



## **PRESIDENT'S OPENING REMARKS AT THE DEFEND DEFENDERS WORKSHOP OF CLAIMING SPACES "TACTICAL TOOLS FOR HUMAN RIGHTS DEFENDERS"**

Good morning to you Ladies and Gentlemen!

As I sat to jolt down a few points for my remarks today, I critically looked for the meaning of a human rights defender. And as simple as that 3 worded phrase may sound, one can quickly come to the realization that a human rights defender is me as well as that other person out there, or even those in this room presently. My point here being that everyone is a human rights defender in their own right as long as they are fighting against something that defies the very nature and morality of humanity. The difference is drawn amongst the many because some of the special people, such as the ones before whom I stand today, go out of their way to make it their specific business and goal to ensure that the black lines in our statute books are experienced to their fullest by all persons in a society. To me, I would like to believe this is who a human rights defender. In fact, this is the very essence of celebrating you for such a selfless effort made to ensure the good for others.

I am honored to be a part of this event today, and I would like to thank Defenddefenders for identifying such a pertinent issue and making ways to pursue solutions for the protection of human rights defenders. We are gathered here today in cognizance of the challenges faced by the brave men and women who protect the same human rights we so cherish. It is a realistic sad story that we live daily whereby we experience innocent fighters having their very rights violated. Personally, our Bar association has had to battle with law enforcement on this similar issue regarding the rights of lawyers vis a vis defending their clients rights. Several of our members have been arrested in a bid to frustrate their search for justice while others are incarcerated for pointing out where human rights violation is prevalent. I believe this is something most of those before me today have experienced.

In brief, one of the most pertinent issues I believe is lack of a fallback position for most of the defenders. This being to the effect that most of them have limited resources as to who to turn to in the time of crisis. This is

either brought about limited information about these alternatives or their unavailability. For instance, as the ULS Council we took it upon ourselves to create a hotline for advocates because of the risk they were exposed to. However, this was not previously available as such and most of them were facing the wrath. The other very critical issue which is interlinked with this first one is the lack of an express statute to back up these fighters which leaves them essentially legally naked to violations of every nature. In Uganda, for instance we now have the Human Rights Enforcement Act, 2019 which tries to tackle this issue though in an indirect manner. A question can then be posed what used to happen before this statute came into force, which can clearly show the aching grief the human rights defenders have been facing to push for just causes. This law coupled with the Chapter 4 of our Constitution, I believe can do wonders but more statutes need to empower our fellow fighters to have a clear stand on issues.

However, in the same spirit I would like to stand here and assure each and every one of us that this is not an isolated fight we're in. Internationally, steps have been taken to ensure protection of this pertinent work. Take for instance; - The United Nations has created several instruments that are essential for the work of human rights defenders. Among these is the Universal Declaration of Human Rights, of which **Articles 19, 20 and 28** which refer to freedom of opinion and speech, the right of peaceful assembly and association and the right to an established social and international order in which these rights and freedoms are fully effective. In 1998 under Resolution 53/144, the General Assembly of the United Nations adopted the **Declaration on the right and responsibility of individuals, groups and organs of society to promote and protect universally recognized human rights and fundamental freedoms**<sup>2</sup>, known as the Declaration on Human Rights Defenders. In 2000 Resolution **E/CN.4/RES/2000/61**<sup>82</sup> led to the creation of the post of **Special Representative for Human Rights Defenders** part of whose mandate is seeking, receiving, examining and responding to information on the situation and rights of those who acting individually or in association with others seek to promote and protect human rights and fundamental freedoms; establishing cooperation and conducting a dialogue with governments and other interested stakeholders on the promotion and effective implementation of the declaration; recommending effective strategies to better protect human rights defenders and following up on these recommendations."

Courts have made stand on this such as the case of **Nogueira de Carvalho and others vs Brazil**. Ruling of 28 November 2006 where it held that, "It

is the duty of the state to enable human rights defenders to engage freely in their activities, protect them when under threat from attempts to kill or injure them, refrain from creating obstacles to their work, and thoroughly investigate violations of their rights and fight against impunity.”

On a continental level, The **African Charter on Human and Peoples’ rights** authorizes individuals and NGOs to make complaints about human rights violations and **Article 56** of the Charter establishes the conditions for doing so. **The African Commission on Human Rights** (set up by the Organization of African Unity which is now the African Union - AU) confirmed in the **Grand Bay Declaration** (1999) the importance of the declaration on human rights defenders approved the previous year by the UN, and called upon African states to implement the declaration in Africa. In 2003, the Commission issued the **Kigali Declaration** in which it wholeheartedly supported the role of human rights defenders and the need for their protection. By 2004, the African Commission had adopted its first **Resolution on the Protection of African Human Rights Defenders** which introduced the post of a **Special Rapporteur for Human Rights Defenders in Africa**, answerable to the Commission. In **May 2009**, following the **Pan-African Conference on Human Rights Defenders** in Kampala, the **Kampala Plan of Action (KAPA)** for the protection of human rights defenders was launched and introduced the main objectives of KAPA, which include greater cooperation between African networks of human rights defenders, improving training in the use of African and international protection mechanisms, security, lobbying, fundraising, gender and sexual orientation issues and encouraging states, intergovernmental organizations and NGOs to respond to the needs of human rights defenders for protection.

In conclusion therefore, I believe that if we’re looking for tactical tools for defenders as is our theme today, I am confident that they lay before us and all that is needed to be done is channeling our efforts to ensure that we experience the similar protection we often want to see others enjoy. I therefore applaud Defenddefenders for such a thoughtful and future visioned initiative that will see more given back to society.

**In the words of Desmond Tutu, “It means a great deal to those who are oppressed to know that they are not alone. Never let anyone tell you that what you are doing is insignificant.” I would like to wish you all a fantastic International Human Rights Day in advance and wish the best of deliberations. Thank you.**

**PHEONA WALL**

**PRESIDENT**