



RAFTO

Human Rights Defenders under attack

Experiences collected from the work of
Rafto Foundation for Human Rights
with partners in 15 countries 2020-2021



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Human rights defenders under increasing pressure during Covid-19

Under international law, governments have the obligation to respect, protect, fulfil, and promote human rights. The declarations, covenants, conventions, and treaties that form the architecture for the protection of human rights are signed, ratified, and implemented into enabling legislation by governments. Human rights defenders highlight the gap between the state's obligations as a duty-bearer and the reality of its performance and call upon governments to fulfil their obligations through concrete actions. If governments, as duty-bearers, lived up to their commitments and abided by the laws they have committed to uphold, the global human rights movement could focus its attention on protecting the rights of ordinary people. Instead, the movement is increasingly preoccupied with the protection of the human rights defenders, who are becoming ever more vulnerable in many places around the world.

Human rights defenders are people who act to promote or protect human rights in a peaceful manner, individually or with others. They are activists who organize communities, lawyers who litigate on behalf of rights-holders, journalists who report stories that others want suppressed because they highlight wrongdoing, trade union leaders who champion the rights of workers, environmental campaigners who

want communities' views heard and respected, and researchers who document abuses. They represent society at large or specific groups and act on behalf of others – sometimes within their own communities and sometimes from wider cross-sections of society. They remind governments of their failures, and often governments do not like that.

Many governments place impediments in the path of human rights defenders: They impose surveillance, make it harder for them to organize, level false charges against them, initiate interminable legal proceedings against them, tie them up in procedural bureaucracy, make it tougher for them to raise funds domestically by harassing those who donate money to them or internationally by prohibiting foreign donors from providing resources to them, prevent them from traveling overseas, arrest them, and in some instances keep them in jail, where they are sometimes tortured. In the most serious cases, governments have killed human rights defenders or allowed them to be killed when they could have prevented such executions.

Since Fareed Zakaria wrote his seminal article “The Rise of Illiberal Democracy” in 1997¹, many academics have contributed analyses of an illiberal wind blowing across the world, in the Global North²

as well as the South.³ Authoritarian governments in large and powerful countries such as China, Russia, Saudi Arabia, Iran, and Egypt assert their rule through systematic surveillance, persecution, and marginalization of human rights defenders in public space. Jails around the world are filled with people who have only peacefully asserted their rights or attempted to hold governments to account, an increasing number of whom are in states that claim to be democratic. Even ostensibly democratically elected governments sometimes find human rights organizations and the human rights defenders who represent them to be inconvenient. They are accused of derailing national priorities, creating a bad impression of the country abroad which draws away investors and tourists, or acting against the national interest. Typically, they are “accused, charged or sentenced under vague and ill-defined laws, often related to subversion, treason or terrorism, in violation of the international standards”.⁴

Frontline Defenders recorded 304 human rights defenders killed in 2019, 331 in 2020, and 358 in 2021. Six thousand non-governmental organizations were denied registration under the Foreign Contribution Regulation Act in India on 1 January 2022.⁵ 294 non-governmental organizations, media outlets, and persons were listed as “foreign agents”

or “undesirable” in Russia by the end of 2021.⁶

2Two hundred and seventy-five non-governmental organizations were closed in Belarus during and after protests starting in the spring 2020⁷, and 54 were closed by the government of Uganda in August 2021.⁸ In January 2022 the well-regarded Arabic Network for Human Rights closed down in Egypt, while the remainder of the human rights community awaits the adoption of a draconian non-governmental organizations law which may make human rights work impossible in a country with 100 million rights-holders. Amnesty International has had to close its offices in India and Hong Kong. In Europe, the governments in Poland and Hungary have orchestrated hate campaigns directed at civil society activists and strategic lawsuits against public participation,⁹ while manipulating the courts and the media¹⁰ to insulate the incumbent regimes from criticism. Finally, as this report is finalized, Russia has launched a war of aggression which deprives the close to 200 million citizens of three countries – Russia, Belarus, and Ukraine – of any real protection of their human rights.

In many cases, governments want human rights defenders to be the equivalent of service providers: apolitical aid workers doing relief work and assisting beneficiaries during disasters or natural calamities. They do not want the defenders to empower communities by raising awareness about their rights. Even governments which support human rights and human rights defenders in good faith may find that the means are lacking, or the will to provide support fails, when there are political or economic costs attached to it.

For human rights defenders to perform their legitimate activities and operate efficiently, it is crucial that a space exists where civil society can function effectively. And yet, in the past decade, that space has been shrinking.¹¹ Governments have taken on more powers and imposed rules or passed laws which have made it much more difficult for human rights defenders to operate without fear and with freedom. Not only has the United Nations' (UN's) human rights mechanism felt it necessary to create a mandate for the situation of human rights defenders, but successive mandate holders have repeatedly urged states to protect human rights defenders targeted by governments themselves.

The UN has also expressed concern over reprisals against human rights defenders who seek to approach it. The Human Rights Council's Resolution 12/2 expressed concern over continued reports of intimidation and reprisal against individuals and groups which sought to cooperate or had cooperated with the UN or its representatives or other human

rights mechanisms. The Council condemned all such acts of intimidation by state and non-state actors.¹²

The Special Rapporteur's report in 2020 noted that "forms of reprisal, retaliation for ongoing or past cooperation, and intimidation designed to discourage future participation or cooperation have continued in relation to a wide range of UN organizations, perpetrated by both State and non-State actors."¹³ It identified cases of reprisal in 40 countries, including Rafto Foundation work areas Mexico, Honduras, Morocco/Western Sahara, Egypt, Democratic Republic of Congo (DRC), Germany, Poland, Russia, Turkey, Myanmar, Vietnam, and China.

The pandemic has worsened the situation for the defenders. Various UN agencies have taken measures to protect them. Numerous states and institutions, such as The International Finance Corp and the World Bank, have published reports outlining actions to protect human rights defenders, including in the context of the pandemic.¹⁴ The Peacekeeping Operations unit has also developed a handbook to provide guidance to ensure adherence to the "do no harm" principle.¹⁵ However, the measures introduced were far from enough to stem the tide of repression.

Clearly, the pandemic required governments to act promptly to prevent contagion. As the virus spread among people easily, governments imposed restrictions on contact between people, including travel bans and lockdowns, and required offices, factories, schools, universities, retail establishments,

restaurants, places of entertainment, cultural institutions, and sports facilities, among other locations where people can gather in large numbers, to close. Many countries imposed restrictions with proper justification and under constraints aiming to secure that they would not be abused to illegitimately curtail other human rights while protecting public health. While such moves restricted enjoyment of rights, under international law derogation of rights is permitted in certain specific instances, among them the outbreak of a pandemic.



The Siracusa Principles¹⁶ clearly state that while restrictions can be placed on human rights during an emergency, such restrictions are justified only in support of a legitimate aim, provided for by law, strictly necessary, proportionate, of limited duration, and subject to review against abusive applications. Tackling the pandemic would require every actor in society – state and non-state – to work together, but restrictions on civil society organizations have hampered their ability to play a meaningful role. Such restrictions have also made it more complicated to have scrutiny of corporate or governmental conduct because of reduced transparency and lack of access to information. Legislatures, too, have faced disruptions, and elected politicians are unable to meet their constituents. This has had an adverse impact on the global response. The Director General of the World Health Organization, Tedros Adhanom Ghebreyesus, was moved to comment that “a toxic combination of politicization, nationalism, short-term self-interest, disinformation, and more has hampered the global response to the COVID-19 pandemic and equitable tools to prevent, detect, and treat the disease.”

Many countries have placed new legislative restrictions on human rights defenders during the Covid-19 pandemic¹⁷, negatively affecting Rafto Foundation relations in Mexico,¹⁸ Turkey, Morocco/ Western Sahara, Uganda, Hungary,¹⁹ Russia,²⁰ Iraq, Lebanon, and Bahrain.²¹ There are probably no countries home to Rafto laureates where there has been no executive violation of the duty to protect the work of human rights defenders.

In sum, the difficult situation in which human rights defenders find themselves has only worsened since early 2020, when the Covid-19 pandemic spread across the world. Some governments imposed restrictions which mainly met the tests laid down under the Siracusa Principles, but others imposed measures that went considerably beyond what could be reasonably required to prevent the spread of the disease. Since the lockdowns, many governments have imposed restrictions on public assembly and association,²² extended periods of quarantine, and banned in-person gatherings. In some cases, elections have been carried out without ample opportunity given for legitimate opposition to campaign for



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their candidates. In other cases, elections have been postponed although fair campaign opportunities could have been organized with the most pertinent risks attended to.²³ Governments have, in some instances, made it harder to disseminate information, including information about the pandemic or health, by claiming to crack down on fake news, hate speech, and rumors to curb panic in the public. Prolonged lockdown and dried-up income have meant that many civil society organization staff have left their jobs to seek more stable employment in the private sector. Civil society organizations have not been able to reach out to their beneficiaries because of the closures.

Innovative use of technology²⁴ has mitigated some harms, and cities and civil society organizations have begun using platforms²⁵ that protect data. The UN, too, has made its processes more accessible by deploying digital means during the pandemic. For example, Ukrainian civil society is keeping tabs²⁶ on public procurement of medical supplies to ensure transparency. A Mexican site²⁷ is monitoring companies that break labour regulations. Many

voluntary organizations have used crowdsourcing techniques to share information about the availability of hospital beds, oxygen tanks, and masks in countries where those were scarce. Such use of digital space²⁸ will only grow as open government advocates²⁹ share more resources. However, with the wider use of surveillance technologies, risks, too, have risen. Digital resilience will have to increase, and civil society groups will need greater resources to strengthen their ability to stay nimble and ensure accountability.³⁰

Many states which have witnessed a deterioration in the conditions for defending human rights over the last few years receive significant political support and economic investment from states which have declared strongly that renewed efforts to support and protect human rights defenders are necessary. Alarming, data from the highly respected V-Dem Institute indicate that states somehow allied with the USA, widely considered the most powerful democracy ruled by law, show a higher degree of backsliding than states outside its orbit.³¹ It seems obvious that serious efforts are necessary to protect democracy and the rule of law, and that the protection and support of human rights defenders is indispensable for such an effort.

There are, nevertheless, significant positive developments as well. Across the world, a new generation of human rights defenders is growing, even if it is often working in hostile environments. Over the last few years, diligent and innovative work has made it possible to document mass atrocities in China and Xinjiang. The work to broaden and deepen awareness and guidance for business to assume responsibility for human rights throughout their activities has progressed. Legislation specifically designed to overcome modern slavery and child labor has been enacted or is under preparation in the UK, Canada, and Australia,³² while broader legislation to

secure corporate transparency and due diligence are in place in California, France, Switzerland, Germany, and Norway³³. It is hoped that similar laws will be enacted at European level³⁴ soon.

Various UN agencies work diligently to counteract negative trends and enhance positive ones. Valuable tools have been published, such as the Secretary General's "The Highest Aspiration – A Call to Action for Human Rights,"³⁵ "The Guidance Note on the Protection and Promotion of Civic Space,"³⁶ the "Resolution for Providing a Safe and Enabling Environment for Human Rights defenders and Ensuring their Protection, including in the Context of and Recovery from the COVID-19 Pandemic,"³⁷ the website launched by the Special Rapporteur on Human Rights Defenders.³⁸

- It will identify regions which may require particular attention, where human rights defenders are working not only under alarmingly increasing pressure, but where human rights movement itself may be in danger of collapse.

The member states must now step up to ensure that these efforts have impact, both domestically and in their relations with one another. We remind our readers of some of the commitments made by representatives of some of the highest offices in world politics.

On 30 March 2021, U.S. Secretary of State Antony J. Blinken declared that

“The Biden-Harris administration will also redouble our efforts to support journalists, human rights defenders, anti-corruption activists, labor union organizers, and other advocates around the world who put everything on the line to defend human rights. When these people come under attack, they often look to the United States to speak up on their behalf. Too often in recent years, these defenders heard only silence from us. President Biden says that America is back. We are back for those brave advocates as well. We will not be silent.”³⁹

On 8 July 2021, the United Kingdom’s Minister for Human Rights, Lord Tariq Ahmad, wrote that

“For those courageous and brave souls who call out such abuses, including human rights defenders, it has made their crucial role both more important and more difficult, as they seek to defend and promote the rights of minority groups or indeed document violations or champion reform. [...] Human rights issues connect to many other areas of policy. For example, when making decisions on trading relations, our international obligations and commitments, including on human rights, are always of paramount importance.”⁴⁰

On 7 December 2021, a Government Coalition Agreement was signed by the German Federal Chancellor Olaf Scholz, Minister of Foreign Affairs Annalena Baerbock, and Minister of Finance Christian Lindner, containing the statement that

“Civil societies – especially female journalists, activists, academics and other Human Rights Defenders – are essential to building and maintaining functioning societies. We are committed to develop specific means for supporting these people and their work, and to protect it, even in cases of cross-border persecution. In addition, we will build long-term programs for their support and protection.”

On 21 December 2021, High Representative of the European Union for Foreign Affairs and Security Policy Josep Borrell announced that the EU would spend 1.5 billion EUR on human rights from 2021 to 2027. He also declared that

“Courageous people from all backgrounds are fighting on a daily basis for their civil liberties, for independent media and to safeguard democratic institutions, often at great personal risk. The European Union stands with them. The Global Europe Human Rights and Democracy programme will allow us to strengthen our support to and protection of universal human rights and democratic principles worldwide: for everyone, at any time and everywhere. Together with civil society organisations, human rights defenders, the UN Human Rights Office and the International Criminal Court, we will leave no one behind.”⁴¹

It is hoped that this report will serve to reinforce these ambitions. It will identify regions which may require particular attention, where human rights defenders are working not only under alarmingly increasing pressure, but where the human rights movement itself may, in some cases, be in danger of collapse.

This report reflects both how general conditions for human rights work have developed over the last few years in the various circumstances of our laureates, and more specific developments relating to the pandemic.

It is not a comprehensive report about the human rights situation of the countries mentioned, however. The report draws on consultations with Rafto laureates, activists working in their environment, and a meeting with the UN Working Group on Arbitrary Detention in July 2021 held under the Chatham House Rule, supplemented by documentation and analyses provided by other experts. Some of our sources currently work under threats and pressures which require us to maintain their anonymity. The interpretation of the material and the description of the circumstances of human rights defenders found in this text are the responsibility of the Rafto Foundation alone, except in cases where explicit quotations and references are inserted into the text.

The report ends with a set of recommendations which were worked out after consultations with our partners.

2001 Rafto Laureate, Shirin Ebadi, Iran



Shirin Ebadi is an author, lawyer, and the first female judge in Iran, living in exile in London since 2009. In 2003, she received the Nobel Peace Prize.

Ebadi was a judge in Iran until 1979, the year of the Islamic Revolution, after which she was no longer allowed to work as a judge. She co-founded the Society for Protecting the Rights of the Child in 1994. In 2002, she co-founded the Defenders of Human Rights Centre with other lawyers to assist work for the promotion of democracy, including offering pro bono services to detained human rights defenders so that they would not have to rely on lawyers provided by the government. After receiving her Nobel Prize in 2003, she co-founded the Nobel Women's Initiative in 2006 and used some of her prize money to support the Defenders of Human Rights Centre.

In 2008, the Iranian government closed down the Defenders of Human Rights Centre by raiding her office, which, by then, had 30 lawyers working on various cases. While she was traveling abroad, her professional archives and personal belongings were confiscated, her sister arrested on spurious charges, and her husband forced to denounce her work in public. The government targeted her for her principled defense of the rights of politicians willing to run for office without seeking the approval of the ruling religious authorities and for her support of the Bahai, who consider themselves to be heirs of the tradition from Abraham to Mohammed but are considered apostates by many Islamic authorities.

Ebadi continues to oppose the regime and draw attention to a broad array of human rights violations. She has repeatedly called for the abolition of capital punishment in Iran and for the respect of the fundamental rights of persons accused of having committed a crime, such as open court hearings, access to proper legal representation, and a ban on psychological and physical pressure to force false confessions. She also supports the right to free expression of democratic dissent. She is critical of Western stereotyping and discrimination against Muslims in general, and women who identify as Muslims in particular.

Iranian human rights defenders - isolated and persecuted

The violations of human rights in Iran remain as grave as they were in the years before the pandemic. The same restrictions apply to civil society, and, as a result, the conditions for carrying out human rights work are deteriorating day by day. Many human rights activists and feminists are in prison or facing other forms of persecution. Human rights advocates are not allowed to present themselves and speak freely, to travel to conferences, or to attend workshops with non-governmental organizations. They are investigated for contacts that might be seen as “national security” concerns and similar offenses.

Several Iranian lawyers are in jail for challenging the government on access to vaccines and complaining about the policies of the Supreme Leader Ayatollah Ali Khamenei. Lawyers shy away from civil rights cases, and self-censor. Iranian activists therefore suggest that the UN Declaration of Human Rights Defenders would be more powerful if it used strong positive language prohibiting the oppression of lawyers.

Women’s rights defenders have unfortunately made little progress in changing legislation. Iran is still not a party to the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), which means that an important arena for confronting

the Iranian government with its discrimination against women is not available. Iranian women’s rights defenders have wanted to ratify the Convention for a long time. It was originally ratified by the Iranian parliament, but the process of approval was halted because the Council of Guardians disagreed with the ratification. It would be desirable if other states could encourage Iran to ratify CEDAW.

Nor is Iran a party to the Landmine Treaty. This is very unfortunate, because a large number of landmines remain after the Iraq–Iran War, and this is a serious problem which harms many people every year. Iran needs international support to clean the minefields, and accession to the Treaty would open the door to such cooperation.

Iranian activists located in Europe tried to bring Iranian lawyers and human rights defenders to the Oslo Review Conference on a Mine-Free World in November 2019, invited by the Ministry of Foreign Affairs, but immigration authorities turned down visa applications after two persons who were related applied in succession.

This situation illustrates an unfortunate consequence of the sanctions applied against Iran, but we suspect it is also related to the policy of all European states to minimize the opportunity to seek asylum. The human rights community in Iran is isolated and largely deprived of the opportunity to forge relationships and learn from compatriots in established democracies where the rule of law is, at least in the main, respected.

It is the opinion of many Iranian activists that

«Iran suffers from a pervasive culture of lawlessness. Legal reforms are necessary»

Shirin Ebadi

sanctions are not likely to be effective in forcing the regime to behave better and therefore do more harm than good for ordinary Iranians. The isolation of Iran from ordinary interaction across borders has stimulated corruption, smuggling, and black markets. In the current situation, economic concerns are overwhelming for ordinary citizens, who concentrate on securing basic needs. The younger generation sees little benefit from engaging with human rights and Western civil society, which has brought them little to improve their lives.

The pandemic increased the workload of Iranian human rights defenders. A few of the colleagues of Shirin Ebadi in Iran, defenders who had been imprisoned for many years, were released. Once they were out, the activity of their non-governmental organizations in Iran increased, and they are now communicating online using internet-based tools. However, Ebadi's colleagues Nasrin Sotoudeh and Narges Mohammadi were rearrested and are now in prison again.

