The Role of Non-Governmental Organizations in the Development of Democracy

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Written Testimony of Human Rights First
The Importance of Local Human Rights Defenders in Successful Democracy Promotion

Human Rights First thanks the Foreign Relations Committee for convening this important and timely hearing on the role of non-governmental organizations in the development of democracy. We are grateful for the opportunity to share with the Committee not only our own views, but also the perspectives and experiences of some of our international partners who are human rights leaders in their own countries. This testimony, consistent with our organization’s focus and particular concern, centers on the role of local human rights defenders in the promotion of democracy.

Democracy promotion today is championed as a remedy for many of the world’s ills – from poverty to war and terrorism – vociferously and eloquently by the Bush Administration, and also by an increasing number of the world’s governments and multilateral institutions. Human Rights First welcomes this increased international focus on democracy promotion at all levels, recognizing the strong correlation between democratic forms of governance and respect for internationally-recognized human rights standards.

At the same time, we are concerned that all too often, authoritarian governments claim to be making progress on building democracy when the reality is that they are masking their authoritarianism with false democratic trappings. Furthermore, as the emergence in several countries of popularly elected governments which nevertheless fail to respect basic human rights reminds us, elections alone do not automatically guarantee improved human rights conditions.

Independent human rights activists therefore have a dual role in their societies: to be both advocates for the essential elements of democratic development and, at the same time, vigilant watchdogs concerning the integrity of any democratic progress that may be claimed to have taken place.

We submit that the primary measure of progress toward democracy must be success in the promotion and protection of human rights. Years of experience have taught us that exactly at the most critical moments of democratic transformation, when accurate reporting about human rights performance is most badly needed, too many governments instead work to stifle independent, often critical voices.
Human Rights First's mission to protect and promote human rights is rooted in the premise that global security and stability depend on long-term efforts to advance justice, human dignity, and respect for the rule of law in every part of the world. Since our establishment in 1978, Human Rights First has worked in the United States and abroad to support human rights activists who, at great risk to their own liberty and security, fight for basic freedoms and peaceful change in their countries.

It is no accident that in countries in transition from authoritarianism to democracy the agendas of political reformers and champions of democracy, and of human rights activists, tend to converge. Indeed, the agenda championed by those fighting autocracy is rooted in human rights — in implementing the basic freedoms of expression, assembly and association and more broadly in restoring the rule of law and creating the core institutions of a functioning democracy: a free press, an independent judiciary, and systemic checks on executive power.

Human rights activists share, and also champion, these demands because they are also necessary for ensuring respect for basic human rights. These local human rights defenders inside countries that are undergoing democratic transition or still contending with entrenched and resilient authoritarianism have an essential role to play as independent evaluators and guarantors of democratic progress — and their voices must be protected.

We are reminded again and again that despite the efforts of repressive governments to maintain control over and restrict the activities of these human rights activists, such efforts are ultimately futile because basic human rights standards — the concrete objectives that the activists are striving to implement — exist beyond the scope of control of any single government, and enjoy support from governments and non-governmental bodies around the world. But in many parts of the world, much more needs to be done to ensure that human rights defenders are protected from retribution for their critical work.

Below, we illustrate several examples of the efforts being made by human rights defenders, and the significant challenges that many of them still face. The examples from the four countries cited represent the kinds of harassment and physical attacks on individuals, and actions against independent human rights organizations, that remain all too common across many parts of the world.

**Indonesia**

One of Indonesia’s foremost human rights defenders, Munir Said Thalib, died on September 7, 2004 after he was poisoned with arsenic during a flight to the Netherlands. Known throughout Indonesia simply as Munir, this activist was known for his fearless advocacy and careful research on human rights violations. A trial led to the conviction of a pilot named Pollycarpus Budihari Priyanto on December 20, 2005. The judge noted that there was a need to investigate former senior intelligence officials implicated in the murder, but there has been little follow up since the verdict.

One of Munir’s greatest impacts came from his refusal to show fear despite repeated threats and prior attempts on his life. His murder, and the failure to hold those who planned or ordered it responsible, remains a major setback for human rights and democratization in Indonesia.
Thailand

In a similar case in Thailand, leading Muslim lawyer Somchai Neelaphaijit disappeared in March 2004, just days after filing a complaint against the police for torturing several of his clients. His body has never been found. One policeman was sentenced to four years in connection with the disappearance, but he was charged only with coercion, not kidnapping or murder. Four others were acquitted due to lack of evidence following a highly inadequate police investigation.

