hijacked and misused by others. They were advised that as human rights defenders, they should always create a forum for regular interaction with others as well as making use of all advocacy channels. They were also called upon to collaborate with regional networks and to maintain collaboration with international human rights organizations such as Amnesty International.



J.

Security for Human Rights  
Defenders, a Responsibility for All

Mr. Yona Wanjala from the Protection Desk took members through the basics of security which is critical for them as human rights defenders. Human rights defenders step on other people's toes in their pursuit of defence for human rights and as a consequence, some people may be out to hurt them. Nevertheless, everyone must have their security at heart.

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The presenter reminded the participants that they are better human rights defenders alive than dead, and that they could serve their constituencies better if they were more security alert. He noted that there is inadequate information on security practices of human rights defenders and as a result, each individual defender should know how to assess his/ her risks and how to react appropriately when faced with them. Every defender must embark on a contextual analysis of their operational environment each time they are undertaking a project. This includes force field analysis, asking relevant questions and stakeholder mapping.

From the discussion that followed, Agreed Common Grounds from this session were that:

- Security starts with each individual – it starts with you!
- You cannot protect and defend other people without protecting yourself first.
- Not all human rights defenders are equal in the face of risk. But, all human rights defenders face risk.
- Security threats may not only be in regard to a particular individual but could stretch to cover family and close friends.
- All organizations should take the security of their employees as crucial and this goes to initiatives such as having a security plan, emergency / quick response systems, security kits, allocation of resources as well as security training.

“ The violation of rights of a human rights defender’s child(ren) is a direct attack and automatic violation of the rights of that human rights defender as well..”

K.

Protection Mechanisms available  
for Women and Minority Rights Defenders

This session dealt with the types of protection mechanisms available to human rights defenders. Ms. Tabitha Netuwa, (Legal Officer, EHAHRDPD) gave a brief on the types of protection mechanisms available at EHAHRDPD. She mentioned that the secretariat offered support through counseling, medical and/or legal support, trial observation and accompaniment. However, for one to qualify for this kind of support, they had to fit squarely within the definition of a human rights defender as defined by the 1998 UN Declaration on Human Rights Defenders. Some participants felt that this definition was too limiting especially since it could not enclose a politician as a human rights defender.

Ms. Caroline Nalule (Director, Complaints and Legal, Uganda Human Rights Commission) presented the perspective of national human rights institutions. She relayed to participants that the undertakings of national human rights institutions varied from country to country

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Hon. Miria Matembe addressing participants.

depending on the issues and structures in each country. She was reminiscent of the fact that the important thing about human rights defenders is not who they are, but rather what they do. All the same, they are vulnerable to prejudice, exclusion and public denunciation and should be protected. The Uganda Human Rights Commission (UHRC) provides protection through complaints handling and follow up of violations, inspection of places of detention and monitoring the government's compliance with international human rights obligations, including the analysis of national laws. Some challenges remain however such as the general lack of awareness of human

rights by the public, intolerance by the state, limited enforcement mechanisms for tribunal rulings and lack of full independence from the state.

Hon Miria Matembe discussed the mandate of the African Commission on Human and People's Rights (ACHPR). She pointed out that the ACHPR is the first regional human rights body to create a special procedure to deal with the protection of defenders' rights, having created the Special Rapporteur on Human Rights Defenders in Africa as far back as 1994. That office examines and acts upon information on the situation of human rights defenders in Africa. The Special Rapporteur of the ACHPR has similar functions to those carried out by the UN Special Representative on Human Rights Defenders.

The Special Rapporteur can issue urgent appeals regarding violations against human rights defenders in the region. The Special Rapporteur can also carry out official country visits to assess the situation of the defenders there. It is important to note that the Special Rapporteur can work together with the Special Rapporteur on the Rights of Women in Africa and together they can strengthen the advancement of the rights of women human rights defenders in the Region. The Commission is however limited by lack of funds as well as political allegiances that may not allow its commissioners to act independently at all times.

Mr. Paul Simo (Human Rights Officer, United Nations Office of the High Commissioner for Human Rights) substantiated the general role of the United Nations (UN) as being that of setting standards relating to the protection of



Mr. Paul Simo.

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human rights defenders as premised in international human rights instruments, and thereafter specifying the rights of individuals. The UN further interprets and ensures compliance with these standards. For instance, the Human Rights Committee which is a treaty body established to monitor rights spelt out under the International Covenant on Civil and Political Rights (ICCPR) has defined non discrimination on the grounds of sex to include 'sexual orientation.'

The Declaration on Human Rights Defenders takes existing rights of individuals and applies them to human rights defenders, and further represents the right to a remedy. He notified members that the UN system established the office of Special Rapporteur on Human Rights Defenders whose mandate is to scrutinize and protect human rights defenders across the globe.

From the discussion that followed, Agreed Common Grounds from this session were that:

- Member countries of the East and Horn of Africa Region have signed up to many international human rights treaties protecting human rights and obliging the state to undertake its duties in upholding its citizen's human rights. As a result, there are institutions and structures set up at national, regional and international level to protect rights of HRDs.
- The mandates of these institutions are broad and comprehensive enough to give the vital protection to human rights defenders.
- However, these mechanisms have their own limitations and human rights defenders do not always have the requisite confidence to use them. Further, states parties are not fully complying with their obligations under these mechanisms thus making implementation difficult.
- Despite the existence of these organs, human rights defenders are still suffering and it is clear that there is still a great deal of work to be done to improve the situation of human rights defenders. As such, the efforts of other players such as civil society organisations and international human rights NGOs is critical to supplement the work of these institutions and to compel the states to implement their human rights obligations.

## Regional Workshop on Women and Minority Human Rights Defenders

Day Three

14 October 2009

L. A Re-examination of the Threats and Challenges of Human Rights Defenders; Developing Strategies to achieve Protection

The participants worked in two groups (women human rights defenders and minority rights defenders) to discuss their threats and challenges, both at individual and organizational levels under the following themes;

What strategies can women human rights defenders and minority rights defenders develop to deal with specific challenges and threats.

What opportunities exist in your organization to begin conversations and activities on gender mainstreaming at organizational, program and networking level?

What support do you need at organizational, programming and networking to do gender mainstreaming? What are the key steps to get this support?

Action planning was then embarked on to address the challenges, including how to mainstream gender within their organizations.