The general human rights situation in Iran deteriorated due to the pandemic. Supreme Leader Ayatollah Khamenei stated that Iran should not be buying vaccines from the West.⁴² The Covid rate in Iran has since increased unnecessarily, and many people have died. Iran has received some vaccines from China and Russia, but the growth in vaccination rate has been slow. Not even health staff have been properly vaccinated, let alone ordinary people.

Iran suffers from a pervasive culture of lawlessness. Legal reforms are necessary. This was the situation before the pandemic, but the absence of rule of law also makes the response to the pandemic less efficient. Administrative corruption has undermined the efforts to manage the pandemic. Ministers have reportedly been taking the vaccines for themselves and selling the limited supply for profit to those who can pay. Fortunately, their actions have been exposed by the media. At present, only the wealthy have managed to obtain vaccines; hence, the poor are suffering more from Covid than the rich. Government statistics have most likely failed to register many deaths caused by the disease.

Civil society, especially unions and human rights activists, have been targeted during the pandemic. The prisons are filled with political prisoners and prisoners of conscience. Covid has spread in prisons, especially among political prisoners. Those who have contracted Covid are put together in one cell.

People have continued to protest despite the crackdown. On 1 May 2021, workers staged a protest in front of the parliament, fighting for their rights and seeking a pay rise, given the sky-high inflation. There was a massive crackdown on these protests, and the police aggressively beat the protesters. On the next day, teachers also raised this issue. The police beat a retired teacher who was asking for a rise in her pension, and one of her colleagues filmed the attack. The film went viral, showing the street full of policemen and an elderly teacher sarcastically stating

that it seemed to be the “police day” rather than the “teachers’ day.” However, Iran has made major investments in building its internet infrastructure and wants to cut ties with other countries. It has close ties with North Korea.⁴³

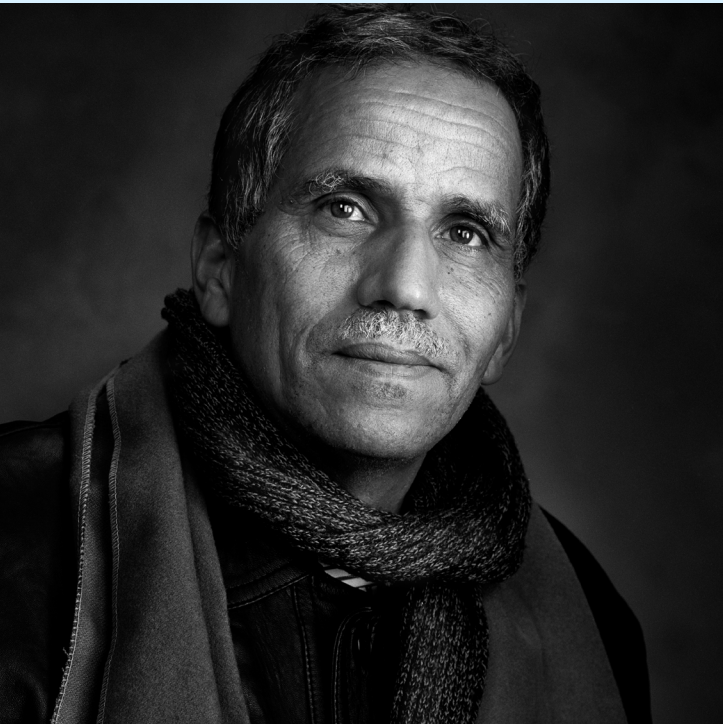
Concerns remain about the manipulation of non-governmental organizations and civil society by the government. Workers are not allowed to join a union. The government forms its own civil society movements and organizations of questionable credibility. These are sometimes invited to international arenas as independent organizations, while in reality they are controlled by the government, a situation which has been going on for a long time. In 2005, Shirin Ebadi was offered funding from the EU, but due to laws against receiving funds from abroad, she did not want to take this money. Instead, another organization received the funding, the head of which later turned out to be Ebadi’s interrogator in prison.

A recent event of considerable and alarming significance was the unrest in Isfahan in November 2021, driven by the desperation caused by the disappearance of the Zayandeh Rud River, which would normally irrigate important wetlands and provide water for hundreds of thousands of farmers. Government approval of dam construction and mismanagement of water resources, which are also shrinking because of extensive drought, are widely blamed for the problem.⁴⁴

Discrimination and violation of minority rights are further problems of great concern in Iran. Minorities do not have any special protection. The use of their mother tongues is not recognized in public affairs. Corruption and executions also more commonly harm representatives of ethnic minorities than the majority population. Kurds and Baloch people are especially badly treated, as these populations harbor organized opposition groups fighting the regime in Teheran.

Legal reform is highly desirable on many issues in Iran, but there are also provisions in the law which are good and should be respected. All civil society organizations should be free and allowed to operate freely, according to the Iranian constitution. If only the government would respect that one crucial provision, many problems could be solved. European diplomats should make sure that human rights are part of the discussion in their nuclear talks. The human rights defenders we have consulted are not against trade or dialogue, but when it comes to major trade deals with Iran, they emphasize that human rights should be a part of the conversation. The Iranian people are very capable, and they ask of other countries nothing more than to make human rights part of their dialogue with Iran. The human rights defenders we have consulted are not against trade or dialogue, but when it comes to major trade deals with Iran, they emphasize that human rights should be a part of the conversation. The Iranian people are very capable, and they ask of other countries to make human rights part of their dialogue with Iran, nothing more.

2002 Rafto Laureate Sidi Mohammed Daddach, Western Sahara



In 1976, as a young man of 19, Sidi Muhammed Daddach tried to join the Front Polisario, an organization engaged in armed resistance to Spanish colonial rule in Western Sahara, a struggle which continued against the subsequent Moroccan occupation. He was later captured by the authorities and recruited by force to the Moroccan army. In 1979 he deserted, was recaptured, then convicted in 1980 and sentenced to death.

Sidi Mohammed Daddach is the longest-serving human rights activist in Morocco, having been imprisoned under various regimes from 1977 to 2001. Most of his sentence, 14 of the total 24 years, was served on death row. Amnesty International recognized Daddach as a prisoner of conscience in 1997, and he was released after sustained pressure from Western Saharan and international human rights groups.

Since his release, Daddach has continued his struggle for the liberation of Western Sahara from Moroccan occupation and has become a symbol of non-violent resistance.

Escalation of violence and constriction of civic space in Western Sahara

The general disrespect for human rights has taken hold and intensified in Western Sahara over the last two years. Because of the pandemic and travel obstacles related to it, it has not been possible for people from outside to monitor violations, which are thus allowed to take place out of the world's spotlight.

Armed conflict resumed when the 30-year-old UN-brokered ceasefire collapsed on 13 November 2020. This dramatic deterioration in the situation exposed the Saharawi people to further violations of human rights and international humanitarian law, adding to those which have regularly occurred under Moroccan occupation since 1975. More than ever, their fundamental rights to life, physical safety, and personal security are threatened, in addition to the severe restriction on their basic rights and freedoms. Cases of arbitrary arrest, detention, and threats against Sahrawi human rights defenders and voices of dissent against the occupying forces have increased across the territory.

The security force action initiated in December 2020 created a warlike situation in Western Sahara. Ordinary Sahrawis live in fear, especially of Morocco

taking revenge on anyone perceived as opposing the occupation. The territory was already closed off before the pandemic broke out, but Covid-related restrictions have made living conditions even worse. Human rights defenders are not recognized and are hindered from carrying out their work; they can travel neither abroad nor even to other cities.

Until late 2020, Daddach was able to travel with Moroccan documents, but now these are not considered valid. On 30 January 2021, he was refused permission to visit relatives, including his wife. Later, on 17 February 2021, he was denied entry to the city of Boushtor, where fellow persecuted rights defender Sultana Khaya and her family had been kept under strict house arrest by Moroccan police and security forces since December⁴⁵. On 27 February 2021, he organized a demonstration with others for Sahrawi prisoners and was physically attacked by the Moroccan police. Daddach is 64 years old. He organized another demonstration on 3 April 2021 in support of Sultana Khaya, who had then been isolated for over four months. Permission to use public space being withheld, meetings were organized in private houses on April 13. Daddach was then physically attacked again by police in his home. From May 2021 onwards he was in Layooun, under total lockdown for an extended period.

Sahrawis fear the police for good reason, as they may attack without permission or advance notice, destroy valuables and other property, and use violence, even in front of children. The police always divide into two groups during raids: One group works on filming the activists who film the violence, while the other group works on beating up those concerned.

«The involvement of states with influence on the state of Morocco is crucial to achieve an improvement of the situation in Western Sahara»

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Another way to spread fear is to cut the power to private houses. The practice of cutting electricity is not new, but it has become a much more frequent occurrence. This practice is obviously intended to spread fear by example, and it affects the preservation of food and medicine and limits human rights defenders' ability to communicate and document ongoing abuses.

One of the priorities for Morocco is to prevent documentation of activities in the occupied territory which may be disseminated abroad. All Sahrawis who have political opinions that are not in agreement with the Moroccan authorities may be targeted. If someone is paid for doing civil society work, major bureaucratic obstacles will be erected to sabotage it. Children of activists are used to prevent activists' work, being pressured by the authorities in various ways, such as withholding university diplomas and having their education interrupted.

All this happens without the presence of a mechanism monitoring the human rights situation. There are no independent observers or human rights groups present in the territory at the moment who can take on this monitoring work.

Equipment sent in by supporters abroad is often confiscated, and supporters from the international community are unable to visit. However, there are still activists who can document and write about some of what is happening and share it with the UN, as well as representatives of friendly states and decision-makers.

The involvement of states with influence on the state of Morocco is crucial to achieve an improvement of the situation in Western Sahara. The reports produced by local activists also need confirmation and support from countries where civil society is active and heard and from organizations which have credibility in the rest of the world. We should increase our reporting to the UN special procedures, United Nations Mission for the Referendum in Western Sahara MINURSO should be given a mandate to monitor the human rights situation, and diplomatic representations in Rabat should be kept regularly informed. We should also explore any opportunities to sue perpetrators and other parties complicit in their actions.



2007 Rafto Laureate, National Campaign on Dalit Human Rights, India



The National Campaign on Dalit Human Rights (NCDHR) is an umbrella organization in India. The NCDHR was founded in 1998, and the International Dalit Solidarity Network was established in 2000.

The National Campaign on Dalit Human Rights (NCDHR) is an umbrella organization in India which includes the All-India Dalit Women's Rights Forum, the Dalit Economic Rights Movement, the National Dalit Movement for Justice, the National Dalit Watch project for monitoring of discrimination in emergency response, and Global Dalit Rights, which collaborates with other organizations such as the International Dalit Solidarity Network.

These organizations work to secure awareness about, empowerment of, Dalits, to secure their human rights and citizenship rights. According to the rules of the caste system among Hindus in India, Dalits are at the lowest level and still often treated as untouchables. They continue to be subject to widespread discrimination in the provision of basic rights, including access to freely chosen employment with fair wages and social benefits, police protection, fair trial, access to vote, and equal treatment in schools and other public institutions. They are often excluded from all but the most menial and unhealthy jobs which are paid low wages and operate in conditions that can only be described as a modern form of slavery. They also often lack access to basic public goods such as water and toilets.

The position of Dalits has in many respects worsened in the last decade, which has seen a surge of Hindutva religious nationalism, despite formal constitutional guarantees of their rights. Many Dalits have formally converted to other religions, but they are often unable to leave their low status even in non-Hindu communities.

Approximately 250 million people count as Dalits among the Indian population, and they lack continuous access to the UN system. IDSN has sought ECOSOC status at the UN since 2007, but its approval has continuously been deferred by India for 14 years.

Dalits infected, Dalit activists persecuted, India in authoritarian spiral

Largely poor and stuck in the informal sector of the labor market with temporary employment, Dalits have been hit hard by the Covid-19 pandemic. As U.S. academic Sumit Ganguly has noted, “long before the outbreak of COVID-19, a more pernicious form of social distancing was widespread across India: the Hindu caste system. In one form or another, this system – which has existed in the region for over a millennium – has long ensured social segregation based on one’s place in the hierarchy.”⁴⁶

The Dalits stand outside the four main groups of castes in India – Brahmins, Kshatriyas, Vaishyas, and Shudras – and they number nearly 200 million. They have been shunned for centuries as the lowest in society, but they are now at the forefront of the Covid pandemic – seemingly more at risk of infection due to their social status and increasingly discriminated against for the perceived threat of contagion they pose. Other studies show⁴⁷ the disproportionate impact of caste-based discrimination on Dalits during the pandemic due to structural inequities.

The cornerstone of precautionary measures is social distancing. But The guidelines of social distancing reinforce the conception of Dalits as unclean and therefore ‘untouchable.’ This conception is of a

religious and metaphysical nature, and commands exclusion beyond measures justified by sanitary knowledge to deprive the excluded parties from access to necessities and protection, such as access to medical services, water, food, and social contact. Social distancing and home quarantine have significantly more negative consequences for social strata without access to exclusive rooms for family members who may be ill, or have access to proper toilet facilities, or adequate ventilation, or indoor access to water.

India is moving fast in the direction of an electoral autocracy. The most important change over the last few years in India has been the dramatic shrinking of public space for human rights defenders and almost anyone else critical of government. The government passed the Citizenship Amendment Act, which allowed easier access to citizenship for non-Muslim persons from India’s neighborhood than to Muslims, and civil society groups that opposed it were extensively punished for it. A common and effective form of harassment was shaming them as anti-nationals. It has become almost impossible to write in newspapers, on social media, or organizing protests in the streets if you are critical of the government, or Hindutva ideology.

Several journalists have ended up in jail. They are often not presented with any charge sheet, which makes it impossible for their lawyers to argue in their defense. This also means that either the law is not applied at all, or that laws are applied which deprive the accused of their rights, such as the Unlawful Activities Prevention Act (UAPA), Public Safety Act (PSA), Armed Forces Special Powers Act (AFSPA),

National Security Act (NSA), and so on. National security is invoked on any matter which might lead to the possibility of inspiring significant protest, regardless of the legitimacy of the protest.

Activist and scholar Anand Teltumbde, grandson-in-law of Dalit icon Bhimrao Ramji Ambedkar who drafted India's constitution, is among the most important activists today in jail. He was arrested by the National Investigation Agency (NIA), along with several other activists, including a critic of Indian policies in Kashmir, Gautam Navlakha, in April 2020.⁴⁸

The first year of the pandemic was very difficult for the National Campaign on Dalit Human Rights. The constraints on travel and assembly in large groups made it very difficult for them to do their ordinary work at ground level. The government used the pandemic as a pretext to shut down activities which they found politically provocative. There was some pressure from donors, but they were generally understanding and flexible, demonstrating their understanding of the difficult position of the NCDHR. Many planned activities were impossible to complete during the first wave of the pandemic. The organization developed more confidence before the second wave of infections, however, and their activities picked up. All members of their core staff caught the virus, and the organization was afflicted by it for several months. Thankfully, everyone seems to have recovered completely. They lost no staff

members, although several lost family members. It has become very difficult to work with the private sector. As businesses depend on the goodwill of the government, they increasingly prefer to look away from their human rights responsibilities and avoid sharing information with human rights defenders. If they do not, governmental favors may disappear.

The financial resources of NCDHR have also been cut. In September 2020, laws were amended which significantly restricted foreign funding for civil society organizations in India. We are very concerned they might lose the permit which is required to receive foreign funding legally.⁴⁹

A series of other laws has been enacted during the pandemic without public discussion or when parliament was open, and these laws apply at the federal and state levels. The national education policy makes it more difficult for marginal communities to access public education. A very controversial farm law provoked massive demonstrations across the country. This law has been temporarily withdrawn, which has been among the few significant victories of civil society over the last few years. There is nothing good for Dalits. The activists are resilient, however; life and work will go on.

The Covid-19 pandemic has had a major negative impact on society in general, but particularly on Dalits and other marginalized groups. The most important negative effect has been economic. A

«When the government announced lockdown, workers were dismissed in very large numbers. They were deprived of their income and had no social security arrangements in place»

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large proportion of the Dalit workforce is employed in the informal sector and as migrant workers. When the government announced the lockdown, workers were dismissed in very large numbers. They were deprived of their income and had no social security arrangements in place. Hundreds of thousands were sent home or decided to go home. In many cases, they were forced to make the journey on foot in large groups; thus, the disease spread among them and increased their suffering.

The pandemic was used to shut down public protest, but it did not curb caste-based violence which victimized Dalits. On the contrary, mob violence against Dalits has increased. Assaults on and the rape and murder of women have continued. In many cases, Dalits, who are considered “unclean” on religious grounds, have also been assumed to be “unclean” in the medical sense and are blamed and punished for spreading the disease.

The general measures taken against the disease, including recommendations for social distancing and home quarantine, are not practical for Dalits. Living conditions do not allow proper hygienic precautions to be taken. Proper isolation of sick persons is not possible. Many Dalits cannot work from home, whether as adults or schoolchildren. Access to online study resources is not available for a large proportion of Dalit children. Some 74% of India’s Dalit population reside in rural areas, and only 24% of Indian households have internet access. While this

figure rises to 42% in urban India, it is just 15% in rural India, becoming an obstacle for Dalit students to access digital education. Forty-two percent of Dalit students from marginalized communities were unable to access online classes.⁵⁰

Many Dalits living in cramped housing have also had a hard time dealing with home quarantine. With husbands forced to stay at home and without income, alcohol abuse and domestic conflicts have increased significantly. There is no social security, and many are unable to continue their studies. They don’t have access to online equipment, nor do they have funds. The poor are getting more severely ill. Some Dalits were denied vaccination, but it wasn’t as many as expected.

The Prime Minister has announced a “PM Cares Fund”⁵¹, but it has been questioned for its lack of transparency and concerns over misappropriation. European countries which have contributed resources to India, for example Germany, should monitor the use of these contributions closely. There have been numerous media reports of mismanagement of resources which were meant to combat the pandemic.

Education, employment, and health services will be the priorities of the National Campaign on Dalit Human Rights when India eventually moves past the pandemic. Businesses must be restarted, and a social security net must be established. The large numbers

who have dropped out or missed out on their education must be brought back on track.

The International Dalit Solidarity Network has been able to do good work through the pandemic, highlighting the situation, communicating with governments and in international fora. Parliamentarians in Germany have paid special attention to the Dalit situation because of the significant support provided for India by Germany. However, the repeated application of the Solidarity Network for ECOSOC status at the UN, which would improve the organization's ability to address the international community, is still withheld because of repeated questioning in what the International Dalit Solidarity Network perceives to be bad faith by the Indian mission.⁵²

International support is necessary for the Dalit movement, but the NCDHR does not believe in calling for sanctions. If sanctions are imposed, the poor will suffer. Investment brings opportunities and competence but must be linked with human rights and strict monitoring. The world and international institutions should pay close attention to political developments in India, in particular the state elections in 2022 and the general elections due to take place in 2024. Without a significant change in Indian politics by 2024, many human rights defenders and civil society organizations believe that democracy and the human rights community of India will be permanently broken.



