

# ▶ EIDHR TECHNICAL FORUM Report

▶ June 2011



**Equal in rights worldwide**  
EUROPEAN INSTRUMENT FOR DEMOCRACY AND HUMAN RIGHTS



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# ▶ **1 Introduction**

*“Build bridges, be concrete and useful.”*

*Aristotelis Bouratsis, EC*

► At the invitation of the European Commission, around 250 participants assembled in Brussels on the 14th and 15th of June 2011 for a unique get together aimed at providing a platform for an interactive exchange of information between Civil Society Organisations (CSOs) beneficiaries of the European Instrument for Democracy and Human Rights (EIDHR) funding and the EIDHR management team, on subjects and issues related to Human rights and Human rights projects' management.

The Forum brought together representatives from CSO and International Organisations active in the fields of Democracy and Human Rights from all over the world.

► The EIDHR Technical Forum was divided into plenary sessions with key note speakers and five (5) workshops on different themes.

Introduction and welcome speeches were pronounced by Mr Aristotelis Bouratsis, European Commission (EC), Director for Human and Society Development, Ms Heidi Hautala, Member of the European Parliament (MEP), President of the Subcommittee on Human Rights, Mr Edward Mc. Milan-Scott, MEP, Vice-President of the Subcommittee on Human Rights, Ms Véronique Arnault, European External Action Service, and Ms Li, from a Non-Governmental Organisation (NGO).

The plenary session of the first day was concluded by the presentation of the topic: "Delivering EC projects: 10 key operational constraints" by Mr Jean-Louis Ville, EC Head of Unit Governance, Democracy, Gender, and Human Rights, and it was followed by

four (4) parallel working sessions on project implementation.

Four (4) restricted meetings were held with a focus on different parts of the world: Ethiopia/Eritrea, Libya and China, as well as on Human Rights Defenders and actions in most difficult areas.

Five (5) parallel working sessions were organised on the second day of the Forum, for discussion of operational bottlenecks and good practices, lessons learnt in project implementation and field realities. The topics of the five parallel workshops were:

1. Human rights defenders and Working in sensitive situations
2. Fighting discriminations
3. Fight against the death penalty
4. Supporting democracy outside the EU
5. The fight against torture and ill treatment

The closing session of the Forum was chaired by Mr Aristotelis Bouratsis, EC, Director for Human and Society Development. Presentations were made by Mr Richard Howitt, MEP, member of the Subcommittee on Human Rights, Dr. Kimmo Kiljunen, Office for Democratic Institutions and Human Rights (OSCE) Parliamentary Special Representative for Central Asia, and Mr Cesar Grajales, Diakonia Colombia.

The present report summarises the proceedings of the Forum, in particular of the workshop sessions that took place on the second day of the event, and provides an abbreviated content of the sessions.



## ▶ 2 Plenary Sessions

## ► 2 Plenary Sessions

### ► 2.1 Introduction and Welcome

Tuesday 14 June, 10:00 - 11:00

#### Speakers

**Mr Aristotelis Bouratsis**, EC Director for Human and Society Development

**Mr Edward Mc. Millan-Scott**, MEP, Vice- President of the Subcommittee on Human Rights

**Ms Véronique Arnault**, European External Action Service

**Ms Li**, NGO

**Ms Heidi Hautala**, MEP, President of the Subcommittee on Human Rights

#### **Mr Aristotelis Bouratsis**

Introduced the Vice President from the European Parliament, Mr Edward Mc Millan-Scott, MEP since 1984; founder of European Democracy Initiative in 1992, which in 1999 became EIDHR.

#### **Mr Edward Mc. Millan-Scott**

Mr Edward Mc. Millan-Scott made a tribute to Ms Véronique Arnault and Mr Aristotelis Bouratsis for renewed vigour, ambition and scope of the EIDHR, which is an instrument operational under the control of the European Commission, but closely monitored by the European Parliament (EP).

He pointed out that in a changing world, democracy and human rights are more important than ever. Progress is limited, whilst much effort is to be done, in ways which are still to be determined. Mr Edward Mc. Millan-Scott's key message was that especially in the Arab world, we can see the appetite for freedom, particularly among young people. Also in China. Closer to Europe, Belarus is a challenge. We need to find ways to get into countries like this and find the reformers. We need to be ambitious for democracy and human rights.

#### **Ms Véronique Arnault**

The Lisbon Treaty gives a clear reaffirmation of the place of human rights in external policy. We must abide by the charter of the United Nations (UN) and progress with each country to make a difference for individuals.

The EIDHR tools, which are put in place for promoting the

objectives of the initiative includes:

- The EU Guidelines;
- Dialogue and consultation (diplomatic tools);
- Agreements with human rights clauses in them;
- Trade tools (system of preference for countries with human rights policies).

The EIDHR was born from the will of the EP. EIDHR projects are not implemented only in developing countries; they take place everywhere, including in the United States of America (USA) and Japan. EIDHR must act as a complement for democracy support.

However, only 10% of causes are financed; there is a lot of potential to do more. The financial crisis in Europe leads to limitations also in the EIDHR budget. Sustaining EIDHR is a great financial challenge, which must be defended and improved.

#### **Mr Aristotelis Bouratsis**

Reminded to the participants that this forum is on camera; however there are no journalists present and no outside publicity. Photographers are internal.

#### **Ms Li**

The EIDHR supports people who are working in dangerous conditions, and undergo personal sacrifices. Despite the different contexts in which the work is performed, there is a shared goal: to enhance the respect for human rights and human freedoms.

China is one of the few remaining countries with a dictatorship. The Arab Spring brought much hope. Sooner or later repressive governments are ousted. The anniversary of Tiananmen reminds us that the popular demand for human rights remains strong, despite government oppression. Since 1989 China has become an economic powerhouse and people are coming out of poverty. But the gap between rich and poor is expanding, and there is still no independent judiciary. Civil liberties are denied through the use of the death penalty, torture, disappearances and the oppression of ethnic and religious minorities. Human rights defenders are severely targeted.

International pressure can make a big difference. Targeted sanctions increase the cost to repressive governments. We should not give up public pressure for closed-door dialogues. Government-to-government discussions appease but do not change anything; they remove the spotlight. Pressure should be consistent – even against big powers – with no double standards. International pressure creates space for local activists to know they don't stand alone. Quiet diplomacy must be coupled with public pressure.

## ► 2 Plenary Sessions

It is said that rising economic liberalisation will lead to freedom, but thirty years of it has not changed China. There are 90,000 annual protests against corruption. China is using its economic clout to take the teeth out of the international human rights system. This model of economic development at the expense of human rights is expanding to other developing nations. How far will the EU pursue economic interests at the expense of human rights?

### Ms Heidi Hautala

Our joint mission is to make human rights part of all EU external actions.

Development assistance funds can feed authoritarian regimes. We should not sign any agreements without the inclusion of human rights' protection clauses.

