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# ALL-AFRICA HUMAN RIGHTS DEFENDERS' CONFERENCE

2-4 NOVEMBER 1998 - JOHANNESBURG  
(SOUTH AFRICA)

## INTRODUCTION

The All-Africa Human Rights Defenders' Conference, convened by Amnesty International (AI), follows on from four regional workshops in Arusha (Tanzania), Harare (Zimbabwe), Bingerville (Côte d'Ivoire) and Rabat (Morocco), which drew together around 130 human rights defenders (HRDs) from Eastern, Southern, Western and Central, and Northern regions of Africa respectively. In many of the countries represented, defenders have assumed a central role in the promotion and protection of human rights and in the course of their work have themselves come under threat of human rights violations and abuses. The four regional workshops and the all-Africa Conference were organized under the banner of the Human Rights Defenders' Project and form part of AI's celebration of the 50th anniversary of the Universal Declaration of Human Rights UDHR). The Human Rights Defenders' Project will feed into the Paris Summit on Human Rights Defenders scheduled to take place between 8 and 11 of December 1998 and co-hosted by AI, Fédération Internationale des Ligues des Droits de l'Homme (FIDH), France Libertés and Aide à Toute Détresse (ATD Quart Monde).

The aims of these four regional workshops and the All-Africa Conference were to provide networking opportunities for human rights defenders, share experiences in monitoring and documenting human rights violations and devise mechanisms for the protection of defenders. The regional workshops produced recommendations to be carried out by participants and Amnesty International. These included:

- country-level plans to share information and/or establish emergency plans;
- regional-level plans to keep in touch and to help with the safe passage of defenders at risk; and
- international-level plans to lobby bodies like the Organization of African Unity (OAU) on the protection of HRDs.

Participants came from many different professions ranging from NGO workers to journalists and lawyers and from development field workers to trade unions. What they have in common is their commitment to human rights and to exposing violations and the harassment that they sometimes face because of their work.

## **I. Objectives of the All-Africa HRD Conference**

While the regional workshops explored solutions and protection mechanisms to be implemented at a local and/or regional level, the focus of the All-Africa Conference was on international and continent-wide solutions. It was anticipated that individuals, organizations, governments and Inter-Governmental Organizations (IGOs) - and in particular the OAU - will implement the protection mechanisms. Given AI's commitment to working with and for HRDs as was confirmed during the organization's International Council Meeting (ICM) of 1995, it was expected that AI will work alongside other organizations in the post-conference campaigning activities.

The organizers identified three key objectives of the All-Africa Conference, namely:

1. To devise mechanisms for the protection of HRDs in Africa;
2. To plan activities to push for the protection of HRDs in Africa (with a focus on the roles of AI, sub-regional NGO networks and African IGOs); and
3. To publicize the plight of HRDs at risk in Africa and highlight and recognise the legitimacy and importance of their role (through a media strategy targeted at African and other media sources and through the involvement of key players such as the OAU).

Four sub-objectives were also identified. These were to:

1. Share and learn from strategies for protection used in sub-regional and other contexts;
2. Explore the roles of a range of players including local NGOs, international NGOs, states and IGOs;
3. Facilitate networking amongst NGO representatives and HRDs across the sub-regions and within the sub-regions; and
4. Explore a range of activities, such as advocacy, networking and publicity which can be used to promote the protection of HRDs.

## **II. The participants**

The all-Africa Conference drew together a total of 80 participants from over 40 countries including Algeria, Benin, Botswana, Burkina Faso, Burundi, Cameroon, Cape Verde, Chad, Côte d'Ivoire, Djibouti, Egypt, Ethiopia, Gambia, Ghana, Guinea-Bissau, Guinea, Kenya, Lesotho, Liberia, Libya, Malawi, Mauritania, Morocco, Mozambique, Namibia, Netherlands, Niger, Nigeria, Rwanda, Senegal, Sierra Leone, Somalia, South Africa, Sudan, Swaziland, Tanzania, Togo, Tunisia,

Uganda, United Kingdom, Zambia, and Zimbabwe. The balance of men to women participants was about 60 to 40 percent.

The participants' fields of work include children and youth, women, legal aid to prisoners, refugees, torture, death penalty, youth, gays and lesbians, prison conditions, legal reform and education, and human rights education.

## **NOTES OF PROCEEDINGS**

### ***SUNDAY - 1 NOVEMBER***

The Conference opened with an informal meeting of those participants who arrived early. The aim of this session was to give participants the opportunity for a general discussion on their expectations of the Conference and on the obstacles and challenges they face in their work.