Somchai is one of at least 20 human rights defenders killed in Thailand in the last five years. Most were local activists who organized their communities to take on locally powerful figures in conflicts over land, forests, or other natural resources. One local activist, who had survived multiple bullet wounds in one attack and later watched a colleague die as a result of another, told Human Rights First: “This is government by force, not democracy. Defending our rights, we started with a small issue and began to fight, and found big men.”

Russia

Over the past year, Russian authorities have stepped up efforts to weaken independent nongovernmental organizations (NGOs) involved in promoting democracy and human rights. On January 10, 2006, President Putin signed a new law regulating the activities of all NGOs operating in Russia. Under this law, government agencies are authorized to deny registration to domestic and foreign organizations – or force them to close down altogether – on loosely defined grounds. Using the vague and sweeping provisions of this law, human rights defenders who have been the target of politically motivated prosecutions or smear campaigns could be prohibited from holding leadership positions or being actively involved with human rights groups.

No single case exemplifies the mounting legal pressures exerted on Russian human rights organizations better than the multifaceted persecution endured by the Russian-Chechen Friendship Society (RCFS). The government campaign to discredit and ultimately close the organization has included the use of tax and administrative challenges and the criminal prosecution of Stanislav Dmitrievsky, the managing director of RCFS, under a counter-extremism law. On February 3, 2006, a court in Nizhny Novgorod convicted Dmitrievsky, who is also editor-in-chief of the newspaper Pravozaschita, of violating a law intended to combat religious and nationalist extremists who incite hatred and violence against minority groups. The conviction sets a dangerous example for all Russians - including human rights defenders and independent journalists - who exercise their right to question and criticize government policies.

Colombia

A central premise of Colombia’s three-year-old “democratic security policy” is that there is no internal armed conflict, but rather simply a “war against terrorism.” As part of the government’s “war on terror” hundreds of non-violent human rights defenders, community leaders, and trade unionists have been arrested and arbitrarily detained, often based solely on the information provided by paid informants. On September 17, 2004, sociologist Alfredo Correa was killed by alleged paramilitaries in Baranquilla, Atlántico Department. He had been detained by the security
forces in June and released in July after claims that he was a member of the FARC guerrilla group proved unfounded.

On May 24, 2006, 22 individuals on the frontlines of the fight for democracy and human rights around the world came together at the third annual Human Rights Defenders Policy Forum co-hosted by Human Rights First and the Carter Center. This year’s Policy Forum, a three-day conference in Atlanta followed by two days of meetings attended by many of these leading human rights defenders in Washington, focused specifically on the relationship between democracy promotion and respect for human rights. Participants identified the following trends in democracy promotion efforts:

1. Rather than rejecting democracy outright, many authoritarian governments adopt the language of democracy and human rights for their own purposes. Imitation or "hollow" democracies, where dictators pay lip service to democratic ideals, have allowed autocratic governments to receive the support of the international community, including many democratic states. Authoritarian governments may also create state-sponsored “non-governmental organizations” to provide the international community with a false sense of the freedom with which civil society operates inside the country. External donors may inadvertently help to create and sustain imitation democratic institutions that consolidate authoritarianism, rather than diminish it.

2. Authoritarian governments also suggest that “premature” democracy would produce negative effects for the country and delay the transition to meaningful democracy. Western governments accept this self-serving reasoning all too readily and therefore hesitate to push for democratic reforms.

3. Other factors tend to encourage the international community to overlook undemocratic state practices, such as the exploitation of natural resources, including oil and gas, and strategic partnerships in the “war against terror.”

4. Inconsistent messages in democracy promotion result from these influences. Such double standards undermine the impact of these programs, while fueling cynicism and rising anti-Western and anti-democratic sentiments in authoritarian states.

5. Authoritarian governments propagate the idea of being a “fortress under siege surrounded by enemies” which enables them to subvert their internal critics from civil society and independent media and to dismiss external criticism of poor human rights conditions as aimed at undermining national interests and sovereignty.