The EIDHR needs to be better equipped to respond to urgent situations. We are therefore looking forward for better coordination between the various available instruments (EU, UN, civil societies). We do not want to duplicate work but coordinate and strengthen the support provided.

The EU is now examining why it supported North African dictators. It is possible to turn self-criticism and evaluation into positive steps.

### Mr Aristotelis Bouratsis

We must ensure that words are not theory but reality. Sometimes we face bitter defeats, sometimes victories. The Commission is proud to be there with the EIDHR.



2011 is a difficult year of conflicts and human rights' atrocities, of homophobia becoming the rule of law and lack of free press. But we must be optimistic and not forget the Arab youth. The EIDHR success is demonstrated by the 1276 on-going operations, the €150 million disbursed, and an important number of tangible results.

The main future challenge is to succeed being pragmatic and practical. Reviewing instruments must remain an independent and focused task. The aim of this event is to be a constructive and practical forum, to build bridges, to be concrete and useful. The necessary skills and competences are here in this room.

## ► 2 Plenary Sessions

### ► 2.2 Closing session

Wednesday 15 June 2011, 15:00 – 16:00

*Introduction by Mr Aristotelis Bouratsis, EC Director for Human and Society Development*

#### Speakers

**Dr. Kimmo Kiljunen**, OSCE Parliamentary Special Representative for Central Asia

**Mr Richard Howitt**, Vice president of the subcommittee on human rights

**Mr Cesar Grajales**, Diakonia Colombia

**Dr. Kimmo Kiljunen** referred to democracy. He stressed that policy legitimization depends on the means by which it is applied, and to differentiate between forced and democratic power in terms of legitimacy. China is a typical example of People's Democratic Dictatorship, which fails to legitimise the power deriving from the political system itself.

In a democratic system, the answer to the questions what is democracy and how to use political power comes from key concepts/practices such as elections, debates, and critics. This would lead to pluralism and multi-structure societies which respect minorities. On the other hand, when societies with monistic power systems tend to pluralism, they are characterized by a strong leader. Obviously the most efficient system is benevolent dictatorship. However, a democratic system needs opposition, ways of encompassing different/alternative powers. Legitimate opposition is the key to democratic civil society.

Dr. Kimmo Kiljunen concluded that the idea is to reconcile the minority as it happened for example with the Uzbeks in Kirghizstan. A society must always be able to challenge those who have the power.

*„In democracy, you cannot force people to happiness.“*

*Kimmo Kiljunen, OSCE*

**Mr Richard Howitt** referred to the fact that the EP is a strong advocate of HR, that the EU should support democracy, and that there is an on-going structured dialogue on HR with the EU.

The EP always defends HR projects, as in the case of Uganda where the EP feels parental to the EU project. The EP always supports HR, even in the most difficult times. Members of the EP participate in delegations pressing very hard for Human Rights. Any group discriminated against must enjoy human rights, even

in Europe.

The EP has always to say something to the world, including the US, on suppressing the death penalty. Also in the fight against torture, an issue with complicity of EU states (CIA flights). The EP will not compromise, and it is ourselves whom we criticize first.

Mr Richard Howitt expressed the EP's solidarity to the people in the forum, who have come from countries where there is violation of HR, and assured that the EP we will not stop here, but will continue to help people when and where needed. As Europe does not want to play safe, the EP believes that respect for human rights in the world will be achieved. The EP supports the work of the International Tribunal and the UN. Additionally, the EP continues work to extend democracy and to have a pluralistic society, where everyone is free to speak out without fear.

Mr Richard Howitt concluded with the assurance that the EP pays tribute to what EIDHR can do, and promised to provide support, and to continue to speak.

**Mr Cesar Grajales**, representing Diakonia, an organization with presence in 7 Latin American countries, pinpointed the situation in Colombia by making reference to the story of Ms Cordoba, who was found dead, after having denounced the police for the murder of her daughter. He continued by stating how dangerous the situation is in Colombia, a country with the third highest rate of attacks on HR advocates and in other Latin American Countries: In Paraguay, the farmers displaced Afro-descendants. In Mexico, there have been attacks against the defenders of human rights. In Brazil, environmental advocates have been murdered. These are four particularly serious cases identified throughout Latin America. There are numerous instances across Latin America where human rights are violated, either by people displacements, attacks, even deaths. In Colombia there is also the issue of threats against children, sexual abuse of women, children and even men.

Although the political context regarding HR has changed by showing a kinder face, it is only a mask, covering the truth. The Government is at the very early stages of dealing with human rights, however, the dialogue between the Colombian government and the HR organizations has been broken. These organizations have made proposals but have never been heard.

All UN requests and recommendations, in the period 2007 through 2009, to the Colombian government have never been heard. In 2009-2010, the dialogue took place but was recently suspended. HR advocates face more and more attacks and threats.

Dialogue is very important as there is currently a lot of tension. The vision is to gain the support of the international community. Most of HRD achievements are due to the observation, monitoring of the international community, without which the situation would

## ► 2 Plenary Sessions

be even more difficult.

Cooperation with the EU is important, and so are the funds provided. But more important is the political support.

People are like little lights, like stars in the sky. They are capable of illuminating the “darkened” world. Discussions with politicians must continue, and this forum helps a lot to that direction.

### Conclusion

**Mr Aristotelis Bouratsis** has concluded these two days of discussion by thanking all participants for their work and their daily efforts in the fight to defend human rights around the world.

This first edition of the EIDHR Forum voluntarily decided to address very specific issues only, restrained the field of discussions to essentials and expanded the audience to beneficiaries of EIDHR funds, but also to those who almost met the criteria to be selected. For two intensive days, the Albert Hall became a hothouse of debate and innovation as participants, in a spirit of collegiality, candidness and constructive impudence shared their diverse experiences and opinions, identified lessons learned, highlighted challenges and suggested evolutions looking up front towards futures challenges linked with the future of the EIDHR instrument.

Nothing is granted and much work remains to be done but this event ends on a positive note and proves a great success.



*“We will continue to help people when and where they need it.”*  
*Richard Howit, MEP*

## ▶ **3 Ten Key Messages**

# ► 3 Ten Key Messages

## Mr Jean-Louis Ville, EC Head of Unit Governance, Democracy, Gender, and Human Rights

### 1. EU Commission

- Unifying in one department
- External dialogue will continue
- Coordinate with the EU member states, to define and implement programmes and projects

### 2. Format of the Forum

- Not a talk show – pragmatic discussion
- Details discussed in afternoon working sessions
- Helpdesks permanently available to discuss individual projects

Objectives: improve quality and impact of actions; hear operational lessons for improvements

### 3. Procedures

- Set limits and controls, guarantee standards and quality
- The new 2013 package is an opportunity for simplification and to develop more flexibility

### 4. EIDHR specificities

- No country consent needed (don't ask permission, report or inform)
- Need to mainstream human rights – should be a part of ALL projects
- Working with civil society organisations (“CSO”)
- Flexibility measures to be reviewed and evaluated

### 5. Type of activities

Worldwide activities:

- Causes: death penalty, torture, support to direct actors and human rights education
- CSO activities support
- Difficult countries: EIDHR's confidential projects

### 6. Working together

- Common process
- Common responsibility for information and reacting to changes

### 7. Size of projects

1. individual cases
2. limited resources

- small grants (10.000 – 200.000) with large impact
- big, targeted projects (500.000 – 1.000.000)

Budget must fit needs and activities not the other way around. Need more small projects; re-granting proposed to avoid each time new grant applications.