#### **I. EXPECTATIONS OF THE CONFERENCE**

##### **Protection Mechanisms:**

- Need a practical workable mechanism to prevent and discourage the risks
- Put a structure in place to defend HRDs
- Develop a professional approach to the protection mechanisms/clearly defined process of defending the defenders/Precise measures for protection/A feasible strategy for defending HRDs to be formulated
- Develop proposals for effective use of AI membership in support of defenders
- Need international appeal and co-operation
- Set up internships and stays abroad for defenders at risk
- Establish clear communications channels
- Devise mechanisms for divided communities
- Create institutional framework and mechanisms for the protection of defenders
- Develop concrete solutions for protection
- Funding
- Rapid intervention
- Special status
- Seek more participation of the media in the protection of defenders
- Develop ways to put more pressure on military regimes from the international community
- Devise mechanisms for laws limiting various freedoms
- Create a realistic Action Plan and the commitment to carry it out

- Pledge by participants to implement some of the recommendations

**Establishing Networking:**

- Create regional networks of HRDs that cooperate effectively with organisations like Amnesty International/clear communication channels with Amnesty/new step in cooperation between AI and Africa HRDs
- Have regular exchange meetings
- Develop a network for rapid intervention
- Set up effective networks for defenders to exchange info: technical experience and campaigning
- Set up an international pressure group to target governments
- Break isolation for moral support
- Set up a network for participants of this conference - at own country level
- Create a link with human rights journalists within Africa and elsewhere
- Facilitate further cooperation
- Establish new contacts
- Share experiences
- Set up proper networking aimed at implementing mechanisms

**Specific Political requests:**

- Put pressure on the Libyan Government to abolish Repressive Laws/Pressure on military governments
- Push for African people's participation in the adoption and implementation of the "UN Declaration for Human Rights Defenders"
- No impunity for torturers genocide perpetrators and other violators
- Restore the right to have representatives governments
- Set up mechanisms to install peace in Africa

**Others:**

- Expect that recommendations out of this conference will be respected
- Create a realistic Action Plan
- Pledge by participants to implement some of the recommendations
- Make a strong worded statement to African governments to respect HRDs
- Ensure that participants clarify their expectations towards AI
- One project: One strategy

**II. PROBLEMS AND CHALLENGES**

**Divided Societies**

- Marginalisation in professional life
- Lack of cooperation with other NGOs
- Lack of active support - misinterpretation of nature of work of NGO by the government and citizens who are sympathisers of the government
- Being viewed as anti-government
- Lack of support when faced with threats
- Gaining agreement and unity on some issues like gays and lesbians, and death penalty
- Ignorance of human rights by authorities
- Having, as human rights workers, different visions of what's happening
- Ignorance of human rights by the authorities yet they attend UN meetings
- Non-availability of an organised response to abuses from other organisations outside
- Problem of public opinion eg; that AI campaigns for the release of criminals (Sierra Leone)
- Defence and security forces in ethnicised societies
- Working in a divided society
- Government apathy towards NGOs

**NGO Resources**

- Lack of access to sources and rural areas
- Lack of proper training of defenders
- Lack of experience in monitoring, collecting and analysing data
- Lack of communication mechanisms procedures
- Lack of resources
- Difficulty in distributing information
- Lack finances
- Lack of human resources
- Press has limited access to information from the human rights groups
- Monopoly of state resources

**Abusive Use of the Law**

- Not being registered by the government
- Banned public expression (media, demonstrations, meetings)
- Hostility of the government when pursuing human rights issues
- Impunity for attacks on HRDs
- Disinformation campaign by the government
- Trials in secret
- Repressive legislation



- Intolerance by those with power
- Facing an authority which has little respect for human rights
- Government's insensitivity to the work of human rights activists including the media
- New security apparatus being former rebels

#### **Administrative Obstacles for Human Rights NGOs**

- Post delayed or opened
- Lack of official registration
- Getting government's co-operation work in human rights's work now that AI continues to condemn executions of coup plotters in Sierra Leone
- Name of AI can mean non-cooperation by governments
- Absence of democratic governments
- Lack of co-operation form state organs
- No new NGOs allowed to be set up
- No political will to support human rights
- Blocked fax and telephone numbers

#### **Personal Insecurity**

- Victims of human rights violations or families don't want to come forward because of fear
- Detention without due process of the law
- Lack of governmental institutions
- Attempted murder attacks and after effects
- Threats against activists
- Police looking for activists after publicly speaking out
- Tough repression
- Humiliations
- Impunity - recent arrests and "disappearances"
- Embargo, war and socio-political situations makes human rights' work very difficult
- Constant harassment from the government
- Threats to sources
- Government not allowing investigations
- Victims left alone after testifying to human rights' organisations
- Working on very 'closed' societies
- Lack of security and support for HRDs
- Brutality
- Torture
- Arrests



## ***MONDAY - 2 NOVEMBER***

### **I. INTRODUCTION TO THE CONFERENCE**

This opening session was introduced by Njeri Kabeberi (AI's Development Field Officer for East and Southern Africa) and Sue Wixley (Project Manager) who presented the Conference programme, Chairs, Steering Committees, Rapporteurs, Resource staff and Speakers. Practical announcements were also made together with some guidelines around the issue of media confidentiality.

