

Motion

submitted by the parliamentary groups of the SPD, CDU/CSU, ALLIANCE 90/THE GREENS and FDP

Protection of human rights defenders under threat

The Bundestag is requested to adopt the following motion:

The Bundestag notes:

I. People who seek to ensure that human rights are implemented and respected in states where these rights are violated often run a high risk. Without their courage and perseverance, however, the situation with regard to human rights in the world would be grave. They are lawyers who seek to ensure that human rights violations do not go unpunished, and who concern themselves with the victims of state arbitrariness in their countries; they are journalists who denounce crimes in which their government or military are involved; they are doctors who treat victims of torture and want to bring the perpetrators to justice. But they are also trade unionists, representatives of churches and religious communities, of indigenous groups, of political parties and of non-governmental organisations.

Those who defend the rights of others frequently become victims of human rights violations themselves. Their criticism makes them a thorn in the side of state organs in countries where the rule of law is not entirely secure and of paramilitary groups. Defenders of human rights and their families are therefore defamed, threatened, expelled, arbitrarily arrested, convicted of “subversive” activities, mentally and physically tortured, or even murdered. Some people who are considered undesirable “disappear” forever.

According to UN Special Representative Hina Jilani’s most recent report of 3 January 2003 (UN-DOC E/CN.4/2003/104), lawyers, trade unionists and journalists,

representatives of women's organisations, and representatives of ethnic and religious minorities as well as of indigenous peoples, are considered to be groups which particularly need protection. This is also true of doctors, teachers and civil servants who support the provision of essential services to groups in the population which are under threat, or the development of rule-of-law structures. Members of non-governmental organisations who promote human rights are also at risk. Many defenders of human rights whose rights have been violated fall into this category. The threats and violent attacks are frequently directed not just against individual members, but against whole organisations and groups.

The German Bundestag affirms its deep respect for all women and men who courageously defend human rights in the difficult political circumstances in their countries.

II. The United Nations General Assembly paid tribute to the commitment of human rights defenders in 1998, on the eve of the 50th anniversary of the Universal Declaration of Human Rights, and adopted the "Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognised Human Rights and Fundamental Freedoms". This declaration sets out existing international legal standards and applies them to the work and protection of human rights defenders, as well as recognising the legitimacy of their work.

The appointment of the UN Special Representative on Human Rights Defenders, Hina Jilani, in August 2000, and the extension of her mandate by a further three years at this year's 59th session of the UN Commission on Human Rights in Geneva, promote the continued implementation of the declaration. In her comprehensive report on the global situation of human rights defenders, submitted to the 58th session, she describes impunity as one of the most serious human rights problems, and one which also directly affects the work and safety of human rights defenders. As long as perpetrators do not need to face any consequences for their actions and are therefore convinced of their security and impunity, defenders of human rights are constantly at risk. In her report relating to 2001,

Hina Jilani describes in detail which people and groups have suffered which violations of their human rights, as well as the identity of the perpetrators. According to the report, most of the victims were lawyers and trade unionists, while the perpetrators predominantly belonged to the police, the military and secret services. Private actors, such as armed opposition groups, were also among the perpetrators. Most murders of human rights defenders were committed in Latin America. The German Bundestag welcomes the extension of Special Representative Hina Jilani's mandate, and supports her in her activities without reservation.

III. Several international organisations also seek to protect human rights defenders. The Inter-Parliamentary Union (IPU), a union of parliaments from 145 states, has established a committee which deals with the human rights of parliamentarians. Both they and their relatives or colleagues can submit complaints to the committee about obstruction of their work, arbitrary arrests or unfair legal proceedings. The list of names of affected parliamentarians, adopted as a resolution twice a year, is transmitted to the national parliaments for them to take suitable measures to assist their foreign colleagues. The implementation of IPU resolutions is obligatory. In many cases, though, assistance comes too late, so that the lists also include the names of the dead. In the struggle against impunity, however, the investigation of these deaths and the punishment of the perpetrators is also an important task. The German Bundestag encourages the German IPU delegation to actively support the human rights of parliamentarians.

