

THE CARTER CENTER

HUMAN RIGHTS DEFENDERS ON THE FRONTLINES OF FREEDOM

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Reinforcing the Frontlines of Freedom in a Climate of Retreat From Human Rights Commitments

I must congratulate whoever formulated the title of my presentation, “Reinforcing the Frontlines of Freedom in a Climate of Retreat From Human Rights Commitments.” I think it is so apt today, when we speak about not just the defenders at the frontline for the protection of human rights, but how do we reinforce that frontline? There are gathering clouds that threaten the safety and security of that frontline. I deliberately say safety and security and not that the frontline will ever be obliterated. It will not. Like we heard from our friend from Mississippi in the morning, we will do it anyway. And that’s what we do.

That’s how we survive in many ways. We cannot afford the luxury of either frustration or of feeling that there are some instances in which there is a lack of commitment or a regression in what we have achieved so far. But I think this is a time, at this point, to sit down very seriously and think about what we need to preserve. It has taken us decades to build the standards of human rights, and we are still in the process of getting a consensus on the concept of the universality of human rights. Coming from the region that I do and fighting for

women’s rights, I know the value of the concept of universality. For us it’s not just a concept; for us it’s a practical need. We have to find the core upon which we base our struggles, and these internationally accepted standards of social justice and equality have proved to be that foundation, which takes us out of the controversial issues of where are the basic principles going to come from. Religion? Ultrnationalist ideologies? That’s why I think these are worth preserving. The work the human rights defenders do is exactly that: preserving principles. We don’t necessarily just defend people. We defend people in the act of defending principles. I think it’s very important to see where the strengths are going to come from so that we can sustain the work that we do in a manner in which we are able, not only to preserve what we have but to go forward and to strengthen the very values for which we have fought for a long time.

I say this also because I feel that we have, after 9/11, not necessarily experienced a turning point. What we have experienced is the exposure of the gaps and the weaknesses. I think that the threats to human rights, the situations of adversities, which could reverse the

positive trends that we were trying to build on, were already there. That's why I think it's very important for us to find the appropriate means to reinforce the frontline for the defense of human rights.

Let me begin by saying that there are several issues and aspects of these phenomena that need our attention. First of all, I think that we have to place more faith in civil society. We have to make sure that all parts of the international community recognize and acknowledge that there is no notion of international community that can be complete without the inclusion of civil society. So, we don't just address states, we address civil society.

Much of what you have been speaking about since the morning is the context in which human rights defenders work. Without this context, it is very difficult to either understand or evaluate the situation of human rights defenders or indeed to find ways and means to deal with the various situations that they confront. The context, therefore, becomes very important. Also, I think it is important for us to realize that human rights violations emerge and emanate from conditions, whether they are political, social, or economic. When human rights defenders choose the strategies in which to confront the situations that they are working on, they have to work with full awareness of the political, economic, and social conditions that affect the environment in which they work.

I have felt, as a human rights defender that human rights work cannot be carried out in isolation. Also, that human rights work cannot be carried out without a

very keen political sense of what you are doing. Therefore, there are so many linkages that we have to be aware of, but we have to be also aware of what kind of relationships we form at what level. What do we get out of those relationships? This is important in the context of what the high commissioner said in the morning with respect to formulating strategies. I think it is very important not to just react but to respond. By respond, I mean to sit back; think about the right strategies, the most effective ways and means of dealing with the situations, dangers, and the threats that we face; and then together, in consultation with each other, with a collective wisdom, select the best means of going forward.

I've also learned in my work as a human rights defender that while it is important to work at the national level, today's world is not an isolated world and you have to be aware of what's happening in your region and what's happening at the international level and the influences that are determining national situations. Therefore, this kind of network at regional and international levels has become very important. We've all learned this in the South Asian region. Because of that, we have spent almost one and a half decades trying to create those very strong networks so that we are able to respond to situations that are influencing the human rights conditions in our part of the world.

I was the first one always to say let's deal with our own situation rather than pointing to somebody in the north and saying they are responsible for what's happening to us. I stick to that. I think it is much more important for us to detect the problems within our own countries

and to deal with those. But, at the same time, when we apply our minds and our energies, we do discover that sometimes these situations can only be helped if we work at the national level but have linkages at the international level, so that we are able to create a support group and some kind of international public opinion on the issues that we are grappling with. This is what I think is also important in the context of reinforcing the frontline.

In this whole scenario that we have been listening to since the morning and the realities that we are confronting right now, we know that one positive thing has come out. That is the emergence of a world public opinion. I think that is of extreme significance for us. The current situation that we are experiencing shows that there are very definite and very real threats to the preservation of the norms of human rights. But, we do not limit our action by just speaking. The essence of advocacy is to influence state conduct and state action. In the process of fulfilling the obligation to protect, we are ignoring and, in many ways, undermining the obligation to respect human rights. I see no evidence that security cannot be insured within the framework of the rule of law. In fact, I think it would be much more sustainable if security were entrenched in measures, policies, and laws that strengthen the rule of law and strengthen the respect for human rights.

We keep talking about international standards; I think they are very important. But many of the measures that are being adopted at national levels are contravening their own constitutions and therefore contravening the

aspirations of the very people whom these measures seek to protect.