### **II. PRESENTATION OF THE RECOMMENDATIONS FROM THE REGIONAL HRDs' WORKSHOPS**

A representative from each regional workshop presented a summary of the recommendations (copies of these recommendations were included in the Information Packs given out to all participants upon arrival). These presentations were followed by a short discussion about the role of AI in assisting HRDs implementing the regional workshops' recommendations. Some participants expressed the need for AI to facilitate networking amongst various African human rights NGOs and HRDs. Others stressed the fact that HRDs themselves must devise their own protection mechanisms and carry the recommendations of the workshops forward independently from the help of northern human rights NGOs. The discussion also covered some of the challenges and opportunities faced by HRDs. The challenges included learning the necessary skills to deal with issues such as traumatisation and other mental health disorders suffered by defenders in the course of their work, and the lack of gender sensitivity amongst HRDs. On a more positive note, it was pointed out that as a result of the East Africa workshop, networking and cooperation amongst some human rights NGOs have helped provide a safer place for some HRDs fleeing the war in the Democratic Republic of Congo. These HRDs arrived in Uganda where they were given the protection they needed. They have now been able to set up their own offices in Kenya.

### **III. OPENING PLENARY**

In his opening speech, Samkelo Mokhine, Chairperson of AI South Africa, welcomed the participants and reiterated AI's commitment to facilitate and support the work of HRDs stressing that it is the responsibility of HRDs to own the end-results of these meetings.

Jacob Selebi, Director-General of the Department of Foreign Affairs of South Africa, noted his government's call - since 1996 - for the adoption of the UN Declaration on HRDs. The South African government, he added, was determined to continue lobbying

for the adoption and implementation of this Declaration and for the UN's responsibility to ensure that governments everywhere respect its contents. He further noted the dangers many HRDs face in the course of their work and the importance of ensuring that these defenders devise their own protection strategies and engage in debates about their protection amongst themselves and with governments and the UN.

In his address Pierre Sané, AI's Secretary-General, noted that on the 50th anniversary of the UDHR, only eight African countries have signed the Declaration on HRDs. After decades of human rights violations, he added, HRDs continue to risk their lives and freedom to defend and protect others hence the necessity to defend the rights of these defenders.

#### **IV. PLENARY DISCUSSION**

An open plenary discussion followed. Participants added several points concerning how best to integrate the work of HRDs on a national as well as an international level, and how to lessen the risks and obstacles they encounter while defending others. Some of these included:

- for HRDs to be recognized as community activists by governments;
- to consider seriously the code of conduct of countries that have already signed the UDHR to go to the next millennium by setting up, for example, specific goals for these governments to increase their protection of HRDs over a four or five year period;
- to push for closer cooperation between NGOs and IGOs such as acquiring observer status at OAU meetings;
- the need for the creation of legal commissions in Africa to protect HRDs; and
- to use South Africa's powerful position internationally to debate human rights issues at international fora and push African countries to sign, ratify and implement international human rights treaties.

Participants were then divided into three Theme Working Groups to explore the ways and means of working in difficult contexts. Group A - Working Under Threat - discussed ways of dealing with legal and extra-legal threats such as bans, surveillance and arrests. Group B - Working in Armed Conflict Situations - looked at grappling with problems like extra-judicial executions, "disappearances" and torture. Group C - Working in a Divided Society - dealt with social, cultural and religious opposition threats including stigmatisation of defenders, discrimination and marginalisation.

## V. THEME WORKING GROUPS - PROTECTION OF HRDs

### A. Working Under Threat

The Group identified four broad issues facing individual HRDs and human rights NGOs in the course of their work. These are:

1. Repressive legislation/measures;
2. Physical threats;
3. Psychological threats; and
4. Economic threats.

#### 1. Repressive legislation/measures

- Decision by the court - on request from governments - to withhold travel documents
- Governments confiscating mail without redress if considered to threaten public law and order
- Arbitrary imprisonment of anyone suspected of encouraging terrorism
- Any criticism or 'hostile rumours' are grounds for jail
- Legislation not allowing the presence of lawyers during the initial investigative detention
- Extra-judicial courts trying 'political' crimes
- Laws of impunity and amnesty for perpetrators
- Improper application of detention laws so that an eight-day limit, for example, becomes one year or more without trial
- Broad interpretation of criminal law where it should be restrictive (by judges)
- Expulsion from territory
- Banned from accepting foreign donations

#### 2. Physical threats

- Beatings, brutality against self and family
- Destruction of property; vandalism
- Torture
- Detention; deportation and arrest
- Forced exile
- "Disappearances" and executions
- Poisoning
- Confiscation/deprivation of material goods
- Massacres

