International Human Rights Activities
of the Friedrich Naumann Foundation for Freedom
Understanding Change
Protecting Rights
Shaping the Future

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of the Friedrich Naumann Foundation for Freedom
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Human rights and liberalism are inseparable: the universal rights of the citizen are the foundation of liberal philosophy and they demand the maximum degree of personal freedom. There is hardly a policy area that does not touch human and civil rights issues.

The history of human rights is primarily a history of the struggle for their enforcement and recognition. More than 60 years after the adoption of the Universal Declaration of Human Rights by the General Assembly of the United Nations, human rights in many countries - although part of the ostensible legal and moral framework - are still too often violated and disregarded. However, in every country in the world, there are countless courageous people who stand up for human rights and who need our support. Against this background, human and civil rights play a key role in the work of the Foundation. Since we began our work abroad in 1963, the Foundation has been committed to working with its local partners for human and civil rights. Today we have partners in more than 70 countries worldwide. The basis of our work is the Universal Declaration of Human Rights of the United Nations, a document that focuses on individual freedom and articulates rights to which every person is entitled. For liberals, the enforcement of these rights allows every person the potential to freely develop themselves.

Flourishing communities cannot exist where human rights are violated and access to social and institutional infrastructure for citizens is denied by the establishment. Therefore, the promotion of democracy, rule of law and human rights remain the central tasks of the Foundation.

The human rights work of the Foundation comprises various policy areas. In all our work, from the improvement of legal systems and the promotion of press freedom to the advancement of integration of minority groups or the support of independent human rights commissions, all our activities require a persistent and continuous application if they are to unfold sustainably. With this brochure we would like to showcase those individuals and organisations who stand up for human rights in their country and beyond, at a regional and international level, under very difficult conditions. This commitment takes courage and perseverance. Sometimes this commitment is dangerous, even fatal. We believe that they deserve our support and therefore we cooperate as a Foundation in longstanding partnerships.

During the past few decades we have got to know a number of impressive personalities, individuals who have devoted their entire lives to defending human rights, which belong to every person - regardless of age, gender or skin colour. The Foundation is fully committed to supporting these individuals in the years to come. Even where rights have been enshrined in constitutions, those rights must be secured and their enforcement must be monitored constantly. There is still a long way to go but, together with our partners, we remain committed to ensure that more and more people can live a free life in legal certainty.

We appreciate your interest in our human rights work and hope that you enjoy this brochure. If you want to learn more please visit our website, order further publications and attend our events.

Cordially,

Dr. Wolfgang Gerhardt
Chairman of the Board of Directors

Ulrich Niemann
Head of International Politics
Dear readers,
Dear friends of the Foundation,

Two periods of German history - the Nazi dictatorship and the injustice of the GDR – still haunt my mind. During my many travels around the world, I’ve come to understand that the mechanisms of oppression and the powerlessness of those affected by this oppression are the same everywhere. The goal is always to silence political opponents, to track them down, imprison, torture, and – in extreme cases – kill them. Dictatorships stay afloat not through the rule of law, but through the law of the jungle: naked despotism.

The idea of the inviolability of human dignity evolved from ancient Greece and found its fullest expression in the European Enlightenment. In the present age, all world cultures are based on the protection of man and his dignity and it needs to be stressed that human rights are not a Western invention. This is underlined by the Universal Declaration of Human Rights of 1948. Over the decades the individual has become the object of protection and today it is the individual who is afforded the right to protection against an overweening state.

As the struggle for human rights has progressed through the decades there has been a great improvement in the international instruments available to ensure that these rights are enforced. The biggest successes of the Vienna World Conference on Human Rights in 1993 were the affirmation of human rights as universal, indivisible rights and the recognition of the indispensable role of non-governmental organisations.

Without courageous human rights defenders, human rights policy could not be realised anywhere in the world. A German initiative in 1998 led the General Assembly of the UN to adopt a special resolution offering especial protection to human rights advocacy internationally.

For six years I have represented our country in the United Nation’s Human Rights Commission, and for three years I was Special Rapporteur on the human rights situation in Sudan. I have always seen myself as an ally of those who fight for freedom. Some of those individuals are given due recognition in this brochure. They all share the courage, dedication and faith in change which the Friedrich Naumann Foundation for Freedom has supported worldwide for more than 50 years.

The commitment to human rights always interferes with politics. On many occasions I have told young people that the struggle for human rights is a fight worth fighting. I have come to realise that it is overwhelmingly the idealists who are the better realists, because they never underestimate those forces that drive us towards freedom. They have achieved a great deal over the past decades. It is worth fighting for a human rights-oriented foreign policy, especially for us Germans, who have experienced many bitter years of oppression.

Cordially,

Gerhart Baum
Federal Minister of the Interior (ret.)
In terms of your work for Human rights institutions, what was the big difference in what you can do and how would you describe your experiences?

