

Tom Lantos Commission December 8 2016

Human Rights: Taking Stock and Looking Forward

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To the Honorable James McGovern and Members of the Commission:

Thank you for convening this briefing to examine the closing space for civil society and what can be done about it.

Civil society across the world faces a series of dangerous challenges, from bans on funding to restrictive NGO laws to the smearing of activists and their work, to the stigmatization and criminalization of those promoting democracy. Some of the world's most prominent human rights defenders are today in prison, including Albudhadi Al Khawaja in Bahrain, Narges Mohammadi in Iran, and David Ravelo Crespo in Colombia. We hear to that Dr Mudawi in Sudan, well known to so many of us in the international human rights community, was taken into custody again yesterday in Sudan.

While these arrests, intimidation and administrative attacks on activists all help choke civil society, today I'm going to focus on the targeting and murder of human rights defenders, an area sometimes left out of discussions on closing civil society space.

No-one knows how many Human Rights Defenders (HRDs) have been killed for their work. In recent years the Irish-based NGO [Front Line Defenders](#) has tried to document the numbers, recording a totals in 2014 of 142, in 2015 of 156 and already this year 205.

The real figures are certainly higher. There is often a discernible pattern to the killings. For example, the murders of HRDs in Colombia are usually committed by a hired assassin or hired gun in or near the victim's home, usually late at night or very early in the morning, say local activists.

In Bangladesh's capital Dhaka, HRDs report that murders of their colleague are often prefaced with a series of threatening phone calls, with boys in black shirts hanging around near their homes for some time before the activist is eventually murdered in a machete attack.

Impunity for these crimes remains a key enabler of the killings. It's rare for a country's justice system to bring those responsible to account, a failure that encourages further attacks. Occasionally the murder of an HRD will make international news, as did the killing of prominent Honduran HRD [Berta Cáceres](#) in March this year, but too often the attacks go unnoticed, unrecorded.

President Obama has said he's worried about the targeting of activists. Speaking in Panama last year he [said](#):

"When the United States sees space closing for civil society, we will work to open it. When efforts are made to wall you off from the world, we'll try to connect you with each other. When you are silenced, we'll try to speak out alongside you. And when you're suppressed, we want to help strengthen you. As you work for change, the United States will stand up alongside you every step of the way".

But the U.S. government's record on protecting HRDs is patchy. Although in 2013 it issued [guidelines](#) to its diplomats encouraging them to engage with HRDs as a way to protect activists, these still haven't been properly promoted or widely translated.

Mr Chairman, protecting HRDs is too important a job to do half-heartedly.

In the Philippines, NGO [Karapatan](#) has documented 154 killings of HRDs since 2010, with those defending indigenous rights particularly vulnerable. The organization's Secretary General, Cristina Palabay, explains some ways activists are fighting back. "We have responded by mobilizing nationally and internationally, organizing community-based sanctuaries for those under threat, highlighting US military aid to the Philippines, and publicizing the dangers on social media," she told me.

The UN Secretary-General noted last year that “defenders also describe their sense that they are often on their own, with the media showing little interest in reporting acts of aggression against them and with little support from political figures...”

But HRDs remain under enormous threat. Last year the UN General Assembly passed a [resolution](#) recognizing the need for the protection of HRDs. While 117 countries - including the United States — voted for the resolution, 54 refused to support it, including key U.S. military allies Kenya, Bahrain, Egypt, Saudi Arabia and the United Arab Emirates.

This year another was passed on protecting HRDs working on Economic Social and Cultural Rights and we know that environmental rights activists are increasingly in danger. The NGO Global Witness reports an average of two environmental and land rights activists are being killed every week.

A report in June from Michel Forst the UN Special Rapporteur on HRDs on killings of environmental rights activists noted that some get major international attention - like that of Berta Cáceres in Honduras organizing against dams, or that of Sikhosiphi Bazooka Rhadebe from Xolobeni in South Africa, who was campaigning against the displacement of people caused by a titanium mine.

But most do not. Forst described a photo exhibition in Geneva earlier this year highlighting the murders of 60 environmental activists in Thailand in the last 20 years. Most had received little or no international press attention.

Businesses clearly have a responsibility on these issues.

We see some encouraging commitments by businesses to respect human rights. There are public statements and policies, guidelines and codes of conduct.

The Equator Principles, for example, set out minimum standards for due diligence, but these commitments aren't enough.

Businesses should provide clear guidance to employees, contractors and partners that activists have the right to express their views and conduct peaceful protests without intimidation or retaliation.

The World Bank and other International financial institutions (IFIs) have a duty to ensure that their activities do not contribute to, or exacerbate, human rights violations, including those committed by borrowers.

And they should denounce reprisals against human rights defenders.

Defenders and themselves are taking responsibility for their own protection, safeguarding themselves digitally and physically, organizing community-based sanctuaries for those under threat, sharing best practices for safety and psychological support, publicizing on social media the threats against them to use visibility as a tool of protection, there is much more governments, including the US government, can do.

Recommendations:

The State Department should properly promote its guidelines on engaging with HRDs, and publicly commit to consistently respond to the killing of every HRD with a public statement calling for a proper investigation and a call to hold those responsible to account.

It should consider introducing temporary visa options, as has Ireland, which offers temporary visas of up to three months to HRDs in danger, similar to the Dutch government where six Shelter Cities in the Netherlands offer protection to HRDs in danger.

Every killing of an HRD in whatever country, advisory or ally, should be consistently met by a public call from the US government for a credible public investigation leading to prosecution, no matter who the perpetrators.

Thanks for inviting me and for your time today