## Regional Workshop on Women and Minority Human Rights Defenders

### Break Out Group Reports

Threats and Challenges	Strategies
Security - Lack of Knowledge and Skills to handle security issues, security threats to family and friends, arbitrary arrests and detentions	<ul style="list-style-type: none"> <li>• Security and rights training</li> <li>• Developing security plans for organizations</li> <li>• Emergency Fund for rapid relief, evacuation, court cases</li> <li>• Allocate more resources to security e.g safety kits</li> <li>• Equip organizations with relevant gadgets e.g lighting</li> <li>• Undertake baseline survey on security issues before starting a project Stakeholder mapping / Knowing who your allies / advocates are – quick dial number</li> </ul>
Repressive Operational Environment (especially legal regime which criminalises and censors LGBTI activities)	<ul style="list-style-type: none"> <li>• Strategic litigation and strategic engagement (lobbying for good laws, provision of basic services such as medicines)</li> </ul>
Insufficient Support (moral or otherwise) from other members of the society) as well as direct rejection, denial and public discrimination and stigma	<ul style="list-style-type: none"> <li>• Awareness / sensitization at all levels including families</li> <li>• Guidance and counseling of victims in human growth and development</li> <li>• Advocacy / Training of service providers in unconditional positive regard</li> </ul>
Conflicting agendas (donor, government, individual and organization)	<ul style="list-style-type: none"> <li>• Awareness / sensitization on women / LGBTI issues and rights</li> </ul>
Limited Resources	<ul style="list-style-type: none"> <li>• Diversify sources, fundraise and lobby for funds</li> <li>• Maximize strategic linkages - international NGOs, other mainstream human rights organizations, the UN Special Rapporteur on Human Rights Defenders and the Special Rapporteur on Human Rights Defenders in Africa.</li> </ul>
Limited staff capacity	<ul style="list-style-type: none"> <li>• Training and capacity building on LGBTI / women rights issues and rights</li> <li>• Network and share information and experiences with other similarly placed CSOs and individuals as a way of building capacity</li> </ul>

## Regional Workshop on Women and Minority Human Rights Defenders

Threats and Challenges	Strategies
	<ul style="list-style-type: none"> <li>• Hold follow up to trainings held so as to evaluate and further implement the learnings gained</li> <li>• Undertake OD to develop capacity of staff.</li> </ul>
Inadequate Gender Mainstreaming	<ul style="list-style-type: none"> <li>• Pro gender action / programming / planning</li> <li>• Disseminate information in order to influence actions or policies on gender mainstreaming</li> <li>• Review / create gender friendly policies</li> </ul> Build a strong network for support
Lack of documentation of HRD experiences and contextual analysis of the operational environment	<ul style="list-style-type: none"> <li>• Defining and naming ourselves as HRDs and not merely as activists or advocates</li> <li>• Undertaking documentation on the work of, violations, risks and abuses against HRDs</li> <li>• Develop internal communication systems e.g internet</li> <li>• Networking with organizations that have relevant information</li> <li>• Intergenerational linking between older and younger HRDs to share experiences</li> </ul>
Lack of accountability - to our organizations, our work and our beneficiaries.	<ul style="list-style-type: none"> <li>• Development of organizational policies and principles that integrate human rights based principles</li> </ul>

From the strategies outlined above, it is unmistakable that everybody has a role to play in the protection of human rights defenders – whether they be from civil society (NGOs), human rights institutions, international human rights organizations, individuals or any other partners and that this should not be done in an isolated and haphazard manner, but rather in a coordinated approach and allowing support across boundaries using networks such as that availed by EHAHRDP and the internet.

### M. Conclusions, Wrap Up and Closing

It is clear that women human rights defenders and minority rights defenders have a lot of challenges facing them, and although there are existing mechanisms at national, regional and international level to protect them, it must also be elucidated that many of these mechanisms, especially the formal ones, have their own limitations. As such, the timeliness of this workshop was particularly useful in allowing for discussion on what kind of strategies can be developed to address the prevailing challenges and contribute to better protection and promotion of rights of HRDs.

## Regional Workshop on Women and Minority Human Rights Defenders

As part of the workshop, participants were expected to make a daily evaluation of the workshop and make recommendations for improvement. Apart from a workshop report, the workshop events and proceedings were documented in form of photographs.

At the closing, Mrs. Sarah Stella S. Okuni (EHAHRDP) conveyed her appreciation to all the participants for having stayed throughout the three days and for their invaluable contributions that made the workshop the success that it was. She expressed concern that attacks on HRDs are on the increase in the region and that real lives are at stake. She further highlighted that although there are human rights laws and structures in place, these are not responding adequately and in a timely way. She enlightened members to the fact that the EHAHRDP has taken prior interventions to address this situation and was through this workshop taking steps to develop more concrete steps and systematic approaches to protecting women and minority rights defenders across the region.

Mrs. Okuni expressed thanks to the Finnish NGO Foundation for Human Rights once again for its support to the workshop as well as other development partners that support EHAHRDP in various ways. She also appreciated the resource persons and facilitators for their participation in the workshop. She committed EHAHRDP towards furthering the cause of protecting human rights defenders in the region and was confident that with increased collaboration amongst all those concerned, both state and non state agencies, a lot could be gained. She assured those present that they would follow up on the recommendations arising from the workshop and wished them all a safe return to their homes.

A representative of the participants then gave a brief of the workshop proceedings to Ambassador H.E Bjorg S. Leite from the Embassy of the Kingdom of Norway. The Ambassador expressed her pleasure at being invited to share some remarks at the workshop. She noted the excellent ideas and suggestions that came from the deliberations, and hoped that all the participants had expanded their knowledge, skills and networks. The Ambassador applauded the role played by human rights defenders, affirming that it is difficult to defend the human rights of those we know, but that the real test comes with protecting the rights of those whose behaviors are different from our own. She stated that human rights defence is hard and thankless, with few rewards and many risks. However, it is imperative to have persons that speak on behalf of, and struggle for the rights of those in need. The Government of Norway shares the commitment to defending human rights by protecting women and minority rights defenders and the Ambassador added her voice to those who fight for equality, universality and indivisibility of human rights. She called for tolerance, at the heart of which there is sameness and equality.



## Regional Workshop on Women and Minority Human Rights Defenders

She implored states to establish measures that guarantee rights for all their citizenry and also called upon all those present to work together. She ended by thanking the participants and pledged her support to their cause. She declared the workshop closed.