### 8. Length of projects

- Sustainability
- Length of call for proposals

After the end of the project funding the programme should continue on its own (not indefinite funding).

Trying to commit to keeping length of time between launch of call and start of field operations to six months or less.

### 9. Most difficult places (20% of budget)

- Not enough proposals
- A real Human Rights Defenders (HRD) mechanism should be developed but without exposing anyone.
- Perhaps lower ambitions?
- Linked to situation of NGOs – makes implementation difficult

### 10. Resources and competition

- 1/800th of EU budget (EUR 150 million/year)
- Can finance 1 out of 3 projects at headquarters' level and 1 out of 2 in the Delegations
- Need to start lobbying soon for increased funding as the budget for 2014-2020 will come up for discussion soon



## ▶ 4 Workshops

*Wednesday 15 June 2011, 10:00 – 13:30*

# ► 4 Workshops

## ► 4.1 Human Rights Defenders and Working in sensitive situations

*Free Abdulhadi Al- Khawaja. Human Right Defenders (HRD) around the world are physically abused, arbitrarily detained, unjustly condemned, socially marginalized, financially drowned and sometimes murdered. How can projects strengthen individual protection and security of HRDs, and address legislative obstacles that human rights organizations face? How can the EIDHR operations further support to HRDs and local Human Rights (HR) groups?*

*Panellists: Mr Vincent Foret (Frontline), Ms Amy Taylor (Civicus), Ms Li (NGO), Mr Simon Biniam (Radio Erena), Mr Olivier Basille (RSF), Ms Francesca Silvani (Art. 19)*

*Moderator: Mr Alessandro Napoli*

Organizations were asked to report on experiences and best practices and to formulate suggestions and recommendations on ways the EIDHR can improve the effectiveness of its actions in support of human rights defenders and local organizations, in particular in those countries where they are the most under threat.

### Summary of the discussion

#### Emerging challenges and strategies to protect HRDs

HRDs work in different contexts. Protection strategies must be adapted to different situations and to specific individual cases. However, there are some common challenges:

- The methods of repression are more and more sophisticated (job loss, threats to families, discontinuous detentions);
- Increasing role of private entities (criminal organizations, paramilitary militia, etc.; where it is more and more difficult to identify those responsible for the threats);
- Difficult access to quick response instruments for the protection of HRDs (need for training programmes);
- Difficult access to instruments for funding HRDs' protection activities (need for simplification of related procedures);
- Need for non-conventional programmes targeting the psychological condition of the HRDs. The biggest threats to HRDs are harassment, physical violence and detention. Civil society campaigns and networking have social but not political success. Some NGOs, who have multiple on-going human rights projects, are able to extract some important lessons learnt, such as:
  - Networking is insufficient. More needs to be done to ensure that local HRs organizations on the ground have stable links among themselves and among international NGOs and other relevant stakeholders.
  - HRDs have an impact at the social level but less of a policy

impact. There needs to be a reflection on why this impact is limited.

- There is a disconnection between organisations and individual HRDs.

Are there strategies generating best practices? The example of Civicus' programmes such as Civil Society Watch, Civil Society Behind Bars, the Crisis Response Fund, Every Human Has Rights and the Eurasia IDEA network are given. The success of programmes at the political level is still an issue.



It is important for local groups to also put pressure on governments of countries that have a better human rights record in a given region, for instance in the case of Costa Rica in Latin America. More South – South diplomacy is needed.

There are certain categories of HRDs that require particular attention, in particular those defending less “conventional” rights, such as women defenders of sexual and reproductive rights, who are often in particular danger and require more protection. Also, persons defending workers’ rights, defenders of environmental rights or journalists are gravely persecuted in many countries. Protection strategies need to be adapted to their particular circumstances and to the contexts where HRDs work. There is no “one-size-fits-all” recipe.

## ▶ 4 Workshops

It is imperative that more pressure is put on increasing media attention to defenders' plights. In the eyes of an international NGO, media impact is lacking in Europe. Ordinary citizens are unaware of human rights conditions in the countries where they go for holidays, in countries where the items they buy are produced, i.e. clothes, etc. Information to the public is a key factor to promote awareness of HRs issues such as freedom of expression, of association, etc. Media-reaching activities should be systematically included in public campaigns for the protection of HRDs.

An essential topic for the European Commission is to learn how its beneficiary HR organisations work with their local partners to protect HRDs. Examples of actions from the field include the establishment of a system of small grants responding to emergency or crisis situations; the translation of documents such as protection manuals in local languages, the setting-up of emergency numbers where HRDs may call 24/7 in different languages, the provision of funds for medical treatment, or for the payment of legal fees, support for safety and evaluation, etc. Experience shows that focusing HRDs protection actions at community level is the most effective strategy.

In any case, the priority is the protection of people. NGOs should try to meet and coordinate with defenders and organizations working at the front lines to define what the best strategies are for their protection and support. In this respect, EIDHR's flexibility tools should be increasingly used.

### Tools adopted to get around obstacles to local human rights organizations work on the ground and to minimize risks

There is no magic potion. Governments use a variety of legal and other types of tools to obstaculise HRDs' work and circumstances change from one country to the other. However there exist efficient tools, such as the internet and the media, which can be used everywhere. We must adopt a holistic approach that includes interconnected activities such as capacity building, skills training to use mechanisms/ media/ internet, advocacy and campaigning.

One of the most frequent methods repressive authorities use to curtail and obstaculise the work of independent human rights organisations is the criminalisation of HRDs' activities and their penal prosecution. In order to overcome such threats we may adopt approaches, such as avoiding core funding to local organisations, be creative with media, or be conservative and stay away from it, build trust, work with people with credibility, not take religious or political sides, etc.

It was also stressed the importance of facilitating equipment to people who are allowed to travel back and forth, especially in countries where it is particularly difficult to work.

### **Conclusions/Challenges for further action**

- Protection and support strategies in favour of human rights defenders and local human rights organisations need to be adapted to the particular context of a given country.
- Attention should be paid to new threats such as criminalization of HRDs work and the use of technology, i.e. internet, to obstaculise HRs work. The real battle is on the internet, not in traditional places.
- There is a risk of too similar, almost identical actions being implemented by NGOs. More creativity and more flexibility are required and less over-cautiousness.
- While the NGOs need to be more creative and innovative, donors such as the EU need to help through a simplification of procedures.