The one thing you have to realize is you are not going to prevent every violation of human rights in the world. That's not going to happen, at least not for a long time, not in my lifetime. You can use the example of the Inter-American Human Rights System. When I was elected to the Inter-American Court of Human Rights in 1979, we had dictatorships all over the region. Now, most of the countries have signed the Inter-American Convention of Human Rights though initially they never expected that they would have to comply with it. Gradually, with pressure from other countries, including Europe, many of them found that the Court and the Inter-American Commission were important bodies that could persuade them to not do what they would have liked to do. And that happened in quite a number of institutions, even in the then United Nations Commission on Human Rights. A sort of ideology of human rights has developed across the world. It's no longer possible for states to declare openly that they can violate human rights.

Still not perfect
but better than it was 50 years ago

Thomas Buergenthal speaks about the experiences of a lifetime spent working for human rights

Thomas Buergenthal was born in 1934 in, what is today, Slovakia. During the Second World War he spent several years in various German concentration camps, including Auschwitz. After World War II he emigrated to the United States. Today Buergenthal is one of the world’s leading human rights experts. As a judge, he worked at the Inter-American Court of Human Rights and at the International Court of Justice in The Hague. He was also a member of the UN Human Rights Council. He currently works as a professor of comparative law at George Washington University in Washington, DC. Since the early 1980s Buergenthal has been involved with the work of the Friedrich Naumann Foundation for Freedom.
In your career working on human rights, what has changed?
Basically what has changed is that we now have quite a number of international institutions that deal with human rights matters that we didn't have before. And the existence of these institutions contributed greatly to the improvement of the international human rights situation in the world. It’s not where we want it to be but it is certainly better than it was 40 or 50 years ago.

You once stated in an interview that we don’t have enough judicial authorities that interpret, adopt and enforce international law and that we need one court per region or sub-region. What would you say to critics that consider this to be dangerous because they fear the fragmentation of international law and a threat to their universality?
I think this is total nonsense because that is often said by people who have no experience and are unfamiliar with, for example, the US experience. We have more than 50 courts and we haven't fragmented common law. But the truth is that if you look at what the various regional courts and tribunals do, you find it’s not fragmenting international law at all. What is happening in fact is that it is creating international law for everybody.

What were the highlights of your experience in these international human rights organisations? Could you name cases where you think you made the biggest impact?
The case that is often cited actually took place, in part, during my presidency of the Inter-American Court of Human Rights and that was regarding the disappearance cases in Honduras. Those were really the first cases where any international court dealt with these disappearances. And in those cases, we showed how you deal on the international plane with such disappearances. There were three cases and basically those cases also opened up the Argentine problems in many ways. Argentina didn’t accept the jurisdiction of the Court. But the impact of the decision, our decision, had a significant impact on the policies of Argentina. You see that when a regional court deals with certain issues, it has an impact all over the region and of course it had a very substantial effect in Honduras.
A lawyer's stands no chance of winning a case in a country where the judiciary is not independent

Interview with Intiqam Aliyev, a human rights defender from Azerbaijan

Mr. Aliyev, what is it like to be a human rights defender in Azerbaijan today?
I have been a practicing lawyer for 20 years and in that time I have dealt with hundreds of cases. Each of them was connected to fundamental human rights such as the right to assemble, to associate, to free and fair elections, to property, to protection against torture, to personal immunity, to freedom of expression, etc. However I have not won a single case in Azerbaijan's courts. This is not because lawyers in Azerbaijan lack competence or capability; it is because a lawyer's stands no chance of winning a case in a country where the judiciary is not independent.

Do you think it is worth filing an application with the European Court for Human Rights (ECHR)? Is there a possibility for further cooperation with this institution?
The ECHR is the only way that we will see the restoration of justice, particularly with regard to political cases.

Intiqam Aliyev graduated from Baku State University and started his professional career as a lawyer and advocate for human rights in 1990. A year later he founded the law firm Advokat Servis. Since 1999 he has been the chairman of the Legal Education Society, an NGO focusing on the protection of human rights. In acknowledgement of his contributions to the defence of human rights and democratic freedom in his homeland, Mr. Aliyev was awarded the Homo Homini Human Rights Award 2012 by the Czech NGO People in Need. Azerbaijan is a presidential republic where according to Human Rights Watch the atmosphere for political activists and independent journalists is increasingly hostile.
I would not claim that the ECHR decisions have a major impact on the political and judicial regimes of Azerbaijan. Nevertheless, they are of great importance, as they afford civil society an opportunity to bring cases of severe violations of fundamental human rights before international courts, and to raise the question of reforming the existing political and judicial system. I am convinced that once the number of ECHR decisions related to Azerbaijan surpasses a critical mark we will feel their impact far more. This concerns the government and, as a result, it attacks those lawyers involved in this kind of activity.

Is it not possible to argue that there are few reasons to celebrate?
I would argue the contrary. Much of what we have done and continue doing may seem to be hopeless. However, you should not judge by appearances. We sow the seeds, and as you sow, so you shall reap. Every person that does not give in to such severe political pressure deserves a great deal of appreciation for their bravery and perseverance.