**3. Psychological threats**

- All of the above generate fear
- Denounced publicly as traitors or as defenders of terrorists
- Threatening letters and phone calls against HRDs and their families
- Killings of relatives of HRDs as a warning
- Phone tapping; cutting of phone lines and electricity of targeted individuals and organizations
- False accusations
- Forced to witness torture and executions
- Public humiliation; eg nudity and made to behave like animals

**4. Economic threats**

- Governments preventing people from advertising in and buying independent newspapers
- Large taxes on newspapers
- High bail on trumped up charges leading to the tying up of individuals' and organizations' funds
- Unjustified high taxes
- Constant surveillance and smear campaigns lead to loss of clients, hence loss of income

**B. Working in Armed Conflict Situations**

The Group chose to focus their discussion on specific points rather than those common to HRDs in such a situation. They identified three key issues:

1. Security problems; HRDs becoming targets of the parties in conflict and as a result can be subject to torture, persecution, threats, attempted killings, killings and forced exile.

2. Difficulty to access national and international information networks; impossibility to share information with local NGOs as well as manipulation of information by the media.

3. Impartiality of HRDs questioned by conflicting parties.

**C. Working in a Divided Society**

In their attempt to define "divided societies", the Group identified the following three key characteristics:

1. A divided society is one in which religious, social, regional, ethnic and other differences are exploited by one group of people to their own advantage.
2. A divided society is one which uses violence to deal with any differences amongst social classes.
3. A divided society is characterised by violence and lack of tolerance. These divisions are often used by certain individuals, like politicians, to achieve political power.

The Group identified the following list of problems encountered by HRDs working in such a society:

- The government's and society's misinterpretation of the work done by HRDs
- Governments accusing HRDs of being political opponents
- Lack of support when at risk
- Lack of public awareness of HRDs' work
- Increased danger and risks for HRDs as opposed to those who work in more united/stable societies
- Victims' self-censorship, hence difficulty in collecting necessary information
- Marginalisation in professional life
- Lack of cooperation amongst NGOs which are subject to similar 'stereotypes'

Plenary discussions explored further some of the problems and challenges HRDs face when working in difficult situations. These can be divided into five broad categories and are summarised as follows:

- Repressive legislation: restrictions on freedom of expression, association, movement, and receipt of funds; state of emergency legislation and conflict situations hamper further the work of HRDs; and absence of individual rights, ie group rights become more important and prominent.
- Illegal and violent practices: spread of insecurity for HRDs and their families; abuses by armed opposition groups; forcible exile; police brutality; and dangers from private security guards.

- Psychological threats and distortion of information: lack of impartiality especially in situations of armed conflict and in divided societies; creation of NGOs by government; self-censorship; and excessive 'dramatisation' of armed conflict situations.
- Marginalisation: HRDs marginalised by international NGOs and UN experts who fail to consult local HRDs when undertaking their research missions; professional marginalisation; not being recognised by the state; lack of cooperation amongst NGOs; and blacklisting by foreign governments.
- Harassment and economic repression: confiscation of passports; job loss; tapping / disconnecting phone; and loss of clients.

## ***TUESDAY - 3 NOVEMBER***

### **I. TOWARDS THE PROTECTION OF DEFENDERS**

Three working groups were formed to look specifically at the short, medium and long term strategies for the protection of defenders at risk.

#### **A. Immediate Protection**

The group discussion centred around the use of methods such as risk assessment, temporary immigration and seeking asylum for defenders at risk. They reported back with the following action plan:

##### **1. Temporary emigration for HRDs at risk**

- Creation of a Solidarity Fund (for travel, visa, help to leave the country, etc) although the details of where/how to fundraise and who should administer the fund (eg; NGOs at subregional level or AI sections in Africa) were left open.
- Creation of a database with information on HRDs for quick decision in case of emergency.

It was decided that a Committee should be created to elaborate this project



**2. Short-term internships for HRDs at risk**

- Put together a list of NGOs willing to offer internships.

**3. Publicity**

- NGOs to undertake to publicise locally and internationally cases of HRDs at risk where helpful (security concerns must be considered first).

**4. Cooperation with solidarity groups, media and groups, both inside and outside the country, who can disseminate the information.**

**5. Support for HRDs who seek asylum**

**6. Use of all legal means, both national and international**

**7. Use of diplomatic channels but only in cases of extreme danger or lack of other effective actions**

**8. Set up monitoring mechanisms outside the country in order to help publicise the cases internationally**

It was decided at the plenary that the Continuation Committee would take up this plan of action and explore it further, taking into account all the above concerns and reservations raised.