6. Democratization is seriously undermined when democratic governments that seek to promote democracy and human rights abroad fail to respect human rights in their own practices, such as by condoning torture, secret detention, detention without trial, or other denials of due process.

7. Elections without attention to long-term, sustainable, institutional human rights safeguards, including civic education, an independent media, enjoyment of basic freedoms of expression and association and an independent judiciary, risk the election of populist leaders who do not respect human rights and who actively undermine democracy once in office.
8. In many countries the transition to democracy has been accompanied by economic hardship and a growing gap between the rich and the poor, leading to erosion of public support for democratization. However, poverty is not always caused by a lack of resources, but often linked to poor management of public resources and an absence of democratic control on public goods.

9. Provision of technical assistance to governments has been meaningless in countries where civil society is being suffocated and in contexts where governments lack the political will to implement human rights reform. The training of journalists in the absence of a free and independent media, or of judges where there is no independent judiciary is ineffective or even counterproductive. Training and other programs should be geared toward the creation of a free media and an independent judiciary as priorities.

10. Where human rights standards and principles are not enshrined in a constitution and safeguarded by an independent judiciary, nominally democratic structures – such as local and national elective bodies – are passing laws that infringe on the rights of women and minorities.

In short, while free and fair elections undoubtedly offer a sign of hope to many, they alone are not enough. Strengthening of rule of law and democratic institutions, and ensuring a greater focus on implementing and upholding human rights in transitional societies, are necessary to better ensure democratic progress. What is needed most is a renewed commitment to uphold international human rights standards through both bilateral and multilateral channels, long after the headlines and media spotlight on elections have faded.

Recommendations

To address the above concerns, the Policy Forum participants crafted the following recommendations directed at leading democracies and other institutions at the forefront of democracy promotion:

1. Demonstrate consistency in promoting human rights and fundamental freedoms in each region, applying the same standards across the region yet using different tools in different countries depending on the specific national context, human rights track record, and participation of respective governments in international organizations.

2. Democratic states should work together – unilateral calls for democracy are less effective. The United States and the European Union have to elaborate detailed, well conceived and clear policies aimed at reversing authoritarian developments and deterioration of human rights. Ideally, this should be a common policy implemented by the U.S., the E.U., and other leading democracies.

3. Do not abandon new democracies simply because an election has taken place; rather, continue supporting human rights defenders and work with them to develop independent human rights organizations and to build state institutions that legitimately protect human rights and promote democratic principles. International funding commitments to promote democracy should likewise prioritize long-term, sustainable support for true democratic institutions.
4. Focus support on promotion of media that is independent of political or commercial influence and provides information on public affairs, governance, and international standards. Access to information is universally cited as one of the most important aspects of a true democracy.

5. Ensure that indigenous and other disadvantaged or marginalized groups with limited access to democratic institutions and education are included in all democratic processes.

6. Democratic governments and inter-governmental organizations should demonstrate their strong solidarity with human rights defenders and effectively intervene on all levels in those cases when defenders come under threat from authoritarian regimes. They should increase the visibility of human rights defenders, and engage them in regular dialogue as effective monitors of democracy promotion programs.

7. Governments should stop using security concerns as pretexts to undermine democracy and human rights; such efforts are ultimately counterproductive and self-defeating.

8. Democratic governments should reaffirm their own commitments to human rights standards, including cooperation with international and regional mechanisms, and call for the same by democratizing states. The U.N. human rights protection system should be reinforced. The newly created Human Rights Council should renew and strengthen the mandates of the special procedures, including special rapporteurs and representatives.

9. Human rights organizations promote, defend and sustain democracy. Besides providing resources and aid directly to such organizations, the international community should exact prompt and effective pressure on governments that attempt to restrict NGO human rights activities – including through adoption of legislation – and maximize their opportunities to build strong roots and constituencies of support within their own countries.

10. Democratic countries should adopt targeted diplomatic and economic sanctions against individual public officials from authoritarian states that are responsible for gross human rights abuses and involved in corruption.

Human Rights First appreciates the interest of the Committee in these important issues, and welcomes this opportunity to submit our testimony in writing as part of the hearing record.