What are your expectations for the future?
The authorities do everything in their power to constrain the already narrow domain of political activity and to increase their influence on civil society. They have taken control of financial resources, curbed the activities of international organisations, imposed sanctions on participation in peaceful protests, and toughened visa procedures. Its arsenal of tools to oppress people is boundless; it does not shrink from bribing international organisations, diplomats, politicians, and even governments. With these measures it attempts to protect itself against any political change. However, people of the 21st century do not want to live in a society ruled by a feudal order.

It is said that you never tire of striving towards your goals. Can you envisage a time when you will stop? Or at least take a break?
To get tired from time to time is part of the human condition. But I am not tired of my job. Sometimes I dream of getting away from society and settling down somewhere in the back of beyond. It is, however, just a dream. We simply have to change this country. This means we have no right to get tired or back out, but must continue. How can one live comfortably in a country where people are put to jail because of their views? It is by no means easy to back away when you see with your own eyes how the system quite plainly destroys education, science, culture, and moral values. If I behaved that way I would lose my self-respect and this would mean the end for me.

Natiq Cavadli, Baku.
Wiktor Tymoschtschuk – Ukrainian lawyer, scientist and expert in public administration – advocates good public service: when citizens enter a government office to apply for a document, he wants civil servants to be service oriented. “Those offices are places where the people and the state come together. They are a key meeting point and citizens judge their state by how such meetings are conducted,” Wiktor says. His current work was inspired by a visit, in 2000, to The Hague, where he visited a Dutch Citizens’ Office for the first time. Wiktor was struck by the wide range of services that the Dutch were able to offer under a single roof: registration of residence, passport application, birth certificates and driving licenses. He was so impressed by this concept that he started studying the service oriented approach of administrations in Europe, Canada and the US. Back home, Wiktor has applied this knowledge through his work at the Centre for Political and Legal Reforms (ZPRR), which promotes administrative reform in Ukraine.

“Ukraine urgently needs consistent administrative procedures,” Wiktor argues. Administrative Office interests, corruption and contradictory legislation stand in the way of standardised administrative procedures. Centralised, over-regulated and cumbersome structures impede efficient administration.

Wiktor Tymoschtschuk wants Ukrainian civil servants to serve

Wiktor Tymoschtschuk is Vice Chairman of the Centre for Political and Legal Reforms (ZPRR) based in Kiev, Ukraine. ZPRR was founded in 1996 to promote the rule of law and good governance. ZPRR undertakes research into constitutional law and criminal justice, as well as providing expert assistance in law making. Since 2010, it has conducted training programmes aimed at creating administrative Citizens’ Offices at local government level. These programmes are conducted in cooperation with the Friedrich Naumann Foundation for Freedom. Officially, Ukraine is a democracy. But the country’s parliament is not strong enough to challenge the power of the presidential executive. As a result, the rule of law is being manipulated and media freedom curbed.
Moreover, the central government currently undermines local self-governance. Whether citizens are seeking building permits, trying to claim property rights or planning to register a company, more often than not, they are forced to go to central administrative authorities who have assumed power in these key areas.

As in Soviet times, administrative services such as residence permits, passports and driving licenses are managed by the Interior Ministry – an organisation that has traditionally been unaccountable and distant from citizens. "Instead of a dialogue between civil society and central government authorities, the last few years have seen a near total breakdown in communication. That is why we now mostly work with reform-minded mayors, who are open to creating service-oriented Citizens' Offices in their towns," Wiktor says. ZPRR offers analysis and strategy, training programmes, legislative drafting services and assists in dealing with the media.

For over ten years, Wiktor and the ZPRR have been campaigning for administrative reforms, trying to spread the concept of Citizens' Offices in Ukraine. In the late 1990s, Wiktor worked as an assistant to Ukrainian parliamentarian Ihor Koliuschko, who was a member of the Parliamentary Committee for the Rule of Law and Justice. To this day, both of them are involved in the legislative process. Wiktor is a co-author of Ukraine’s civil service law and its administrative service law. Another law, the Administrative Procedures Act, also largely drafted by Wiktor, was, unfortunately, never passed by parliament. Wiktor's work for good governance requires patience. Should his children stay in Ukraine and not – like many other citizens – move abroad in the pursuit of a better life in a country with the rule of law, he would be truly happy.

Alina Kurasch and Miriam Kosmehl, Kiev
The Avenue Mohammed V. in Fes bears testimony to the wealth and beauty of Morocco’s old royal city: pedestrians stroll beneath rows of tall palm trees, the avenue lined with upscale cafés and boutiques. The backdrop is the famous old town of Fez, which attracts tourists from around the world. But away from the glamour, Fes has its dark sides as well and Jamal Chahdi, head of the human rights organisation Centre des Droits des Gens (Centre for the Rights of the People), addresses them. CDG’s headquarters are tucked away between two buildings at the end of a narrow alley. Most of the offices do not have windows just a few simple desks and chairs. Jamal Chahdi, 55, a former maths teacher and trade unionist, co-founded Centre des Droits des Gens in 1999. The walls of his office are covered in pictures of CDG’s activities: photos of human rights training sessions of teachers, posters opposing the death penalty and a map of Morocco with 207 little flags, which mark CDG’s branch offices across the country.