The EIDHR representatives concluded by engaging in thinking together about the best way of adapting procedures to highly risky and sensitive situations in which EIDHR projects are implemented. In this respect, the EIDHR considers setting-up a comprehensive mechanism for the protection of HRDs which would include a beefed-up small grant capacity for urgent cases, proactive support for projects in the most difficult countries and a consistent system for the temporary relocation of human rights defenders at risk.

# ► 4 Workshops

## ► 4.2 Fighting discriminations

*Yes, we can... except you! People in the world are being denied full enjoyment of their rights and basic services, because of so-called differences. How can EIDHR help further fighting discrimination against targeted or vulnerable groups being women, children, religious or ethnic minorities, LGBT, indigenous peoples or any other kind of discrimination? Which operational leverage should future projects or call for proposal on discrimination target?*

*Panellists: Ms Taniya Cox (Save the Children), Ms Shiva Bhandari (EU Delegation in Nepal), Ms Fabiola Del Jurado (Consejo Nacional de Mujeres Indígenas), Ms Dimitrina Petrova (Equal Rights Trust), Ana Maria Bejar (International HIV/AIDS Alliance)*

*Moderator: Mr Zsolt Bogos*

*During the session four panellists made a presentation to better understand the challenges facing discriminated persons around the world.*

### Summary of the discussion

During her intervention, Ms Del Jurado (Consejo Nacional de Mujeres Indígenas) described the reality of indigenous peoples and the work of her organisation in the fight for indigenous peoples' rights. She particularly stressed the fact that for some discriminated groups like indigenous women this is the first opportunity to show Europe the real situation of discrimination they suffer.

- Indigenous peoples are often facing discrimination, exclusion and poverty. Particularly women are the most affected by these problems. Men often emigrate, and women stay and keep their land, educate their children and perpetuate their traditions. Indigenous women suffer from triple discrimination: being indigenous, being female and being poor.
- Indigenous peoples in general are pushed towards a life model that is not compliant to their own traditions, way-of-life and spiritual mind-set ("cosmovision").
- High rate of illiteracy, poverty and lack of possibilities to political participation are sources of discrimination.

According to Ms Del Jurado, the situation of indigenous peoples can be improved by i) providing political training at national and international level ii) promoting the debate with the relevant institutions on the participation of indigenous women in politics iii) ensure equal access to resources.

In her presentation, Ms Del Jurado also underlined a few challenges faced by indigenous peoples in their fight for better recognition i) How to make equal access to resources? ii) How

to facilitate access of indigenous people and indigenous women to education and political representation? ii) How to generate direct communication between the EU and indigenous peoples and indigenous women. iv) How to facilitate financial support for indigenous peoples' organisations.

Ms Ana Maria Bejar (HIV/AIDS Alliance) introduced a video on the criminalisation of Gay people in India. In many ACP countries such as and in India, being homosexual is prohibited and penalized by law.

- Very often discrimination is due to, or based on, real or perceived difference between the (moral) values of the mainstream society and a certain group or minority.
- Discrimination caused by one difference (e.g. sexual orientation) can lead to discrimination on other elements (like the right to health treatment against HIV).
- With 7 million new HIV infections per day worldwide, fair access to equal treatment for discriminated people is an essential challenge.
- In countries where LGBT<sup>1</sup> are criminalized, it is important to support organizations that fight for legal reform and provide legal services to LGBT.

Ms Dimitrina Petrova (Equal Rights Trust), presented ERT's approach to combating discrimination and promoting equality, known as "the unified human rights framework on equality". This approach is aimed at overcoming the existing fragmentation of the current systems of protection against discrimination. What does this fragmentation mean? With regard to legislation, the level of protection for certain groups or categories of

<sup>1</sup> Lesbian, gay, bisexual and transgender persons.

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disadvantaged persons is very different from one group to another. For example, a country's legislation may protect against discrimination in the area of health, but not education, or might protect against discrimination on grounds of race but not religion within the same area, e.g. employment, etc.

While keeping in view the specificities of the different strands of equality and the different types of discrimination, this new holistic approach seeks more effective implementation of the right to equality through relying also on the overarching aspects of these different strands and types. The unified framework brings together:

- a) the types of inequalities based on different grounds, such as race, gender, religion, nationality, disability, sexual orientation and gender identity, among others;
- b) the types of inequalities in different areas of life, such as the administration of justice, employment, education, provision of goods and services, etc.

The unified human rights framework on equality is reflected in the Declaration of Principles on Equality, a document signed initially by 128 experts from 44 countries, and subsequently by hundreds of others. It establishes, for the first time, general legal principles on equality as a basic human right. The Declaration contains 27 principles on which national equality legislation and policies should be based. The principles formulated and agreed by the experts through a two-year long consultative process facilitated by The Equal Rights Trust are based on concepts and jurisprudence developed in international, regional and national legal contexts. The Declaration reflects a moral and professional consensus among human rights and equality experts. It is intended to assist efforts of legislators, the judiciary, civil society organisations and anyone else involved in combating discrimination and promoting equality, in particular through developing effective equality legislation and policies. It is available at: <http://www.equalrightstrust.org/ertdocumentbank/Pages%20from%20Declaration%20perfect%20principle.pdf>

Different groups suffer from very different kinds of discrimination (e.g. Indigenous Peoples compared to people with disabilities). There is no unique solution to fight all and any kind of discrimination. Besides the common aspects of fighting discrimination, each group needs some tailor-made solution too.

The unified approach ensures a higher degree of justice, as more vocal groups that enjoy better publicity, or groups that are better defined, would not be privileged at the expense of less visible groups. The unified perspective further reflects the fact

that a person's identity can't be described as just having one characteristic, be that sex, race, religion, etc. And that people may suffer multiple discrimination, i.e. discrimination based on more than one grounds. If the law reflects reality, it should not force, for example, a disabled indigenous woman to find the right pigeon-hole, be that disability, indigenous status, or sex, in which to put her discrimination complaint.

Positive action, as defined in the Declaration of Principles on Equality, is a necessary element of the right to equality, and not – as it had been understood in the past – just a set of “additional” special measures. However, careful consideration is needed whenever positive action is in place not to harm other groups or potentially create discrimination of others.

The limited amount of resources for fighting discrimination generates competition among different identity groups. The unified approach to equality, through stressing the overarching aspects of the rights to non-discrimination and equality enhances political solidarity among such groups and helps build a common agenda for legal and policy reform.

All aid must have some direct positive impact in reducing group disadvantage; it has to increase the self-defending capacity of the discriminated group and has to avoid further deepening of the discrimination through unwanted side-effects.

*“We are here together to work together against discrimination”, Martha Méndez*

Ms Taniya Cox (Save the Children) started her presentation stressing that EIDHR instrument need to be better financed as well as human rights in the geographical instrument.