**B. Capacity Building and Networking for Protection**

This Group focused on medium-term strategies for the protection of HRDs at risk, including networking amongst NGOs and defenders, using E-mail and other methods to share information, and capacity building. The following is the outcome of the Group's discussions:

**1. Communication**

- Media: NGOs to develop closer links with private radio stations and newspapers and to sensitise journalists by inviting them to attend events.
- More collaboration between local and regional NGOs to get around the boycott of information.

- Use international media (eg; BBC and RFI) to publicise HRDs' work by sending them reports and news releases.
- Internet: Set up a list of NGOs with modems in the four sub-regions and organise training in the use of the Internet.
- Explore ways getting around phone tapping/cuts: set up a network of local NGOs to share the use of telephones; regional NGOs to set up lines of alternate communication; and use sympathetic embassies and church organisations to pass on messages.

## **2. Creating a network**

- Network to be set up by NGOs and members present at the Conference with fax, telephone and E-mail facilities; rapid response to threats against HRDs; and rapid, large response to government's misinformation campaign

**3. Create a circular to link all NGOs,** to be set up by AI and the five sub-regions represented at the Conference.

**4. Partnership with governments,** especially in situations of low level human rights violations.

## **5. Harassment, torture and marginalisation**

- Improve research techniques and standardise training: each NGO to appoint one or two resource people/researchers to write to governments, offer training and distribute documents to other NGOs. Amani Trust (Zimbabwe) to provide 2-3 day training.
- Explore psychological effects on HRDs under pressure: meet weekly to help relieve pressure.
- Psychological effects of torture: need for a network to tap existing structures and propose what is needed. Five people from the five sub-regions to look at existing facilities and set up a doctors' network to provide help to torture victims.

### **C. Lobbying and Legal Reform for Protection**

The Group discussed concrete action plans for achieving legal reform for the long-term protection of defenders. The Group identified the following five different levels of problems and action to be taken to give long-term protection to HRDs:

1. National-level legislation and legal reform
2. Sub-regional level
3. Regional level - OAU
4. International level
5. Other actions

#### **1. National level**

<b>PROBLEM</b>	<b>ACTION</b>
<ul style="list-style-type: none"><li>• Abuse of laws by the state</li><li>• Laws restricting NGOs (eg; registration)</li><li>• Government failure to promote constitutional and legal protection</li><li>• National laws not consistent with international treaties and standards</li><li>• Lack of defence for HRDs</li><li>• Lack of popular awareness of rights</li></ul>	<ul style="list-style-type: none"><li>• Reform national structures to protect human rights</li><li>• Ratification of treaties on human rights</li><li>• Incorporate these treaties into domestic laws</li><li>• Program to raise popular awareness of human rights so that people press the authorities to respect human rights</li><li>• Train HRDs to use international/regional protection mechanisms</li><li>• Networking and coalition-building by national human rights NGOs</li><li>• Lobby for reform of laws restricting or affecting HRDs</li></ul>

## 2. Sub-regional level

PROBLEM	ACTION
<ul style="list-style-type: none"> <li>• Lack of links with sub-regional NGOs</li> </ul>	<ul style="list-style-type: none"> <li>• Establish links between governments of sub-regional IGOs and NGOs</li> <li>• West African NGOs to establish links with Executive Secretary of ECOWAS and lobby ECOWAS on protection of HRDs through West Africa human rights forum</li> <li>• Souther African NGOs to establish a strategy to obtain recognition for NGOs at SADC through cooperative governments</li> <li>• NGO networking and coalition-building at sub-regional level</li> <li>• Build links between media and NGOs to publicise HRD issues</li> </ul>

## 3. Regional

PROBLEM	ACTION
<ul style="list-style-type: none"> <li>• No action to protect HRDs</li> <li>• Lack of NGO observer status at OAU</li> </ul>	<ul style="list-style-type: none"> <li>• Lobby for observer status for NGOs at OAU</li> <li>• Lobby for OAU reform to achieve transparency (incl. access to documents and meetings) and effective support for HRDs</li> <li>• Lobby the African Commission and its Rapporteurs</li> <li>• Lobby for ratification of the Protocol on the African Court</li> <li>• NGOs to prepare state reports on HRDs in their own countries to distribute at OAU Summit</li> <li>• Select representatives from this Conference to attend the next OAU council of Ministers (to be held in February 1999) to present the conclusions of this Conference, lobby for the above recommendations, and for criteria for nomination of independent African commissioners</li> </ul>

**4. International level** (UN, UN agencies, international financial institutions, multinational corporations, donor governments and the EU)

PROBLEM	ACTION
<ul style="list-style-type: none"> <li>• Insufficient action for HRDs</li> <li>• Future implementation of the UN Declaration on HRDs (to be adopted on 10 December 1998)</li> </ul>	<ul style="list-style-type: none"> <li>• Either lobby for the establishment of a UN Special Rapporteur on HRDs or inclusion of HRDs issues in mandates of all other UN mechanisms and Rapporteurs</li> <li>• Make use of the special HRD Unit in the office of the UN High Commissioner for Human Rights</li> <li>• Encourage international bodies to consult local NGOs and HRDs when carrying out their duties</li> <li>• Send observers to trials of HRDs</li> <li>• Lobby other IGOs, eg Commonwealth and Francophonie</li> </ul>

**5. Additional Actions**

- Press donors and funders to take moral responsibility to protect HRDs
- Local NGOs should provide and distribute information about HRD protection issues
- Media (local, regional and international) should publicise threats and dangers faced by HRDs
- Multinational corporations and international financial institutions should use their economic power to protect HRDs

The Plenary discussed the above Plans of Action put forward by the Working Groups and adopted all three Plans.