“In 1999, when we started, our approach was new,” Chahdi says, remembering the early days. Back then, there were several human rights organisations in Morocco. However, all of them were affiliated with political parties and were highly politicised. “Yes, they denounced human rights violations committed by the state.

Rule of Law instead of Violence

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Jamal Chahdi is a founder of the Centre des Droits des Gens, Morocco’s first politically-neutral human rights organisation. Since 1999 CDG has educated teachers and students, as well as lawyers, judges and prison staff about human rights. The Centre also supports victims of violence. CDG, a partner of the Friedrich Naumann Foundation for Freedom since 2002, has 207 branch offices, 48 employees and 2700 volunteers. CDG’s inception coincided with Morocco’s political liberalisation at the end of the reign of King Hassan II. Morocco is still an executive monarchy, with King Mohammed VI as head of state. According to Amnesty International, freedom of speech, association and assembly are restricted.
But nobody bothered to educate the people – children, teachers or prison staff – about what human rights actually were." In Fes, Chahdi and nine colleagues founded CDG, a politically neutral organisation dedicated to human rights education. "We came together to fight against every form of extremism and violence. To this day, we advocate the rule of law and work for democracy in Morocco," Chahdi says. Initially, he and his fellow human rights activists travelled to villages across the country to educate teachers, parents and children about human rights, with a focus on children’s rights.

Later CDG’s political independence made it possible for the organisation to work in prisons as well, Morocco’s ministry of justice gave permission for training sessions to go ahead. Working inside prisons, CDG informs inmates about their rights. Prison staff, including prison directors, also receive human rights training. "It is not enough to change laws, you have to change mentalities as well," Chahdi says, explaining his approach. Authorities trust him and CDG. While the organisation does address grievances that people may have with the authorities, it maintains its neutrality by not passing information to the media or secretly filming in prisons.

In 2009, following the escape of a dozen Islamic extremists from a prison in Kenitra, the state’s attitude changed and, with a renewed focus on security, the authorities compelled CDG staff around the country to reduce their work in prisons. "That said, we are continuing our work," Chahdi explains, "but we now concentrate on training prison directors". Several directors have become members of CDG and have started to train other prison directors. In a country which has been divided by deep political rifts for decades, CDG’s inclusive approach and its political neutrality are the secrets of its success.

Andrea Nüsse, Rabat
What are the main human rights challenges in Botswana?
Some of the human rights challenges which Botswana faces are the death penalty, indigenous peoples’ rights and LGBTI rights.

How does DITSHWANELO promote LGBTI rights?
In 1998, we initiated the establishment of and housed LeGaBiBo (Lesbians, Gays and Bisexuals of Botswana), an informal group of lesbians, gays and bisexuals. DITSHWANELO organises an annual Human Rights Film Festival, where we regularly screen films about LGBTI issues. We advocate and lobby for the decriminalisation of same sex relations by providing information to students, researchers, the public and the media. We also make presentations and provide resources to institutions interested in this issue. Besides that, we have been involved in the case of Mr. Utjiwa Kanane and Mr. Graham Norrie who were arrested in 1994 and charged under the Botswana Penal Code with engaging in unnatural acts and indecent practices between males. DITSHWANELO challenged the provisions of the Penal Code on constitutional grounds before the High Court.

Alice Mogwe is the Managing Director of DITSHWANELO in Botswana. Her personal interests are indigenous rights, the abolition of the death penalty as well as mediation and regional solidarity. Ditshwanela is member of the Southern African Legal Assistance Network which has cooperated with the Friedrich Naumann Foundation for Freedom since 1994. In the Republic of Botswana, women in general and minorities in particular often face discrimination because of physical limitations or sexual orientation.
In 1998, we hosted a conference that focused on the right to sexual orientation. Key speakers included private lawyers, LGBTI activists and the Deputy Attorney General of Botswana at the time. Topics included the decriminalisation of same-sex relationships and an outlook on the regional perspective of sexual orientation. We continue to hold such conferences to allow for dialogue on LGBTI rights in Botswana. DITSHWANELO also invited LeGaBibo and Rainbow Identity Association (RIA – an organisation dealing with LGBTI rights in Botswana) to be members of the Universal Periodic Review (UPR) NGO Working Group for Botswana’s UPR session. We further advocate for LGBTI rights by making sure that part of the Comprehensive Human Rights Strategy and National Action Plan, to which the government committed itself, entails Human Rights including LGBTI rights education.

What are your success stories?
DITSHWANELO is delighted to have received six regional and international awards for our human rights work. In 2012 we got an award from the French Commission Nationale Consultative des Droits de l’Homme (CNCDH) for a project aimed at the eradication of poverty through economic and social rights and sustainable development of the indigenous Basarwa/San peoples.

In early 1999, two men, Maauwe and Motswetla, were to be executed, but DITSHWANELO intervened and was able to obtain a stay of execution for the two men. This stay was confirmed in October 1999, when the judge declared a mistrial on the grounds that the two men had not received a fair trial. The two men were no longer on death row, but were waiting to be retried on the same charges. In 2005 the two men were acquitted and discharged following our assistance.