During her presentation, she stressed the fact that children are perhaps the biggest category regarding discrimination. Indeed, they make up over half the population in many countries but are voiceless and largely unseen in debates. She also pointed out that the principle of non-discrimination does not prevent affirmative action in favour of disadvantaged groups.

A model based on three pillars has been suggested to improve the balance of actions in EIDHR Call for proposals on discriminations. The three pillars are:

- Direct action on violations / gaps in provisions;

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- Strengthen capacity of duty-bearers to meet obligation (policies, practice, legislation);
- Strengthen capacity to claim rights / hold others accountable.

The structure of this model, if followed by EIDHR, should help this Instrument to reach a better mix of activities; it would also help moving away from an ad-hoc perspective.



### Conclusions/Challenges for further action

- Creation of forums where discriminated groups of various nature can meet and bring up for discussion their situation, share solutions and establish further communication.
- Organisation of training programs for leaders and spokespersons of discriminated groups.
- Backing-up of aid and support by an appropriate and systematic impact evaluation tool.
- Continuation of annual meetings at Brussels and facilitation of access for representatives of discriminated groups from outside EU.

## ▶ 4 Workshops

### ▶ 4.3 Fight against the death penalty

*Some say death penalty is necessary to prevent and reduce crime. We say it doesn't work. Some say 'eye for an eye' means justice. We say it does not. Some say executions must serve as an example. We say democracy should never kill by law. EIDHR supports civil society's work to stop death penalty. How can we build on concrete results achieved in recent years? How can the EIDHR further support the abolitionist movement in coping with the challenge of a world finally free from death penalty?*

*Panellists: Mr Ray Krone (Witness to Innocence, US), Ms Katie Lee (The Great Britain China Center, UK/China), Ms Elisabetta Zamparutti (Hands off Cain, Italy); Mr Mauro Garofalo (Comunità di S. Egidio, Italy), Ms Maria Donatelli, (World Coalition Against Death Penalty, France).*

*Moderator: Ms Silvia Payer*

The session included presentations from the field, on the various strategies and approaches, and on the international lobbying work, which were followed by a panel discussion on key questions related to the improvement of the cooperation between EIDHR and the NGOs/CSOs on:

- enhancing visibility and efficiency,
- improving support to local initiatives,
- refining EUs / EIDHRs position in particular towards the civil society,
- strengthening current stakeholder forums.

#### Summary of the discussion

##### Part 1 – Witnesses from the field

In 1991, Ray Krone was charged of the murder of a waitress in a bar in Arizona, a crime for which he was not responsible. Not having the resources, and keeping his confidence in the judiciary system, he opted for a public defender. But he was convicted, and sentenced to death in 1992. As an innocent man, he refused to give up and kept fighting for his innocence through appeals, supported from his family and friends who never abandoned him and paid his legal fees. In 2002, he convinced an appeals court that DNA found at the murder scene indicated the guilt of another man, and he was finally reprieved, after 10 years in prison, out of which 3 spent in the death row.

Today, Ray Krone is the Director of Communications and Training of **Witness to Innocence**, the only US organization composed of, and for, exonerated death row survivors and their loved ones. Ray has travelled throughout the United States and Europe, telling his story to audiences in order to improve the criminal justice system that failed him and fight against the death penalty, “because” he says “if it happened to me, it can happen to anyone”.

The **Great Britain-China Centre** (GBCC)'s mission is to promote understanding between China and the UK. At present, they have one project funded under the EIDHR, which is aimed to reduce and restrict the use of the death penalty in China by promoting judicial discretion through the training of judges in local courts and the development of strict sentencing and evidence guidelines for trial procedures.

China is the country in the world that executes more, with 55 crimes still punishable by death penalty. Nevertheless, the situation shows a slightly positive trend towards reduction of the application, with the number of crimes punishable by death recently dismantled.

The Centre works with institutions, universities and academics, providing training for 116 judges, in three provinces in higher and intermediate courts.

In the last years, the GBCC has been working to improve the awareness of the public opinion on the death penalty through targeted activities, including the establishment of a research centre and the organization of specific Forums. In fact, one of the key obstacles cited by government representatives in China against abolition of the death penalty is that of public opinion. According to independent surveys, in China 58% of the public opinion is in favour of the death penalty. But this percentage falls to 49% when the death penalty is explained and argued. This is why is important to keep working to raise awareness and influence public opinion against the death penalty.

Renny Cushing is the Executive Director of **Murder Victims' Families for Human Rights** (MVFHR), a non-governmental organization of family members of murder victims and family members of the executed. He started being a human rights activist against the death penalty after the murder of a member of his family. He strongly believes that any sentence to death has nothing of humanity, and it is a violation of rights. When the death penalty is applied, the state exceeds its rights, and it is an abuse of power, which does not take into consideration the suffering of

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the families of both victims and murderers. The death penalty distracts from the voice of the victims, which should be listened as there are more important things for the victims that need to recover. It is important to create an environment of security and dialogue for the victims and protect their rights. The social justice movement allows the creation of bridges nationally and internationally; the abolitionist and the victims build those bridges together.

Through the EIDHR support, MVFHR works with other international associations, including an affiliate organization in Japan. They give voice to the victims with the conviction that the death penalty is not the way to pursue justice for victims.

Established in 1993, **Hands off Cain** is a league of citizens and parliamentarians for the abolition of the death penalty worldwide, with a consultative status at UN ECOSOC. Under the action funded through EIDHR, they focus particularly on Africa, where still many countries maintain the death penalty, in order to increase the support to the UN Moratorium on executions.

The association tries to involve parliamentarians of different countries; because it is essential to create bridges between the civil society and the decision makers.

The problem of the death penalty is strictly related to democracy and human rights, and the transparency of the information is an essential deterrent. Concerning the methodologies, Hands off Cain suggests that nonviolent actions should be more applied by the international abolitionist movement.

The **Community of S. Egidio** is an important actor within the international abolitionist movement, working in 29 countries worldwide in fields such as conflict mediation, peace building, assistance to prisoners and disadvantaged people. In 2005 they launched a unique initiative by organising a Congress of the Ministries of Justice on the death penalty; an activity which is currently included in the EIDHR funded on-going action. Twelve Ministries of Justice attended the first edition of the Congress, while 2010 has seen the participation of seventeen ministers with thirty foreign delegations.

The Congress aims to put face to face relevant political stakeholders in a neutral platform where they can discuss about death penalty and related issues. S. Egidio is also actively involved in the UN Moratorium campaign at global level.

With more than 120 organisations members, the **World Coalition Against the Death Penalty** is at present the major anti-death penalty network. Thanks to the EIDHR funding, they implement an action aimed to develop the global abolitionist movement,



and to increase the number of abolitionist countries through the ratification of the 2nd Optional Protocol of the International Covenant on Civil and Political Rights. At present, the campaign for the

ratification is focusing on ten countries. There have been positive steps but it takes a long time to convince a retentionist country to abolish death penalty and ratify the Protocol, and this process needs a strong pressure from the international community to be effective.