## **WEDNESDAY 4 - NOVEMBER**

### **I. INTEREST GROUPS**

Four Interest Group Meetings were organised to give participants the opportunity to meet and share their experiences as defenders. The Groups included Women's Rights Activists; Journalists; Lawyers; and AI Members. Each Group was encouraged to produce recommendations for improving their protection and to submit these to their professional associations.

#### **1. Women's Rights Activists**

Concern was raised at the treatment of women HRDs by donors, journalists and male HRDs who can be abusive towards women. It was suggested that gender equality/issues need to be considered seriously and that a forum must be found to deal with this problem. It was also suggested that gender issues be put on the agenda of all HRD meetings.

#### **2. Journalists**

The Group agreed to write a letter to the Nigerian government to ask for the release of all journalists held solely for the peaceful expression of their opinion.

This proposal was adopted.

#### **3. Lawyers**

The Group proposed the creation of an African Association of Lawyers HRDs which would involve all existing Bar Associations in Africa. It also suggested the creation of a "Bureau of Lawyers for Africa" which would receive information on lawyers and magistrates and help them to learn more about international human rights standards. The Bureau would also be used to facilitate networking amongst HRDs. The funding of the Bureau was to be worked out at a later stage.

These proposals were adopted and added to the Conference Plan of Action.

#### **4. AI Members**

The Group agreed that human rights issues affecting HRDs anywhere in Africa will be included in their campaigning activities.

## **II. ADOPTION OF THE PLAN OF ACTION, OPEN LETTER TO THE OAU AND JOHANNESBURG DECLARATION**

(Please see attached copies of the Plan of Action [Appendix 1] and the Johannesburg Declaration [Appendix 2])

## **III. CLOSING CEREMONY: HUMAN RIGHTS DEFENDERS IN AFRICA - LOOKING AHEAD**

Following the adoption of the Conference's Plan of Action, the Open Letter to the OAU and the Johannesburg Declaration, Fernando Gomez, President of the Human Rights League of Guinea-Bissau, presented the agenda of the Human Rights Defenders Summit to be held in Paris between 8 and 11 December 1998.

A formal reading of the Johannesburg Declaration followed. The Declaration was then presented to David Johnson (Africa Representative of the UN High Commissioner for Human Rights) who received it on behalf of Mary Robinson. In his address, David Johnson referred to the responsibility of all HRDs to make changes to the status of all defenders and their role in the adoption of the UN Declaration on HRDs. He pointed out that the new UN Declaration on HRDs will be a tool for HRDs to claim and defend their rights and that its wide distribution can contribute to the protection of all HRDs.

The closing speech was made by Colm *Ó Cuanacháin* (AI International Executive Council Representative for Africa) who thanked the delegates for their hard work and commitment, noting that they own the results of their work - the Johannesburg Declaration and the Plan of Action. He urged them to implement their contents in a realistic way and to circulate the Johannesburg Declaration as widely as possible to increase its effectiveness.

## **EVALUATION BY PARTICIPANTS**

The participants felt that the Conference objectives were met. A summary of the evaluation forms handed in by participants (the response was fairly low) shows that the most successful session was the information meeting on the OAU and the African Commission. The least successful session was the report back from the Theme Working Groups on short-, medium- and long-term protection of HRDs.

While 60% of the participants felt that the facilitation and practical arrangements were "good", 15% felt these preparation "ok" and 15% felt they "could have been better".

Some of the comments made by participants included:

- "I think some of the mechanisms were unattainable. The Conference failed to identify some inherent problems in the NGO community".
- "The most important lesson I learnt in the Conference was that human rights defenders will not be able to do much if they work by themselves. But if they get together, establish links and relationships, they will be indestructible".

Some participants felt that they would face different obstacles in putting their learning from the Conference into practice. These obstacles included:

- "Government and opposition parties' aggression as the issue of human rights affects the present and past government";
- "Lack of funding and other resources";
- "Divided society"; and
- "Armed Conflict".



## Appendix 1.

### JOHANNESBURG PLAN OF ACTION

#### INTRODUCTION

We, the participants at the All-Africa Human Rights Defenders Conference, held in Johannesburg from 2 to 4 November 1998, have adopted this Action Plan, in conjunction with the Johannesburg Declaration.