What kind of challenges do you face in your daily work as an advocate for human rights?
The biggest challenge we face as an NGO in Botswana is a lack of funding. This makes it difficult to be as effective as we would like to be. Another challenge is the lack of a more coherent and stronger civil society working according to a shared vision of sustainable development, which is people-centred and rights-based.

What do you find most satisfying about the work you do?
The fact that I have the opportunity to help other people have their voices heard and their rights protected.

Katja Egger, Johannesburg
On meeting Lucia Masuka-Zanhi, one is filled with hope for the future of Zimbabwe. There is no doubt she is a no-nonsense public interest lawyer who believes everything is possible, as long as one maintains the faith.

The context within which Masuka-Zanhi leads her staff, who are responsible for facilitating and providing access to justice to the poor, as well as rights knowledge to the people, is a challenging one. On paper Zimbabwe is a democracy, yet the lack of freedom of expression and association, the manifestations of pervasive political intolerance, and the continued presence of repressive laws, belie this. Civil society organisations in particular have been and remain the targets of clampdowns. Despite this uncertain situation Masuka-Zanhi is driven by the need of working towards a nation that is aware of its basic human rights. When she recalls meeting beneficiaries of rights information in deep rural areas who are using such information to advance their lives, the gleam in her eye says it all.

Having been with the Legal Resources Foundation which has been providing legal and information services for the last three decades, Lucia sees a vibrant future for the organisation – one in which it takes up human rights cases, irrespective of whether the violator is the government or a private sector entity.

The Legal Resources Foundation (LRF) is an autonomous, charitable and educational trust, established in 1984 to improve the accessibility of legal and information services to all sections of the population. LRF offers legal and civic education, training for service providers in the justice system and the public sector, and promotes citizen participation in governance. LRF is member of the Southern African Legal Assistance Network which has cooperated with the Friedrich Naumann Foundation for Freedom since 1994. For years Zimbabwe – a democracy in name alone – has been heavily criticised by human rights watchdogs for not implementing basic human rights.
"It is important for us as an organisation to look at core human rights issues, to be at the forefront, and to be heard and to be visible when there are human rights violations."

Lucia noted that in the process of providing access to justice, the organisation protects and promotes other human rights as well - such as the rights of children, the right to bodily integrity and property rights, among others. The organisation’s legal education is all encompassing, she explains, covering the rights of a person from cradle to grave.

An area not yet focused on by the Legal Resources Foundation, but in which Masuka-Zanhi has a particular interest, is ensuring that Zimbabwean citizens enjoy real freedom of expression. Indeed the current restrictions on freedom of expression and access to information, negatively impact on all other fundamental rights. Serving on a NGO board concerned with community radio stations, she appreciates the urgency of ensuring that the national broadcaster becomes the true voice of Zimbabweans, that newspapers are published without fear of closure, and that commercial and community radio stations reach their niche markets.

The passion with which Lucia describes her future Zimbabwe, makes one believe that with people like her, Zimbabwe will be a place where human rights are not simply abstractions but integral to the lived experience of Zimbabwe. In Lucia’s vision this means a nation “[W]here I can freely express myself, where I can listen to a community radio station of my choice, where I can hold a placard on a street corner and not worry about the riot police, where I can call the government to account.”

With a dose of realism, she concludes that the future Zimbabwe in which all will be equal and treated with dignity and respect will require the efforts of not only the Zimbabwean government but also national and international stakeholders and civil society. “It is imperative for stakeholders to insist that prior to national elections a conducive environment is created; and for civil society to act dynamically and creatively, to pool their resources and to speak with one voice,” she emphasises.

Odette Geldenhuys, Harare
Laura Elena Herrejón, founder of the citizens’ initiative Movimiento Pro-Vecino, based in Mexico City, was worried about her three children: a lack of security made it impossible to play in the streets, the playground close to her house was falling apart, and nobody was doing anything about it. Laura Elena did not want to wait for the authorities to do something. She knew that only personal commitment would bring change. That’s why, 18 years ago, she began to campaign for her family, her neighbourhood and her country. Initially bringing families in her neighbourhood together, Laura Elena then founded Movimiento Pro-Vecino, her citizens’ initiative that helps residents and communities to organise themselves. She focuses on educational campaigns about property rights, since many Mexicans have not registered their properties. As a result, they do not have legal security, which affords protection from arbitrary government action.

Laura Elena did not have an easy start. While there was a law for citizens’ participation in place, which provided the basis for her work, it was drafted in such a way that strengthened the authorities and political parties rather than independently-organised citizens. With Movimiento Pro-Vecino this was about to change.

Laura Elena Herrejón, from Mexico City, founded the organisation Movimiento Pro-Vecino 15 years ago. She wants Mexico’s citizens to organise themselves in their neighbourhoods and to exercise their property rights. Laura Elena also holds seminars to educate the citizens of other South American cities about their rights. The Friedrich Naumann Foundation for Freedom and Movimiento Pro-Vecino have been partners since 2007. Mexico is a presidential republic but security is threatened by organised crime and the rule of law is weak. This results in human rights violations, particularly because of the ongoing drug war between cartels and the government which is characterised by frequent murder, kidnap and rape.
The initiative puts citizens' needs before institutionalised political interest. The movement initially faced a number of obstacles including bureaucracy, corruption and a lack of interest in property registration on the part of the local population. Her opponents believed that Laura Elena’s initiative wouldn’t last six months. She succeeded, however, in attracting more and more supporters to her project, individuals who hoped that Pro-Vecino would improve their quality of life. As the project evolved and grew in strength, it began to be taken seriously by the authorities.