## Regional Workshop on Women and Minority Human Rights Defenders

### Annex 1 – Workshop Agenda

SUNDAY 11 <sup>th</sup> OCTOBER, 2009aa	
12:00pm +	Arrival of international participants Airport transfers to hotel Registration
7:00pm	Dinner
DAY 1: MONDAY 12th October, 2009	
7:00am	Breakfast
8:30 – 9:00am	Registration of participants and invited guests
9:00 – 10:00am	<u>Opening Ceremony</u> Welcome remarks Mrs. Sarah Stella Okuni -EHAHRDP Official Opening- Ms. Judith Maas- The Royal Netherlands embassy, Kampala Keynote address Ms. Solome Nakaweesi-Kimbugwe –Akina Mama Wa Afrika
10:00 – 11:00am	Women Human Rights Defenders in the East and Horn of Africa region. An over view of their work experiences <ul style="list-style-type: none"> <li>▪ Zahara Nampewo–FIDA- Uganda</li> <li>▪ Hala Elkarib – SIHA- Sudan</li> </ul>
11:00 – 11:15am	Group photograph
11:15 – 11:30am	Tea / Coffee break
11:30 – 12:30pm	Minority defenders in the East and Horn of Africa, an over view of their work experience <ul style="list-style-type: none"> <li>▪ Val Kalende- Freedom and Roam Uganda</li> <li>▪ Dr. Chris Dolan- Refugee Law Project</li> </ul>
12:30 – 1:00pm	Discussions
1:00 – 2:00pm	Lunch

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2:00 – 3:30pm	Gender based violence against Women Human Rights Defenders and Minority Rights Defenders presented by Juliet Nakato Odoi ACORD on behalf of AHREP  <u>Testimonies</u> <ul style="list-style-type: none"> <li>▪ Nimo Abdi Hassan Journalist Somalia</li> <li>▪ Onziema Julian Patience Sexual Minorities Uganda</li> <li>▪ Kaltun Sh. Hassan WHRD Somaliland</li> <li>▪ Naome Ruzindana HCA-Rwanda</li> <li>▪ Amina Arale-COGLWO-Somalia</li> </ul>
3:30 – 4:30pm	Mainstreaming gender into Human Rights Defenders works presented by Jackie Asiimwe-Wellspring
4:30 – 5:00pm	Tea/ Coffee break
5:00 – 6:00pm	Discussions
7:00pm	Dinner
DAY 2: TUESDAY 13 <sup>th</sup> OCTOBER, 2009	
7:00am	Breakfast
9:00 – 9:30am	Recap of previous day
9:30 – 10:30am	Regional advocacy and lobby campaigns on Women Human Rights Defenders and Minority Rights Defenders – Best practices Presented by Arjan Van der Waal Amnesty International
10:30 – 11:00am	Tea/Coffee break
11:00 – 1:00pm	Security for Women Human Rights Defenders, a responsibility for all - Presented by Yona Wanjala Protection Desk Uganda
1:00 – 2:00pm	Lunch
Protection Mechanisms – Chaired by Dr. Alex Nkabahona	
2:00 – 2:30pm	The Protection program of the East and Horn of Africa Human Rights Defenders Project presented by- Tabitha Netuwa
2:30 – 3:00	The role of national human rights institutions in protecting and promotion of the rights of WHRD and Minority Rights – Presented by Caroline Nalule the UHRC
3:00 – 3:30pm	The role of ACHPR on the protection of WHRD and Minority rights – Presented by Hon. Miria Matembe

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3:30 – 4:00pm	The role of UN on the protection and promotion of the rights of WHRD and Minority rights – presented by Paul Simo UNOHCHR
4:00 – 4:30pm	Tea/coffee break
4:30 – 6:00pm	Plenary discussions (possibly in working groups)
7:00pm	Dinner
DAY 3: WEDNESDAY 14 <sup>th</sup> OCTOBER, 2009	
7:00am	Breakfast
9:00am	Recap of previous day
9:30 – 10:30am	Examine the threats, challenges and develop strategies to achieve protection of WHRD and Minority Rights Defenders Guided by Dr. Chris Dolan
10:30 – 11:00am	Tea / Coffee break
11:00 – 1:00pm	Group work according to the different work experience <ul style="list-style-type: none"> <li>▪ Journalists</li> <li>▪ Defenders working in area of conflict</li> <li>▪ Defenders facing legal and political oppression</li> <li>▪ Minority defenders</li> </ul> Guided by Dr. Chris Dolan and Dr. Thomas Mayunga
1:00 – 2:00pm	Lunch
2:00 – 3:00pm	Group presentations
3:00 – 4:00pm	Action plan on WHRD/ Minority defenders and Gender mainstreaming to be implemented /adopted by EHAHRD-Network Guided by Jackie Asiimwe
4:00 – 4:30pm	Tea / Coffee break
4:30 – 5:30pm	closing remarks <ul style="list-style-type: none"> <li>▪ Mrs. Sarah Stella Okuni Program Coordinator-EHAHRDP</li> <li>▪ H.E Bjorg S. Leite the Norwegian Ambassador to Uganda</li> </ul>

### Annex 2 – A Table of the Rights of Women Human Rights Defenders’ as reflected in Fundamental International Human Rights Conventions



## Regional Workshop on Women and Minority Human Rights Defenders

	Human Rights Defenders Declaration	CEDAW Convention and General Recommendations	ICCPR	Other related instruments
Promote and protect human rights	<b>Art 1</b>	<p>Articles: Preamble, Article 2 and all Articles (promote and protect the right of women to equality and non-discrimination)</p> <p>No 12: Violence against women (1989) [Art. 2, 5, 11, 12, 16]</p> <p>No 19: Violence against women (1992) [Art. 1, 2, 5, 6, 10, 11, 12, 5, 6, 10, 11, 12, 14, 16]</p>	<p>Articles: 7 (eliminate discrimination in political and public life) and 8 (right to equally participate in government and international organisations)</p> <p>No 3: Role of education and public information programs to reduce stereotypical representations of women (1987) (specific reference to HRD Art. 7) [Art. 5]</p> <p>No 14 on female circumcision (1990) (specific reference to HRD Art. 7) [Art. 10, 12]</p> <p>No 23: Measures to be taken to implement equality in women's political and public life (1997) [Art. 4, 7, 8]</p>	
Freedom of expression, including the right to discuss new human rights ideas	<b>Art 6, 7, 8</b>	<p>Articles: 7 (eliminate discrimination in political and public life) and 8 (right to equally participate in government and international organisations)</p> <p>No 3: Role of education and public information programs to reduce stereotypical representations of women (1987) (specific reference to HRD Art. 7) [Art. 5]</p> <p>No 14 on female circumcision (1990) (specific reference to HRD Art. 7) [Art. 10, 12]</p> <p>No 23: Measures to be taken to implement equality in women's political and public life (1997) [Art. 4, 7, 8]</p>	<b>Art 19</b>	<p>Art. 19 UDHR</p> <p>Art. 9 ACHPR</p> <p>Art. 13 ACHR</p> <p>Art. 10 ECHR</p> <p>Art. 5 ICERD</p> <p>Art. 13 CRC</p> <p>Art. 13 ICMW</p>
Access to information	<b>Art 6, 14</b>	<p>Articles: 10 (access to education)</p> <p>No 6: Establishment of effective national machineries for the advancement of women; and distribution of CEDAW concluding observations (1988)</p>	<b>Art 19</b>	<p>Art. 19 UDHR</p> <p>Art. 9 ACHPR</p> <p>Art. 13 ACHR</p> <p>Art. 10 ECHR</p> <p>Art. 13 CRC</p> <p>Art. ICMW</p>