A more concrete commitment between international organizations is needed and a more significant shared. For example, more official support should be given to specific events such as the international day against the death penalty on October 10th. Financial support must be matched with a stronger political support.

The Arab Spring is leading many countries to democracy, but, concerning the path towards the abolition of the death penalty, the issues are different in each country. In Egypt there are still 50 crimes for which a person could be condemned to the death penalty, and the number of execution is rising. There is a hope that maybe after the revolution it is possible to achieve an Egypt free of death penalty. The **Arab Center for the Independence of the Judiciary and the Legal Profession (ACIJLP)** is a non-governmental institution working to reinforce and support the status of justice in the Arab regions, the independence of the judiciary, the legal profession and the respect of human rights and fundamental freedoms. With the support of the EIDHR, they are currently running a project containing a number of international and regional conferences, training courses and workshops in many Arab countries, as well as many research papers relevant to restrict the application of the death penalty in the Arab Legislation with a view towards abolition.

All the participants agreed on the fact that the EU and the civil society must work together to develop different approaches and strategies against the death penalty, since this is a significant human rights issue. Compared to other human rights issues, there are not many associations working against the death penalty in a specific way over the world, this is why it is necessary to collaborate intensively at a higher level. More solutions and different alternatives need to be proposed. It is the time to innovate, to create a new dialogue at all levels, linking financial and political support.

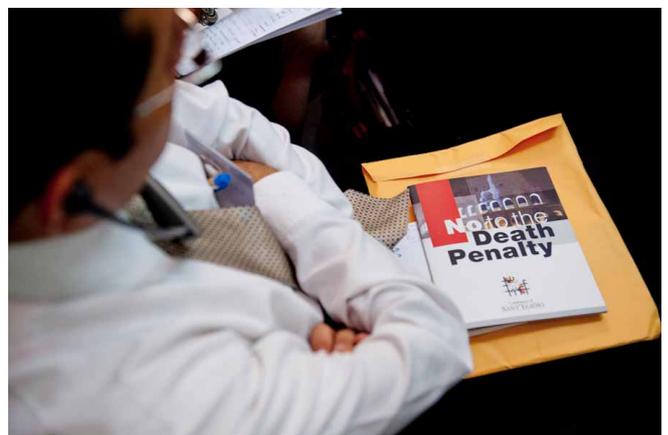
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### **Part 2 - Strategies and perspectives of the international anti-death penalty movement**

How can we build on concrete results achieved in recent years? How can the EIDHR further support the abolitionist movement in coping with the challenge of a world finally free from death penalty?

#### Contributions from participants:

- An activist working in Middle Orient, Africa, Ex-Soviet Union and Orient Europe, places where the death penalty is a taboo issue, points out that the media and the judges should be more informed. The relation between Sharia and the death penalty is a very sensitive issue in many countries. The Sharia law is applied in different ways according to the countries, and it offers alternatives to the execution, such as the forgiveness of the victim's family, which is not always applied.
- Most of the times, the death penalty is linked to a need of revenge.
- Alternative sanctions should be foreseen and fostered in order to reduce the application and offer a concrete and more human alternative to the death penalty.
- The EU needs to be consistent in the "no double standard" policy, avoiding in all possible manners to be involved in activities leading to the application of the capital punishment. To this extent, is necessary for example to adopt an EU regulation to finally ban the export of chemical products (e.g. pentobarbital) which are used by the death penalty. The EU is working on this issue, but the civil society must keep the pressure up.
- Collaboration between governments is important in order to open the doors and catch the opportunities. It is necessary to work at the diplomatic level, and organising more regular meetings on death penalty related issues.
- One peculiar aspect is the fight against the death penalty in countries where drug crimes may be sentenced to death.
- It is necessary to follow closely what the European delegations are doing on death penalty related issues in the concerned countries, acting both internationally and locally. Sharing information is fundamental to compare the strengths and weaknesses. According to some participants from the civil society, in Brussels it is not always easy to have access to all the institutions which may open a contact network.
- There is not only one possible approach. Different approaches may be replicated in different realities; this is why the exchange of information and good practices between organisations is necessary.
- When the death penalty is abolished in a country, the work must continue to avoid the risk of re-implantation.
- At the operational level, the separation between donor and beneficiary should be broken; they must both work together in a mutual cooperation and understanding, and regular sharing of information. It is important not only to exchange information among the beneficiaries, but also between the beneficiaries and the EU.
- The movement against the death penalty should be unified in order to avoid parallel movements and duplications. It is important for different associations to know each other and to be in contact.
- A common strategy should be followed, aiming to work in a better coordinated way.
- Dialogue with implementing partners is of outmost importance. Parliamentarians of different countries and local civil society should be involved.
- The protection of the victims is another crucial point: it is important not only to recognise the harm that has been done to the victim's family but also to the family of the executed person.
- In order to try to avoid miscarriages of justice, it is important to improve standards of evidence.
- The political support from the EU is really needed, especially in small and remote retentionist countries. This type of meetings



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may be adequate because they give the opportunity also to small NGOs to be more involved in the abolitionist movement and participate to the development of new strategies. The small associations must not work alone; they should make themselves known all over the world. It is necessary to share actions because that may be mutually instructive.



### **Conclusions/Challenges for further action**

- Match between financial and political support.
- Establish regular exchange of information.
- Try to maintain this type of annual meeting in Brussels in order to update de facts and to be able to exchange information regularly and to have better access to delegations.
- Develop a common strategy involving all the relevant stakeholders (NGOs, CS, EU member states, retentionist states, etc.).
- More flexibility in intervention in responding to requests for individual cases.
- Strengthen the collaboration with, and the access to EU delegations.
- More common efforts (also NGOs) and long term planning.
- Have permanently one person within EEAS headquarters dealing only with individual cases.
- Build up effective structure for coordination.
- Active bridge building between all the different types of actions, initiatives and projects adapted to each country, using confidentiality when needed.