Within three years, Laura Elena rose from neighbourhood representative to District Chairwoman and Legal Adviser responsible for all of Mexico City’s citizens. Today, the same officials that had treated Laura Elena with suspicion in the past, work with her. She is both their most outspoken critic and a trusted partner at the same time.

A milestone came when a radio station offered Pro-Vecino the opportunity to create a programme about Laura Elena’s campaign for more environmental protection. Following the success of the programme, she was given a daily one-hour radio slot, which she used to address the city’s problems and to offer possible solutions. She continues her media work today, and Laura Elena hosts a political television show, has three radio news programmes and writes a newspaper column for El Universal.

She stresses that her family has been and continues to be an important driving force behind her work. In turn, her family have continuously supported Laura Elena even when she embarked on risky campaigns. In 2004 and 2008 she organised two large-scale marches to voice a common grievance that the state still was failing in its basic responsibility to ensure security for its citizens. “A lot remains to be done,” says Laura Elena, “but I am convinced that I am on the right track.” She has instilled her children with her own motivating ethos: “Do not let others act on your behalf if you are able to do so yourself.”

Susanne Göggel, Mexico City
Committed to Human Rights and Good Governance

For 20 years Maja Daruwala has been the Director of the Commonwealth Human Rights Initiative (CHRI), Delhi

CHRI is committed to improving the rule of law and the quality of governance in India. Under Maja’s leadership, CHRI has increasingly focused on promoting the Right to Information (RTI) as well as working on policing and prison reform.

When Maja joined CHRI, the Delhi office was only three years old and was still suffering teething problems. At that time CHRI had only one full-time employee, a student assistant, a newsletter and a broken computer. Financial resources were limited, as was the director’s salary. So, why did Maja join CHRI? Because she was moved by a strong inner drive to use her judicial knowledge to help her country.

Maja had opted quite late in life to take up her study of the law. The challenge of fulfilling the traditional role of housewife and mother beside her university work made her question received gender roles and male dominance that are the norm in many Indian families. Consequently, Maja started reading books on feminism alongside her law books. She came to believe that through legislation solutions could be found against discrimination and the suppression of women.
She realised how powerful laws could be – once they become well known. Awareness of one’s rights means not being defenceless and being able to help yourself. An individual who is made aware of their rights is a different human being. This realisation continues to drive Maja to engage in rights awareness and the promotion of the rule of law.

In India outdated policing laws remain in force, the majority enacted during the colonial period, notably in the 1861 Police Act, which is almost unchanged today. For example, the Act was a direct response to the anti-colonial movements of 1857 and aims at preventing possible unrest. Accordingly, policemen were granted far-reaching authorities. As a result, they are often the ones who violate the basic rights of citizens rather than acting to safeguard them. Torture and abuse in police custody, sloppy investigations and corruption are not uncommon. Systematic reforms and increased awareness of human rights among police officers and the general population alike are overdue.

Access to information is an important precondition for claiming civic and human rights. The lack of duty of disclosure and of transparency leads to a massive abuse of public funds. The citizen bears the loss: streets are not constructed, hospitals not maintained, schools not equipped. The poor suffer the most, as social spending doesn’t reach them. People are kept in darkness: as long as they don’t know which laws protect them, what programmes exist to benefit from, which services they are entitled to, they won’t be able to claim their rights. Therefore, the Right to Information (RTI) is absolute fundamental for enabling an active civil society to fight abuses and grievances.

Of course, all of CHRI’s work, lobbying for new laws, human rights training sessions for police and awareness campaigns for the general public takes time. It is a huge success for everybody involved when a human rights law is finally enacted after lengthy efforts of persuasion. A notable achievement was the Right to Information Act of 2005. It also motivates the lobbyists of CHRI when individuals draw hope from one of their events or leave their seminars inspired to take action. However, the work continues thereafter. It is not enough that new legislation is drafted, these laws have to be implemented and new knowledge has to be disseminated in order to be useful. Change does happen, but often involves taking two steps forward and one step back. This requires perseverance – something Maja and CHRI have proven they have many times and over many years.

Maria Schneider, New Delhi
In a country like Pakistan is there any space for minority rights? Pakistan is increasingly facing the pressure of religious hardliners and the space for the rights of minorities is likely to shrink.

To what extent are minorities accepted in Pakistani society? There was a high level of openness until the rule of Gen. Zia ul-Haq (1977–88). His Islamisation policies had a significant impact on society and it grew increasingly intolerant. The rise of militant extremists has made the situation far worse: they subscribe to a rigid, harsh, wahhabi version of Islam and are determined to impose their will by force. They kill not only non-Muslims but also the Shia, a minority Muslim sect.