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	Human Rights Defenders Declaration	CEDAW Convention and General Recommendations	ICCPR	Other related instruments
		No 9: Statistical data concerning the situation of women (1989)		
<b>Freedom of Association</b>	Art. 5, 12	<p>No 15: Avoidance of discrimination against women in national strategies for the prevention and control of acquired immunodeficiency syndrome (AIDS) (1990) [Art. 12] (specific to women human rights defenders working on HIV/AIDS)</p> <p>No 23: Measures to be taken to implement equality in women's political and public life (1997) [Art. 4, 7, 8]</p> <p>No 24: Measures to be taken to implement equality for women's right to health (1999) [Art. 12, 5, 10, 11, 14] (specific to women human rights defenders working on reproductive/FGM, sexuality rights, gender based violence)</p>	<b>Art 22</b>	<p>Art. 20 UDHR</p> <p>Art. 10 ACHPR</p> <p>Art. 16 ACHR</p> <p>Art. 11 ECHR</p> <p>Art. 8 ICESCR</p> <p>Art. 5 ICERD</p> <p>Art. 15 CRC</p> <p>Art. 26, 40 ICMW</p>
<b>Freedom of Assembly</b>	Art 5, 12	<p>No 15: Avoidance of discrimination against women in national strategies for the prevention and control of acquired immunodeficiency syndrome (AIDS) (1990) [Art. 12] (specific to women human rights defenders working on HIV/AIDS)</p> <p>No 23: Measures to be taken to implement equality in women's political and public life (1997) [Art. 4, 7, 8]</p> <p>No 24: Measures to be taken to implement equality for women's right to health (1999) [Art. 12, 5, 10, 11, 14] (specific to women human rights defenders working on reproductive/FGM, sexuality rights, gender based violence).</p>	<b>Art 21</b>	<p>Art. 20 UDHR</p> <p>Art. 11 ACHPR</p> <p>Art. 15 ACHR</p> <p>Art. 11 ECHR</p> <p>Art. 5 ICERD</p> <p>Art. 15 CRC</p> <p>Art. 26 ICMW</p>
<b>Effective</b>	<b>Art 9</b>	Articles: 15 (equality before the law)	<b>Art 2</b>	Art. 8 UDHR

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	Human Rights Defenders Declaration	CEDAW Convention and General Recommendations	ICCPR	Other related instruments
Remedy		No 8 (1988): "to ensure to women on equal terms with men and without any discrimination the opportunities to represent their Government at the international level and to participate in the work of international organizations"		Art. 25 ACHR Art. 13 ECHR Art. 6 ICERD Art. 13 CAT
Access to International Bodies	Art 5, 9	Article: 8 (right to equally participate international organizations) No 8 (1988): "to ensure to women on equal terms with men and without any discrimination the opportunities to represent their Government at the international level and to participate in the work of international organizations" Article: 8 (right to equally participate international organizations) No 8 (1988): "to ensure to women on equal terms with men and without any discrimination the opportunities to represent their Government at the international level and to participate in the work of international organizations"	Arguable under Assembly (21) and Expression (19)	Arguable under right to freedom of assembly and of expression (see above references to other instruments)

# Regional Workshop on Women and Minority Human Rights Defenders

## Annex 3 - Workshop Papers

I Opening Remarks by Ms. Judith Maas, Legal Officer, Royal Netherlands Embassy (RNE)

Protocol: -

(Dear Invited guest in your respective capacities, ladies and gentlemen)

I am grateful to have the opportunity to address you at this conference on women human rights defenders and minority defenders, where human right defenders from the whole region are gathered to discuss how to improve the protection of women rights and minority rights.

Human rights defence is people's work. Whereas governments have a duty to uphold human rights, the role of human rights defenders in advancing human rights cannot be underestimated.

Human right defenders are often the only force standing between ordinary people and the power of the state. This is not without danger, and as the government of the Netherlands, we not only appreciate but also do our utmost to protect your work.

Human rights for all. They are universal and indivisible – everyone is entitled to human dignity. This requires the human rights movement to strive for an inclusive movement.

Inclusiveness, I read this as a red line throughout the programme of this conference. The rights of women, often the most vulnerable group in society. As recent research shows us, it is indeed women and little girls who are most affected by the financial and economic crises in the world, especially in developing countries. The rights of women should be included in all discussions on human rights.

The same goes for the rights of sexual minority groups. I know this is a difficult and controversial theme to discuss, and I am aware of all sensitivities around it. However, I do believe that a true human rights defender is able to set aside his or her personal beliefs and opinions and is ready to fight equally hard for the rights of peoples whose life style he or she might not agree with. I am proud to see that a lot of human rights defenders organisations have included the rights of such minorities in their campaign.

This is needed, especially today, when the rights of these people, and their defenders, are under attack. I want to thank those organisations for having been faithful to the universality and indivisibility of human rights, to advance human rights for all, to call for protection and non-discrimination in particular for the most vulnerable, the minority groups. Especially I want to thank the East and Horn of Africa Human Rights Defenders Project for organising this conference that I now would like to officially open.

II Closing remarks made by H.E Bjørg Leite, Ambassador of Norway,

(Protocol)

It's an honour and a pleasure for me to be invited to share with you some remarks at the close of this conference.

Let me begin by commending your commitment to the defence of human rights, and for joining together to share experiences, learn from and inspire each other, and together develop strategies for your future work.

Participants at this conference may have come from near and far, from a number of countries of the East and Horn of Africa region, and even beyond, but the various backgrounds and contexts notwithstanding, we all share this commitment to defending human rights, and to protect those who defend their own rights and those of others.

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By focusing on the rights of women and minorities, you clearly add your voice to all of us who emphasise that human rights are for all. I would like to commend you for your faithfulness to the principles of the universality and indivisibility of human rights.