2008 Rafto Laureate, Pastor Bulambo Lembelembe Josué, DR Congo



Pastor Bulambo Lembelembe Josué is the national coordinator of Project Peace and Reconciliation/Independent Commission for People's Rights and Development, with headquarters in Bukavu in eastern DRC, next to the border with Rwanda.

Project Peace and Reconciliation/Independent Commission for People's Rights and Development promotes peace and the protection of human rights in the Great Lakes region. The Federal Army of DRC and the dozens of armed groups operating in the region are responsible for much violence against ordinary citizens, and the violence rose sharply in 2019. The Commission and the Project work to motivate members of the Rwandan Hutu Militia Forces to disarm, demobilize, and reintegrate or be repatriated into society; to protect, heal, and improve the living conditions of women, children, and other victims of armed conflict; to improve food security, overcome malnutrition, and secure employment for youth; to combat illegal exploitation of mineral resources by local and international companies; and to stop the circulation of small arms.

Since repatriation was initiated in 2006, the Project Peace and Reconciliation has persuaded over 10,000 combatants to give up their arms; more than double that number of civilian dependents have been repatriated, and even more have benefited from the healthcare, education, and work training offered by the church. The Project has documented and challenged environmentally harmful commercial activities by Chinese companies in the region, prompting investigations by Congolese authorities and the UN and eventually making the Chinese government intervene to stop their operations. They also produce regular updates on the general human rights situation in eastern DRC.

Illness and exploitation in eastern DR Congo

The pandemic has affected eastern DRC and the work of Project Peace and Reconciliation/ Independent Commission for People's Rights and Development and other human rights defenders very negatively. In the first few weeks of the pandemic, the number of infected, sick, and dying people rose rapidly, creating a pervasive atmosphere of panic. The head and the medical advisor of the Project were seriously ill in June 2020 but have fully recovered. All the Project officers are in good health at present.

Added to the ongoing Covid-19 pandemic, the neighboring city of Goma was shaken by an eruption of the Nyiragongo volcano in June 2021, which caused severe material and human damage. More than 30 deaths were recorded, around 300 houses were consumed by the volcano, and more than 400,000 people left the city.⁵³ BBukavu received more than 10,000 displaced people.

For a long time, the organization was not able to monitor all the categories of human rights issues it normally covers due to restrictions on movement introduced to control the pandemic. Staff were unable to visit places of detention, monitor trials, host capacity-building workshops, and visit isolated territories. Unfortunately, they also lacked the means to organize video conferences on social networks.

The authorities adopted preventive measures against Covid-19, which included the compulsory wearing of masks, regular hand washing, and the closing of borders, schools, services of worship, etc. All these measures were, nevertheless, insufficient in the absence of necessary accompanying measures. The state has not provided masks for the most vulnerable, and it has no assistance to offer for the poorest citizens, who live day by day and must leave their house to seek food. Monitoring and preventing the spread of the disease is difficult in the absence of thermometers, clean water, disinfectants, etc. Not everyone has access to drinking water, and the environments in which the vulnerable live are not sanitized.

The closure of borders has also had the destructive effect of impeding transport of vital goods for the local population. Humanitarian officials were not able to go far, and humanitarian agencies stopped the travel of non-essential staff into the country due to government restrictions. The two American organizations which supported us financially also had to reduce their aid by 80% because of Covid-19. The limited funding available to the organization was insufficient to secure even the most basic needs of the activists working in the field, far from the city.

Abuse of government authority and failure to provide adequate services made the situation worse for many people. The lockdown deprived many of access to food and other necessities. The maintenance of a curfew from 8 pm to 6 am involved the arbitrary arrest of persons found outdoors.

Access to justice has always been limited in such a setting, but it worsened with arbitrary arrests, as people were locked up in prison for no reason and without due process. Covid-19 gave a pretext for violently assaulting those who did not submit to the measures. Law enforcement officials have made arbitrary arrests, and police and intelligence agents tracked people not wearing masks or mufflers. After such arrests, hearings were almost never held. As a result, the defendants in detention did not see their cases examined or decided within a reasonable time. Many defendants in detention find themselves in irregular situations because of the failure of the authorities to respect deadlines and rules of procedure. Those who are illegally arrested have remained confined and crammed in one place, and social distancing rules are not adhered to in such settings, placing them at further risk of infection. Finally, they are made to pay fines, which are not even channeled into the public treasury.

The government has not targeted any specific groups. Nevertheless, the restrictions introduced led to many kinds of violations of fundamental rights and civil liberties. These included violence against women and gender-based violence, which rose during the lockdowns. The increase in domestic violence was the most obvious instance, and rape occurred more often. Documenting these abuses was difficult because activists were subjected to the same restrictions on movement as everyone else. Children were deprived of their education, and no alternative modes of teaching were provided. The protection of children's rights was hard even for those with parents, and the situation was worse for non-accompanied minors, whether internally displaced, associated with

armed groups, or street children.

Those affected worst by the pandemic were chronically ill patients, who would normally be treated abroad and could not obtain adequate care at home. Many of them died because of the conditions. The Project hopes that the conditions that prevailed in the first year of the pandemic will not continue to interfere with the provision of services in the future.

The Project Peace and Reconciliation believes that several actions are urgent and important to remedy the general deterioration of human rights protection in eastern DRC. The state should give priority to human rights in its security efforts, disseminate relevant information, and provide means of survival such as food, health care, and access to justice. Civil society organizations are necessary contributors to the protection of the rights and needs of the population. They should be empowered to monitor the situation and contribute to community awareness and education in support of government efforts. They should have internet access to publish reports on human rights violations. International bodies should also provide support to civil society organizations and funding for independent human rights defenders. It would be very valuable if civil society organizations' capacity to communicate effectively through online services is increased.

Beyond the challenges relating to the pandemic and the related arbitrary abuse of governmental power, there is the suspicious presence of Chinese companies in Kitutu in South Kivu, about 200 km from Bukavu. The Project noticed their presence when they were exploring for minerals in a sensitive

zone, in violation of environmental and social standards, including deforestation and forest fragmentation, environmental destruction, and deterioration in the quality of water. The Project Peace and Reconciliation questions how these people could be operating in the depths of the province during this period of confinement and lockdown, when traffic was so limited. They posed risks to citizens who had, thus far, been sheltered from the pandemic.

«Those affected worst of the pandemic were chronically ill patients, who would normally be treated abroad and could not obtain adequate care at home»

In September 2021, the Project denounced the violations committed by Chinese companies that illegally exploit minerals in Mwenga territory. They concluded that the activities of the Chinese found there were abusive on many counts, including absence of prior environmental and social impact analysis; use of community and private land without consent; use of forced labor and child labor; underpayment of workers; discrimination against employees; use of toxic chemicals such as mercury; unsafe or unhealthy working conditions; forced and

involuntary displacement of communities; excessive use of force by security guards and the DRC army to protect assets; and the depletion and contamination of water sources.

The Project's findings provoked strong reactions. Human rights organizations in DRC organized fact-finding missions after reading the report. The Governor of South Kivu province signed an order to suspend the activities of six Chinese mining companies in Mwenga, accusing them of illegal mining and environmental degradation. The Provincial Assembly of South Kivu in eastern DRC produced a report finding that the companies did not have the necessary permits to operate in the territory of Mwenga and did not respect the mining code of the DRC. The DRC's National Assembly is also investigating the activities of these companies. The Chinese authorities then ordered these "mafioso" companies to leave Congolese soil.⁵⁴ The human rights section of the UN peacekeeping mission in the DRC (MONUSCO) has also initiated an investigation.

2010 Rafto Laureate, Bishop Emeritus José Raúl Vera López, Mexico



Bishop José Raúl Vera Lopez is among the best known human rights defenders in Mexico.

In 1995, Vera served as Assistant Bishop to Samuel Ruiz in Chiapas during the so-called Zapatista unrest, where he was negotiator between the conflicting parties and became deeply engaged in addressing the violations of the human rights of the local Maya population. In 2000, he was appointed Bishop of Saltillo, where he worked until he retired in 2021.

Vera has spoken for virtually all groups suffering systemic human rights violations in Mexico: Indigenous peoples, migrants, workers, women (including women who have been sex workers or had an abortion), and sexual and gender minorities. He has founded the Diocesan Center for Human Rights “Fray Juan de Larios” and the migrant shelter “Casa del Migrante Saltillo” in the State of Coahuila.

In the last mass he celebrated in the Cathedral of Saltillo, on 31 January 2021, pictures of missing persons, murdered women, defenders of territory, people tortured in prison, and the miners trapped in the Pasta de Conchos mine in 2006 were placed in the pews. He spoke about current problems in his region, such as Covid-19, violence, the political class, the widespread prevalence of junk food, and poverty. Bishop Vera continues his work as a retired bishop and citizen, although he has frequently been targeted and attacked by the media, the government, and organized crime.

A letter from Bishop Raúl Vera in December 2021

Dear Rafto Foundation,

Let me tell you about the current circumstances of human rights work, both in the city of Saltillo, in the state of Coahuila, and in Mexico.

The impunity for crimes committed against specific persons remains. It is formally denounced by the authorities, but it is widespread. For example, Ms. Jaqueline Campbell, a human rights defender and journalist, who has for decades been my advisor on communication and human rights matters, has been constantly harassed and attacked. Most recently, she was raided twice – at her work office in the Diocesan Curia and in her private home.⁵⁵ Later, there was an intrusion into her data cloud storage, where she had archived all the results of her work. These series of crimes were reported both to State and Federal authorities, but nobody has been charged yet. Such impunity is a general characteristic throughout the country. Of the approximately 33 million crimes that are committed each year in Mexico, only a million and a half are reported. And if we subtract the number of cases solved, in this country 98% of crimes remain unpunished.⁵⁶

We have counted nearly 95,000 cases of forced disappearances. The Mexican State has done very little to stop this. The current government, too, persists with this attitude. It is the family members, organized in various groups throughout the country, who have undertaken the search for clandestine graves with remains of people, among which the vast majority remain without identification. Disappearances continue to happen today, which is terrible. There are still zones of the country in which one should not travel because of violence.

The UN OHCHR Committee on Forced Disappearance visited Mexico in November 2021 and held 33 meetings with groups of victims in Mexico City and 10 states of the country. Many relatives of missing persons have formed collectives to search for their missing loved ones and are challenging the impunity. Carmen Rosa Villa, Head of the UN Delegation of the Committee against Forced Disappearance, said at the end of

their visit that Mexico is condemned to suffer crimes “registered with almost total and structural impunity, which favors the reproduction and cover-up of the perpetrators.” During her two weeks traveling across the country, she got ‘an impression of a society overcome by the phenomenon (of) systemic impunity and impotence in the face of the inaction of some authorities... Overcoming it requires a comprehensive strategy of the State to address its multiple causes: ineffectiveness in investigation of these crimes; a distorted understanding of the prosecutor’s office as a kind of discretion that leads them to refuse cooperation in investigations; transfer of the responsibility to investigate and provide evidence on the victims.”

Obstruction of justice continues to lacerate human rights violations in Mexico. Structural impunity is historic in Mexico, going back for thirty years if not more, and it prevents and obstructs Mexican people’s access to a life with security, justice, and peace. The free trade agreements that Mexico signed with the USA and Canada have increased the disaster.

There are also crimes perpetrated against entire populations by damaging the environment. We are accompanying groups that work for laws to protect the environment and who foster respect for life in all its forms. The fight is against a toxic waste deposit in the municipality of General Cepeda, in the state of Coahuila; a sodium cyanide factory in the municipality of Gómez Palacio, in the state of Durango; and a company which produces chicken eggs and pork in industrial quantities, and both chicken excreta and pig manure are thrown into the open. Many companies are polluting the environment and operating in an irresponsible manner in the middle of vulnerable communities, run by businesspeople with the economic capacity to do things based on climate law and justice, but choosing to disregard such concerns. They do not respect court rulings; nor have they been sanctioned for their actions against the life of people, of other species, and the Earth. Their money buys the obstruction of justice, corrupts officials at all levels, so that these companies can continue working.

In the state of Zacatecas, we accompanied a man who is the only survivor of the brutality and violence of a mining company of a world-famous Mexican businessman and billionaire. Comrade Roberto de la Rosa is a peasant who is nobly defending the earth and life, and his story is of courage, love, and poetry. He is from the Salaverna community in the Mazapil municipality, and he gives us an example of how honorable and worthy it is to fight for the Earth. Roberto managed to convince half of his town to fight against the mining facility and claims to have witnessed how the business paid

the governor to remove the inhabitants of Salaverna by force. They destroyed the houses, the school, the temple, and the archive with explosives underground, which shook all the buildings that were still standing, with half of the town still living there. The governor forced families to move to other communities, using violent means, and they had to abandon their land, houses, and lives. Human rights defenders have been under attack constantly, a trend that has worsened during the pandemic.⁵⁷

Persons at the highest level in the Mexican administrative and judicial hierarchy have made themselves open accomplices of the impunity with which many crimes have been committed, in a political environment infiltrated by organized crime. One such action disclosed in recent months is the obstruction of efforts to clarify what happened with the massacres of migrants, perverting the structures of administration of justice. It is a perverse action to stop the investigation of three women who are working to find the truth about three massacres of migrants in Mexico, in San Fernando, Tamaulipas, perpetrated in August 2010; Cadereyta, Nuevo León in May 2012; and Camargo, Tamaulipas, in January 2021.

The women doing this work are Ana Lorena Delgadillo, Director of the Foundation for Justice and a Democratic State of Law; Marcela Turati, journalist; and Mercedes Doretti, from the Argentinian Team of Forensic Anthropology. These three women, who experienced harassment, analyzed the existing documentation about the massacres. They found that the Specialized Investigation Deputy Prosecutor's Office on Organized Crime (formerly SIEDO, now SEIDO) had opened a file accusing them of membership in organized crime groups. These high-level public officials colluded with organized crime by building a history of the three women as partners in organized crime, laying the groundwork for their arrest and conviction for complicity with drug trafficking, to annul the results of the investigations that they were to carry out around these three massacres.

These are some examples of what we encounter during our defense and promotion of human rights. Organized crime, public officials, and businesspeople are behind most of the human rights violations and violence that occur in our country. With the accomplices they have in the political, business, and financial structures, they work with rampant impunity.

With affectionate greetings to the entire Rafto family I embrace you,

José Raúl Vera López,

Bishop Emeritus

2011 Rafto Laureate, Sexual Minorities Uganda (SMUG)



The umbrella organization for the defense of equal rights for sexual and gender minorities, Sexual Minorities Uganda (SMUG), is based in Kampala. It works to assist LGBTQIA+ persons in Uganda and beyond

The organization coordinates advocacy efforts for its member organizations. SMUG works to overcome prejudices of all kinds which motivate discrimination against sexual and gender minorities. Among the activities organized by SMUG and member organizations are awareness-raising and education of public and relevant professions to overcome prejudices against sexual and gender minorities; provision of support for individuals in need of social and psychological assistance to overcome hostile attitudes because of their sexual or gender identity; provision of health advice and services; and legal defense of LGBTQIA+ persons harassed by private or public actors.

A significant portion of SMUG's work has been directed at combating the repeated efforts in the Ugandan parliament to secure legislation outlawing homosexual practice. After a successful defense of the equal rights of LGBTQIA+, 2021 has seen a major setback for this work, as the Sexual Offences Bill of 2019 was passed by the Ugandan Parliament on May 3. In its current version, the law forbids sexual acts between persons of the same sex, with a penalty of up to 10 years' imprisonment, while prostitution may be punished with up to seven years in prison.

Frank Mugisha is a Ugandan LGBTQIA+ advocate. In 2004, he founded Icebreakers Uganda, an organization created as a support network for LGBT Ugandans, and then Sexual Minorities Uganda, where he is currently Executive Director.

LGBTIQA+ scapegoated, outlawed, and persecuted in Uganda

The work to secure equal rights for sexual and gender minorities in Uganda has suffered dramatic setbacks during the pandemic. Laws introduced to deal with the pandemic have been used to further marginalize already marginal communities. Raids have been carried out at shelters for LGBTIQA+ persons. For socially isolated people, activities and events are of great significance, but these have been prohibited or closed. All Ugandans have been negatively affected by the pandemic, with loss of jobs and income, social isolation, insufficient healthcare services, and the fear of Covid. Many factors have produced increased psychological stress. Working women have been forced back into the home, and spouse abuse has increased. This affects everyone and has not been addressed by anyone.

All these effects are multiplied for the LGBTIQA+ population. In many cases, LGBTIQA+ are already suffering from exclusion by their families and have been left to endure isolation. In other cases, they are forced to stay and endure toxic relationships within the family. Male friends are not allowed into the family. Sexual and gender minority persons have suffered disproportionately from physical and

mental health problems and have been discriminated against when contacting health services. SMUG has registered an increasing number of suicide attempts among LGBTIQA+.

On 31 May 2021, the Ugandan Parliament passed the Sexual Offences Bill. The initial object of this Bill was to enact specific laws on sexual offenses to prevent sexual violence. However, the Bill has long been a weapon used against gay and lesbian persons. SMUG is particularly concerned about Clause 11 in the Bill, which tightens the prohibition of same-sex sexual acts of the existing Uganda Penal Code Act, criminalizing the private lives of adults and consenting same-sex-loving persons. Rejected by President Museveni in August 2021⁵⁸, renewed efforts are underway in Parliament to relaunch some version of the law.

On the same day the Bill was passed, police officers raided a shelter located in Nansana and arrested 44 individuals under the allegation that they were celebrating an illegal same-sex marriage ceremony. The 44 people were detained at police stations overnight and charged with disobeying the Covid prevention laws.

On 8 June, the last 39 of the arrested were granted bail by the Nansana Court. Many of the arrested suffered from serious mental effects because of the violence that had accompanied the arrests. Many did not know where to find accommodation because they had been ostracized from home and could not go back to the shelter. The persons who were arrested were charged under Covid laws, but during the investigation the police also carried out anal

«In addition to the shrinking of civic space and closure of NGOs, funding has become more difficult»

Uganda, Rafto Foundation Report

examinations. These are tests supposed to prove that suspects have engaged in same-sex relations and are experienced as extremely humiliating and traumatic.

The draconian Sexual Offences Bill has both direct and indirect effects. It encourages harassment and arbitrary arrests based on “appearance” as reason for suspicion, which are followed up with further investigations which invariably violate the dignity of the suspect. The Bill has also motivated a witch hunt of LGBTIQIA+ persons in public space. Using Covid laws as an excuse, the rights of people identified as belonging to a sexual or gender minority are violated on the streets. They are evicted by landlords and outed by aggressive media. Over a period of one year, SMUG has registered 400 cases of abuse of LGBTIQIA+ persons⁵⁹. Most of these cases concern social exclusion, threats, or verbal assaults. Transgender persons have been most severely violated.