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## ▶ 4.4 Supporting Democracy outside the EU

*The current developments in the Arab world have put democracy support back at the heart of the EU foreign policy agenda. Only well-functioning democracies can deliver peace and prosperity. Many countries have taken the democratic transition path others are still facing an authoritarian regime hanging on to power. How can EIDHR help the emergence of a free and independent media? How can participation of all men and women, through free and fair elections but also beyond the electoral day, be enhanced? How can EIDHR projects in concrete terms support democracy in the field behind talks?*

*Panellists: Mr Andrea Amato (IMED – Mediterranean Institute), Ms Hala Alkarib (Strategic Initiative for Women in the Horn of Africa.), Mr Patrick Leusch (Deutsche Welle), Ms Andrea Ostheimer (Konrad Adenauer Stiftung), Carlos Hernández Ferreiro (European Partnership for Democracy).*

*Moderator: Ms Rosalba La Grotteria*

### Summary of the discussion

#### Democracy support to be multi-stakeholder, process oriented and holistic

The discussion focused on the type of support that the EU provides to democratisation and on ways to render it more effective in the wake of the recent events in the Arab world. The panellists agreed that certain pre-conceptions on EU democracy support need to change. For instance, there is the perception that democracy is the only way forward. However, during the protest in the Arab world the word “democracy” was much less popular than the words “liberty”, “(social) justice” and “dignity”. The main obstacle to establishing a ‘deep democracy’ still remains the inequality between the capacity for economic, political, social and cultural development.

The implications for EU policy in this field are manifold. There was a shared consensus throughout the discussion that supporting democracy outside the EU needs to be process- rather than actor-oriented and that it should be based on a holistic approach. It should also avoid supporting institutions, political society, civil society, and media in a compartmentalized manner, but rather support these sectors by establishing clear links between them.

Based on the insights acquired during the implementation of two projects by the European Partnership for Democracy (in Moldova and Zimbabwe) the strengthening of the fabric of a given society was also considered as another important prerequisite to democracy, by building consensus about reform and priorities, in multi-stakeholder platforms for dialogue (linking civil and political society).

For instance, in Moldova the project focused on working with young political leaders on a multiparty approach and on the “Partnership Fair” – a meeting of donors and implementers and an exchange of contacts and possible cooperation looking at the priorities. In Zimbabwe the project established a Civil-Political Society Platform on constitutional reform in order to

strengthen civil society coordination of activities in support of the constitutional reform process. The highly polarized political context added to the complexity of this task.

The recommendations for increasing the effectiveness of EU democracy support focused on three main themes. First, the panellists and participants underlined that it was necessary to think outside the box when it came to civil society and to broaden the conception of it. Second, the need to focus increasingly on political society was also expressed. Third, a re-consideration of the role played by independent media was also deemed to be a prerequisite for making democracy support more effective.

#### Think outside the box in terms of Civil Society

There is a need to find better modalities to cooperate with non-organised civil society or non-registered NGOs and to increasingly consider trade unions and other social partners as actors for change. Many women’s organisations have also been active below the radar, particularly during the recent uprisings in the Arab world. The EU must find ways to increase the capacity of women and women’s organisations to continue playing an active part in the political processes, considering that women remain underrepresented in political institutions and often lack visibility and impact.

#### Focus on Political Society

Civil society is sometimes co-opted or controlled by the government. On the other extreme, civil society takes over aspects of government in the absence of effective government (for instance, in providing services to the citizens) thus eroding the space of political society. Hence, there should be a balanced approach towards supporting both civil and political society. Support also needs to be aimed at building bridges between civil and political society such as for instance helping politicians to engage in dialogue and consultations with civil society organisations on major socio-economic and political reforms.

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Another essential element of EU democracy in this regard should be the strengthening of political society (in particular political parties and parliaments). Supporting political society needs to take into account and adapt to the existing type of party system, the structure of political parties and their internal democracy, and address the challenges of party system fragmentation and lack of programmatic parties.

### Rethink support to independent Media

Media is part both of political and civil society. However, there is a tendency to underrate the importance of the independent

media in contributing to democracy. In its current form, democracy support through the EIDHR tends to consider the role of the independent media primarily as instrumental to advancing the cause of human rights activists. More attention should also be given to strengthen media development and to the contribution of media to establishing a democratic, transparent and accountable political system.

Criticism was levelled at the fact that the new the EIDHR 2011 Annual Action Programme launched in March, whilst focusing on awareness raising activities included very little on media. At present the focus should be as much on capacity building as well as on the wider political implications of an independent media.



### **Conclusions/Challenges for further action**

- Necessary to think outside the box when it came to civil society and to broaden the conception of it.
- Need to focus increasingly on political society.
- The role played by independent media is a prerequisite for making democracy support more effective.
- Increase the capacity of the Civil Society.
- Focus on political society.
- Strengthen independent media as an instrumental to advancing the cause of human rights activists.

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## ▶ 4.5 The fight against Torture and Ill Treatment

*Decades of the absolute prohibition have passed, yet torture is widely practiced worldwide: what went wrong? How can EIDHR projects help moving beyond the sheer rhetoric? Which operational approaches for a change? How to turn the absolute prohibition of torture and ill treatment a field reality?*

*Panellists: Ms Julia Kozma, Austrian Member of the European Committee for the Prevention of Torture (CPT), Mr Samuel Herbert Nsubuga, Chief Executive Officer, African Centre for Treatment and Rehabilitation of Torture Victims (ACTV), Uganda, Ms Tatevik Gukasyan, Civic Assistance Committee, Russian Federation, Mr Gerald Staberock, Deputy Secretary-General, World Organisation Against Torture (OMCT)*

*Moderator: Ms Dimitra Ioannou*

The working session gathered 26 human rights organisations working towards making the absolute prohibition of torture a reality for everyone and everywhere. The session allowed for frank exchanges among participants, fruitful discussions and cross fertilisation of ideas on the different approaches, and their impact, developed to combat torture and ill treatment under anti-torture EIDHR projects.

As a participant stated, *“The presentations in the “torture” working group gave a picture of some of the main lines of interventions in the torture field. However, it also emphasized the sector approach with the lawyers working with the criminal justice system trying to prevent torture using the international legal instruments while other organizations work with rehabilitation under often very difficult circumstances. To the two different intervention entries distinct discourses are often attached, i.e. a legal/international law perspective and a humanitarian often health oriented victim perspective. From the RCT experience it is important accept that torture is a multifaceted (political) problem that has to be solved in an interdisciplinary way seeing torture as a problem in a (larger) context. To prevent torture legal remedies and criminal justice sector approaches are not sufficient. One will also have to deal with norms and behaviours in specific institutions as well the broader society. Further, one will have to include socio-economic and cultural elements when designing interventions. The public health approach to the prevention of torture and other organized violence is also showing good prospects as an important complementarity to the other approaches. Our challenge is then to combine these approaches in the most effective and efficient way”.* Jan Ole Haagensen, Director, International Department Rehabilitation and Research Centre for Torture Victims (RCT).

The workshop consisted of two sessions; two panellist sessions followed by an exchange of views with participants.