The Committee on Legal Affairs and Human Rights of the Parliamentary Assembly of the Council of Europe likewise monitors the extent to which human rights defenders in its member states are permitted to carry out their work. The Office of the OSCE Representative on Freedom of the Media also plays an important role in protecting human rights defenders.

International human rights organisations, which are part of a global network of people who actively defend human rights, have worked to protect these people for a long time. "amnesty international" has developed a comprehensive action programme which ranges

from documenting human rights violations and supporting regional groups to creating the political and financial conditions needed to protect people outside of their country of origin. Appeals and petitions on behalf of individual human rights defenders facing specific threats are very important instruments of action, not only at “amnesty international”, but also at “Reporters Without Borders”, an organisation which concentrates on the work and protection of journalists. Global letter-writing campaigns still send an important signal to policy-makers. The approach of “Peace Brigades International” is fundamentally different: in Columbia, Mexico, Guatemala and Indonesia, unarmed PBI teams accompany human rights defenders who are at risk and try in this way to protect them. The German Bundestag welcomes the fact that the Federal Government provides financial support for civil-society measures to protect human rights defenders, such as Peace Brigades International’s “Protective accompaniment, conflict transformation and international presence” project. Religious organisations, too, promote numerous human rights projects.

The International Federation of Human Rights Leagues (FIDH) and the World Organisation Against Torture (OMCT) have established an Observatory for the Protection of Human Rights Defenders in Geneva. According to its statistics, 267 people were threatened and 143 detained or given arbitrary sentences in 2002. 76 people were murdered or “disappeared”. The Observatory highlighted the fact that the situation in African countries affected by civil war, such as Liberia, Côte d’Ivoire and the Republic of the Congo, is particularly difficult. Moreover, the Observatory has noted that since 11 September 2001, the struggle against terrorism has served, in many countries, as a welcome justification for taking harsh action against defenders of human rights.

IV. The Federal Republic of Germany has numerous possibilities at its disposal to contribute actively to the protection of defenders of human rights. In this context, the German Bundestag welcomes all bilateral and multilateral efforts to promote democratic and rule-of-law structures, as well as independent judiciaries, across the world. These are the basic prerequisites for the prevention and investigation of human rights violations and the punishment of perpetrators. Alongside regular political dialogue, targeted support for

projects on the reform of criminal law and criminal proceedings, on legal advice, on the establishment of ombudsmen's offices and on the promotion of organisations working to ensure independent investigations into human rights infringements, also constitutes an important element in the fight against the widespread impunity for human rights violations. The establishment of structures to enforce and monitor human rights also benefits human rights defenders directly.

German missions abroad and political foundations play an extremely important role in protecting human rights defenders: regular contacts with human rights defenders and invitations to events taking place locally and in Germany not only demonstrate interest in the personal fate and work of those invited. Such public appearances and acknowledgement by foreign institutions can offer them a certain degree of protection. On the other hand, human rights activists in many states with dictatorships expose themselves to major risks through such contacts. How particular individuals can best be protected and their work most successfully supported depends on the particular circumstances. It is also important, however, for missions abroad and foundations to make use of their contacts to government officials, in order to push for fair legal proceedings and be able to send observers to trials. They often represent the only link to the outside world for human rights defenders in detention. In acute cases, missions abroad and foundations should resort to all available means, including, if necessary, unconventional ones, to help human rights defenders.

Frequently, however, human rights defenders are forced to leave their countries. In many cases, they are able to seek refuge in a safe neighbouring country and continue their work there - in their own regional and linguistic environment. But some human rights defenders at risk are unable either to remain in their own country, or to find refuge in a neighbouring country. For such cases, a programme was developed in Spain, for example, on the initiative of the Spanish section of amnesty international, with the help of which human rights defenders from Columbia at risk have, since 1998, been able to seek refuge from persecution in Spain for a year. In February 2003, the Belgian parliament adopted a resolution proposing temporary asylum in Belgium, or permanent protection on

the basis of the international treaties of which Belgium is a signatory, for human rights defenders under threat. Members of the French parliament have "adopted" human rights defenders and invited them to stay in their constituencies for three months; they also maintain contact with them following their return to their home countries. In the light of the initiatives of these countries, similar protective measures should be considered in Germany.