These developments have created a general environment where LGBTIQIA+ advocacy is dismissed, and in which SMUG finds it has become increasingly difficult to advocate, educate, and otherwise support their constituency. The persecution of sexual and gender minorities is part of

a broader pattern of authoritarian power abuse and aggressive public sentiments. In the period leading up to the Ugandan elections in January 2021, repressive activities had increased dramatically. The LGBTIQIA+ community was blamed for riots and for supporting the opposition, and it was involuntarily brought into the general political conflict. Gay, lesbian, and trans people were described as “not Ugandan”, and their sexual or gender identity conceived as an import from Europeans - the former colonizers of Uganda and the African continent.

The space for public expression was not merely closed for LGBTIQIA+ activists, but for all parts of civil society not supporting the incumbent authoritarian, President Museveni. Since the election, 54 NGOs have been forced to close, in many cases on the pretext of very minor and purely formal irregularities.⁶⁰ SMUG fears that the application or revision of the Ugandan Non-Governmental Organization Act may at some point outlaw their activities altogether.⁶¹ In this climate of fear, even other human rights organizations question whether they must accept SMUG as legitimate and stand in solidarity with its struggle.

In addition to the shrinking civic space and closure

of non-governmental organizations, funding has become more difficult. To begin with, there was a certain surplus in funds received, the excess being generated because the pandemic forced the cancellation of travel plans. Then, the mental and physical health of individuals approaching non-governmental organizations for support became a significant challenge, and there was no funding for such work. SMUG has also seen funders changing their strategies and expects to have reduced funds available despite being confronted with dramatically increasing needs. It is more difficult to assist people being arrested, because of curfew, travel restrictions, and a more demanding security situation. At the same time, the organization is overwhelmed by requests for food assistance and help to purchase medication and other means of relief. Travel restrictions have limited their contact with local LGBTQIA+ persons around the country. Therefore, organizing and executing events, arranging training workshops, and running regional networking have all suffered. Visibility has been amplified by international partners, however.

In some ways, Sexual Minorities Uganda has been able to be more active internationally, as everyone has exchanged physical meetings for online formats.

This improves international sharing of information. The organization is now training to provide the best possible contributions for the Human Rights Council Universal Periodic Review, working online with a forum of diplomats.

Even before Covid-19 hit, Ugandan authorities carried out crackdowns on the PRIDE celebrations. PRIDE is celebrated around the world in June, and Sexual Minorities Uganda encourages all supporters abroad to amplify the voices of the LGBTQIA+ people in Uganda by raising awareness of their situation in their own community and by encouraging governments and business organizations to voice their opposition to the repressive measures of the Ugandan government.

2012 Rafto Laureate, Nnimmo Bassey, Nigeria



Nnimmo Bassey is a Nigerian architect, environmental activist, author, and poet.

In 1993, he co-founded Environmental Rights Action/Friends of the Earth Nigeria and later led Friends of the Earth International from 2008 until 2012. Friends of the Earth advocates with and on behalf of afflicted communities on urgent environmental, human rights, and social issues.

The organization challenges the current model of economic and corporate globalization, which it believes excludes and violates the rights of local communities, and promotes solutions that will help create environmentally sustainable and just societies. Friends of the Earth Nigeria is a founding member of Oilwatch, which monitors the oil industry in a wide variety of locations around the world and campaigns to hold companies and governments accountable for the adverse effects of oil extraction. They have contributed to advocacy, raising awareness and enabling legal accountability in cases of global importance, such as the work addressing the responsibility of Dutch corporation Shell for environmental harm in the Niger Delta, which has been going on for several decades.

Bassey is now Director at the Health of Mother Earth Foundation (HOMEF), an ecological think-tank working closely with grassroots movements in Nigeria and internationally to address environmental harm and climate change due to predatory extractivism. He is also a prolific writer and speaker at environmental events around the world.

Ecocide, corruption, and contagion in Nigeria

The long-running struggle for environmental justice in Nigeria had two noteworthy developments in early 2021. These came when Shell suffered two significant legal defeats – one in a Dutch appeals court and in the other in the Supreme Court of the UK – which established that companies can be held accountable in one country for crimes committed in another and awarded damages for the local population in the Niger Delta.⁶²

The Nigerian government has been hostile to protest and advocacy work addressing land capture and polluting extractive industries. Added to this hostility is the increasing presence of police in the streets, ostensibly motivated by the need to control organized crime and protect the population against terrorism, but also used to curb politically legitimate civil society activity which may threaten the interests of the ruling elites. The police and military are using the restrictions allowed by the lockdown to control the poorest population, while vaccines are insufficient to meet the needs of the people.

The environmental movement and local communities in Nigeria and elsewhere in Africa are cautiously optimistic, at best. National governments, in the Global South as well as the North, where the large companies have their headquarters, are complicit in

many irresponsible industrial projects affecting the environment adversely in Nigeria and elsewhere. Intentions announced to aim for net zero emissions for future operations are not trusted, primarily because they do not stop current emissions and the local populations cannot accept that any degradation of their local environment should be balanced out by profits or remedies elsewhere.

There are many ongoing issues in Nigeria and Africa which require citizens and governments of states in the Global North to prove their declared adherence to human rights. Much more ought to be done to secure accountability for abuse of governmental actions, such as at the Lekki Tollgate killings, and in the operations of multinational companies. More fundamentally, the voices of the individuals and communities whose environments will be most affected by the economic or political choices made by governments and companies must be heard and appropriately respected in all contexts. This certainly applies to the ongoing pandemic, where the needs of poor and marginalized communities who suffer a much greater risk of illness and death must be the main concern.

The increasing problems of Nigeria derive from intricate connections between the pandemic, the security situation, the authorities' response to both, irresponsible capitalism, and ecocide.

The parties that are responsible for the situation appear to be and act as if they are helpless, and environmental crimes and human rights violations go on. There is a lack of political will to address the problems and a deficient legislative framework,



while regulators act in cahoots with those they are supposed to regulate. Government, local business, and transnational corporations maintain a narrative which does not recognize the severity of the ecological damage and its human costs. The oil sector produces the bulk of foreign exchange earnings of the country. It influences the government, which prioritizes policies to attract foreign investment. The rights and needs of displaced people in desperate situations are often overlooked.

One of the most conspicuous instances of human rights violations in recent years occurred during the pandemic in Nigeria in October 2020, at the Lekki tollgate close to the center of Lagos, where young peaceful protesters who were blocking the traffic in protest against police brutality were attacked, and at least nine persons were killed when soldiers opened fire on the crowd. The call for official mechanisms to address the Lekki massacre has not been successful. So far, the government has been in a state of denial about its responsibility for this shocking incident. The state's complete denial, despite all the evidence, illustrates the wider situation.⁶³

The economic needs of big corporations have motivated more environmental damage, which is destroying livelihoods. A large oil spill flowed into the Santa Barbara River at Nembe from early November to 8 December 2021, despoiling the pristine environment of fishing communities. The investigation to address the cause of the well blowout was a charade, and to date, there has been no serious cleanup of the environment. Collusion between big and small corporations has allowed this serious problem to continue. The ecosystem affected will

take a lifetime to recover, and there is scant hope of redress.⁶⁴

The Nigerian government is closely allied with local and international corporations and systematically pursues their common economic interests at the expense of local populations and the environment. Attracting investment capital takes precedence over protecting the livelihoods and other legitimate interests and rights of local stakeholders.

International bodies' attention to the environmental issues in Nigeria has generally been low. There seems to be a diplomatic attitude not to provoke the authorities and corporations involved.

The pandemic has inflicted additional punishment on the poor in Nigeria. People living in crowded places, who do not have enough space to lay their heads down to sleep, were asked to observe physical distancing, which is almost impossible. Social distancing also brings back bad memories of the colonial experience, when it was seen as an insult: At that time, the distance which had to be kept was between affluent masters and the poor who were forced to serve their interests. Now, the protection of social distancing is a privilege for the rich, separating them from the poor, who must suffer exposure and cannot protect themselves from the virus.

The distancing also meant that the Health of Mother Earth Foundation was separated from its constituency, and the situation highlighted the importance of securing visibility for grassroots activists, who are a critical part of the movement. The organization has grown at the grassroots level and wants to build on that foundation. The inability

to travel has, nevertheless, significantly impeded the Foundation's work with local communities. Many people who are affected by the kinds of exploitation the Foundation addresses have limited means of communication, lacking smartphones or connectivity.

The work would normally be carried out with personal contact, and sometimes by gathering people in larger groups. Both those ways of working have been precluded by the pandemic. The Foundation has had to devise new modes of working, including supporting grassroots connectivity through the use of clusters. The repression of human rights defenders has increased. There are active media, but the defenders are threatened, and many measures are used to constrain public space. Some have been justified by the pretext of the pandemic and others on the grounds of the need to combat terrorism and crime.

In Nigeria, the pandemic is, to some extent, camouflaged by the fact that many of the afflicted have symptoms indistinguishable from normal respiratory illnesses and malaria. The vaccination rate is generally low. There has been an increase of abuse among close relations and of confrontations in

public space because of the restrictions. Widespread hunger is not registered, but there is increasing food insecurity because of the combination of the pandemic, insurgency, and terrorism.

The pandemic has added to the already difficult circumstances of the marginalized parts of the population, especially the constituencies to which the Foundation pays particular attention, namely local communities marginalized by the encroachment of extractive industries whose livelihood is threatened by the appropriation and pollution of the land they depend on. The pandemic and the measures taken by the authorities ostensibly to curb it have deprived many of their incomes, and the Foundation regularly receives requests for contributions for food and means to acquire basic tools for survival, such as fishing gear – requests which it does not have the resources to respond to. This is a very painful situation for us.

The Health of Mother Earth Foundation is coping relatively well, but the work with its primary constituency faces many impediments, while the challenges faced are increasing. While our staff

«There are signs of a more active citizenry, more reporting, and more grassroots organizational mobilization, despite the pandemic»

Nigeria, the Rafto Foundation Report

have been forced to work more online and have ended up meeting more people internationally, their ability to support local monitoring is constrained. The Foundation is also concerned with the physical and psychological welfare of activists and staff. They are mentoring activist groups inside and outside the country, and this work produces mutual encouragement.

There are signs of a more active citizenry, more reporting, and more grassroots organizational mobilization, despite the pandemic. However, many persons in the Foundation's network need protection against threats. Some are extremely exposed, and it is very difficult to do much to provide security for them. The closing of borders for a time meant two things: One, it was difficult to obtain healthcare treatment; and two, it was difficult to obtain relief from threatening situations.

In sum, government efforts have been insufficient during the pandemic. Many people remain in a state of helplessness. The government denies human rights abuses. Oil extraction, spills, and gas flares not only continue, but are more frequent. More disturbing

is the fact that the international oil corporations are now seeking to divest from onshore oil fields and move further out to sea. The implications are ominous. There will be less accountability for ecological crimes and less oversight by regulators. The fields being divested from are being bought up by local companies whose behavior appears as unacceptable as that of the international companies.

2013 Rafto Laureate, Bahrain Center for Human Rights



The Bahrain Center for Human Rights (BCHR) was established in 2002 and, despite being ordered by the authorities to shut down in 2004, it continues to operate, in the face of harsh persecution, with its office in exile registered in Copenhagen, Denmark. is a small organization consisting of a network of activists and local researchers working on the ground in Bahrain and around the world, namely in Denmark, France, and Lebanon.

BCHR participated in the Arab Spring demonstrations for democratic reform which challenged the Bahraini monarchy in 2011, after which founder and president, Abdulhadi Al Khawaja, was sentenced to life in prison. He was later adopted as a Prisoner of Conscience by Amnesty International. The organization, which has been running a campaign for his and other political prisoners' release for more than a decade, has suffered increased pressure, including the four-year imprisonment of its former director, Nabeel Rajab, and a shorter detainment of the then acting director, Maryam Al Khawaja. She is among several members forced to live in exile. Nevertheless, the Center has continued documenting human rights violations, including the extensive use of torture, arbitrary detention, including imprisonment of children, severe constraints on freedom of speech, discrimination against the Shia community, discrimination against women, abuse of migrant labor, and the complicity of international corporations in enabling the Bahraini government to carry on its repression of peaceful dissent.

Since 2020, the main public profile of BCHR has been its director, Nedal Al Salman, who faced a travel ban from 2016 to 2019. While the constraints on speech and assembly preclude most public activity in Bahrain, in 2021 the Center opened another office in Beirut.

Ten years of relentless oppression in Bahrain

In 2021, the BCHR published a report summarizing the most important human rights developments in Bahrain over a decade in these words:

*“The political, economic, cultural, and social marginalization that sparked the 2011 Uprising has not been addressed. On the contrary, people peacefully protesting this injustice and supporting change have been systematically targeted, and the civil and political space to express protest has been further closed. The fact that the government has fully implemented only one recommendation [of the Bahrain Independent Commission of Inquiry] in a decade raises the question of whether it will implement these recommendations at all.”*⁶⁵

After international pressure, the King of Bahrain established the Bahrain Independent Commission of Inquiry to investigate and report on the events occurring in Bahrain in February/March 2011 and subsequent consequences. The Commission found that the security forces systematically violated fundamental human rights during the reporting period, used excessive force against protesters, unlawfully killed civilians, tortured detainees, and engaged in “terror-inspiring behavior,” and that the lack of accountability of officials within the security system had led to a culture of impunity. The Commission’s report highlighted grave violations of

due process before the National Safety Courts and established that a great number of defendants were tried in relation to the exercise of their rights to freedom of expression, assembly, and association.

Ten years on, the pro-democracy movement leaders are still behind bars, the major opposition political parties are outlawed, and the only independent newspaper in the country is indefinitely suspended. The Government of Bahrain’s crackdown on free expression is in full force, as are attempts to intimidate its critics into silence. The government officials responsible for killing dozens of protesters and torturing hundreds have not been held accountable; nor have those who directed the crackdown, as the government human rights bodies have proved ineffective.

Most importantly, the grievances that sparked the 2011 uprising remain unaddressed. On the contrary, the Government of Bahrain has escalated its repression, systematically and thoroughly closing civil and political space.⁶⁶

BCHR has also recently published the booklet “Bahrain, Women, the Powerful Actors in Building Peace.” This work addresses the situation of both Bahraini women and migrant workers, the latter of whom constitute the bulk of the workforce.

Women in Bahrain are not protected against domestic violence by the authorities. The police will send victims back to the risk of more abuse. Out of approximately 460,000 migrant workers, about 80,000 are women. Both groups suffer serious abuse from their employers, both physical and

psychological, and the women, in particular, often become victims of modern slavery. Female human rights defenders are often targeted with gender-based violence, being threatened with rape and sexual assault during interrogation and in detention. Authorities can target women's reputations to shame them and act with even more impunity when abusing women.

However, the BCHR report also reflects the experience of that the most politically viable option for developing civil society in Bahrain has been through partnerships between business associations, civil society, and political rights organizations, which have been effective in providing services to women.⁶⁷

Women's rights are a high priority in the Center's work. Director Nedal Al Salman emphasizes the role of the international community as supporters of women human rights defenders "by issuing statements, by making funds available to human rights organizations, by calling for the opening up of civic space, by speaking out about attacks on women activists. The international community can show us that we are not alone. By speaking out, we are given hope."⁶⁸ On International Women's Day, Nedal Al Salman further called for "the improvement of the human rights for the women in Bahrain, where there is a long way to go to reaching gender equality. These are not just fundamental human rights, but it is the only way forward for a better, peaceful and sustainable world. I would like to call for the cancellation of the reservation to the article of the Convention on the Elimination on all Forms of Discrimination against Women, especially with regards to Bahraini

women who cannot transmit their nationality to their children. Unlike Bahraini men, when a Bahraini woman marries a non-citizen, her children are not entitled to a Bahraini citizenship. As a result, they must live in the country as dependents for the first 18 years of their lives. After that, they have to obtain a residency permit or face deportation. This is a proof of total inequality."

The Covid-19 pandemic has affected the BCHR's work very badly financially. They have decided to close the Beirut office, which carried out their publishing and social media outreach, due to their financial situation. The office in Beirut had been in operation for four years. The Center has had to prioritize keeping the team on the ground in Bahrain, which is responsible for the documentation which is the very foundation of their work.

There is a plan to increase the capacity of their office in Copenhagen and maybe also in Norway. The organization also has some interns in other countries who will continue their digital campaigns, but they will have less capacity than before, which it hopes will be a temporary situation. The BCHR is now down to two main funders. Recruiting others has been difficult under the travel restrictions imposed during the pandemic.

There is much despair in Bahrain, and the Center sees people losing hope. Political prisoners are very much affected by the situation. They are allowed calls and the authorities have introduced video calls, but the prisoners do not receive visitors. We are calling for those with medical issues to be released. In April 2020, the Bahrain Center for Human

Rights, along with 19 other human rights organizations, called on the Bahraini government to release all political prisoners. The organizations expressed their concern over the lack of medical care and denial of treatment in Bahraini prisons, which has endangered the health of some prisoners with chronic medical conditions, who may now be at heightened risk of contracting Covid-19.⁶⁹

The Bahraini government has recognized that prison conditions enable the rapid spread of Covid-19 and has subsequently released large numbers of prisoners, a positive development. However, most human rights defenders remain behind bars. The King issued a decree granting pardons for nearly a thousand prisoners “for humanitarian reasons,” yet numerous human rights defenders were among those who remained in unsanitary prisons. These included the second director of the Bahrain Center for Human Rights, Nabeel Rajab, and the founding director, Abdulhabi Al-Khawaja. The opposition leader during the Arab Spring, Hassan Mushaima, has several serious health problems and is also in remission for cancer, while Dr. Abdel-Jalil al-Singace has post-polio syndrome and uses a wheelchair⁷⁰. Prison authorities have routinely failed to take them to doctor’s appointments due to their refusal to submit to wearing humiliating shackles during transfers. Seventy-five-year-old activist Mohammed Jawad Parwiz has been released, however.

The government has been monitoring all citizens’ movements during the pandemic, checking in on them and asking them to take photos that can verify that they stay indoors in their houses. Journalists and human rights defenders are specifically targeted.

Some political parties, too, have been targeted, but they have been quiet.

It has become difficult to move around because of the restrictions imposed due to the pandemic. This affects the BCHR team on the ground negatively and impedes the documentation of the human rights situation. Staff have been able to adapt by using social media and other communication services to collect information about human rights violations.

The use of the intrusive Pegasus surveillance software has also had a negative impact on Bahraini human rights defenders.⁷¹ Five members of BCHR have been targeted by Pegasus. Authorities in Bahrain had been spying on citizens for years, even before the Arab Spring. However, these recent attacks are different in that the targets are not even aware that they are being targeted; therefore, it is hard to protect oneself and each other.