### Summary of the discussion

#### Introduction

Ms Sara Sighinolfi and Ms Dimitra Ioannou opened the debate

with a short introduction:

- Sound EU policy frameworks to combat torture and other ill treatment worldwide.
- The EIDHR supports programs to prevent the practice of torture and to ensure the rehabilitation of victims of torture and abuse. All actions are part of the general struggle against impunity and the rule of law.
- In 2009, 22 new projects were selected under the global Call for Proposals for action to combat torture and ill-treatment and are funded by the EIDHR.
- This debate is a unique opportunity for sharing knowledge and discuss different approaches developed by civil society supported by the EIDHR in the fight against torture and inhuman and degrading treatment:
  - What do you do in the areas of the fight against torture?
  - What is the effectiveness of actions to re-empower victims and / or prevention of torture (strengthening of national legislation in accordance with international standards of human rights, strengthening the capacities of justice, police, prison administration etc.).
  - What are the difficulties, opportunities and challenges?
  - Present cases from the ground and look at more global approach.

#### Panellists

**M. Gerald Staberock** focused his intervention on the prevention and protection from torture and other ill treatment in transition countries, drawing on lessons learnt from Tunisia and from the Commonwealth of Independent States (CIS).

#### ▶ The notion of transition

Transition provides unique momentum for decisive reforms to prevent torture and break cycle of impunity.

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Mr Staberock highlighted that the term “transition” supposes an “agenda for change”. However, this notion should be used with great care. Eastern European Countries and Central Asia transitional processes led to very different outcomes; some resulted into stable democracies such as Poland, others did not, or only partially. For instance, in Caucasus and Central Asia independence and supposed democracy came overnight rather as a result of the dissolution of the state as opposed to a democratization movement.

No country situation is identical, but there still some overarching observations that can be made.

► Rule of law as Rule of rights

Overcoming torture and combating impunity are fundamental elements for successful transition processes. Anti-torture reforms should be duly integrated in rule of law reforms.

Mr Staberock underlined that that transition processes should aim at rule of law systems based on international human rights law. Reforms should lead to a rule of law system whereby International human rights standards are not considered as “foreign law” but rather as a concrete benchmark of success in transitional processes.

► Making human rights standards a domestic exercise.

Mr Staberock said that human rights trainings have often been a response to human rights knowledge gaps of State officials. Experience shows that trainings, have been often too many but not good enough to trigger significant change in the promotion and protection of human rights. This is particularly true for the CIS countries. It is therefore compelling to develop strong methodology/tools to assess their impact.

► Ordinary torture needs to be redressed too

Torture is often identified with secret detention, political repression, institutionalised forms of ill-treatment. However, in the CIS countries there was an insufficient understanding that torture and other forms of ill-treatment were far more deeply rooted than expected in society.

To some extent political torture was much easier to eradicate with democratic changes, but the transformation of the rule of law institution proved far more difficult.

Another challenge is public support against torture and the real need to build up awareness to fight against the acceptance of torture in society. This was much neglected in the CIS countries.

► Don't forget ESCR rights and making them justiciable

ESCR have been often forgotten in transitional processes.

This is of course an issue of broader policies on economic development, but also a question of incorporating all human rights into legal and constitutional framework.

► An holistic approach to the fight against torture

Mr Staberock highlighted that approaches to the fight against torture should not be placed in closed baskets, namely rehabilitation, prevention and protection. These are interlinked and all necessary to strife the same goal of eradication of torture. “There is only one movement against torture -let us not split into three different components- each has strengths but there is one cause- eradicating torture” he said.

In addition, whilst putting much emphasis on the “prevention” of torture and/or on “rehabilitation of torture victims”, impunity should not be overshadowed and always taken into account. The question of effective remedies and reparation -set up of independent complaint mechanisms- were probably among the most important challenges even today in CIS countries.

Mr Staberock underlined the importance to have a good diagnosis of the country context in relation to the administration of justice, prisons system and security sector.

Much torture prevention work is done with the judiciary and particularly with lawyers and judges; whereas prosecutors receive far less international attention. In the CIS countries, for instance, a lot of assistance focused on courts and on lawyers but limited work on ensuring that prosecutors had a human rights mentality – which is core for countering torture and impunity. This meant that there was quite some hostility in prosecutorial cadres against the reform process and an antagonism created that was not necessarily needed. Lack of commitment/appropriation by prosecuting authority is also the key challenge today in many countries in tackling the question of continuous impunity.

Regarding the security sector reform, much focus is on training and reforming the police. However, more work should be done to ensure appropriate safeguards in relation to the role of the intelligence services and their alleged complicity in torture practices, when obtaining information in the framework of the fight against terror.

Progress is more easily done when working on the prison system.

**Mme Tatevik Gukaysyan** presented an example of a very concrete project implemented by her organisation in the Russian Federation.

**Mr Samuel Herbert Nsubug** shared the experience, challenges in the work of his organisation, a torture rehabilitation centre based in Uganda. He underlined the holistic approach adopted by the centre. Besides rehabilitating victims, the centre is also contributing to the drafting of an anti-torture law, monitor of detention places, training of prison officers and training of the media on how to report on torture.

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**Ms Julia Kozma** presented an on-going EIDHR project which aims at following up the recommendation from former UN Special Rapporteur on torture, M. Manfred Nowak, in five countries. She highlighted the work carried out in Georgia and Paraguay and the challenges encountered in implementing the project when the Government does not accept to cooperate.



### Conclusions/Challenges for further action

- Ensure coordination among civil society organisations working on combating torture and ill treatment for instance in countries in transition.
- Use more the flexibility tools under the EIDHR at the benefit of the fight against torture and ill treatment.
- Draw from success stories and good practices, for instance from the democratic transition processes in Latin America.
- Compliancy of public opinion on the use of torture in the fight terrorism: torture should not be considered as a taboo.
- Think about a holistic approach to combating torture and ill treatment; not focusing on one aspect (prevention; rehabilitation; protection) - torture is the failure of a system which allows for it to happen.
- Human rights trainings are nothing by themselves, if not followed up or not integrated in a larger reform and accountability framework.
- Well identify who to target in the State apparatus: work with the Prosecutor office and not only with middle level officials.
- Importance to also think about how to make the intelligence accountable.
- Rehabilitation for third generation victims.
- Treatment is an on-going process, and a long term one; it also requires long term financial support. The work of rehabilitation centres for torture victims does not fit in the “project” approach. This is a major constrain particularly where State parties oppose the work of rehabilitation centres.
- Measure the impact of approaches: The bigger problem is that when the State is not functioning, it is more difficult to measure outcome of any action.

## Glossary of Abbreviations

ACP	African, Caribbean and Pacific states
CIS	Commonwealth of Independent States
CSO	Civil Society Organisation
EC	European Commission
EIDHR	European Instrument for Democracy and Human Rights
ESCR	Economic, Social and Cultural Rights
EP	European Parliament
EU	European Union
HIV	Human immunodeficiency virus
HR	Human Rights
HRD	Human Rights Defenders
IRCT	International Rehabilitation Council for Torture Victims
LGBT	Lesbian, Gay, Bisexual, and Transgender
MEP	Member of European Parliament
NGO	Non-Governmental Organisation
STD	Sexually Transmitted Disease
UN	United Nations
WOAT	World Organisation Against Torture



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