We are not here to promote or defend any kind of special rights. There are no special human rights for women, for religious or cultural minorities, for ethnic or sexual minorities. Or indeed for men, for that matter. We all are entitled to enjoy the same human rights, such as the freedom of thought, expression and assembly, the right to health and the right to education, and most fundamentally, the right to life. But sometimes special measures must be in place in order to secure that everybody can enjoy their human rights on equal terms.

Closely connected to the promotion and protection of human rights is the concept of tolerance. Tolerance, according to the Oxford Dictionary, is the ability or willingness to tolerate the existence of opinions or behaviour that one dislikes or disagrees with. At the heart of tolerance is the idea of sameness, that all manners of differences notwithstanding, we all share the same human condition. But equally at the heart of tolerance is the acceptance of diversity, and acknowledgement that we vary in so many respects, whether in terms of gender, ability/disability, social background, culture, language, ethnic group or sexual orientation.

It's sometimes challenging enough to defend the human rights of those that we know, those that we associate with, those that we like and agree with. However, the real test of our commitment only presents itself whenever we are faced with the unfamiliar, ideas and cultures that contrast with or contradict our own, lifestyles that we find odd or even disagreeable. But to be true defenders of human rights, we must include everybody, and not least the most vulnerable, in our struggle, we must speak on their behalf, but even more importantly, struggle for them to have their own voice heard.

Let me also commend you for your efforts to secure the promotion and respect for human rights. A lot of the time it's really hard work. For some of you it's sometimes dangerous work. Often it's thankless work. Many times it's an uphill struggle with few rewards, never mind victories. Those who would like to deny the enjoyment of human rights to all or some, often put up a fierce struggle. And they have a number of weapons at their disposal. At one level legislation may be put in place to deny the enjoyment of human rights, or legislation that is meant to promote and protect these rights may not be enforced. We see this in Uganda today where a Private Member's bill is proposing the denial of basic human rights to sexual minorities, rights that they, along with all other Ugandan citizens, are guaranteed in the Ugandan Constitution. Violence, or the threat thereof, may also come into play, and regrettably as we all know, this is far too often the reality in our region. But there are also other, more subtle weapons.

A well-known Norwegian academic, politician and woman activist made an invaluable contribution to the struggle for women's rights in my own country Norway when she in the 1970s revealed what she referred to as the five master suppression techniques commonly used against women. These include the following:

- Making Invisible
- Ridiculing
- Withholding Information
- Damned If You Do and Damned If You Don't
- Heaping Blame and Putting to Shame

While she developed the concept of these techniques as a tool in the struggle for women's rights and gender equality in Norway during the 1970s, I believe the knowledge about them can travel in time and across continents and still be useful and relevant for women in Africa who struggle to have their human rights respected, as well as for all the various minorities who fight for their own rights. Indeed, I believe that most of you have encountered these techniques while working to promote and protect human rights, not least when it comes to women and minorities. But knowledge and recognition of the techniques means that you can reveal them and thus reduce their effect.

## Regional Workshop on Women and Minority Human Rights Defenders

Nonetheless, it's sometimes difficult not to become discouraged and disillusioned when faced by these subtle but very effective weapons. It's sometimes difficult to go against widely held beliefs, values, traditions and norms. By struggling for the rights of the vulnerable, the stigmatised, the ostracised, you sometimes put yourselves at various forms of risk.

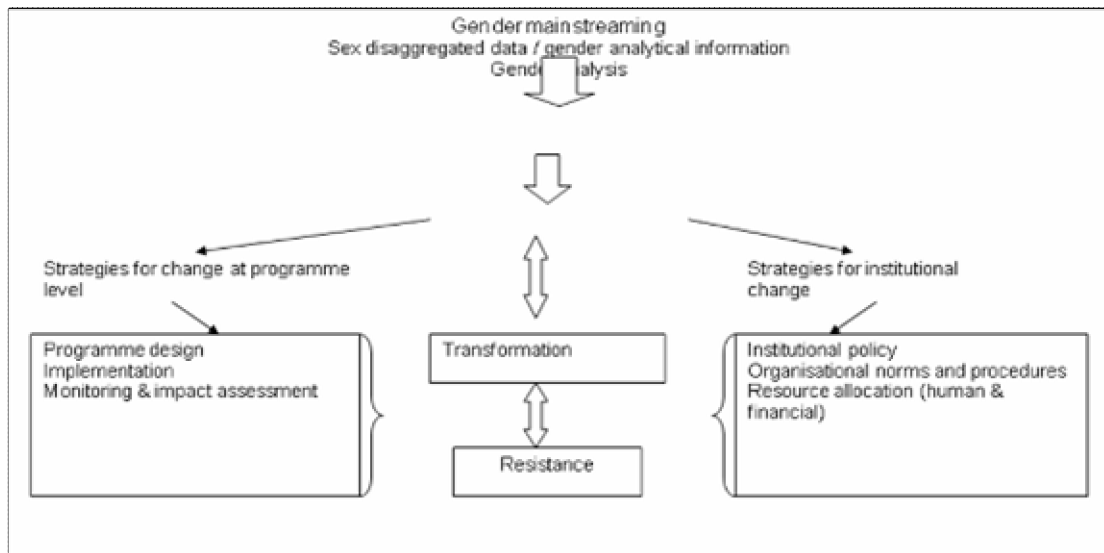
Let my end then, by commending you all for the courage that you display by performing the work that you do. Hopefully through your participation at this conference, you have been further encouraged to continue and extend your immensely valuable effort, and you have been able to develop and strengthen networks that will be a source of support in your future work. Please rest assured of our support and our common commitment to the advancement of human rights for all.