The abuse of surveillance technologies such as Pegasus is not only a violation of privacy, but it can also lead to more severe human rights abuses, such as torture, detention, and even extrajudicial killings. Human rights groups need more up-to-date digital security mechanisms to face digital threats, and all that non-governmental organizations such as BCHR can do is to attend digital security training sessions to try to protect themselves as much as possible.

The human rights dimension is excluded from cybersecurity laws, policies, and practices. More collaboration to develop specific policy recommendations that place human rights at the center of international cybersecurity debates is needed.

2014 Rafto Laureate, AGORA, Russia



AGORA International Human Rights Group was founded in 2005 by Pavel Chikov and a network of lawyers and established its main office in Kazan, Tartarstan, Russia. Today, the organization includes around 200 lawyers, located in Moscow, St. Petersburg, Sochi, Kazan, Nizhniy Novgorod, Stavropol, Yekaterinburg, Chelyabinsk, Lipetsk, Chita, Helsinki, Sofia, and London.

AGORA is primarily engaged with human rights cases adjudicated in Russia. The cases deal with freedom of speech, assembly, and organization; asylum applications; complaints regarding the treatment of prisoners; and abuse of public authority. AGORA has brought several hundred cases to court. Its lawyers have secured disciplinary measures or court convictions against more than 250 government officials for human rights abuses, including more than 50 police officers who have been convicted of torture, illegal arrest, or corruption. AGORA also collects and disseminates documentation on violations of free speech and on the regulation and abuse of the internet by Russian authorities. AGORA has extensive experience of presenting cases at the European Court of Human Rights.

AGORA has defended, among others, human rights organizations such as the Union of the Committees of Soldiers' Mothers of Russia, the Moscow Research Center for Human Rights, GOLOS, Novorossiysk Committee of Human Rights, Chelyabinsk Planet of Hopes, and political artists and dissidents such as Pussy Riot and Peter Pavlensky.

Pursuit of justice in a system designed to violate it

According to 2018 statistics published by the Supreme Court's Justice Department, Russian courts heard criminal cases against 497,141 people in the first six months of 2018 and acquitted just 1,044 suspects, or 0.21%. Human rights critics say these numbers show courts tend to accept whatever prosecutors argue. In comparison, the acquittal rate from 2017 to 2018 in UK magistrates' courts was approximately 15%, according to British Criminal Justice statistics.⁷²

Consequently, AGORA sees the main objective of their work as minimizing harm, to argue for lighter sentences, secure discontinuation of cases, or stop cases from reaching the court.

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Often, the best a defense lawyer can achieve is to help reduce the length of a sentence after guilty verdicts. However, AGORA also sometimes succeeds in persuading prosecutors to drop charges and not open cases. While public attention may be useful, it is often not beneficial, and cases will be decided behind closed doors. The system is complicated, and

sometimes shouting loudly has worked against the defendant.

It has become common practice for judges to remove defense attorneys from court hearings without a legitimate basis in retaliation for their providing clients with an effective defense. Law enforcement officers use physical force to interfere with the work of defense attorneys, including the use of violence to prevent them from being present during searches and interrogations.

New laws have been implemented which constrain human rights work in recent years. The Foreign Agent law has been expanded. This law requires, under threat of heavy fines, that civil society organizations receiving funding from abroad must undergo a demanding review of their activities and label all publications as those of a "Foreign Agent." Cooperation with other "undesirable" non-governmental organizations in the country is penalized and may result in prosecution.

Even academic associations could be deemed "undesirable" by the Russian authorities, and cooperation with such organizations is abused as grounds for charges brought against lawyers, which therefore cannot properly represent such associations. Civil society organizations that receive funding from overseas are required to go through a demanding review of their activities or face the penalty of stiff fines. International academic exchanges have also become more difficult.

While the authorities have increased the number of

prosecutions of opposition politicians and activists over the last few years, their lawyers were not harassed until April 2021. Since then, however, several lawyers have been placed under house arrest and deprived of means of communication. The first case of this type was that of Ivan Pavlov, a leading Russian defense lawyer, who was detained on criminal charges of disclosing details of an investigation hours before he was due in court to represent former journalist Ivan Safronov, who is accused of treason.

By 2021, the situation had also changed in such a way that the kinds of cases that AGORA could win a decade ago were no longer possible to defend. In 2011, for example, AGORA lawyers secured the acquittal of a group of anti-fascists and ecologists who had targeted the local municipal offices in Khimki, a city on the outskirts of Moscow. Such a verdict is now hard to imagine.

Russians have taken to the streets to challenge the system for several years. AGORA represented hundreds of Navalny supporters charged with various crimes after the protests when Navalny returned to Russia in February 2021, after his hospitalization in Germany for treatment against a poison attack in the fall of 2020. AGORA has contributed to the campaign Apologia for Protest, which received significant crowdfunding support from the public, as did Mediazona and Navalny's anti-corruption campaign.

Since the start of the Covid-19 pandemic, AGORA has provided access to legal counsel for citizens affected by measures taken by the government.

AGORA published a report on the fake news “infodemic” and how the fight against the coronavirus has impacted freedom of speech.⁷³ Over 450 days of continuous monitoring, they recorded more than 200 cases of prosecution of citizens and organizations for disseminating information that deviates from official press releases. Of these, only two cases concerned the prosecution of officials for dissemination of information that was subsequently disproved.

Large fines were imposed by the courts as part of administrative proceedings in connection with allegations of spreading disinformation.⁷⁴ At least half of the sentences in these cases were passed after citizens pleaded guilty. The article criminalizing “fake news” has become a convenient tool for punishing public critics of the government – 17 of the 42 cases of criminal prosecution are connected to statements made by activists, journalists, bloggers, and politicians.

Thousands more took to the streets in dozens of cities in Russia in late February 2022 to protest the Russian invasion of Ukraine. More than 10,000 had been arrested by early March, and AGORA is offering legal advice to this group as well.⁷⁵ A new law was enacted in early March to punish anyone spreading “false information” about Ukraine, with a sentence of up to 15 years in prison. Both foreign media and most independent Russian media subsequently ceased publishing. Facebook, Instagram, Twitter, and most of the content on TikTok are now either blocked by the government or have been closed down by the owners themselves.

Even before the invasion of Ukraine, the influence of the European Court of Human Rights in Russia was progressively weakening because it can only declare standards, while the execution of rulings depends on the state which is party to the European Convention on Human Rights. As of 15 March 2022, Russia is no longer a member of the Council of Europe, and it has declared its intention to withdraw from the Convention.⁷⁶

Human rights defenders in Russia have long been at risk of harassment, property searches, and prosecution. They face criminal charges, arrest, and exile. AGORA has increased their capacity, understanding, and experience. The restrictions imposed on them by their government has been their main obstacle.

AGORA lawyers have had to be increasingly cautious about what they say in public. The situation has deteriorated dramatically since the invasion of Ukraine and is now dangerous for both human rights defenders and their lawyers. The human rights movement in Russia is struggling to survive.

2015 Rafto Laureate, Ismael Moreno “Padre Melo” Coto, Honduras



Radio Progreso and the Team for Reflection Investigation and Communication ERIC-SJ of El Progreso in Honduras were founded in 1980 and work for the promotion of the human rights of the local community and for marginalized populations across Honduras and beyond. These communities include the rural poor, indigenous communities, and ethnic minorities, among others.

Ismael Moreno “Padre Melo” Coto has been director of ERIC-SJ since 2001 and director and host at Radio Progreso since 2006. He is also an ordained priest and officiates in the Jesuit congregation in El Progreso. The work includes grassroots radio programming, documentation, advocacy, legal assistance, human rights education, community

organizing and empowerment, and assistance for forced migrants. The network of Radio Progreso and ERIC-SJ is intimately involved in cooperation with other organizations, for example the environmental and indigenous rights defenders COPINH, whose co-founder and leader, Berta Caceres, was murdered in 2016, as was Radio Progreso associate Carlos Mejía Orellana in 2014. Attacks against environmental defenders have escalated since Caceres’s murder. According to Global Witness, at least 40 land and environmental defenders have been murdered since her assassination.

Padre Melo has voiced highly critical opinions of the fraudulent elections and corrupt tenure of President Juan Orlando Hernández from 2014 and through its prolongation in 2017 until it ended in 2022. Hernández is now under arrest for drug-related crimes and has been extradited to the USA. In recent years, ERIC-SJ has produced reports on dispossession, violence, citizen security, penal reform, the possible role of the International Criminal Court in addressing crimes committed in Colombia, Honduras, and Mexico, and judicial independence in Costa Rica, Guatemala, El Salvador, and Honduras. The radio station is a voice for all marginalized people in a region suffering from extreme levels of violence, corruption, and poverty.

Hurricanes, violence, and the virus in Honduras

The two past years have been devastating for the protection of human rights and human dignity in Honduras. Violence has increased from levels which were already very high. The main driver of this rise is organized crime collecting money through extortion, narco-trafficking, and ordinary delinquency. These ills feed on the vicious circle of a society where both livelihoods and security become ever more precarious and in which individuals and organizations have to adapt to living with increasing exploitation.

The general quality of life is deteriorating rapidly. The pandemic is one factor contributing to this, but it is accelerated by the general conditions of exploitation, corruption, crime, and violence. On top of this, Hurricanes Eta and Iota, which occurred in November 2020, affected more than 3.8 million of the 10 million Hondurans, requiring emergency shelter for 95,000 people and destroying 6,000 homes.⁷⁷ Unemployment, too, is high, at around 75%. Around 50% of the people live in poverty. Honduras has deteriorated into a society in a continuous state of emergency where human rights are under constant threat. For the ninth consecutive year, Honduras has been denied access to US Millennium Challenge Corporation funds, which would contribute significantly to alleviating the basic needs of the country. Honduras does not qualify because of

weak protection of civil liberties, lack of control of corruption, government ineffectiveness, and absence of rule of law and access to information.

The pandemic has added to these miseries by inflicting death upon citizens who could have been saved with proper care, for which there are very limited resources. The consensus is that the government stole funds from the budgets which were meant to improve Hondurans' ability to withstand the virus and that the results of the measures taken to combat the pandemic have been meager. Loss of land and environmental degradation, poverty, unemployment, corruption, and violence are also drivers of migration. The pandemic halted temporarily in March to May 2020, but the numbers of Covid-19 cases have since grown again.

The primary responsibility for this catastrophic development no doubt rests with the central government. Governmental corruption works at three levels. Firstly, there is undoubted collusion between the highest levels of the administration and organized crime. Secondly, this collusion, together with the mechanisms of corruption and violence, provides mutual protection from criminal liability and creates effective impunity for organized crime. Finally, the political and economic elites work in tandem with extractive industries, disrespecting the rights and welfare of local communities affected by their projects, who find their environment damaged and see few benefits from the profits companies make.

This exploitation first and foremost harms small-scale farmers and indigenous communities. When this

group objects to and obstructs illegal projects which do not consider their legitimate interests, they are subject to threats, violence, and murder. Next in line as targets are human rights and environmental rights organizations. However, these communities are not only victims; they are also themselves the most significant human rights defenders. They have maintained resistance and thereby provided at least some protection not merely of their own rights, but also those of the rest of society. Radio Progreso and ERIC-SJ engage in cooperation between the church, rural, and urban human rights work. We share a common understanding of human rights and hope that international human rights organizations and states will support us.

Gender-based violence is another priority for the station, which cited the Center for Women's Rights (CDM), whose findings showed that the rates of violence against women and girls in Honduras continue to increase. According to the Universidad Nacional Autónoma de Honduras Violence Observatory, every three hours a woman is attacked. In 2021, rape represented 36.5% of violent acts, sexual harassment 32%, and specially violent rape 14%. According to the Center for Women's Rights, 60.8% of rapes in the first months of 2021 were against minors. "We are facing a national emergency that requires a drastic change in the institutional framework, society and hegemonic masculinity so that being a girl or a woman is not a high-risk condition in this country," Radio Progreso states.⁷⁸

A priority case to which attention should be paid by

all who want to support human rights defenders in Honduras is the arbitrary detention of the "Guapinol Eight" from the municipality of Tocoa in northern Honduras. These eight environmental activists have been wrongfully imprisoned for more than two years solely for peacefully defending the community's right to clean water. There have been four assassinations in the area over the last two years: Lenca activists Carlos Cerros and Felix Vasquez, Toloupan activist Jose Adan Medina, and journalist Pedro Arcángel Canelas. Many defenders are criminalized, and many more are exposed to extra-judicial threats and harassment by various actors, public and private. Altogether, 11 human rights defenders were killed in Honduras in 2021.⁷⁹

The circumstances of the migrants traveling towards the USA, who are largely contained in Mexico, is also an issue of critical importance. Their circumstances are very difficult. They are denied basic rights by both the U.S. and Mexican governments, and they are preyed upon by organized crime. Faith-based organizations do not think it is possible to carry out Title 42 of the U.S. Code for the Expulsion of Migrants and at the same time secure their basic rights and needs. We encourage all governments sincerely engaged in the protection of human rights to urge the U.S. government to listen.

Over the years, Radio Progreso has been a voice of sanity for Hondurans. In October 2021, the radio station raised fundamental questions about the "archipelago"-like nature of non-government organizations, their relationships with donors and their priorities,⁸⁰ and the decline of their own agency

and autonomy in setting priorities, which confines the organizations and entangles them “in an elitist and politically useless verbiage.” The Radio lamented Honduras’s ranking as among the five countries most hostile to freedom in America, as per the CIVICUS Monitor,⁸¹ and noted the Bertelsman Index and a US Congress Report,⁸² which all showed declining democracy and structural impunity in Honduras and described Honduras’s candidacy to join the Human Rights Council as “cynical.” In November, Radio Progreso published this stirring editorial on the impact of the pandemic:

Editorial of Radio Progreso 02 November 2021⁸³ **The deaths and the mourning that we carry**

The contagion of the Coronavirus touched and entered our doors in March 2020, and since then death lurks and surrounds us. We are a society with death in tow. November 2, the Day of the Dead, takes on a very special meaning, because the memories of the deceased join a long trail of death. Many years ago, violent death ceased to be a strange fact, to become a horrendous daily Honduran landscape.

We are a society of human beings who struggle between surviving food shortages, stooping with a mask in hand to avoid the contagion of Covid-19, and walking under the eye of Christ so as not enter “the wrong time and place.” And if the youth manage to avoid these mortal threats, they still may see no other option than enlist in one of the many caravans to head north.

As a fact of our daily life, violent and massive death joins the fact that for our people to take away the right

to watch over our deceased and give them a Christian burial as God intended, is as painful or almost as painful as death. The suspension of the rituals that accompany the mourning of our loved ones has been the most inhuman trial that this time of pandemic has given us.

We are a society cloaked in the rags of mourning. Unavoidably, we will have to lead our lives in surroundings that feed depression and negativity, and this will make it even more complicated to find ways that lead to the re-establishment of trust and an institutional framework that guarantees human rights and healthy social coexistence.

In a society bled and dejected by pain and mistrust, it is not enough to restore credible public institutions; nor is it enough with a change of government, a successful struggle against corruption, impunity, drugs, and crime. All of these are important and fundamental parts of the change and transformation that society needs in order to move towards a healthier and more humane coexistence. Clean elections are not enough.

But the biggest investment we need as a society is to remake our broken bonds. We are a people wounded in the heart, and those wounds bleed, and a wounded heart usually responds by causing new wounds in those who are nearby. To heal the tissue, we have to sew all the wounds, without neglecting the wounds that bleed in the center of the human heart. Without healthy human beings, but with a people marked by the scars of deep wounds of accumulated pain, Honduran society will not be able to enter new horizons. To the objective need for institutional, economic, and legal changes must be added the need to address the restitution of a wounded

people carrying a heavy burden of pain that has come to embed itself in ancient pains never healed.

The end of 2021 saw the election of Xiomara Castro as the new President in Honduras, after a relatively high number of votes was cast and without any dispute or conflict over the result. In 2022, Honduras needs international support to audit corruption networks in the country and financial support to strengthen the rule of law and reduce poverty, violence, and social inequality. Honduras needs a break from a decade of fatigue and hunger.

Even states which appear to be supporters of human rights in the international diplomatic arena have relations with extractive industries which are directly or indirectly responsible for grave human rights violations in Honduras. It is most important for states invested in extractive industries, such as Norway, to evaluate their cooperation with government, private corporations, and banks very carefully.

Simple acts of solidarity provide some degree of protection and political support for the defenders. We invite organizations from supportive countries to visit us and are very grateful for the longstanding support given by the labor movement in Norway. The UN Human Rights Office has also provided valuable support by sending representatives to monitor court proceedings for the “Guapinol Eight.”



2016 Rafto Laureate, Yanar Mohammed, Iraq



Yanar Mohammed is the co-founder and director of the Organization of Women's Freedom in Iraq (OWFI) formed soon after the US invasion of her country in 2003.

She opened the first shelters for women in Iraq and works to end violence against women in a context where Islamic opposition groups, governing institutions, and militias are all targeting women. Gender-based discrimination is widely prevalent in Iraq, having been encouraged not only by Islamist activists but also by the Saddam Hussein regime and the Shia-dominated regime which now rules Iraq. Women continue to be denied their rights and basic dignity. Hundreds of thousands of women were widowed by the consecutive wars of 1980–88 and 2003–2017 and suffered brutal violence at the hands of several parties. Years of economic sanctions have reduced many families and women to severe poverty.

Article (409) in the Iraqi Penal Code allows “honor killing,” having been amended during the last years of the dictator Saddam Hussein in order to win the support of tribal heads in Iraq. Another article (128) in the penal code is interpreted in such a way as to provide leniency against those who kill their female relatives for “honor-related” reasons. Both articles are referred to within Iraqi courts of justice in order to allow “honor killings” and give way for tribal laws to prevail.

The Organization for Women's Freedom runs an online radio station and the popular newsletter Al Mousawat and engages in issues ranging from gender-based segregation in schools to the participation of women in legislative processes. By March 2022, the Organization had saved and sheltered 1200 women, under very difficult conditions. The government does not approve anonymity for women seeking shelter for gender-based violence, which is crucial to secure their protection from violence or killing by family members.

Struggle not to be outlawed for assisting women without legal protection

The OWFI has been accused of violating Iraqi law, and a court case aimed at outlawing it was initiated in January 2020, aimed at dissolving it completely. The need for the shelters it provides is acute: During the ISIS occupation, fighters targeted women with rape and sexual slavery, and they had few places to turn. When liberated from ISIS slavery, many women could not return to their homes because their “honor” would be considered tainted by the very fact that they might have been abused by their captors.

A judge dismissed the claims in November 2020.

⁸⁴ Had the charges succeeded, the body would have been stripped of their right to operate as an organization, which, in turn, would have threatened the essential protections they provide, especially the nationwide network of shelters for women. MADRE filed an amicus brief ⁸⁵in support of the Organization, and the Rafto Foundation also intervened.

Hamid Al-Ghazi, the former General-secretary of the Council of Ministers, had called on the court to revoke the license of the OWFI and halt their work, making the accusation that it

has breached the laws through sheltering women, who have fled their families and their tribes due to honor cases... the organization has called for homosexual rights and has turned the phenomenon into a topic discussed in society. Also, the organization has deceived girls through creating opportunities for them to migrate abroad.