The German Bundestag urges that additional measures be taken together with the EU partners to protect the defenders of human rights. In this way, the experiences gained by states and non-governmental organisations could be brought together to ensure progress in the implementation of the Declaration on the Protection of Human Rights Defenders and strengthen the mandate of the UN Special Representative.

V. In many countries, politicians are amongst the human rights defenders at risk. These politicians may equally be elected representatives, opposition politicians or mayors. For this reason, the Committee on Human Rights and Humanitarian Aid of the German Bundestag held a public meeting during the last electoral term, together with the German delegations to the IPU, to the Parliamentary Assembly of the OSCE and to the Council of Europe. At this meeting, the representatives of the inter-parliamentary bodies asked the committee to coordinate the work of the various bodies and the Members of the German Bundestag for fellow parliamentarians at risk and to establish, if possible, a central point of contact. In response, the committee launched the "Parliamentarians Protect Parliamentarians" campaign: this involves Members of the German Bundestag committing themselves, regardless of their areas of expertise, to stand by fellow parliamentarians who are working in often extremely difficult political conditions and whose only crime is generally exercising their right to free speech. With this "Parliamentarians Protect Parliamentarians" campaign, the German Bundestag is fulfilling its commitment, in line with the IPU statutes, to contribute to the promotion of human rights.

The German Bundestag will, as far as possible, lend active support to the "Parliamentarians Protect Parliamentarians" campaign and assist in gathering information. In this it will rely on close cooperation with the IPU and the human rights organisations active in this field.

The protection of women and men who defend human rights is an important element of a credible human rights policy. The Members of the German Bundestag are making a contribution to this. They also commit themselves to long-term involvement in the "Parliamentarians Protect Parliamentarians" campaign. This means that they will:

- draw attention in talks with political decision-makers inside and outside Germany, and in petition letters, to defenders of human rights under threat or being held in detention and call for their protection or release;
- pay tribute to the commitment of human rights defenders whilst abroad by talking personally to them wherever possible, visiting them in prison, calling for them to be given a fair trial or observing court proceedings;
- examine whether they can help fellow parliamentarians under threat abroad through special partnerships in line with the French example.

The German Bundestag calls on the Federal Government:

1. to strive to ensure that the UN Declaration on the Protection of Human Rights Defenders is publicised and implemented across the world - including in the framework of other UN mandates;
2. to continue to support, together with their EU partners, the work of the UN Special Representative Hina Jilani and, in particular, to strive to ensure the implementation of the recommendations made in the reports which she presented to the UN Commission on Human Rights at its 58th and 59th Sessions;

3. to continue to work with organisations in Germany and abroad which have access to information concerning human rights defenders and are working to protect them;
4. to support, in the fight against immunity from prosecution, the establishment of independent judicial systems and call for and actively support independent investigations of human rights violations;
5. to support projects run by the German political foundations, local NGOs and church organisations to establish and promote civil society structures for the protection of human rights;
6. to take all measures necessary via the German missions abroad, including unconventional ones in acute cases, to protect defenders of human rights;
7. to take additional measures, together with the EU partners, to protect human rights defenders;
8. to admit human rights defenders into the Federal Republic of Germany at short notice, on the basis of the relevant legislative provisions, for their protection;
9. to brief the Committee on Human Rights and Humanitarian Aid of the German Bundestag on a regular basis about politicians who, as a result of their commitment to human rights, are under threat or prevented from exercising their office.

Berlin, 25 November 2003

Franz Müntefering and parliamentary group

Dr. Angela Merkel, Michael Glos and parliamentary group

Katrin Göring-Eckardt, Krista Sager and parliamentary group

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