### III Mainstreaming Gender into Human Rights Defenders Work, Jacqueline Asimwe

- Assumption: Human rights and fundamental freedom, being inherent in the human person, belong to women and men alike.
- Mainstream human rights approaches have therefore long insisted that human rights norms are gender-neutral, or unaffected by gender.
- However, structural imbalances of power between women and men, the systemic nature of discrimination against women and the general absence of women in law creation and implementation continue to reflect disproportionately the experiences of men and exclude the experiences of women.
- The exclusion of women's experiences perpetuate inattention to gender specific abuses predominantly suffered by women.
- Issues that are not part of the traditional human rights canon but are being raised by women as human rights concerns include the many forms of violence in private and public, access to reproductive health services, discriminatory laws, etc
- When the paramount purpose of human rights and fundamental freedoms is their enjoyment by all, without discrimination, then these rights must be conceptualized in such a way that women's and men's enjoyment finds its space in that interpretation and realization.
- In recent years, 'gender mainstreaming' has become a key strategy for development practitioners to promote gender equality.
- This concept came into widespread use following the 1995 UN International Conference on Women and adoption of the 'Beijing Platform for Action' for women's advancement.
- It draws on lessons learnt from past efforts to try and redress a gender-blind approach to development that has tended to ignore and marginalise women.
- From an initial focus on targeting women to meet their immediate needs, strategies to ensure that women benefit from development have evolved to focus increasingly on addressing unequal power relations between women and men (gender relations).
- A commitment to ensure that women's as well as men's concerns and experiences are integral to the design, implementation, monitoring and evaluation of all legislation, policies and programmes so that women as well as men benefit equally and inequality is not perpetuated.
- An approach of ensuring that organizational policies and plans recognize and respond to the different positionalities of (wo)men at all levels and in all domains.
- Gender mainstreaming comprises two elements: (i) data collection and analysis of gender differences and relationships, and (ii) the incorporation of this understanding into our work, principally by the deployment of strong skills in advocacy and in participatory and consultative policy and planning methodologies.
- Gender Mainstreaming is integral to all development decisions; it concerns the staffing, procedures and culture of development organisations as well as their programmes; and it is the responsibility of all everybody
- It is a strategy for pivoting Gender Equality in development.
- It is about Contents and Impacts of development.

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- It makes (wo)men
- ... PRESENT (Citizens)
- ... ACTORS (Power)
- ... BENEFICIARIES (Accountability)
- Gender Equality means Equality under the law and in opportunities including rewards for work and in access to, ownership of, and decision-making over resources that improve livelihoods and voice to influence and contribute to development.
- 



- We are trying to achieve substantive equality – through recognizing the historical, present and multiple differences among the sexes and from that analysis, pursuing measures that provide real options or create enabling conditions that will correct these differences and achieve equality between men and women.
- As such, substantive equality looks at ensuring equal access and equal benefits, but recognizes the need at times for special steps and measures to ensure real equality between the sexes.
- To ensure substantive equality, HR Defenders need to look at “how” and “why” women and men are treated differently, and develop policies/programmes and special measures to address this.
- The call for gender mainstreaming demands that we pay attention to unequal relations of power within all structures and organizational frameworks, including our own - and addressing it.
- Having those hard and tough but fundamental conversations in our organizations: Who are we? What do we stand for? What does it mean to us to be HR Defenders? HR for who?
- Being aware of and in tune with risks and vulnerabilities that male and female human rights defenders that we employ are susceptible to – in private and public realms
- Developing protection mechanisms that are responsive to the threats and risks they encounter as male and female human rights defenders (\*FIDA)
- Developing programs, activities and allocating resources to address wellbeing issues (stress, trauma, burn out, self esteem, non recognition)
- Documenting the violations and abuses in order to demand accountability. Importance of naming the abuse for what it is and demanding that it stops. Ensuring that the documentation captures experiences of both men and women HR Defenders
- It means unpacking our work to ensure that we address men’s and women’s experiences in the work we do
- Torture (interpretation of DV, FGM)
- Death Penalty

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- Rights Violations (recent riots in Uganda)
- Community Volunteers/Paralegals
- Domestic Violence (recent coalition meeting)
- Conflict (Gender Against Men)
- Treat ALL human rights defenders as equal partners and leaders in the defense and promotion of human rights.
- Standing behind and beside ALL human rights defenders (shrinking CSO Operating Space vis-à-vis V Monologues)
- Legal Defense Fund – for all
- Instituting a Human Rights Defenders Award that recognizes and celebrates the work of ALL categories of HR Defenders.
- Conceptual mists
- Unclear/Gender neutral/blind policy
- Lack of GM checklist/guidelines/audit
- Lack of leadership commitment
- Invisibility of gender benefits
- Lack of skills
- Compartmentalization
- Focusing on gender gaps minus discrimination
- Effective gender mainstreaming depends on sound gender analysis, i.e. context specific analysis of the social, economic and power relations between women and men given historical, institutional and policy context.
- The starting point for gender analysis is the availability of sex disaggregated data able to reveal differences in the needs, interests, opportunities and vulnerabilities of different categories of women and men.
- Effective gender mainstreaming depends on sound gender analysis, i.e. context specific analysis of the social, economic and power relations between women and men given historical, institutional and policy context.
- The starting point for gender analysis is the availability of sex disaggregated data able to reveal differences in the needs, interests, opportunities and vulnerabilities of different categories of women and men.
- Including women's voices using consultation processes, including capacity building support is them analyse, build up the evidence for and present the case for addressing gender inequalities
- Building mainstreaming competency within the institution (i.e. the skills and qualities needed to implement a mainstreaming strategy)
- Embedding gender in institutional roles and processes and promote accountability
- Including gender sensitive indicators and specific gender equality indicators in our institutional and programming monitoring and evaluation systems can be a powerful tool to promote accountability

IV Caroline Nalule , Director Complaints, Investigations and Legal Services, Uganda Human Rights Commission

### Role of National Institutions in Protecting and Promoting the Rights of Women and Minority Rights Defenders

#### Introduction

It is an honour and privilege for me to address you all at this workshop which has been organised to address issues concerning women and minority human rights defenders. I would like to thank the organisers, the East and Horn of Africa Human Rights Defenders Project, which has managed to bring together a diversity of stakeholders to discuss how the rights of human rights defenders can better be



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promoted and protected. I sincerely hope that by the end of this workshop we shall all leave with ideas geared towards enhancing our respective involvement under this process. I was invited to present on the role of national human rights institutions (NHRIs) in the protection and promotion of rights of women and minority human rights defenders. I will start by giving an overview on what NHRIs are and their functions, briefly discuss who human rights defenders are and the challenges that they face. I will then explain the role of national human rights institutions in protecting and promoting the rights of human rights defenders, with specific reference to the Uganda Human Rights Commission.

### NHRIs and what they do

National Human Rights Institutions are basically established by the State to promote and protect human rights in that given State. The tasks and shape of these institutions vary from country to country, which is due to the diverse local culture, legal traditions and political systems in which these institutions function. NHRIs can take the form of human rights commissions, ombudsman institutions, public defender's offices, advisory human rights institutes, to mention but the most common. While NHRIs are established and financed by the State, they should be able to act independently.

The Principles Relating to the Status of National Institutions commonly known as "The Paris Principles" which were adopted by the General Assembly of the UN in resolution 48/134 of 20th December 1993, formulate standards for NHRIs, and aim to guarantee their independence.

