



COOPERATION IN RELATION TO SPECIFIC CHALLENGES EXPERIENCED BY CSOS AND HRDS AT THE NATIONAL LEVEL

Cooperation in relation to specific challenges experienced by CSOs and HRDs at the national level
e.g reprisals, threats, executions, shrinking democratic space and enactment of restrictive legislations (including on defamation, terrorism and demonstrations), limitations for journalists/media, etc. Objective: to give a voice to HRDs and CSOs to discuss their challenges and how the RHRMs and the UN system could cooperate to improve their situation at the regional and national level, looking at best practices, lessons learnt and possible forms of new cooperation

Participants could address the following questions: what are specific human rights challenges faced in their countries, as they conduct their work, as CSOs, HRDs? How can UN and RHRMs support them? How effective are the current national, regional and international mechanisms to protect them? what additional measures could be adopted at the national, regional and international level to support them?

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INTRODUCTION

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 Freedoms¹ (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 individuals². 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 face a number of challenges. In Uganda, they have suffered restrictions on their freedoms 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.

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. They also face Restrictive Legislations, Break-ins, hacking emails, Threats of deregistration and closure, Intimidation, blackmail and Stopping meetings organised lawfully convened.

¹ A/RES/53/144, 8 March 1999.

² 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.

Failure by the states to listen or implement recommendations made by HRDs

In general, there are a number of barriers to cooperation. Partnership between government and CSOs is often characterized by mistrust. In many situations, large parts of the population mistrusts government, and civil society peace activists avoid making direct connections to governmental actors. Mutual misperceptions and lack of understanding of the other's institutional imperatives often create obstacles to effective cooperation.

Government officials may question the quality, legitimacy and accountability of specific NGOs - or of civil society organizations more generally. They may not see their relevance or believe that they can create more trouble than they resolve. They may also resent the often hostile tone that some civil society actors may adopt in their critique of the government and perceive them as having essentially political motives in seeking to undermine the government's authority.

Failure to join synergies and work together as HRDs

Often times, HRDs are so busy trying to survive that they underestimate the importance of working together. This leads to duplicity of work with less impact. There is need for HRDs to form coalitions.

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.

USE OF NATIONAL MECHANISMS

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, 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.

OTHER INSTITUTIONS THAT PLAY A MAJOR ROLE

Parliamentary Standing Committee on Human Rights - was set up in May 2012 and which is mandated to monitor and report on the human rights situation in the country and report its findings to the plenary for appropriate action.

Equal Opportunities Commission (EOC), a constitutional body envisaged under Article 32 of the 1995 Constitution has only recently been established by Parliament. Under Article 32 of the Constitution, the Commission is charged with eliminating discrimination and inequalities against any individual or group of persons on the ground of sex, age, race, color, ethnic origin, tribe, birth, creed or religion, health status, social or economic standing, political opinion or disability; and taking affirmative action in favor of groups marginalized on the basis of gender, age disability or any other reason created by history, tradition or custom for the purpose of redressing imbalances which exist against them, and to provide for other related matters.

Courts of law, as stipulated under Articles 50 and 137 of the Constitution. Under Article 50 of the Constitution, any person may approach a competent court for redress in respect of a violation of the rights of that person or another person. Under Article 137 of the Constitution, any person may petition the Constitutional Court of Uganda for a declaration that any law is inconsistent with the Constitution.

RECOMMENDATIONS

1. There is an urgent need to amend or repeal, as the case may be, the problematic laws or provisions in laws, highlighted in this study as being inconsistent with the freedom and safety of HRDs in Uganda.
2. It is important for HRDs to advocate for the passage of a specific law that recognizes, and protects, their work.
3. Human rights defenders should be trained and empowered to enable them to thoroughly understand the current regulatory framework under which their operations are scrutinized, and to this end, to equip them with the requisite means of understanding how to make the best use of the exceptions and defenses within the law to continue doing the important work of human rights protection that they are engaged in.
4. To counter the restrictive legal environment, HRDs should make use of new media and communication channels such as social media platforms to resist human rights violations, and to organize and resist the restriction of civic space.
5. HRDs should make use of the sub regional, regional and international human rights mechanisms such as the East African Court of Justice, the African Commission of Human and Peoples rights and the UN reporting and complaints mechanism, to draw attention to the constriction of civic space and to seek remedies for the infringement of human rights guaranteed in a number of regional and international human rights instruments.

6. HRDs should consult with DPI for technical support in implementing the security triangle approach (Acceptance, Protection and Deterrence security strategies). This constitutes a range of mitigating Security management options and actions for organizations transiting from a 'tolerant' to 'hostile' environment.

Cooperation with international and regional mechanisms

Specific actions geared to support HRDs by the international protection mechanisms

These include:

- Ensuring that a focus on HRDs and on the Declaration is included in regional and international training programmes;
- Ensuring that a focus of support for relevant human rights defenders is included in policy documents;
- Maintaining contact with regional organizations and networks of HRDs working on human rights issues.
- Remaining aware of any protection needs that HRDs may have and advocating in support of them.
- Joint visits with special procedures;
- Joint press statements;
- Exchange of information on specific cases, while retaining the confidentiality of information;

Conclusion

In recognition of the vital role of human rights defenders and the violations that many of them face there is need for cooperation, support and collaboration at national, regional and international levels. In this regard, National Human Rights Institutions have to cooperate with other Human Rights Defenders and HRDs 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.

Thank you very much for listening.