



American ideals. Universal values.

How to Support and Engage Human Rights Defenders

BLUEPRINT FOR THE NEXT ADMINISTRATION

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BLUEPRINT
FOR THE NEXT U.S.
ADMINISTRATION

About Us

On human rights, the United States must be a beacon. Activists fighting for freedom around the globe continue to look to us for inspiration and count on us for support. Upholding human rights is not only a moral obligation; it's a vital national interest. America is strongest when our policies and actions match our values.

Human Rights First is an independent advocacy and action organization that challenges America to live up to its ideals. We believe American leadership is essential in the struggle for human rights so we press the U.S. government and private companies to respect human rights and the rule of law. When they don't, we step in to demand reform, accountability and justice. Around the world, we work where we can best harness American influence to secure core freedoms.

We know that it is not enough to expose and protest injustice, so we create the political environment and policy solutions necessary to ensure consistent respect for human rights. Whether we are protecting refugees, combating torture, or defending persecuted minorities, we focus not on making a point, but on making a difference. For over 30 years, we've built bipartisan coalitions and teamed up with frontline activists and lawyers to tackle issues that demand American leadership.

Human Rights First is a nonprofit, nonpartisan international human rights organization based in New York and Washington D.C. To maintain our independence, we accept no government funding.

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“Recent headlines from too many countries paint a picture of civil society under threat. But each time... an activist is threatened it doesn’t strengthen a government, it weakens a nation... So the United States is pushing back against this trend. We’ve provided political and financial support for embattled civil society groups around the world.”

Secretary of State, Hillary Clinton at the Strategic Dialogue with Civil Society Summit Washington, D.C. May 16, 2012

Introduction

Human rights defenders work peacefully to protect and promote the universal rights of others. Whether they are lawyers, judges, journalists, bloggers, students, religious leaders, trade unionists, or human rights professionals, human rights defenders often are at the forefront of change in their own societies. Because they challenge their governments and other powerful interests to respect universal rights, human rights defenders and their families are often harassed, detained, interrogated, imprisoned, tortured, and even killed for their work. Many governments view such activists as opponents, rather than partners in the formation of a more pluralistic society.

The right to defend human rights is enshrined in the U.N. declaration on human rights defenders, which was

adopted by the U.N. General Assembly in December 1998. The United States has long viewed human rights defenders as an essential component of strong civil societies and a key to stable democratic governance. Countries in which human rights defenders are able to do their work free from threat or intimidation make the most reliable partners for the U.S. government. The promotion of an environment where human rights defenders can operate openly and freely should be a stated core objective of U.S. foreign policy.

Through its Quadrennial Diplomacy and Development Review, the State Department has begun to institutionalize relationships and relationship-building with human rights defenders throughout the world. Indeed, Secretary Clinton has recognized that:

Working with civil society is not just a matter of good global citizenship, but also a more effective and efficient path to advancing key foreign policy objectives.

Secretary Clinton’s Strategic Dialogue with Civil Society has sought to elevate the U.S. government’s engagement with civil societies, as well as governments, in its bilateral and multilateral relationships. In addition, Secretary Clinton’s regular meetings with civil society leaders, often including human rights defenders, during almost all of her overseas travels has expanded U.S. contacts with defenders and is a significant signal of U.S. leadership in supporting these activists. This high-level and visible support is especially important in countries where repressive governments are cracking down on civil society.

In Russia, Egypt, Uganda, Ethiopia, Bahrain, and elsewhere, the space for nongovernmental organizations (NGOs) and human rights defenders is constricting dramatically, threatening the safety and ability of human rights defenders to do their work, or even exist. In her 2012 report, U.N. Special Rapporteur on Human Rights Defenders Margaret Sekaggya documented the use of legislation to restrict the activities of human rights defenders. She found that several countries have criminalized the legitimate activities of human rights NGOs and activists, and restrictions on NGO access to funding, especially foreign funding, are proliferating. This trend is a setback to U.S. interests in democracy and

stability, and Secretary Clinton pledged in May 2012 that the United States would demonstrate through its policies that “civil society should be viewed not as a threat but as an asset.”

There are many notable examples of U.S. leadership in support of human rights activists abroad. Examples include the administration’s successful advocacy for the establishment of the U.N. special rapporteur on the rights to freedom of peaceful assembly and of association; its practical help to threatened human rights defenders, such as its decision to offer Chinese activist Chen Guangcheng safe haven in the U.S. embassy and then in the United States; and its public declarations of support for civil society under threat from repressive governments.

These are important efforts. To leverage them for greater impact, they should be part of a comprehensive strategy to support human rights activists. In particular, human rights defenders often look to the United States for more regular engagement, such as being publicly invited to U.S. embassy events, or having U.S. diplomats visit them at their places of work or observe their court hearings. While some embassies are well-acquainted with and visibly supportive of human rights defenders,

the level of U.S. engagement can vary by country, mission, or depend on particular personnel. Sometimes relationships with human rights defenders in country depend on the nature of the relationship that the United States has with a particular government; but it also depends on the predilections of particular ambassadors and other key foreign service personnel. These inconsistencies can give the impression that human rights advocacy is an ad hoc pursuit for the U.S. government, which undermines Secretary Clinton’s clear articulation that a strong alliance between the U.S. government and human rights defenders is a smart, strategic investment.

As more countries crack down on nongovernmental organizations, the administration should dedicate itself to a stronger and more consistent approach to supporting civil society and human rights defenders. It should focus this effort on two mutually reinforcing objectives:

- Enhance the international standing of civil society as a legitimate and necessary interlocutor of governments.
- Publicly clarify and reaffirm U.S. policies to support civil society and human rights defenders through the issuance of Human Rights Defenders Guidelines.