In Uganda, the National Human Rights Institute is the Uganda Human Rights Commission that was established by the Constitution of the Republic of Uganda, 1995. Articles 51-58 provide for the establishment of the Uganda Human Rights Commission, its composition, its functions and powers, and its independence among others. Internationally, the Uganda Human Rights Commission is fully compliant with the Paris Principles and has 'A' Status.

### Human Rights Defenders

Human Rights Defenders are defined under 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<sup>1</sup> (popularly known as the UN Declaration on Human Rights Defenders) as all those individuals, groups and organs of society that promote and protect universally recognized human rights and fundamental freedoms. In other words, human rights defenders are all those involved in the promotion and protection of human rights and contribute to the effective elimination of all violations of the fundamental rights and freedoms of peoples and individuals<sup>2</sup>. They are the people who on their own or with others take action to ensure the promotion and protection of human rights for all. The important thing is not who they are, but what they do, provided it is done through peaceful and non-violent means.

Human Rights Defenders are often involved in uncovering violations, subjecting violations to public scrutiny, pressing for those responsible to be accountable, empowering individuals and communities to claim their basic entitlements as human beings. Human rights defenders also expose violations and campaign for redress for victims. Human rights defenders take peaceful action and believe everybody has equal rights.

### Challenges faced by human rights defenders

Human rights defenders in many parts of the world are subjected to assassinations, disappearances, arbitrary arrest and detention, torture and ill-treatment. They have suffered restrictions on their freedoms

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<sup>1</sup> A/RES/53/144, 8 March 1999.

<sup>2</sup> This definition which is broad and inclusive covers individuals, international, regional and national human rights governmental and non-governmental organizations. National Human Rights Institutions also fit the description.

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of movement, expression, association and assembly. Defenders have been subjected to false accusations, unfair trial and conviction. Added to these are vilification campaigns and propaganda against human rights defenders. In many instances such propaganda is initiated by agencies of the State and distributed by unscrupulous use of the media. A number of human rights defenders are living in self-imposed exile after having to flee their country to safeguard their lives or liberty. Reprisals and repressive measures have been taken against individuals and groups who have reported human rights abuse to international bodies, including the United Nations human rights mechanisms.

Defenders whose work challenges social structures, economic interests, traditional practices and interpretations of religious precepts face greater risks. Human rights defenders working on minority issues and indigenous populations are often at increased risk. Women human rights defenders, in particular, are targeted by various social and private actors, such as religious groups and institutions, community or tribal elders, or even members of their own family. They become particularly vulnerable to prejudice, to exclusion and to public denunciation.

Other challenges include lack of access to information in the hands of the state, and restrictions on the possibilities of financing human rights defenders' organizations, which range from financial restrictions to criminal sanctions; and the restrictions and delays in legal recognition for these organisations.

Defenders, particularly those working on women's and minority rights, are more at risk of being targeted by forms of prejudices, exclusion and repudiation by different parts of the social and political establishment. Women defenders tend to be at risk as a result of the historical disadvantages women and girls have suffered and that of human women human rights defenders who specifically promote and protect women's rights.

### Role of National Human Rights Institutions in protecting Human Rights Defenders

NHRIs can be able to effectively protect Human Rights Defenders if they can act independently of governments, of party politics, and all other entities that may be in position to compromise their work; through clearly defined jurisdiction; by being readily accessible to the Human Rights Defenders; through cooperation with the United Nations institutions, the regional institutions and the national institutions of other countries with competence in the promotion and protection of human rights. They have an important role to play through their functions of complaints handling, research and human rights education, visiting places of detention to assess and inspect conditions of the inmates, monitoring the government's compliance with international instruments and making recommendations to government to improve the human rights situation in their respective countries.

### Complaints handling

Most National Human Rights Institutions have the mandate to investigate on their own initiative and also receive complaints of human rights abuses. As such National Human Institutions can register complaints of human rights violations of human rights defenders. If allegations are made, for example, that certain Human Rights Defenders have been arrested and are being illegally detained, the National Human Rights Institution can take up the issue.

The Uganda Human Rights Commission, in particular, in addition to its investigative powers, has powers of a Court to summon or order any person to attend before it and produce any document or record relevant to any investigation; to question any person in respect of any subject matter under its investigations; to direct any person to disclose any information within his or her knowledge relevant to any investigation, and; to commit persons for contempt of its orders. Furthermore, if the Commission is satisfied that there has been a violation of human rights or freedoms, may order: the release of a detained

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or restricted person, payment of compensation, or order any other legal remedy or redress. Where, after an investigation, a prima facie case is made out the matter will go before the Commission tribunal for a hearing and consequential redress. Most of other NHRIs, after investigating a case make recommendations to the appropriate authorities to remedy the violations or they may assist the victim or victims institute legal proceedings in a Court of law.

If National Human Rights Institutions effectively handle complaints of human rights violations by human rights defenders by providing adequate and timely redress this can compel governments to improve respect for fundamental freedoms and protect Human Rights Defenders.

### Human Rights Education

National Human Rights Institutions are often involved in carrying out Human Rights Education i.e. sensitization and dissemination of information of human rights issues. Human Rights Education is a fundamental human right provided for in various international human rights instruments like the Universal Declaration of Human Rights and other International Human Rights Instruments. Human Rights Education can be used as a tool for empowerment of the Human Rights Defenders so as to increase their knowledge and skills not only to defend others but also themselves against violations of human rights. Human Rights Education for them would among other things, include emergency measures to take when they are arrested, illegally detained or tortured. Under the education mandate, National Human Rights Institutions also conduct training for specific groups, and also carry out research into specific human rights issues. The Uganda Human Rights Commission has so far been involved in developing training manuals for the army and the police as well as Primary School Readers 1-7 for pupils. We intend to continue developing manuals for students in secondary and tertiary institutions so that students and youth in their formation can learn respecting, promoting and upholding human rights. We hope that when such a culture is established, it shall make the work of human rights defenders a lot easier.

### Visiting places of detention

Some National Human Rights Institutions are mandated to visit jails, prisons, and places of detention or related facilities with a view to assessing and inspecting conditions of the inmates and make recommendations geared towards improvement. While carrying out this function, National Human Rights Institutions can be of help by ensuring that no one is illegally detained or subjected to torture or cruel, inhuman or degrading treatment or punishment including Human Rights Defenders. The Uganda Human Rights Commission carries out this function diligently and has unlimited access to all prisons and police places of detention. With the army places of detention, prior notice has to be given before we can access them. The Commission is expected to assess the conditions of inmates in these detention places and make recommendations to Parliament and other relevant authorities.