In the course of implementing the mandate on human rights defenders, the wealth of information that I have received enables me to identify many trends and the consequences that one fears will emerge from these trends. First of all, the very fact that institutions are being weakened. We, in my part of the world, have never enjoyed independent and strong judiciaries. Judiciaries as institutions are becoming more weak because they are not just being forced, but in some ways are surrendering their obligation and responsibility to safeguard human rights and to protect constitutions and fundamental freedoms. Secondly, in the name of security, we have given precedence to military means and methods. In my way of thinking, we have almost abandoned political solutions to political issues. This makes for more and more militarization of states. This is one of the biggest threats I fear is emerging which could permanently destroy the value, the effectiveness, and the essence of human rights and the values and norms of human rights as we know them.

Thirdly, when we militarize states, we undermine democratic institutions. So we see elections happening everywhere, but how many countries have strong sovereign independent legislatures? The quest for democracy increases but so do the threats to democracy. I am not saying this has happened after 9/11, but what has happened after 9/11 is a diminishing commitment for democracy. We may talk about democracy, but we are also willing to compromise the democracy at the altar of security. We are willing to accept and tolerate military governments

as long as they become a part of the war against terror. And for the first time, I see that there are expectations of democratization and restoration of democracy from military governments. It is a contradiction in terms. When we speak about militarization as a threat, what's it a threat to? To civil society. So, there is a conflict of interest. We are expecting the military to give people stronger civil societies and democracies when it infringes and impinges on their own self-interest. I think that is an expectation with no foundation.

In the name of security, we have seen human rights standards being destroyed. Now we no longer think it necessary to accept fair trial and due process as a part of the rule of law. Our tolerance for exceptions is growing. We are now in the third year after 9/11, and yet we have accepted situations that create a legal vacuum for certain people. I know of a time when this would not have been tolerated: arbitrary detention and refusal of due process rights, of fair trial rights. Now, we are keeping silent. Those who are speaking, in some ways, find themselves on the margins. I think this is bound to change because those who highlighted the issues are in many ways those whose work it is to persist in what they are doing.

As a part of this mandate, I have seen such strange happenings. Distribution of the Universal Declaration of Human Rights received a charge of distributing seditious material. Farmers protesting against eviction by military were tried in antiterrorist courts. When lawyers who stood up to defend somebody whose right was being denied, those lawyers were labeled as friends of terrorists.

Many of them were actually interrogated. Some were even confined.

These are situations which are emerging in many parts of the world. These are not just individuals. This kind of situation is having a very adverse impact on the work for human rights that we carry out.

When we, as human rights defenders, speak about the anti-terrorism measures, we are not denying the menace of terrorism. We were the first ones to experience the threats and the violence of these terrorists. This was much before 9/11. Let us not forget that. I come from a part of the world where there is no denying the problem of terrorism. We are those who fought for the rights of women, minorities; trying to accommodate religious and ethnic pluralism, we actually experienced the violence of these terrorists. So we know all about it. But, at the same time, it is very important that we fight this menace with the tools of human rights. We use human rights as a tool so that more and more support for the human rights movement can be gathered within the populations where we work.

Today we find it very difficult, as human rights defenders, to speak about human rights in a polarized environment where there is one end at which there are measures against terrorism and at the other end, there is opposition to those measures, but not necessarily because they want to strengthen human rights. The opposition comes for very political reasons, and I think it's very important that now we strategize so that this voice for human rights, for the right to security, to be protected in a manner in which human rights are promoted, be strengthened. This should be done not

just at national levels, because this is not a national issue; it's a global issue. For this, global strategies will have to be devised. For this purpose, it is so important that organizations like the United Nations develop better capacity to rise to this challenge and stand on the side of those who wish for security because security is an important human right, but at the same time to make sure that nothing is allowed to undermine the respect for human rights.

Both counterterrorism measures and respect of human rights have the same objective, but when these measures are intended to undermine human rights, then it becomes counterproductive. It makes it difficult for human rights activity to have the political impact that it is supposed to have so that an enabling environment for the promotion, protection, and enjoyment of human rights is created. It is extremely important that the bodies of the United Nations recall the charter which makes it the fundamental objective of the United Nations to struggle collectively for peace and security so that democracy is promoted and in order to fulfill people's rights to self-determination. Let us not allow security-driven approaches to forget about people's struggle for self-determination, to forget that the right to seek democracy is a fundamental human right and that now these struggles are fast being threatened with extinction because they are being labeled as terrorism.

I will end with one thought, which I would like people to think about. This is something that's been disturbing me for a long time. As human rights defenders,

we are all for nonviolent struggles. Violence in any form and for any cause is unacceptable. That's a principle we cannot compromise on. But, what do you do when violence is a reaction to rigidity, to the lack of any hope or expectation of going forward? How do we deal with that violence? We don't tolerate it and we don't accept it, but we have to respond to it. In my mind, while violence in any form is unacceptable, we have to make a distinction between those who commit terrorist acts because they have an agenda. Then there are those who hurt their own movement by taking nonviolent struggles into the direction of violence. It is wrong, it is unacceptable, and it has to be stopped. But, how do we choose to stop this kind of violence? I think we need to think about it because this will be the essence of sitting back and strategizing. Do we go on a confrontation course, or do we do it by cooperation? I don't think it can be either, but that will really be determined once we have been able to understand the demon that we are confronting.