The OWFI responded by declaring that “the accusations that have been made against our

organization are the actual aims of our organization. We strive to create a peaceful Iraq for women, in which they feel equal to men and together overcome problems facing the the society.”⁸⁶

Iraq went through a crisis in October 2019, with largely non-sectarian demonstrations in Tahrir Square protesting against unemployment, the deterioration of public services, and the general dysfunctionality of government. The Organization took active part in the demonstrations, providing space and a voice for women’s concerns. The demonstrations led to the death of at least 800 persons at the hands of security forces, while more than 8,000 were injured⁸⁷ and tens of thousands were detained. The pandemic followed shortly thereafter and added to the crisis. With domestic violence rising during lockdown, the OWFI saw an increase in requests for shelter from abused women. Additional precautions due to the pandemic have slowed intake, and, in many instances, families are reluctant to allow their women to be hospitalized during the lockdown, even if it is essential for their health.⁸⁸ The pandemic and lockdown measures have put considerable strain on organizations. Shelters and safe houses have been struggling to procure food and maintain hygiene and healthcare. As the pandemic subsided in the second half of 2021, OWFI was able to rebuild much of their capacity to provide shelter.⁸⁹

The pandemic also places women human rights defenders in “double jeopardy”: They must try to do their work while being threatened by the government and “while at the same time COVID-19 has locked us up in our homes.”⁹⁰ Yanar Mohammed expands in these issues in an interview with UN Women:

MEET YANAR MOHAMMED, IRAQ⁹¹

“Women should not have to compromise and be ruled by the patriarchs of the country. Women should not have to compromise for religious or tribal values of the country. Feminism can save the future generations from these crimes.”

Can you describe your work?

My work is focused on protecting women and girls in Iraq from the crimes of patriarchy. The government has allowed an agenda that is dismissive of women’s rights. The government policies are based on religion and are extremely patriarchal and tribal, and they preach hatred of women. Iraq has become a place where polygamy is encouraged, where honor killings are allowed, and child marriage is an everyday occurrence. All of these practices were almost forgotten in the modern history of Iraq. The US occupation from 2003 turned all this around and allowed extremists groups in Iraq to rule and decide how women’s rights would be violated.

We don’t just shelter women, we do advocacy for women’s rights. We confront practices against women that need to be addressed and we try to change legislation or public practices and opinions. Women should not have to compromise and be ruled by the patriarchs of the country. Women should not have to compromise for religious or tribal values of the country. Feminism can save the future generations from these crimes.

Could you give us an example of how women are impacted by current policies and practices in Iraq?

The ruling clerics preach that women can be battered by husbands, but not on the face. They also describe polygamy as a religious right for men. They also describe “marriage” to a female child of 12-year-old as acceptable, and they continue to push towards legislation to deny divorced women custody of their children.

Recently, there was a woman who had to stay in her house because of COVID-19. She had been in an abusive relationship with a husband who had been abusive for years. His oppression of her reached the point where she couldn’t take it anymore. She burned herself alive and eventually died. If this woman could have reached a [women’s] shelter, this would not have been her destiny. The [government of Iraq] is trying to close our shelters, close women’s organizations – so that women can’t escape abusive situations and they submit to patriarchal violence.

Why is this happening in Iraq?

Iraq has seen many changes in the past few decades. There was a political vacuum after Iraq’s occupation. And then, there was the empowerment of those who want to rule based on religious dogma. They began to let their laws prevail. Iraq has gone back to the equivalent of the dark ages where women are objects to be used, abused, enjoyed, or disposed of! But this is also happening at a time when women, through the Internet, have more exposure to the outside world. The government is trying to impose restrictions and oppress women when most young women have a cell phone in their hands, and they can see how other women can live in the outside world. Huge numbers of young women are escaping their abusive homes and relationships to seek their destiny and OWFI is overwhelmed with requests for sheltering.

So, on the one side, is a government that is tribal, extremist, and imposing its understanding of women, family, and community. And, on the other side, are young people who see the freedoms that they could have. The clash between these two leads to punishment, violence, honor killings, and domestic violence. The clash between the two forces means that we need to protect the women from their families, from the state and the security agencies of the state.

What tools are being used to silence women activists?

The government has found elusive ways to attack women, for example with smear campaigns. It is not unusual to see social media posts lying about women. A colleague of mine was targeted with her photo and a caption warning that she is a trafficker of minors and saying that she is looking for teenagers to buy and sell. The security and intelligence agencies of the government have electronic armies that are working for them to fight women activists through the Internet and smear campaigns.

The government also uses the laws against us. For example, a lawsuit was filed against me as OWFI's president and against our shelters. The government asked the court to dissolve our organization. The reason they gave is that we help women escape honor-related situations and that we help LGBT people, and we normalize the acceptance of LGBT individuals to the broader Iraqi population. And yes, we do that. This is our mandate. But they are saying that what we are doing is against the law and that we should be shut down. Our best chance to win the lawsuit at this point was to educate the judge about the importance of the work that we do. Eventually a new judge was assigned to our case, who chose to dismiss it based on the fact that there was not enough evidence against us.

The government starts with smear campaigns, then court cases, to stop you from doing your human rights work, and if that doesn't work, then their affiliated notorious militias may kidnap and kill you.

What are some strategies for resistance being employed by women activists?

There is an opportunity for transnational feminists to build alliances with women's groups [in Iraq]. And this proves to be the best support for women human rights defenders and our work. We need people to highlight and spotlight our work on the international stage. We need our work to be seen and recognized.

For feminists, the international community doesn't just mean the UN, or other countries, other international bodies. The international community means the alliance of feminist women's organizations from around the world and particularly MADRE. Women's organizations always have our backs in time of need.

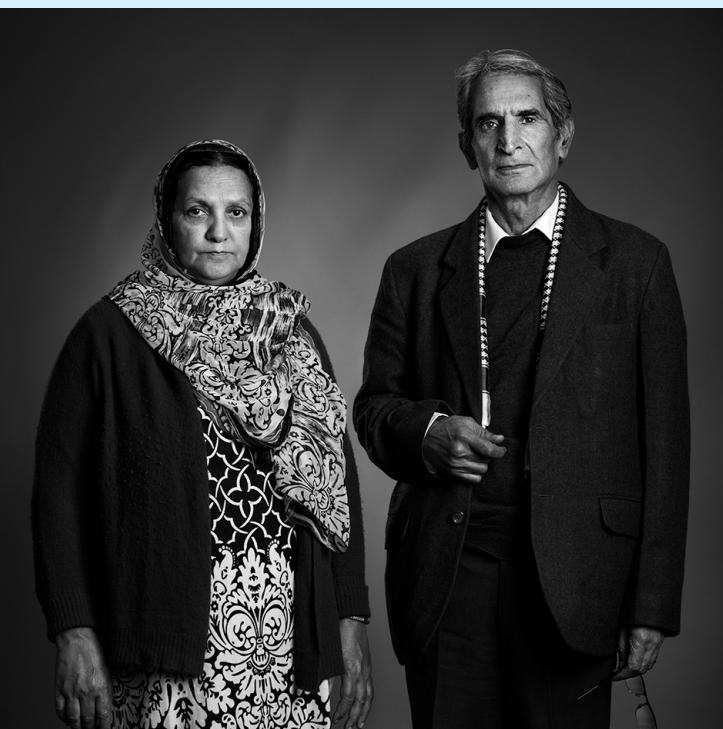
How has the COVID-19 pandemic impacted your work?

This situation is double jeopardy. As women human rights defenders, we are still trying to do our work while the government monitors us, threatens us, and tries to shut us down. At the same time, COVID-19 has locked us up in our homes. We are under so much pressure now. We are getting requests every day from women who cannot bear their situation of abuse at home anymore. They are saying that they will kill themselves if they cannot get help. Women have to stay home all day long with their abusers. The requests from women for shelter have more than doubled, and every day we hear about a suicide case, about a woman who has set herself on fire. The abuse of women has increased so much because of the self-isolation which in Iraq is administered as a curfew. If you step out of the house, you will be arrested. If you are living in an abusive situation, it is explosive.

What is your hope for the future?

Most of my expectations for the future are on the women who have been in our shelters and have transformed from victims to activists and women defenders. They understand that our well-being depends on the strength of the women's movement. They are now the frontline of women's work in Iraq and are the strongest allies we have.

2017 Rafto Laureates, Parveena Ahangar, Association of Parents of Disappeared Persons APDP and Parvez Imroz, Jammu and Kashmir Coalition of Civil Society JKCCS



Parveena Ahangar engaged in human rights work after the disappearance of her son Javaid Ahmed Ahangar (17) between the 17th and 18th August 1990.

In 1994 Ahangar founded the Association of Parents of Disappeared Persons APDP. APDP documents and advocates for the recognition of crimes behind enforced disappearances and to hold perpetrators accountable. Ahangar has taken this work all the way from the homes of the victims to the United Nations. The evidence collected raises the strong suspicion that many or most of the disappearances are carried out by Indian military and paramilitary forces.

Even more important is perhaps the work carried out by APDP to support bereaved families.

Accompanying the trauma of losing a child, a brother, or a husband, is the lack of closure and recognition of what has happened to them, the inability or refusal to conduct proper investigation and secure accountability, the loss of income without any compensatory support from the state. The surviving wives are left in the psychological, social, legal, and economic circumstances of “half-widows”. APDP has forged a large network of mutual support connecting and giving voice to thousands of families.

This work links the expression of their individual experiences with the that of the many other forms of violence and oppression suffered by the Kashmiri population. She has earned the honorific of the “Iron Lady of Kashmir” for her ability to bear witness to trauma and transform into powerful advocacy bravely addressing the powerful adversary of the Indian state. Parvez Imroz is a Lawyer who worked with Parveena Ahangar in the nineties, and established Jammu Kashmir Coalition of Civil Society JKCCS in 2000. The coalition includes an independent branch of APDP, the Public Commission on Human Rights (PCHR) and the International Peoples’ Tribunal on Human Rights and Justice in Indian-administered Kashmir (IPTK) and is affiliated with Asian Federation against Involuntary Disappearances (AFAD), Coordination of Democratic Rights Organizations (CDRO), and Political Conflict, Gender and People’s Rights Research Initiative at the University of California, Berkeley. JKCCS has done very extensive work to document human rights violations in Indian-administered Kashmir. These range from documentation of unknown and mass graves and enforced disappearances in *Buried Evidence* (2009), which documented analysis of the militarized circumstances

of preparations and response to natural disasters in *Occupational Hazard – The Jammu and Kashmir Floods of September 2014* (2015), analysis of the state of the legal order in *Alleged Perpetrators - Stories of Impunity in Jammu and Kashmir* (2012), *Torture* (2019), or the broader *Structures of violence – the Indian state in Jammu and Kashmir* (2017). The work of JKCCS has had significant impact by informing reports on human rights in Kashmir by the United Nation’s Office of the High Commissioner for Human Rights in 2018 and 2019⁹². Between 1989 and 2009 more than 8,000 enforced disappearances took place, while more than 70,000 persons were killed in Kashmir - some in encounters between militants and the army or the police, many most likely in “fake encounter” executions. More than 15,000 inquiries about the disappeared have been filed since 1990, most without producing results about what happened to the disappeared. Although the numbers have diminished, disappearances and killings continue. None of these cases have led to prosecution of military or paramilitary personnel.⁹³

Closing civic space and locking up human rights defenders in Kashmir

The period mainly covered in this report was preceded by a Constitutional change of the status of in the Indian-administered part of the contested territory of Kashmir which had massive impact on human rights work, which and is likely to be of long-term historical significance for the development of the region.

On the 5th of August 2019, the Union Parliament of India voted to abrogate Article 370 of the Indian Constitution of 1947 granting temporary special status and relative autonomy to the Indian state of Jammu and Kashmir, declaring the state a Union Territory to be ruled by the Union Government. This decision was accompanied by repealing Article 35A of the Constitution, which empowered the Parliament of Jammu and Kashmir to regulate the recognition of residency and acquisition of property in the state⁹⁴. Later In February 2019, Ladakh had already been administratively separated from Jammu and Kashmir and the Jammu and Kashmir Reorganisation Bill passed in August 2019 turned both regions into Union Territories.

This decision was taken unilaterally by the Parliament of the Indian Union, without the involvement of any elected body or official in Jammu and Kashmir. It

was taken in circumstances where the democratic institutions of Jammu and Kashmir had long been defunct after the state legislature was dissolved in November 2018. The legality of this Constitutional change by the Union parliament is highly contested. Most of the political parties in Jammu and Kashmir demand a restoration of its relative autonomy.⁹⁵

On the day of this momentous change of the status of Jammu and Kashmir, radical constraints were imposed on civil society, adding to the constraints which had applied for years under what has in practice been military rule. The internet was shut down; traditional media closed; public offices, universities, schools closed; roadblocks established throughout the territory. Limited 2G access was not restored until January 2020. Full access to 3G and 4G networks was not restored until February 2021.

Trailing the lockdown of the autumn of 2019 justified by the need to prevent unrest after the Union Government canceled the constitutional right to democratic self-determination for all Kashmiri citizens, came the lockdowns in the spring 2020 motivated by the Covid-19 Pandemic. The compound impact of the two lockdowns were especially severe on children, youth, and women, according to Forum for Human Rights in Kashmir. While schools were open for only about 250 days between August 2019 and July 2021,⁹⁶ the restrictions on the internet limited online substitutes through 2020. Domestic abuse, violence against women, and suicides all increased⁹⁷. The continuous state of exception also has had dire effects on the economy, depriving citizens from the ability to tend to animals, orchards, boats. The repeal of article 35A opened for

exploitation of the situation and placed pressure of destitute owners to sell their real estate⁹⁸.

Among these were several hundred members of mainstream political parties, including two former Chief Ministers, but also activists, academics, journalists, and all kinds of citizens who could have expressed discontent with government policies in some form or another, including underage youth.

These arrests were facilitated by emergency laws depriving suspects of their right to due process and proper defense, such as the Public Safety Act (PSA), the Unlawful Activities Prevention Act (UAPA), or laws providing impunity for military violence, such as the Armed Forces Special Powers Act (AFSPA). The PSA allows security forces to detain persons without charge or judicial review for up to two years, sometimes in jails far away from family, while UAPA allows the Union Government to designate individuals as terrorist without proof of guilt presented and justified in a court of law, formal charges not required for six months.⁹⁹ The latter allows the government to declare “disturbed areas” and authorize security forces to use deadly force to maintain law and order, and arrest any person against whom a vaguely defined suspicion exists, without informing the detainee of the grounds for arrest.

JKCCS claims 662 individuals were arrested under the PSA in 2019. In August 2021, more than 2,300 persons had been arrested under UAPA since 2019 and another 954 under PSA. 46 percent of those booked under UAPA and about 30 percent of those detained under PSA were still in jail at that point.¹⁰⁰ Union Home Ministry stated in 2021 that only 2.2 percent of those arrested under UAPA between

2016 and 2019 had been convicted. “A case can be framed against anyone, but until the crime against a person is proven, punishment based on suspicion is persecution” Khurram Parvez of JKCCS stated, before himself becoming a victim of the UAPA.¹⁰¹

Khurram Parvez is Programme Coordinator and Spokesperson of JKCCS, and Chairperson of Asian Federation against Involuntary Disappearances (AFAD). He is among the most recognized human rights activists in Kashmir and has been a major contributor to the work of APDP and JKCCS for two decades. After suffering the loss of a leg and the death of two colleagues in a landmine explosion in 2004, he conducted a successful campaign motivating militant rebel groups to commit to stop using such mines. Parvez has organized activities bringing parties of the very polarized politics of Kashmir together and has contributed to several of the most seminal reports securing international attention to the human right crisis in Kashmir.¹⁰²

Parvez was stopped on his way to give testimony at the 33rd session of the United Nations Human Rights Council at the airport in Srinagar, and then arrested the day after on 15 September 2016 under the PSA and kept in arbitrary detention for 76 days. He was arrested again on 22 November 2021 and has now been incarcerated for more twice as long, awaiting charges under the UAPA. Parvez’ contribution to United Nations Human Rights Mechanisms, most significantly perhaps the documentation presented in the 2018 and 2019 OHCHR reports on Human Rights in Kashmir (reference above), which were both dismissed out of hand by spokespersons of the Indian government, are

possible motives for the actions taken against him by the government.¹⁰³

The arrest is condemned by many voices in the international human rights community, ranging from the United Nation's Special Rapporteurs on the Situation of Human Rights Defenders, on Counter-Terrorism and Human Rights, on Extrajudicial, summary or arbitrary executions, and the Working Group on Enforced or Involuntary Disappearances¹⁰⁴, major international human rights organizations such as Amnesty International, Human Rights Watch, FIDH, OMCT,¹⁰⁵ and a host of other organizations including the Rafto Foundation.¹⁰⁶ His case is a test of whether the most basic principles rule of law and protection of basic human rights against the power of the state and slander in popular media will be upheld, and if the authority of the United Nations carries any weight, in India.

All sectors of civil society critical of government policies are now increasingly accused of being a threat to the state in India, and their ability to do their work sabotaged by denying rights that should be constitutionally guaranteed. Not merely is the freedom of expression, assembly, and organization under severe constraints, but also the right to hold a passport and travel abroad.¹⁰⁷

The arrest of Khurram Parvez is one among a series of detentions of persons of high standing but voicing critical views of government policies and actions in Kashmir, which by all accounts are based on spurious grounds. Other such arrests are those of journalist Asif Sultan of Kashmir Narrator and editor of Kashmir Walla Fahad Shah. Thousands of less prominent citizens are languishing in jail, without receiving much attention. Such arrests are preceded

and followed by intense and threatening surveillance, confiscation of documents, computers, phones, and interrogation in wider circles, the arrest of one person correlated with surveillance, harassment and intimidation of large networks.¹⁰⁸ Such harassment of human rights defenders and other contributors to democratic discourse produce a chilling effect which even reaches abroad, to anyone engaged in politically contentious issues who has friends or family in Kashmir or India.¹⁰⁹

India's National Security Advisor Ajit Doval has described civil society groups in India as "new frontiers of war" and said they could be "manipulated to hurt the interests of a nation"¹¹⁰. Activists and academics who risk being treated as accomplices and "white-collar terrorists", regardless of how consistently and adamantly they renounce any form of violence. The active militants in Jammu and Kashmir now most likely count in the low.¹¹¹

The active militants in Jammu and Kashmir now most likely count in the low hundreds¹¹², and the number of military and paramilitary forces outnumber them of at least a 1,000 to 1. The entire population suffers by the increasingly radical measures imposed to eradicate them. This development goes hand in hand with a general deterioration of democracy, rule of law, and the respect for human rights in India at large.¹¹³ We are very worried about where this process will end if it cannot be turned around.