### Monitoring governments compliance with international human rights instruments

National Human Rights Institutions monitor their government's compliance with international instruments. They often consider government policies and programmes to determine whether they comply with the obligations under these treaties and whether government organs' operations are from a rights-based perspective. This often includes analysis of all bills to ensure that human rights issues are not over looked. This not only helps in the adoption of laws that are consistent to human rights principles but it also ensures that the law protects human rights defenders.

National Human Rights Institutions are an appropriate source of information on the human rights situation in the country including the treatment of Human Rights Defenders. This information can be of help in publicising the plight of Human Rights Defenders to the UN human rights system enforcement bodies and other national institutions to bring about change.

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Challenges faced by NHRIs in the promotion and protection of rights of women and minority rights defenders

These are quite many, but in the interest of time, I will mention at least three:

1. Inadequate awareness of human rights: Although more people are aware of their rights more than ever before there is still a large number that are still unaware. Ignorance about human rights breeds discrimination and intolerance and the lack of respect for human rights principles. Moreover even when rights are violated such people are unaware that a right has been violated or that there are institutions where one can seek redress. This on the whole hampers any progress in the promotion and protection of human rights.
2. Human Rights versus cultural traditions: Although most of the international human rights standards have been domesticated, enforcement of these standards is still hampered by cultural traditions that are detrimental to the human rights culture. For example, although the law provides for the equality of men and women with regard to human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field, women's rights are yet to be fully realized. Discriminatory practices denying women their full enjoyment of human rights persist throughout the country promoted by some cultures which encourage demeaning practices to women like female genital mutilation, polygamy, rape, bride price etc.
3. Implementation of decisions/orders/advice/recommendations: The Uganda Human Rights Commission has powers to make recommendations, give advice or make decisions and orders. The Uganda Human Rights Commission still faces the challenge of ensuring that victims of human rights violations are paid the amounts awarded by the Tribunal as compensation in time. The Uganda Human Rights Commission is in close contact with the Ministry of Justice to find ways to expedite payments and has also proposed having a victims' compensation fund.
4. Need for more coordination between NHRIs and CSOs involved in human rights work (Human Rights Defenders) and also more co-ordination among the CSOs themselves since we are all working towards a common goal.

### Conclusion

It is clear that the rights of Human Rights Defenders need to be promoted and protected and that National Human Rights Institutions have a role to play. Their role is closely linked to their functions of complaints handling, research and human rights education, visiting places of detention to assess and inspect conditions of the inmates, monitoring their government's compliance with international instruments and making recommendations to government to improve the human rights situation in their respective countries. From our experience National Human Rights Institutions have to cooperate with other Human Rights Defenders. Furthermore, Human Rights Defenders have to stand up for each other when any of them comes under attack because they all have one purpose and goal which is to promote and protect human rights.

### V Women Rights defenders in Uganda; The FIDA-U Experience, Zahara Nampewo

- Oldest women rights organization in Uganda whose key mandate is the welfare of women.
- Is a membership organisation (lawyers and law students).
- Uses law as a tool of social change.
- Combines law and gender to foster the rights based approach to address the power imbalances and abuses in society.
- Art. 21 - Outlaws discrimination of all persons on any grounds
- Art. 31 – Protects rights of the family including marriage

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- Art. 32 - Provides for affirmative action to enhance welfare and dignity of the women
- Art. 33 - Upholds the dignity of women
- Legal aid - Legal advice, Counseling, ADR and Representation;
- Community Rights Sensitization and Paralegal Training (child rights advocates) through community outreach programmes;
- Advocacy for improved legal environment for women's human rights - advocacy on the Domestic Relations Bill (Marriage and Divorce Bill), Succession Act; HIV/AIDS Bill, Equal Opportunities (EOC) Act;
- Strategic Litigation - Constitutional Petition No. 2 of 2003: Uganda Association of Women Lawyers & others Vs the Attorney
- General (Penal Code Act).
- Legal aid - Legal advice, Counseling, ADR and Representation;
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- Strategic Litigation - Constitutional Petition No. 2 of 2003: Uganda Association of Women Lawyers & others Vs the Attorney
- General (Penal Code Act).
- Responding to National Development processes in order to infuse gender sensitive planning - the national civic education programme, justice delivery system such as Chain Link program, budgeting processes and poverty assessment studies.
- Campaigning against negative practices such as domestic violence, unequal treatment at work, lack of respect for reproductive rights, lack of respect for property (land) rights, participation in the economy and access to credit.
- FIDA is a household name – Has a Long History in empowering women about their rights and is recognised for the protection of women's rights through its constant engagement with the state.
- As a result of increased rights awareness, through FIDA-U and others, women are speaking out against violations and seeking legal redress.
- There is increased acceptance of women's rights - property rights, girl child education, women in leadership positions.
- Repeal of Discriminatory laws such as those on Adultery, succession and inheritance through strategic litigation.
- An emergent visibility of women and children claim holders has been witnessed, reflecting FIDA-U's ability to raise awareness and confidence amongst them to claim protection over their rights.
- Women Human rights defenders is a term used to describe women who act peacefully either individually or with others, to promote or protect human rights.
- FIDA members protect human rights as advocates, grassroots activists, teachers, counsellors and mentors.

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- FIDA members take a leading role in human rights protection by challenging inequality, repression and traditional gender roles in our patriarchal society.
- Lack of clear divide between personal lives and professional work of women human rights defenders.
- Work is usually connected to political gains.
- Women human rights defenders are sometimes vulnerable to hostility and reprisals. They are targeted as 'aggressive and unmanly.
- They are liable to sexual harassment and violence to test whether they are not like other women.
- Some women experience threats of divorce or disownment by their husbands and families for associating with FIDA.
- This work requires courage, creativity and commitment, but it all too often meets a wall of indifference from other human rights defenders, the public and fellow lawyers.
- Few people recognize the work of women rights defenders and this can be seen from the attacks from fellow women who feel that the government has 'given' to women their rights.
- Leadership – how to inspire and retain a new breed of human rights defenders.
- Recognise and affirm women human rights defenders as equal partners and leaders;
- Seek acknowledgement and understanding of the gender-specific concerns of women human rights defenders;
- Strategise on how to protect all women human rights defenders in accordance with the 1998 UN Declaration on Human Rights Defenders and other international instruments and mechanisms;
- Exploit the office of the UN Special Rapporteur on the Situation of Human Rights Defenders (Mrs. Margaret Sekaggya) in supporting and defending women human rights activists in Uganda.

#### Annex 4 - Conference Participants

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