What is the usual government response to outbreaks of violence against minorities? The usual reaction is the use of force to end lawlessness. The victims are offered some help to rebuild their homes and businesses but no firm action is taken against the law-breakers. Quite often the minorities are forced to make peace with their oppressors.

I.A. Rehman is the Secretary-General of the Human Rights Commission of Pakistan which was established in 1987 as an independent non-governmental organisation. Since then it has developed to become an influential country-wide human rights body. The HRCP has established a leading role in providing a highly informed and objective voice on a national level in the struggle for the provision of human rights for all and democratic development in the country. Since the early 1990s the Friedrich Naumann Foundation for Freedom supports HRCP’s efforts. Pakistan is a federal parliamentary republic facing increasing violence against ethnic and religious minorities and where women are often treated unequally.
Is there any discrimination in the education system against minorities?
Yes, a huge amount. Members of minority communities are not allowed to enroll in higher educational courses on merit. The policy of reserving seats for minorities operates against them. Besides, the curricula at different levels do not treat minorities as equal citizens. The children of minorities are often obliged to study Islamic texts, but not texts of their own religion. Additionally, the portrayal of minorities in textbooks creates prejudice against them.

Are there any chances of improvement?
Attempts at improving the education system so as to accommodate minorities’ concerns have sometimes been made but have invariably run into resistance from the Muslim clergy. There will be chances of improvement if the present wave of religiosity recedes.

The inability to protect minorities in case of forceful conversion is obvious. Why are there no steps taken to prevent it?
Forced conversions are supported by the entire Muslim clergy. Politicians are afraid of angering the clergy because they have, historically, organised and executed most of the country’s anti-government movements. Even the judiciary is afraid of protecting the victims of forced conversion at the cost of losing the clergy’s goodwill.

Do you think the situation would be better if Pakistan was a secular state?
Yes, absolutely. But how to make Pakistan a secular state is the million dollar question.

To what extent is the Blasphemy Law a hindrance to social and religious harmony?
It disrupts social harmony in a variety of ways. Many Muslims are led to believe that all members of the minorities have little respect for Islam and that they commit blasphemy deliberately and with malicious intent. Even if the charge is eventually proved to be baseless, the damage is done. The clerics’ propaganda that every Muslim has a right and a duty to kill a blasphemer leads to wanton killings and more intolerance.

Are there any efforts to reform the Blasphemy Law?
That the law is misused is universally accepted but no attempts are made to stop such abuse. The efforts of various governments to introduce procedural changes had to be given up from fear of a conservative backlash.

Do you think Pakistan will improve the rights of minorities?
No, not at the moment. Things may become more difficult for minorities over the next decade or so before they begin to get corrected.

Olaf Kellerhoff, Islamabad
Southeast and East Asia

ASEAN’s human rights system must be responsive and effective

In Southeast Asia, a Working Group affiliated with ASEAN pushes member governments to develop a meaningful Human Rights Mechanism. Working Group Secretary-General Ray Paolo Santiago discusses his team’s successes and challenges.

Mr. Santiago, your country, the Philippines, advocates a formal structure to protect human rights under the umbrella of ASEAN. Yet, aren’t there still Human Rights issues at home?

The Philippines is known to be a human rights-friendly country. It has ratified almost all of the core international human rights treaties and has strong legislation. However, the Philippines has also been criticised of being less effective in the implementation. Depending on the political leadership, some of the human rights issues, such as extra-legal killings, remain challenging. Some would attribute the problems in addressing these issues to a lack of political will, while the administration points to a lack of resources. Be that as it may, good laws must be coupled with concrete and solid implementation. When it comes to addressing human rights issues in a developing country with limited resources, another main challenge is the prioritisation of these issues. Human rights compliance cannot take a back seat just because there are no resources available for its implementation.

Ray Paolo Santiago, from the Philippines, is Secretary-General of the Working Group for an ASEAN Human Rights Mechanism. The Working Group gives recommendations to the member governments of the Association of South East Asian Nations (ASEAN), which has created the ASEAN Intergovernmental Commission on Human Rights (AICHR) and has adopted the ASEAN Human Rights Declaration (AHRD). The Working Group seeks to expand the mandate of the AICHR and suggests monitoring, promotional, and recommendatory functions, as well as the capacity to receive complaints from states and individuals. In the future, the Working Group envisions the establishment of an ASEAN Human Rights Court. The Working Group and the Friedrich Naumann Foundation for Freedom have been partners since 1996.
What do you think are the challenges of the Working Group for an ASEAN Human Rights Mechanism and its most pressing concerns?
The most pressing concern for the Working Group is how to develop the evolving ASEAN human rights system into a responsive and effective formal structure. There are four challenges that immediately come to my mind. The first is that most of the Member States of ASEAN are emerging or new democracies. Although the concept and importance of human rights are now being acknowledged, the implementation of these rights is challenging. Secondly, recognition and implementation of human rights in ASEAN has been driven principally by a few key individuals. Instead, there is a need to change the mindset of ASEAN government officials in order to institutionalise human rights. Third, human rights need to cut across many policies in ASEAN and its member states and should not be seen as a limited or compartmentalised concern. There needs to be synergy among different ASEAN bodies. And lastly, it is still a challenge of resources among institutions, especially civil society organisations, which are working for human rights in ASEAN.