How to Support and Engage Human Rights Defenders

RECOMMENDATIONS

ENHANCE THE INTERNATIONAL STANDING OF HUMAN RIGHTS DEFENDERS AS A LEGITIMATE AND NECESSARY INTERLOCUTOR OF GOVERNMENTS

The U.S. government has an important role to play in shaping an international climate that is welcoming and permissive of the work of human rights defenders. By engaging publicly with activists at home and abroad and by working with like-minded countries to provide opportunities for activists to participate meaningfully in multilateral meetings, the United States can raise the international standing of defenders as credible interlocutors of all governments. Governments that restrict the activities of independent civil society should be made aware that in pursuing such policies they are acting in a manner that is contrary to international norms and standards. The U.S. government should look for opportunities to demonstrate the legitimacy of human rights activists, especially those facing persecution for their activities.

In order to do this the Obama Administration should:

- Direct cabinet-level officials to meet publicly with human rights defenders and other civil society representatives when they visit the United States and in their home countries.
- Appoint a senior official from the National Security Staff to participate in the secretary of state's Strategic Dialogue with Civil Society.
- Promote opportunities for civil society representatives, including human rights defenders, to participate meaningfully in high-profile multilateral meetings and events in which the United States is involved, particularly meetings that include

repressive governments, such as the G-20, the high level segment of the United Nations General Assembly, and the NATO-Russia Council.

- Facilitate, support, and strengthen engagement by independent civil society organizations in regional and sub-regional multilateral bodies. Provide funding for human rights defenders to participate in such meetings in coordination with like-minded governments.
- Create opportunities for civil society participation in bilateral strategic, economic and human rights dialogues between the United States and foreign governments.
- Direct U.S. embassies to provide regular briefings to civil society representatives in country on economic and security cooperation initiatives that the United States is planning or undertaking with foreign governments, in order to better understand the human rights implications of those initiatives.

PUBLICLY CLARIFY AND REAFFIRM U.S. POLICIES TO SUPPORT CIVIL SOCIETY AND HUMAN RIGHTS DEFENDERS THROUGH THE ISSUANCE OF GUIDELINES

Human rights defenders play a special role in promoting and protecting the rights and freedoms of other people, and they require a special relationship with the U.S. because they often face persecution by their governments in retaliation for their activities.

There are many examples set by U.S. foreign service officers in countries where civil society is under attack: Ambassador to China Gary Locke named specific human rights defenders in his 2011 International Human Rights Day statement issued by the embassy in Beijing; Ambassador Robert Ford in Syria visited the beleaguered city of Hama to see for himself the situation of protesters opposing the repression of the Assad regime.

However, the Chen Guangcheng case was likely unique. While the U.S. embassy extended itself appropriately in this extraordinary situation, it cannot be expected to act as such on behalf of every defender. What then can a defender expect of a U.S. embassy? Too often, that

answer depends on the interests and abilities of the U.S. ambassador or the political officer at the embassy.

Both the U.S. government and human rights defenders would benefit from a clearer explication of expectations and a public explanation of its standard procedures for protecting human rights defenders and promoting their work. The Obama Administration should further this goal by setting out a robust, consistent, transparent policy supportive of independent civil society organizations, grounded in international human rights standards. The Guiding Principles on Non-Governmental Organizations produced by the Bureau of Democracy, Human Rights and Labor in 2006—though they were aimed at civil society organizations more broadly and do not mention human rights defenders per se—are a good model for new U.S. guidelines on engaging more explicitly with human rights defenders.

Greater consistency on human rights at the embassy level will have a strategic benefit as well, helping to dispel criticism that U.S. support for civil society and human rights defenders face in many countries. When governments and people see inconsistent application of policies supporting the activities of independent civil societies, it fuels speculation that such policies are selectively invoked to punish governments that the United States might disagree with or simply to advance U.S. interests.

To advance the rights enumerated in the U.N. Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, and the U.N. Declaration on Human Rights Defenders, the U.S. government should issue a set of guidelines for human rights defenders seeking support from the U.S. embassy.

The list of duties that U.S. embassies, consulates, and other U.S. government representatives are expected to carry out to further the protection and promotion of human rights defenders, could include:

- Establish and maintain regular contact with human rights defenders; invite them to the U.S. embassy and visit them at their offices;

- Appoint liaison officers to develop and maintain relationships with human rights defenders in local communities;
- Observe trials of human rights defenders, where appropriate;
- Coordinate with like-minded governments on their analysis and monitoring of the situation of human rights defenders, especially those at risk;
- Assist in establishing networks of human rights defenders at an international level, including facilitating meetings;
- Use the media to increase public visibility and support for human rights defenders highlighting specific cases;
- Continue to address the situation of human rights defenders in their reporting to the U.S. Department of State and other parts of the U.S. government, particularly any threats or attacks against human rights defenders;
- Inform human rights defenders of available U.S. government programs, grants, and resources for which they can apply, and assist in the application process, as appropriate; and
- Encourage the use of appropriate technological tools by human rights defenders, and offer training in internet security.

Other governments have articulated guidelines for their missions and embassies to interact with human rights defenders and civil society activists, including the European Union and the government of Norway. In addition to providing activists and governments with clear expectations of what support for activists will entail, they also set benchmarks for foreign service officers to meet in providing support to independent civil society activists.

Conclusion

NGOs and human rights defenders are facing new challenges from governments that restrict their funding and criminalize their work. The United States has made a clear and public commitment to civil society. Now would be an ideal time for the new administration to lay out publicly a comprehensive package of initiatives, including specific actions that U.S. missions, embassies, and foreign service officers around the world can take, to underscore that commitment and institutionalize it for years to come.



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