2018 Rafto Laureate Adam Bodnar, Ombudsman for Human Rights in Poland



Dr. Hab. Adam Bodnar is a lawyer and Professor at SWTS University in Poland, specializing in constitutional law and human rights. He was the Ombudsman for Human Rights in Poland 2015-2021, and Vice-President of the Helsinki Foundation for Human Rights 2010-2015. In 2014-2015, he was a member of the Board of Directors of the UN Fund for Victims of Torture. He has also been a member of the Civic Legislation Forum operating at the Batory Foundation.

At the Helsinki Foundation Bodnar started a Strategic Litigation Program, which among other achievements won the European Court of Human Rights case of *Baczowski and others v. Poland*, which confirmed sexual minorities' right to enjoy freedom of assembly.

As Ombudsman he has argued a large variety of cases in Polish Courts, ranging from the defense of women's and LGBTI rights, to safeguarding the independence of the media and the judiciary. He defended himself with success in several SLAPP cases, before being removed from the post as Ombudsman by the politicized Constitutional Tribunal of Poland in the summer of 2021.

Bodnar contributes to the work of numerous other civil society organizations, including International Idea (member of board of advisers), the Panoptykon Foundation (chairman of the Foundation Council), ClientEarth Polska (member of the program council) and Stowarzyszenie im. prof. Zbigniew Hołda (co-founder and member of the board).

Bodnar is author and co-author of many scientific publications, especially in the field of human rights. His doctoral dissertation "Multilevel Citizenship in the European Constitutional Area" received a distinction in the "Parliamentary Review" competition. In 2019, he obtained the degree of habilitated doctor and his dissertation was published in the book "Execution of judgments of the European Court of Human Rights in Poland".

Battle of attrition for rule of law and minority rights in Poland

Poland developed a strong and diverse civil society after the introduction of democratic reforms in the early nineties. Human rights defenders include politically engaged university researchers and independent academics; journalists, filmmakers, and artists; activists engaged in international human rights organizations such as the Batory Foundation, the Helsinki Foundation for Human Rights, and Amnesty International; and activists organizing in response to specific rights issues or urgently pressing events such as the Women's Strike, Campaign Against Homophobia, Polish Green Network, Committee to Defend Democracy (KOD), Justice Defense Committee (KOS), the Free Courts Initiative, and many others. The judges of Poland have perhaps become the most important among these human rights defenders in recent years.

Poland had until recently a very well-developed formal framework for the protection of human rights, with corresponding institutions, including specialized courts and a resourceful national Ombudsman for Human Rights. Over the last five years, however, the political landscape in Poland has changed dramatically, with negative consequences for this system of protection, and not merely in Poland, but for the EU as a whole.

Key elements in this development are the ambitions of the current regime of the United Right, led by the Law and Justice party, of securing political control over the courts, and of implementing conservative policies promoting values presumably held by the Catholic and truly national majority, at the expense of the protection of the rights of minorities and the opposition. The United Right has been able to secure slightly below half the votes in parliamentary elections, slightly above half in presidential elections, and holds both the Presidency and a majority in the lower House of Parliament. The institutionalized protection of universal human rights against abuse of state power is largely perceived by this conservative movement as an instrument which the heirs of the former communist elite in Poland, now allied with a liberal elite in Western Europe, apply to destroy Polish values and subvert Polish national self-determination¹¹⁴.

Starting with a struggle over the recruitment of new members for Poland's Constitutional Tribunal in 2015, the years leading up to and including the pandemic have involved large parts of civil society and institutions of the EU in a fierce struggle over the regulation of the courts in Poland¹¹⁵, over reproductive rights, LGBT rights, rights of free expression and the freedom of the media, and environmental protection.

These struggles have strengthened civil society in many ways, but also involved strong governmental efforts to assume control over the media, over cultural institutions, and to silence visible and effective activists, academics, artists, and lawyers opposing the reforms they have introduced.

The government has also nurtured a growing segment of civil society which supports their side in the ideological struggle against human rights as understood by European institutions and most of Europe's civil society.

Despite some modest successes for the opposition, the courts have slowly but surely been taken over from the top by political appointees since 2015. A Disciplinary Chamber and an Extraordinary Affairs Chamber have been established in the Supreme Court, with political appointees. The former is charged with disciplining judges, the second has the authority to retry older cases and will be the final arbiter on future electoral disputes. The seats in these new chambers, and all other vacant posts in Polish courts, are manned after appointment by the National Council of the Judiciary, which is itself filled with political appointees. The seats in the National Council are distributed by the incumbent party coalition United Right, as represented in Parliament and by the President. The properly selected members of the original chambers of the Supreme Court as well as the Ordinary Courts are slowly crowded out by inappropriately appointed judges. The offices of the Minister of Justice and of the Prosecutor General are held by the same man, radical nationalist Zbigniew Ziobro of Solidary Poland, a minority coalition partner in the United Right. He conducts disciplinary persecution of judges with resort to laws denounced as incompatible with the Treaty of the EU by the Court of Justice of the EU¹¹⁶.

Approximately 150 judges¹¹⁷ have been exposed to spurious disciplinary proceedings. In some cases, they have led to suspension, loss of salary, and even

attempts at criminal prosecution. These processes often do not lead to conviction but have the function of harassment and produces a chilling effect on the whole profession. Typically, cases are initiated against judges applying European law or case law deriving from the Court of Justice of the EU (CJEU) in their rulings, or for ordinary exercise of free speech about rule of law, the independence of courts, or other general principles of law.

The associations of Polish judges "Iustitia" and "Themis", and also the association of prosecutors "Lex Super Omnia", have been at the forefront of the struggle to protect the independence of the courts from executive power abuse. President of the judges' association "Iustitia" Krystian Markiewicz faces criminal charges for speaking about the failure of the Polish government to implement rulings by the CJEU, in addition to over fifty other disciplinary charges.¹¹⁸ The Prosecutor General has attempted without success to have the immunity of President Beata Morawiec of the association "Themis" lifted, but her case is nevertheless pursued by the Disciplinary Prosecutor of Judges of Common Courts.¹¹⁹

The Constitutional Tribunal, which was captured early in the process, kept silent while radical legal changes were introduced by the United Right from 2015 and onwards. In 2016 the United Right attempted to secure majority in Parliament for an abortion law which would radically constrain the right to abortion only for cases where the life of the pregnant woman is at stake. Massive mobilization by the movement Women's Strike halted this effort. However, in October 2020, the Constitutional tribunal decided that the then current Law on Abortion of 1993 was

incompatible with the Constitution of 1997, and that the latter would only allow abortion in such very constrained circumstances.¹²⁰

The Tribunal has since then intervened in several cases where Polish law seemed settled, and in favor of the position held by the United Right government. It ended the tenure of Ombudsman for Human Rights and Rafto Laureate Adam Bodnar in April 2021, who was holding an interim position waiting for parliament to agree on his successor. After historic rulings by the CJEU declaring the disciplinary arrangements of Poland in violation of the requirements of judicial independence in the Treaty of the EU, the Tribunal declared in October 2021 that the Polish Constitution does not grant the EU court primacy in such questions.¹²¹ After rulings by the European Court of Human Rights declaring the arrangements in violation of the right to fair trial in the European Convention on Human Rights, the Tribunal decided in November 2021 and again in March 2022 that the relevant provisions of the European Convention on Human Rights also violate the Polish Constitution.¹²²

These developments do not merely undermine the legal protection of Polish citizens, but also the authority of EU law and the CJEU, which in turn are bound by the European Convention of Human Rights as interpreted by the European Court of Human Rights. Given the much more extensive and consequential function of the CJEU and EU law in ordinary interactions in Europe, this unresolved conflict may weaken the position of human rights in Europe.

In Poland there are other human rights issues of significance, where human rights defenders struggle

uphill, and meet strong resistance. Opposing LGBT “ideology” has become a major subject to attract voters for the ruling coalition, mobilizing local communities to declare themselves “LGBT ideology-free zones”. LGBTI-activists Bart Staszewski and Elżbieta Podleśna are among those pursued in court for illegal posting of signs and offending religious beliefs respectively. Women’s rights activists like Marta Lempart is also prosecuted for demonstrations carried under Covid-19 restrictions. These are only a few among the many subjected to legal harassment by means of strategic litigation against public participation (SLAPP).¹²³

Poland was one of the worst performers in Europe during the pandemic, and carried out a Presidential election under circumstances where highly biased state media could dominate public discourse, while restrictions limited manifestations in physical public space.

2019 Rafto Laureate, Rouba Mhaissen, Lebanon



Rouba Mhaissen is an economist, activist, and development expert whose work involves the protection of Syrian refugees and forced migration.

She has Lebanese and Syrian citizenship. She is the founder and director of Sawa for Development and Aid, whose main office is in Beirut, and which has branches in several locations in Lebanon. Sawa provides aid, education, documentation of the circumstances of Syrian refugees, and engages local and international authorities in advocacy for the rights of Syrians, whether located in or outside Syria.

Lebanon is the increasingly reluctant host of a million Syrian refugees. The government of Lebanon has not signed the Refugee Convention of 1951 and has, since 2015, required the payment of an expensive fee for refugees to be formally recognized as such, with the result that most refugees from Syria live informally on Lebanese territory. Over the last two years, Lebanon has passed through a series of crises, with grave consequences for the general population, and for refugees in particular. The government's proposed responses to an escalating economic crisis led to widespread protests and the dissolution of government in October 2019. The pandemic hit Lebanon in March 2020. In August, the center of Beirut (including the headquarters of Sawa) was hit by a massive explosion, causing at least 218 deaths and 7,000 injuries and leaving 300,000 people homeless. Since then, basic goods such as electricity, gasoline, food, and health articles have been increasingly hard to come by.

Sawa has provided basic humanitarian services for their constituency during the crisis and the Covid-19 pandemic. Rouba Mhaissen has, meanwhile, continued to speak about the situation in Syria and Lebanon in many international fora, including the UN Security Council, appealing for greater attention and assistance for women, refugees, and the internally displaced people in Syria.

Cumulative disasters in Lebanon

When the pandemic hit Lebanon in February 2020, refugees and their communities were among the most vulnerable, after months of economic collapse and political chaos, worsened by the major explosion in the harbor of Beirut which also damaged the main office of Sawa.

SAWA has provided an emergency response throughout the pandemic by organizing awareness sessions on best hygiene practices, identifying symptoms, and providing training about measures to be taken when infection is diagnosed; distributing hygiene kits; disinfecting tents and camps; and distributing food for vulnerable families when businesses were closed and people could not earn. Mhaissen wrote a report, “COVID-19 and Syrian Refugees in Lebanon – Relying on Civil Society Once Again,” to alert the international community to governmental failures to secure basic needs.

The Lebanese government has been applying pressure on Syrian refugees to return through a combination of restrictions and discrimination, making it very difficult for them to find work and housing and to make use of public services. Syrian refugees have been subjected to more severe restrictions of movement than Lebanese citizens under Covid-19 curfew periods. The camps have been hard environments to sit out a pandemic, as there is nowhere to self-isolate and no access to internet or devices for home schooling, and gender-based violence has risen dramatically. Conditions for refugees in host countries are terrible and getting worse. A Syrian family in Lebanon will have to move their tent three times, on average, when there is flooding during winter months.

Refugees have chosen not to move around, even when they are allowed to do so, because many lack documents and fear being deported to Syria. Deportations violating the customary law of non-refoulement are increasing, and refugees have no access to legal assistance. Unlawful evictions, harassment, intimidation, and attacks on refugees have left many with little choice but to return to Syria, where many face arbitrary arrests, interrogations, and torture. The Syrian Law No. 10 of 2018 on Housing, Land, and Property requires refugees to make property claims within tight time limits; otherwise, they run the risk of losing their homes permanently. Refugee men send their wives back to Syria to register properties, fearing that they would themselves be arrested, kidnapped, or drafted into the military. This splits families, places women in vulnerable situations inside Syria, and increases gender-based violence.¹²⁴

Speaking at the UN Security Council in September 2021, Mhaissen said that peace in Syria would require the Council to shift its attention from great power politics to local communities affected by the conflict. There is no peacebuilding when people’s rights, specifically women’s rights, are being breached daily, she said, continuing “speak to us. Don’t speak about us or in our name.”

Contributions of women at the community level on a daily basis remain unseen, and their demands remain unheard. This not only deprives Syrian women of their rights, but it also overlooks the crucial role played by women in and out of Syria. Mhaissen also criticized “fortress Europe” and decried her “token presence at ad hoc events” where priorities have been pre-determined without the involvement of intended beneficiaries and where counter-terrorism legislation has stopped funds from being sent where needed. “Don’t fight the wrong people,” Ms. Mhaissen said.¹²⁵

2020 Rafto Laureate Egyptian Commission for Rights and Freedoms



The Egyptian Commission for Rights and Freedoms (ECRF) was founded in 2013, the year General Abdel Fattah al-Sisi gained power through a military coup and declared himself president. It aims to protect human dignity and the rule of law.

The ECRF includes local self-organized groups, coordinated from headquarters in Cairo, which carry out campaigns, conduct research, offer legal support, assist with capacity building, and undertake media communication.

The organization advocates for victims of all human rights violations and provides legal aid in many cases. It runs an ongoing campaign to stop enforced disappearances in Egypt and produces reports on legislation and practices maintaining a state of “limitless” extraordinary powers to the executive, especially the security apparatus, which has resulted in widespread use of arbitrary detention, enforced disappearances, capital punishment, torture, and sexual violence, besides the abuse of the legal system that detains and silences activists, academics, and lawyers.

Many of the Commission’s affiliates have been persecuted in never-ending, revolving-door legal cases, and suffered demeaning and traumatizing treatment in Egyptian prisons. Ibrahim Ezz El-Din, ECRF’s researcher on housing conditions for the poor, and Haitham Mohamadein, labor rights expert, have been in pre-trial detention for over 900 days. They were arbitrarily detained, the former has been tortured, and both have been kept in inhumane and degrading prison conditions. The women’s rights activist Amal Fathy has been in and out of prison since 2018, after she made public statements criticizing the failure of the Egyptian government to protect women against sexual harassment.

Collapse of human rights protection in Egypt

Many human rights defenders and other citizens have been subject to detention based on spurious charges and denied their constitutional rights over the last two years in Egypt. In some cases, the same person is accused of similar offences multiple times and ordered to be released by a court only to be detained in a different case brought against them by the prosecution, without ever being released. While some courts have given release decisions in favor of the suspect, this is not affecting the police practice – used by the National Security Agency, in particular – of repeatedly producing spurious accusations and correspondingly continuing arbitrary detention.

Prosecutors are complicit in backing police reports containing the accusations. Activists are deterred from attending trial proceedings of other activists because they are being asked to produce ID cards at the court and may also be arrested. Lawyers are threatened by being told that their names are being placed on lists of persons considered for future prosecution, and many lawyers have indeed been arrested while defending activists at prosecution offices.

As a recent German report¹²⁶ points out, as many as 65,000 persons may currently be imprisoned for their political and ideological views in Egypt, as a result of waves of mass arrests since the 2013 military takeover and Abdel-Fatah al-Sisi's subsequent rise to the presidency. This policy has dramatic humanitarian consequences, but also increasingly promotes radicalization, strengthens the rejection of state institutions, and hinders development of the country's civil society and economy.¹²⁷

Most are charged with supporting terrorist activities and spreading false news – arbitrary accusations that are used to justify pre-trial detentions, in some cases for several years. Prisoners are held in the country's detention centers under inhumane conditions, which have worsened in recent months due to the Coronavirus pandemic. Political detainees were banned from receiving any family visits for some six months in 2020. Since then, family visits have been reduced to once every month for only 15 minutes. Before the pandemic it was once a week – for persons in pre-trial detention – for up to three relatives at once and for one hour.

Refugees and asylum seekers were also affected because of the UN High Commissioner for Refugees' weakened capacity to provide services or examine their asylum claims/renewal cards. The ECRF has published a report on this. Some eight doctors were arrested and detained for several months in 2020 on terrorism charges and for spreading "fake news undermining national security" when complaining about lack of protective equipment in hospitals.

Otherwise, the impact on human rights work is similar to that seen in other countries. Defenders must work from home, many feel depressed, and there is a sense of isolation. ECRF adopted an internal policy to provide staff with personal protective equipment on a monthly basis and covered their work-related transport costs and health-related fees in the event of infection or complications, which happened to several colleagues. The state-sponsored health insurance is, unfortunately, very weak in terms of both coverage and quality, and most staff members have no private health insurance.

«2020 saw one of the highest numbers of executions since such cases were first recorded in 2007:107»

Egypt, from the Rafto Fondation Report

Director Mohamed Lotfy sums up the difficulties encountered in the work of assisting defendants in court as follows: ECRF does not have the opportunity to meet defendants and investigate their cases except in rare instances at prosecutors' offices when lawyers are able to meet them. It is increasingly hard to get information from detainees' families about conditions of detention, given the reduction of prison visits time and frequency. The government is blocking lawyers from meeting political defendants, whether in detention or in court, as they normally would. ECRF is worried about medical care inside the prisons and whether medical aid is provided to those with critical and chronic illnesses. There is little information and transparency.

Stiftung Wissenschaft researchers Patricia Jannack and Stephan Roll emphasize how the practices of arbitrary detention are not merely a problem from a legal and humanitarian point of view, but that Egypt's over-crowded prisons also

serve as a recruiting ground for militant groups on the Islamist-jihadist spectrum. [...] Outside of the prisons, anger and despair within the prisoners' social circles contribute, if not to radicalization, then at least to the rejection of state and political institutions among parts of the population. This reinforces a trend

that has been apparent in Egypt for some time. Even though opinion polls must be treated with caution in authoritarian contexts, surveys as recent as 2018 show that trust in state institutions is waning for many Egyptians. These developments do not bode well for the country's security situation or stability."¹²⁸

Furthermore, they point out a problem also extends beyond Egyptian borders and affect political activism in exile:

"Politically motivated imprisonment is also a central obstacle to the development of a vibrant civil society. Young, well-educated Egyptians who are socially active must fear state repression, including imprisonment, to a particularly high degree. Many of them therefore seek to leave the country. Their worries are justified because people who study or research in Europe and then travel to their Egyptian homeland for vacation have repeatedly been arrested."¹²⁹

The increasing number of disappearances and the accompanying threat of the enforced disappearance of others also have a strong impact on the staff of ECRF the Egyptian Commission and other human rights defenders.

Persons working within the governmental structure

are also subject to arbitrary arrest if they initiate action which might harm members of the political elite. For example, the head of the Egyptian Court of Accounts was imprisoned for pointing out irregularities in the state budget in 2015. Against this backdrop, it is no longer feasible to conceive of a politically independent fight against corruption.

2020 saw one of the highest numbers of executions since such cases were first recorded in 2007: 107, which is more than double the normal number.¹³⁰ In , this rate was maintained. Elders were executed, including one prisoner over 80, which is unusual. The government does not seem to be worried about international pressure or condemnation. ECRF has addressed this issue for some time, but nothing has happened. Last September, the increase of executions was brought up by the EU, but Egypt did not seem to take this into consideration. Capital punishment is mostly used in political cases. Many have been convicted in mass trials and then executed in groups, with as many as nine executions in a day, although capital punishment is also used in ordinary criminal cases.