What are the benefits of the work of the Working Group?
The Working Group has brought dialogue and consistency in human rights advocacy in ASEAN. During its work of human rights institution-building in ASEAN, it has tirelessly aggregated the many different positions held by those who work in human rights advocacy to push for change in the right direction. It may be seen as a slow process by some, but it has been effective in bringing about developments on human rights in ASEAN. Its consistent engagement with ASEAN on human rights institution-building since 1996 has earned the Working Group recognition as an “Entity Associated with ASEAN” in the ASEAN Charter. The establishment of the ASEAN Intergovernmental Commission on Human Rights, the ASEAN Commission on the Promotion and Protection of the Rights of Women and Children and the adoption of the ASEAN Human Rights Declaration are the most concrete success stories of Working Group engagement. Although the Working Group alone cannot claim credit for all of these, it has been instrumental in their realisation.

What is your personal motivation in your work?
My personal motivation is in really seeing changes during my lifetime, even if the process is a slow one. As we are more fortunate than others in deplorable situations, I feel that we have the responsibility to create changes and make things right.

Pett Jarupaiboon, Bangkok
Southeast and East Asia

Islamic family law does not reflect what marriage is today

In Malaysia, Ratna Osman promotes the rights of women in Islam

Ratna Osman grew up in Malaysia in a moderate Muslim family. She attended Qur’anic school and religion was important, but she was a modern, urban girl. At the age of 15, a Muslim student group invited her to attend a training session in their school. The preacher talked about how to be a good child in Islam, to obey one’s parents and to dedicate one’s life to worshipping God. She was told that if she did not obey, her parents would be punished in hell for her sins. “I truly believed what I was taught,” Ratna says today, “I believed that women were the weaker sex, that being obedient to a husband is part of being a good wife and that polygamy is the natural right of men.” Looking back, Ratna believes she was drawn into an understanding of Islam as a dogmatic religion. This raised a lot of questions for her, but the fear of being deemed a bad Muslim stopped her from voicing them.

Her early life experiences gave her a deep understanding of conservative interpretations of Islam. A few years ago, Ratna got to know the work of Sisters in Islam (SIS), a Malaysian NGO, which promotes women’s rights. At first, Ratna was sceptical about the bold stance taken by SIS. “I was blown away. I was asked about freedom of religion, of equality between Muslim men and women and freedom of choice. When eventually I was offered the job, I remember telling myself that this is the place I have been looking for.”

Ratna Osman is the Executive Director of Sisters in Islam (SIS) in Kuala Lumpur, Malaysia. SIS promotes the principle of gender equality in Islam. SIS’s founders came together in the late 1980s: lawyers, academics and journalists. SIS organises workshops and seminars and holds public forums. While working for women’s rights, SIS has long recognised the importance of engaging the larger issues of nation-building, governance, and the challenge of change and modernity. The Friedrich Naumann Foundation for Freedom and SIS have worked in cooperation since 1992. Malaysia is a Federal Constitutional Monarchy with a Muslim majority population. According to Human Rights Watch, freedom of assembly and freedom of expression are curbed.
At SIS she had the opportunity to apply the knowledge acquired during her degree in Islamic and Sharia Law at the International Islamic University in Islamabad and to help raise awareness about progressive interpretations of Islamic teachings.

“The biggest challenge is changing the mindset of people regarding Islamic teaching. In Islamic family law, the role of men as the provider and protector has its roots in century-old beliefs and practices but it does not reflect what marriage is today.” Under certain circumstances Islamic family law allows men to marry more than one wife. Often these are underage girls married off to adult men. “The biggest evil is poverty,” explains Ratna. Many parents are too poor to provide for their young girls. With marriage, this responsibility is passed on to the man.

When it comes to guardianship for children, Malaysian civil law for non-Muslims grants equal rights to both parents. In Islamic law, fathers have guardianship. Mothers can apply for custody in court. But few women are brave enough to speak up, fearing that they may be stigmatised. Cultural considerations, tradition, family pressure and a lack of gender sensitivity are factors to be reckoned with in Malaysia’s court system.

Today, Ratna feels at home at SIS and leads the organisation. SIS studies and researches the role of men and women in Islamic teachings, aiming to show that the Qur’an makes no distinction between genders. SIS and its staff are often the target of criticism. On several occasions legal action has been taken against SIS, because of its progressive stance. Some conservative religious scholars claim that the Qur’an is not debatable. Some even demand that SIS be banned. Nonetheless, Ratna and her colleagues remain vocal. They look at what is actually said in the Qur’an and debate interpretations. Sisters in Islam enjoys international recognition and respect for their continuous struggle for equality and justice for Muslim women.

Juliane Schmucker, Kuala Lumpur
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<td><a href="http://www.irrawaddy.org">www.irrawaddy.org</a></td>
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