Faced with the particular risks run by human rights defenders, noted in the Johannesburg Declaration, the present Action Plan aims to:

- define strategies to respond to human rights violations faced by human rights defenders; and
- agree clear actions to realise the aims of the Declaration.

#### STRATEGIES TO PROTECT HUMAN RIGHTS DEFENDERS:

1. Action for human rights defenders in their own work:

- All action by human rights defenders should reflect gender equality and respect the full diversity of human rights activity (social, cultural, religious, economic, civil and political rights);
- All human rights defenders will take special measures to ensure the protection of women human rights defenders and to ensure women's rights are given full attention;
- All steps should be taken to guarantee the confidentiality of testimonies and any other information which could put others in danger;
- Human rights defenders will work to ensure high standards of accuracy in their activities including fact-finding , and by training, aim to ensure standardisation of practices with colleagues and thereby develop a common understanding amongst all who undertake human rights work;
- Considering all threats on human rights defenders as an attack on the work of human rights NGOs everywhere, the participants decide to organise networks (including electronic links where possible) between themselves and with other sympathetic bodies or individuals, inside or outside of their country, to respond immediately, with all means at their disposition, to these fundamental attacks on human rights, including, as appropriate:

taking advantage of all opportunities to raise the public profile of their activities and to give publicity to their vulnerability;

Offering assistance to those defenders seeking asylum;  
exchanging information and maintaining details of  
colleagues;

producing a circular ;

and observing the trials of human rights defenders.

- In particular, lawyers attending the Johannesburg Conference as human rights defenders undertake to establish a Commission to:

- train lawyers and other involved in the field of law in aspects of human rights law,

- offer mutual assistance in times of threat

- urge each National Bar Association to set its own a human rights commission

- consider, with full consultation, special support to lawyers in Rwanda

- In such times of threat, human rights defenders will use all legal means available to seek redress and use diplomatic channels (as appropriate);

- In certain cases, for example, in a time of extreme crisis, human rights defenders may set up monitoring operations outside of the country, so that vigilance can be maintained;

All steps should be taken to overcome attempts by the authorities to silence human rights defenders, including using external

media, using other defenders and sympathisers to maintain contact with colleagues outside the country;

- Human rights defenders will establish procedures to ensure that, in extreme danger, human rights defenders will cooperate to ensure the physical integrity of themselves and other victims of human rights violations;

- With full respect for the discussions held in Johannesburg, the participants ask the Continuation Committee to examine the possibility of setting up a solidarity fund to assist in the support of human rights defenders in immediate danger, including temporary immigration;

- Human rights defenders will set up a list, starting with participants at the Johannesburg Conference, of human rights NGOs who are willing and able to offer temporary internships to human rights defenders in order to protect them

- Human rights defenders will take steps to deal with the psychological effects suffered by victims of torture, as well as by human rights defenders as a result of their work;

- Human rights defenders will take steps to undertake civic education projects to raise public awareness of human rights and of the plight of human rights defenders

- *Human rights defenders undertake to train Africans, in particular human rights defenders to make best use of international and regional mechanisms established for the protection of human rights*

## 2. Action by Human Rights Defenders towards Governments:

Human Rights Defenders and others should put pressure to ensure that :

- Governments sign and ratify all human rights instruments and bring their legislation into line with international standards to ensure the protection of human rights and those who defend human rights;
- Governments end their use of emergency legislation which destroys basic freedoms;
- Governments adopt special measures to ensure the protection of women human rights defenders including the implementation of the Beijing Plan of Action;
- Governments respect the rights of human rights defenders, including freedom to travel, to seek funds, to legally register, to disseminate information, and to have access to the media;
- Government organise schemes to ensure that witnesses in human rights trials are protected; and
- Governments set up independent bodies which could hear human rights complaints, including cases involving threats against human rights defenders.

## 3. Action by Human Rights Defenders towards foreign governments and intergovernmental organisations:

Human Rights Defenders and others will put pressure to ensure that:

- Diplomats, including UN representatives, in the country support human rights defenders in their activities, and particularly come to their assistance when they face threats;

- Diplomats and IGO's facilitate the participation of human rights defenders in aspects of their work with relevance to respect for human rights;
- Diplomats and IGOs coordinate exchange programmes so that human rights defenders can seek temporary refuge outside of the country, if necessary;
- the United Nations and all its agencies give priority to consultations with human rights defenders in their work
- the United Nations Commission of Human Rights to establish the post of Special Rapporteur for Human Rights Defenders and to include issues related to the work of human rights defenders in the mandates of all other United Nations mechanisms.
- the OAU undertakes reforms to achieve transparency and effective support for human rights defenders.

