

Frontline

Steps to Protection

The 2nd Dublin Platform for Human Rights Defenders

**10 September 2003, Workshop 1, Working Group A – Working with the ICC
Chair: Andrew Anderson Rapporteur: James Kingston**

The workshop discussion was based on the presentation delivered by Judge Maureen Clark (in the plenary) and the presentation delivered (in the workshop) by Alioune Tine.

Discussion revealed a pre-existing degree of awareness of the existence of the ICC and the crimes within its jurisdiction (genocide, war crimes and crimes against humanity).

Participants had generally been unaware of, and were somewhat confused about, the temporal and territorial limits on the ICC's competence.

Knowledge of these limits was a cause of concern and frustration for participants.

Practical examples of impunity were given by most speakers:

Speakers from states which have not ratified the ICC Statute (India, Kyrgyzstan, Russia, Bahrain, Yemen) instanced cases of mass human rights violations in their countries – eg – genocide/ethnic cleansing of non-Hindus in India, imprisonment of political prisoners in Turkmenistan, ethnic cleansing in China, violence in Chechnya, gender based discrimination in the Gulf. The lack of recourse to the ICC or other effective mechanisms for the protection of human rights has led to a situation of impunity. The US fight against terrorism has led to its support for repressive and massively corrupt regimes, eg in Central Asia.

Speakers from states which have ratified the Statute (DRC and Colombia) also pointed out that notwithstanding ratification impunity remained a problem. The speaker from DRC spoke of human rights violators being supported in leadership roles by the UN and suggested that impunity for mass human rights violations led previously peaceful groupings to regard recourse to violence as a legitimate political strategy. The speaker from Colombia spoke of continuing human rights violations (disappearances and intimidation), the passing of an amnesty law for the benefit of human rights violators (allegedly as part of the peace process) and his government's signing of a non-surrender agreement with the US.

Suggested ways to combat impunity included:

Improving knowledge of the ICC by increased dissemination of information and documentation on the ICC and networking between NGOs (including through the CICC, the existence of which appeared to be unknown to most participants).

Campaigning by HRDs within their own countries for ratification (as appropriate) and implementation of the ICC Statute.

Campaigning by western NGOs, parliamentarians and government in favour of the above.

Pressurising the international community to bring human rights violators to justice.

Providing information and evidence to the ICC Prosecutor.

Convening of people's tribunals to try alleged human rights violations.

Making linkages between peace and security, on the one hand, and justice, on the other (to combat the view that there was a need to compromise on the latter to gain the former).

Reforming the ICC Statute (to remove limits on its competence).

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**11 September 2003, Workshop 2, Working Group A – Working for ESC Rights
Chair: Kieran Mulvey Rapporteur: James Kingston**

The workshop discussion was based on the presentations delivered in the plenary by Donncha O’Connell (on behalf of Karen Kenny) introducing the topic, by James Mehigan in relation to the ESC Rights Manual, by Pierre Sané on UNESCO’s anti-poverty strategy and on case-studies also presented in the plenary. Participants were asked to provide practical suggestions to enable Frontline to develop its work in this area.

There was general agreement amongst participants that ESC rights and the concept of indivisibility were highly relevant and important. The speaker from Belarus was of the view that ESC rights were seen by “ordinary people” as more immediately relevant to their own situations than CP rights such as freedom of expression. She instanced a successful mobilisation of the public in Belarus against a Presidential decree providing for expropriation of private property without court sanction on the basis that the decree violated the rights to a home and to property.

Several problems were identified:

The speaker from Syria pointed to discrimination against women, eg with respect to inheritance of land, being justified with reference to traditional and religious mores.

Several speakers instanced problems of corruption within government, which included misuse of international aid (Central Asia) and improperly handled privatisations (Colombia).

The speaker from Colombia pointed to a misallocation of resources by government, with some 70% of the national budget being spent on defence/security.

Increased emphasis on the fight against terrorism was seen as leading western governments to turn a blind eye to corruption and human rights abuses (eg in Central Asia). HRDs working in the field of ESC rights were also classified as terrorists (Colombia).

International organisations, including the IMF, the World Bank and the EBRD were seen as turning a blind eye or being indifferent to corruption (Central Asia).

Several speakers also spoke of rights violations by multinational enterprises, which were also involved in corruption.

A number of ways of realising ESC rights were mooted:

Speakers agreed with Pierre Sané that the fight against poverty was essential.

The speaker from India suggested a specific focus on women and poverty and the rights of migrant workers. In particular, she suggested that the ILO improve lines of communications with HRDs in order to assess compliance by governments with relevant international standards for the protection of migrant workers.

Speakers saw a need for increased democratisation and transparency within states as essential to the fight against abuse of ESC rights.

Increased consultation of civil society in relation to development was seen as necessary to ensure that that development was sustainable and benefited local populations.

International organisation, donor and other second governments and NGOs from developed countries were seen as essential in this fight also – to monitor the spending of aid and to control the activities of multinational enterprises.

The speaker from Syria felt that while international pressure on her government would be useful, pressure from the US would be counter-productive.

Frontline was called on to identify means of improving international monitoring mechanisms.

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**12 September 2003, Workshop 3, Working Group A – Coping with surveillance, electronic communications and security/practical security measures for HRDs
Chair: Andrew Anderson Rapporteur: James Kingston**

The workshop focussed on the presentation on information technology, electronic communications and security by Robert Guerra, who acted as resource person at the workshop, and José Cruz. Issues were explored via questions put by participants to Robert.

Speakers saw the workshop as very relevant and it was apparent that many HRDs were in need of simple solutions (many of which were identified) to day-to-day problems relating to maintaining the integrity of their technological resources.

HRDs faced not only problems shared by all users of information technology, such as viruses and spamming, but specific targeting by governments and other actors determined to undermine their work.

Problems faced by HRDs included interception of e-mails, reading of computer files, deletion/distortion of information on web-sites and being notified as “spammers” to service providers.

Suggested specific solutions included using different service providers for e-mails, web-sites and internet, using service providers outside one’s own country and storing information with trusted third parties outside the country.

More generally, training of HRDs from different countries by ICT experts so as to facilitate the dissemination of know-how within those countries was seen as essential in the continuing struggle to protect the security of their technological resources.

Robert suggested that participants add themselves to his mailing list to receive further information on the work of Privaterra.