The present Egyptian government cannot be considered a participant in good faith in human rights dialogues with UN counterparts. It sees human

rights defenders as “enemies” of the state and acts to subvert UN mechanisms and undermine its recommendations.

In addition to international bodies issuing statements, it is important that all actors in the international community bring specific cases to the attention of their counterparts during meetings with the Egyptian government. It is especially important to bring up cases which are clearly human rights violations, whether under international or Egyptian law. Extension of pretrial detention, sentencing of juveniles, and death in custody as a result of torture or medical negligence are examples.

Among the actors we hope will pay much closer attention to human rights violations in Egypt in the future are international financial institutions. It is important that they put the human rights situation on the agenda when they are addressing the Egyptian government. Working with EU and other states, members of embassies regularly attempt to be present at trials to monitor them, but are often barred from doing so by government or courts. Their presence is recognized by some courts and judges and has proved helpful in several cases. These efforts are highly appreciated, and we encourage diplomats to continue this work.

1989 Rafto Laureate Péter Molnár, representing the Fidesz that no longer exists



Péter Molnár was a founding member of the Alliance of Young Democrats Fidesz in 1988.

He created the Fidesz Academy and Fidesz' Cultural Orange Foundation and represented Fidesz in the summer of 1989 for the political transition negotiations in Hungary, serving on the important Subcommittee on the Functioning of Political Parties as part of the Roundtable negotiating team. He was a Member of Parliament from 1990 to 1998. In 1993 he was Vice-President of Fidesz before withdrawing to join the Alliance of Free Democrats, as Fidesz started to lose its original commitments when Victor Orbán was President.

Molnar was a principal maker of the Hungarian media law. He has engaged in research on freedom of speech, focusing on responses to “hate speech” for many years, with affiliations at various universities, including the Central European University in Budapest, which represented a crucial base for liberal research and critique in Hungary until driven out by legislation authored by the Victor Orbán government in 2017.

In recent years, Molnar has dedicated much of his time to radio interviews, writing his second novel, and slam poetry. He was the European Slam Poetry Champion of 2018. Molnar remains committed to limitations on power and is a unique figure in the cultural scene of Budapest under a hybrid regime.

Slam bridges

I don't give a thought for a rhyme,

Aslı, I haven't seen you for long.

Long time no see.

You write that you always think about me.

Me too about you.

I am sorry that I still don't know

how to say it in Turkish:

"Kuzucuk".

I know this word means

"Little lamb".

You are from Istanbul,

I am from Budapest.

Past capitols of

past empires.

It is on your identity card:

Muslim.

I don't believe in God,

but I like it when you say:

"Inshallah".

Father, I haven't seen you for long.

Long time no see.

Do you hear me?

You have been dead for 35 years.

You left before the dictatorship ended,

before telling about

how to catch the rhythm of a hug,

but you told me many times:

The strongest is one

who can win against

herself/himself.

May this sentence of yours

find its way

like American slaves

escaping to the north

via the underground railroad,

like Paul Robeson's slavesong

over the Atlantic Ocean

and through the Cold War

to communist Hungary

with your voice:

„Old Man River”

Viktor, I haven't seen you for long.

long time no see.

You are the prime minister,

I am the slam poetry champion.

We both represent the Hungarians.

Our slam community

is a bit more democratic

than your party,

You've got power,

too much,

we've got words,

in endless numbers,

they reach you too,

I have known you for a long time,

we go way back.

Do you remember
what I asked you
before sleeping
in the Bibó dormitory
of our law school?

What will happen,
if we manage to create democracy,
but someone gets
too much power again?

You said: No way,
we foreclose it
with strong safeguards
for democracy.

But what if someone still gets
too much power again? - I asked.
If someone gets too much power again,
that person would have to fight with me , - you
responded.

Viktor, I haven't seen you for long.
long time no see.

Do you know the person
who still got too much power?
Can you talk to him?
Are you strong enough
to win against him?

If you are the strongest,
in the way my father said it,
you can win against yourself.
You can do it.

Like the African-American girl
who slammed this in New York,
in the Bluestockings Bookstore,
right below Houston street:

"I can do anything with an unlimited subway card!"

Viktor, would you exchange
your power for the freedom
of this slammer?

Viktor, now, honestly,
would you rather be
an African-American slammer girl,
or a Turkish Muslim girl?

Would you be a student of the Central European
University?

Viktor, do you hear me?
Do they show you this slam?
Do you have three minutes
in your velvet prison?

Viktor, words are like bridges,
words are bridges,
come with me,
I bring you back,
back among the slammers,
back among the people.



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Photographer Hans Jørgen Brun. Illustration photos: Istockphoto.com

Summary and recommendations

The findings we have made from the 15 locations we have covered in this report may be summed up as follows:

1. The general working conditions for Rafto Laureates and associated human rights defenders have become significantly more difficult over the last two to three years, almost without exception.
2. The increasing difficulties encountered mostly derive from bolder, more sophisticated, and more aggressive obstruction and persecution by state authorities as well as non-state actors, negatively affecting human rights work in the following ways:
 - a. States abuse vaguely worded legislation to constrain the freedom of expression for human rights defenders, typically legislation ostensibly addressing threats to the security of the state, or support for organizations working to subvert the state, or dissemination of fake news or statements that may harm the reputation of the state or office holders.
 - b. Surveillance, harassment, interrogation, detention, disappearance, and murder are increasingly used as tools both by states and by non-state actors to stress and discourage human rights defenders from doing their work. The impunity for actors making use of these oppressive tools produces an environment where such violations are recurring and accumulating to create overwhelming pressure on many activists.
 - c. Funding by partners in other countries is increasingly constrained, and the reception of such funding punished in different ways, for example by denying civil society organizations the right to

registration, requiring cumbersome reporting, or branding the recipient as the servant of foreign governments or terror organizations.

Our observations from the countries we follow match the systematic measures of decline in the rule of law (See Appendix 2) and democracy (see Appendix 3).

3. These developments often, and increasingly, go hand in hand with aggressive defamation of human rights defenders in mass media and social media, which are, in many places, increasingly dominated by populist formats which work in tandem with strong political movements and governments. The general deterioration of the freedom of the media is, perhaps, the most striking trend we observe (see Appendix 1).
4. Human rights defenders also suffer sabotage and retaliation for sharing information with diplomatic representatives of other states¹³¹ and for contributing to the human rights work of international organizations, most importantly UN.¹³²

The Covid-19 pandemic has influenced Rafto laureates and their networks in a variety of ways. They have, without exception, perceived it as an added burden. All have noted that the response to the disease has been deficient, discriminatory, and, in some cases, exploited for profit. In other cases, the exceptional circumstances have been exploited by government to expand its powers, to increase control in the streets, or to carry out less free and fair elections than would otherwise have been likely. It nevertheless seems that trends in politics and public

life which originated before and independently of the pandemic have had the most significant impact on the work of our laureates.

All our laureates continue their human rights work, despite deteriorating conditions. Based on our experience, we are nevertheless concerned that the pressure exercised on human rights defenders are close to a breaking point in certain regions. Conditions are difficult in all places where we have partners, and certainly alarming for example in Western Sahara, Bahrain, Kashmir, and given recent developments, also in Russia. We also want to draw attention to regions where political conditions may be approaching thresholds beyond which autocratic developments will be very hard to reverse, with far-reaching consequences. Hungary, Poland, and India seem to be near such thresholds. We are also worried that the combined social, economic, and political pressure on Lebanon may lead to a collapse with dire consequences.

We find that responses to the pandemic have placed many states in a position where there is risk of long-term damage to democratic institutions (see Appendix 4). We also note that there is no obvious correlation between states improving from a fragile state (see Appendix 5) and increased respect for democracy, rule of law, freedom of expression (see Appendixes 1, 2, 3).

A troubling aspect of the general picture we see emerging is that powerful states evade unwelcome attention from the UN. The preliminary investigations produced by human rights defenders, usually with very limited resources and often at high personal risk, are dismissed out of hand by the

suspect perpetrator states. The human rights defenders doing this essential work are all too often subjected to threats, harassment, violence, or imprisonment on charges made in bad faith.

Requests for access to areas where alleged violations have taken place are often denied. Generally, the resources available to the Office of the High Commissioner for Human Rights and Special Procedures appear insufficient to cover the magnitude of their task.

The UN mechanisms work to respond to each of the cases submitted to them and have methods of communication for emergencies. Special Rapporteurs and Working Groups also engage in public advocacy when governments do not respond to their communications, and the statements they share are important because they are heard internationally and recognize the work of human rights defenders in their countries.

On 29 June 2021, the Rafto Foundation organized a meeting between members of the UN Working Group on Arbitrary Detention and Rafto laureates. The recommendations below are partly informed by this meeting.

The Working Group members commended the laureates and confirmed the general impressions communicated by them that the circumstances for human rights defenders have become increasingly painful and unjust. A working group member emphasized that “there is nothing the UN can do to make an impact in the world without the commitment and spirit of human rights defenders who keep this fight alive.” Another member declared that the 25th anniversary of the UN Declaration on

Human Rights Defenders should be an occasion to highlight cases. Of the 92 UN Working Group on Arbitrary Detention opinions in 2020, nearly 30% concerned human rights defenders.

Laureates confirmed that the attention to testimony by the Special Procedures is of value for human rights defenders, but they also emphasized that the support is much more significant when public statements are made, and the more attention is secured for such statements, the more significant such support becomes. The value of public statements is largely that complaints are heard internationally by perpetrators and allies alike, but they also give recognition of the work done by the human rights defenders who provide the material.

Based on our findings and consultations we provide the following recommendations for the UN and member states:

1. UN member states should not create rules or allow practices that prevent human rights defenders from approaching UN mechanisms directly.
2. UN member states should not create rules or allow practices of reprisals for testimonies provided for UN mechanisms.
3. UN member states should not refuse country visits by UN delegations.
4. The Office of the High Commissioner for Human Rights and Special Procedures should disseminate opinions to independent media internationally and in relevant member states, as they have little effect when only communicated to the member state government or only announced publicly through the UN website.
5. The Office of the High Commissioner for Human Rights should publish a list of governments that have failed to respond properly to UN communications, including actions undertaken to prevent or punish contributions made by human rights defenders to UN mechanisms and avoidance of scrutiny by visiting UN delegations. This list should also be disseminated to independent media internationally and in relevant member states.
6. The Office of the High Commissioner for Human Rights and Special Procedures should make every effort to visit affected countries to gain a better understanding of their deteriorating human rights situation. Visits will also draw attention to these situations, provide recognition of human rights defenders contributing to their investigations, and, possibly, provide protection for them as a byproduct of such recognition.
7. Staff at the Office of the High Commissioner for Human Rights assisting the Special Procedures should be kept in their post over longer periods, to secure a more continuous accumulation of knowledge of the situation in different regions. The relatively high turnover of people in the organization slows down the progress of cases.
8. The Office of the High Commissioner for Human Rights should improve technical means so that submissions can be made online in a secure manner.
9. UN member states should substantially increase the funding available for the Office of the High Commissioner for Human Rights and Special Procedures.

Appendix 1

— World Press Freedom Index

<https://rsf.org/en/ranking>

The index measures 1. Pluralism of opinions represented in the media; 2. Independence of political, governmental, business and religious sources of power and influence; 3. Environment and self-censorship; 4. Legislative framework governing news and information activities; 5. Transparency of the institutions and procedures that affect the production of news and information; 6. Quality of the infrastructure that supports the production of news and information; 7. Abuses and acts of violence against journalists and media.

Trends are calculated by Rafto.

Prize year	Country	World Press Freedom Index 2014 (Collected 2013)	World Press Freedom Index 2019 (2018)	World Press Freedom Index 2021 (2020)	Press freedom 2 year trend % +/-	Press freedom 7 year trend % +/-
2018	Poland	11,03	28,89	28,84	0,17	-161,47
2012	Nigeria	23,24	36,50	39,69	-8,74	-70,78
2015	Honduras	37,14	48,53	49,35	-1,69	-32,88
2011	Uganda	33,29	39,42	41,19	-4,49	-23,73
2016	Iraq	45,44	52,60	55,57	-5,65	-22,29
1989	Hungary	26,73	30,44	31,76	-4,34	-18,82
2007	India	40,34	45,67	46,56	-1,95	-15,42
2014	Russia	42,78	50,31	48,71	3,18	-13,86
2002	Morocco	39,72	43,98	43,94	0,09	-10,62
2019	Lebanon	31,89	32,44	34,93	-7,68	-9,53
2008	DR Congo	44,64	51,71	48,59	6,03	-8,85
2020	Egypt	51,89	56,47	56,17	0,53	-8,25
2013	Bahrain	58,26	61,31	61,10	0,34	-4,87
2010	Mexico	45,04	46,78	46,71	0,15	-3,71
2001	Iran	72,29	64,41	72,70	-12,87	-0,57

Appendix 2 – World Justice Project Fundamental Rights Index

<https://worldjusticeproject.org/sites/default/files/documents/WJP-INDEX-21.pdf>

The Fundamental Rights Index measures 1. Equal treatment and absence of discrimination with respect to public services, employment, court proceedings, and the justice system; 2. The right to life and security of the person, whether the police inflict physical harm upon suspects, whether dissidents or media are subjected to unreasonable searches, arrest, detention, threats, violence; 3. Due process of the law and rights of the accused, including the presumption of innocence and the freedom from arbitrary arrest and unreasonable pre-trial detention, access to challenge evidence, abusive treatment, and provision of adequate legal assistance; 4. Freedom of opinion and expression, independent media, free civil society organizations; 5. Freedom of belief and religion; 6. Freedom from arbitrary interference with privacy; 7. Freedom of assembly and association; 8 Fundamental labor rights.

The trend is calculated by Rafto.

Prize year	Country	WJP Rule of Law Index Fundamental rights 2019	WJP Rule of Law Index Fundamental rights 2021	Two-year trend % +/-
2020	Egypt	0,29	0,24	-17,24
2001	Iran	0,25	0,22	-12,00
2019	Lebanon	0,52	0,47	-9,62
2010	Mexico	0,54	0,49	-9,26
2018	Poland	0,66	0,61	-7,58
2007	India	0,53	0,49	-7,55
2014	Russia	0,45	0,42	-6,67
2002	Morocco	0,46	0,43	-6,52
2012	Nigeria	0,46	0,43	-6,52
2011	Uganda	0,38	0,36	-5,26

Appendix 3 – Economist Democracy Index

<https://www.economist.com/graphic-detail/2021/02/02/global-democracy-has-a-very-bad-year>

The Democracy Index evaluates 1. Electoral processes and pluralism, 2. Functioning of government, 3. Political participation, 4. Political culture, 5. Civil liberties.

Trends are calculated by Rafto.

Prize year	Country	Economist Democracy Index 2013	Economist Democracy Index 2018)	Economist Democracy Index 2020	Democracy 2 year trend % +/-	Democracy 7 year trend % +/-
2008	DR Congo	1,83	1,49	1,13	-24,16	-38,25
2019	Lebanon	5,05	4,63	4,16	-10,15	-17,62
1999	Belarus	3,04	3,13	2,59	-17,25	-14,80
2007	India	7,69	7,23	6,61	-8,58	-14,04
2013	Bahrain	2,87	2,71	2,49	-8,12	-13,24
2010	Mexico	6,91	6,19	6,07	-1,94	-12,16
2016	Iraq	4,10	4,06	3,62	-10,84	-11,71
2020	Egypt	3,27	3,36	2,93	-12,80	-10,40
2015	Honduras	5,84	5,63	5,36	-4,80	-8,22
2014	Russia	3,59	2,94	3,31	12,59	-7,80
1989	Hungary	6,96	6,63	6,56	-1,06	-5,75
2011	Uganda	5,22	5,20	4,94	-5,00	-5,36
2018	Poland	7,12	6,67	6,85	2,70	-3,79
2012	Nigeria	3,77	4,44	4,10	-7,66	8,75
2001	Iran	1,98	2,45	2,20	-10,20	11,11
2002	Morocco	4,07	4,99	5,04	1,00	23,83

Appendix 4 — V-dem Pandemic Backsliding

<https://www.v-dem.net/pandem.html>

The Pandemic Backsliding Index reflects the extent to which state responses to Covid-19 violate democratic standards for emergency responses and pose an increased risk to the overall quality of democracy within the country.

Prize year	Country	V-dem Pandemic Backsliding March 2020 - June 2021	V-dem Pandemic Backsliding Overall increased risk to democracy March 2020 - June 2021
2007	India	Major violations	High risk
2010	Mexico	Major violations	High risk
2011	Uganda	Major violations	High risk
2001	Iran	Major violations	Moderate risk
2018	Poland	Major violations	Moderate risk
2020	Egypt	Major violations	Moderate risk
1989	Hungary	Moderate violations	Moderate risk
2002	Morocco	Moderate violations	Moderate risk
2008	DR Congo	Moderate violations	Moderate risk
2012	Nigeria	Moderate violations	Moderate risk
2014	Russia	Moderate violations	Moderate risk
2015	Honduras	Moderate violations	Moderate risk
2016	Iraq	Moderate violations	Moderate risk
2019	Lebanon	Moderate violations	Moderate risk

Appendix 5 – Fragile States Index

<https://fragilestatesindex.org/>

The index measures cohesion as indicated by the security apparatus, the factionalization of elites, and group grievances. Economic factors are considered as indicated by decline, uneven development, human flight and brain-drain. Political factors are considered by estimation of state legitimacy, public services, human rights and rule of law. Finally, social indicators such as demographic pressures, refugees and internally displaced persons, and external intervention are also considered.

Trends are calculated by Rafto.

Prize year	Country	Fragility Score 2014	Fragility Score 2019	Fragility Score 2021	Fragility status 2021	2- year trend	7-year trend
2016	Iraq	102,2	99,1	96,2	Alert	2,87	6,13
2020	Egypt	91	88,4	85	Warning	3,01	5,46
2011	Uganda	96	95,3	92,9	Alert	2,29	2,98
2001	Iran	87,2	83	84,5	Warning	-1,25	2,35
2014	Russia	76,5	74,7	73,6	Warning	0,82	2,22
2002	Morocco	74,4	73	71,5	Warning	1,10	2,16
2008	DR Congo	110,2	110,2	108,4	Alert	1,98	1,98
2012	Nigeria	99,7	98,5	98	Alert	0,49	1,69
2010	Mexico	71,1	69,7	69,9	Warning	-0,14	0,85
2007	India	76,9	74,4	77	Warning	-1,93	-0,08
2018	Poland	42,1	42,8	43,1	Stable	-0,13	-0,42
2015	Honduras	77,9	77,8	79,4	Warning	-1,24	-1,17
1989	Hungary	48,3	49,6	51,1	Stable	-0,74	-1,35
2019	Lebanon	86,9	85	89	Alert	-3,40	-1,82

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