Human Rights defenders will ensure that :

- international human rights bodies are informed about the human rights situations in their country, in particular, the situation of human rights defenders, and that the reports made by these bodies are publicised.
- a delegation from this Conference attends the next OAU Council of Ministers meeting, scheduled for February 1999, to present the Johannesburg Declaration and to lobby for access and openness.

#### 4. Action by human rights defenders towards the economic sector:

Human Rights Defenders will put pressure on multinational companies, and all bi-lateral and multi-lateral organs and authorities of economic cooperation to ensure that:

- all their strategies and projects do nothing to harm the freedom to act of human rights defenders ;
- all their strategies and projects entail protection for human rights defenders.

#### 5. Action by human rights defenders towards armed opposition groups:

Human Rights Defenders will put pressure on armed opposition groups to respect humanitarian law and the role of human rights defenders in raising violations of such.

**FINALLY;**

Participants undertake to :

- publicise the Johannesburg Declaration and call on governments, IGO representatives, companies and others to endorse its statement;
- call upon the Continuation Committee elected on the final day of the All-Africa Human Rights Defenders Conference to review this Plan of Action, prioritise its recommendations and oversee the implementation of this Plan of Action;
- call upon the Paris Summit to endorse the Johannesburg Declaration and further strengthen its demands.

**Appendix 2.****JOHANNESBURG DECLARATION**

We,

*Human rights defenders, that is, women and men on the front line of the struggle to protect and promote human rights and who include, lawyers, journalists, NGO workers, trade unionists, members of rural organisations, health workers, religious workers, development workers, students and relatives of victims, etc*

*Gathered at the All-Africa Human Rights Defenders Conference, Johannesburg, South Africa, from 2 to 4 November 1998*

*Recalling the regional and international standards already in existence for the protection and promotion of human rights in particular the Universal Declaration of Human Rights, which on 10 December 1998 celebrates its 50<sup>th</sup> anniversary, and the draft Declaration for the Protection of Human Rights Defenders <sup>1</sup> that guarantee fundamental rights and freedoms.*

*Observing the failure of most states and governments in Africa either to live up to the domestic and international obligations to which they have committed themselves in the protection and promotion of human rights, or to ratify and accede to relevant international human rights standards, and the failure of governments and armed*

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<sup>1</sup> Declaration on the right and responsibility of individuals, groups and organs of society to promote and protect universally recognised human rights and fundamental freedoms, due to be voted by the United Nations General Assembly on 10 December 1998



groups involved in conflicts in Africa to adhere to international humanitarian law;

Acknowledging that Human Rights Defenders have as a result assumed a central role in the promotion and protection of each and every one of the human rights;

Observing moreover the particular risks run by human rights defenders in the context of armed conflict;

Deeply concerned that the increasing number and influence of human rights defenders has been accompanied by their own rights being violated;

Denouncing in particular the violations of human rights they face, including: extrajudicial execution, torture, rape and sexual assault, arbitrary arrest and detention, and unfair trials;

Denouncing moreover the extent of measures used by many states to silence human rights defenders, including censorship and seizure of publications, constant surveillance and intimidation, economic and professional harassment, bureaucratic obstacles to legalisation of their activities, denial of freedom of assembly and social ostracisation

Affirm the right to continue such work in accordance with the international human rights standards

Considering all threats on human rights defenders as an attack on the work of human rights NGOs everywhere, the participants decide to organise themselves into networks to respond immediately, with all

*means at their disposition, to these fundamental violations of human rights*

*Undertake to train Africans, in particularly human rights defenders, to make best use of national, international and regional mechanisms established for the protection of human rights*

*Call upon all States to respect and ensure the respect of the right to freedom of action for human rights defenders*

*Urge all States to bring national legislation into accordance with international human rights standards and to ensure the independence of the judiciary and other mechanisms for the defence of human rights*

*Urge all States to adopt special measures to ensure the protection of women human rights defenders including the implementation of the Beijing Plan of Action*

*And call upon all States to facilitate the granting of asylum to human rights defenders at imminent risk of human rights violations*

*Moreover call upon the intergovernmental, international and regional organisations to intervene on behalf of human rights defenders and campaign to guarantee their safety*

*Urge that the United Nations and all its agencies give priority to consultations with human rights defenders in their work*

*Urge the United Nations Commission of Human Rights to establish the post of Special Rapporteur for Human Rights Defenders and to ensure that the work of human rights defenders is included in the mandate of all United Nations mechanisms*

*Demand moreover that all bi-lateral and multi-lateral organs and authorities of economic cooperation ensure in their program the protection of human rights defenders*

*Demand finally that multinational companies ensure that their strategies and projects are not harmful to the freedom of action of human rights defenders*

*And call upon international public opinion, in particular the media, to join in the protection of human rights defenders and promoting their activities in defence of human rights for all.*

*Adopted by acclamation*

*Johannesburg, 4 November 1998*