Global Campus of Human Rights

Podcast Series 2 – Hope-based human rights

Episode 2 – To hope for the better
Mary Lawlor

Hi, this is To The Righthouse, a new podcast series by the Global Campus of Human Rights. From scepticism to hope, from utopia to empathy, we discuss human rights, riding waves, but also signaling where the light is. This podcast was recorded in Venice, Italy, on the island of Lido at the Global Campus headquarters.

Graham Finlay (GF) - In the second episode of our podcast series on hope-based human rights, we want to discuss the importance of evidencing hope and human rights work. In the face of the current backlash against human rights, we want to reflect on how to hope for the better and what we can learn from the need to stress achievements in our continuous human rights struggles. In this conversation, I'm honoured to be joined by Mary Lawlor, UN Special Rapporteur on Human Rights Defenders. Welcome, Mary, and thanks for being with us.

Mary Lawlor (ML) - Thank you very much for having me.

(GF) - So, in your remarkable recent report '[Success through perseverance and solidarity: 25 years of achievements by human rights defenders]', you explicitly call for a change in the narratives surrounding human rights defenders from one that focuses on repression and violations to successes and hope. What prompted you to change the narrative?

(ML) - Well, this year, the Declaration on Human Rights Defenders is 25 years old, so I wanted a way of marking the contribution that human rights defenders make to building civil and just societies around the world. We have been having all through COVID - and even still - hearings with human rights defenders from all over the world: 1200 we've spoken to. And we started to get them to just put a one page questionnaire because they would come on the Zoom, or whatever platform we were using, and they would expect you to know where exactly they were and what they were doing and everything and even… and I would be frantically with a map trying to find the town that they were talking about. So that's why we started: basic questionnaires ahead of hearings with contact details and what they were working on. But one of the questions I wanted, and this goes back a long time - I used to do it in the organisation I set up as well - [was] are there any small successes that you are proud of? And we got a wealth of information from those questionnaires. It started me thinking: wouldn't it be nice, for the 25th anniversary, to do a report, which shows the contribution that human rights defenders make? So we did a load more consultations before the report, structured conversations with defenders in different regions and different countries. We have tons more examples that went into the report. But I just thought it was a way of celebrating them, of making them visible, making them credible, showing the work they do while at the same time showing the awful risks that they face.

(GF) - It sounds like it must have been something they really liked, being recognised, but also it helps explain why they do what they do.

(ML) - Well, the thing about human rights defenders is - what they need most of all - is recognition, credibility, and visibility by the international community, by states, by everyone, because that is a form of protection for them. So there are, of course, some human rights defenders who want to work under the radar. But for those who are trying to deliver human rights-based solutions to awful problems, this is what they need. It's a morale booster for them, too, when they see that they are being recognised. So it's always been really important to me and that's why, in my last job, I started a website just to recognise and make visible the work of human rights defenders. When it came to the report, that's what I was aiming at, I was collating and getting all the information that we had gathered and putting it into some kind of form as a way of also trying to show states that they shouldn't be treating them as an enemy. These people are good people. They are really working in the best interest of ordinary people in their countries. Unfortunately, they're also a threat to corrupt power. So governments and non-state actors and businesses all attack them. I always say: repression is a measure of effectiveness. If they weren't being effective, they would be allowed to do whatever they do. It's because they're effective, that they're being targeted and attacked. So this was a way of, I suppose, thanking the defenders as well.

(GF) - I was really struck by the defenders from all over the world, including - sort of - even wealthy Western countries. I know you call on in your report - and have called on for quite some time - states to celebrate and recognise their own national human rights defenders or local human rights defenders. Of course, that's not, as you said, always forthcoming. Do you think that there's a sort of internationalisation of hope, when we call on states to recognise human rights defenders around the world, that they have hopes for maybe groups, which are not in their actual local society, which aren't going to get them votes, or give them an opportunity to have an event or something like that?

(ML) - Well, I suppose I'm a bit cynical when it comes to the role of states. It's like the Lithuanian Ambassador said to me there in Geneva a couple of weeks ago, that *'*everyone loves human rights defenders, as long as they're not in their country*'*. A couple of weeks later, Lithuania brought in an emergency law to allow push backs of refugees, migrants and asylum seekers, you know, shocking. So, when I look at the way states behave towards humanity, of course, you have a group of states, we have about 12 states in a contact group who say they will take action - once a month we send them a case, they say they'll take action on that case (or if it's a draft law that we want to try to improve, they say they will). But every state, as you know better than I do, is driven by their own political and strategic interests, and they're not going to let human rights stand in the way. If they feel that by raising issues of human rights defenders and human rights is going to interfere with whatever political strategic trade deal, whatever it is, they're not going to do it.

What I'm trying to say to states is… you can… you don't… States, they all have thick necks and they know how to navigate the world. What I'm trying to say is: you can ask searching questions of oppressive states and advocate for people who are criminalised or have been given long jail sentences or have been physically attacked or [have experienced] assassination attempts; there is a way of asking and letting it be clear that you do not approve of that, while at the same time trying to pursue your trade deal or your political engagement or whatever it is, like, it's not one or the other in my book.

The other thing I would say is: when it comes to business, I mean, I'm very glad the EU is bringing in this Draft Directive on Mandatory Human Rights and Environmental Due Diligence next year, hopefully at the end of next year, because for the first time - and we managed to get human rights defenders named as a stakeholder, fingers crossed, it remains - but for the first time businesses are going to have to consult properly with human rights defenders, who, after all, are the people who know best how to mitigate the risks on the ground, and actually work to find a solution that both is acceptable to the communities that are affected and allows the business to (operate). Because they're not anti-development, they just don't want their water poisoned, so they can fish and feed themselves. I'm afraid, you do come across good examples of states when they take action, but then, of course, everyone wants to dump on their enemies and go easy on their friends.

(GF) - Again, I think that's an amazing sort of area for looking at human rights defenders, and I think I especially welcome the idea of due diligence because that brings it into the actual business model, as opposed to corporate social responsibility of a voluntary sort, where they decide how much of their brand is going to be affected if they do X or Y. So to bring it into the process of setting up a business development seems very, very powerful. I know that environmental, and very often - in a related story - indigenous defenders are very often the most targeted. Do you think there's a particularly, maybe hopeful or positive aspect to those particular campaigns, even if they face some of the worst violations?

(ML) - Yes, 70% of all those killed every year, which are over 400, are indigenous land or environmental human rights defenders. But because it's the 25th anniversary, I am actually bringing 11 children under 18 and 30 young people under 32 - which is the UN definition of being young - to Vienna, to mark the 30th anniversary of the Vienna Declaration, which was of course seminal in setting up the human rights machinery. The youngest child coming is an indigenous defender from Ecuador and she's only 10, she’s on the Youth Council. And that's to be very helpful. Because these are the people who are going to carry the human rights movement forward into the future and long after I'm in the ground. I think it's really important to ensure that you're trying to nurture children who are acting now so much in terms of climate and environment and young people who tell me they're not taken seriously, their voices aren't heard. Nobody takes them seriously, their parents sometimes are threatened because of their work. Their parents are told more or less to make them stop what they're doing.

But if you look at the human rights movement, I started in the 70s and it was an awful place then: you had the military dictatorships in Latin America, you had apartheid, you had the Soviet Union, you had all these awful situations, but at the same time, you had the continuous growth and development of more and more people working in human rights. There are now considered to be 10 million NGOs around the world working in human rights. They all work on whatever issue it is, they try and find allies in states and in national institutions or wherever they think there might be a combination, and obviously in international organisations, in the UN, wherever they think they might be able to advance whatever right it is they're working on, they try and find allies to strengthen what they are saying. That of course, is where credibility, visibility and recognition comes in as well.

(GF) - I thought that was actually a very compelling part of your discussion of allyship, which is that you had a lot of cases all the way from very local cases, up to international allies and international

cases, but even very local cases where a government actor, like a district commissioner, would work with defenders.

(ML) - That case: it was the children in Bangladesh, who were working against forced marriage and they had prevented 13 marriages, child marriages, but they worked in collaboration with the district commissioner, and as I said, they prevented 13 child marriages, and they're at risk themselves for this work. Yes, Bangladesh.[1]

(GF) - That was a very compelling story. I also think it's interesting that beyond… I mean, these officials, say, or other state parties or state agents, getting involved as allies, suggests that the language of human rights or the idea of human rights defenders - or maybe not even if it's formally expressed in terms of commitments of the state to international conventions and things like that, nevertheless - must resonate with these state actors for them to do anything. Or maybe it's their morality?

(ML) - You know, you'll always find good people, in all walks of life, you just have to identify them. Like, one of the other places that I think is so powerful, is in Yemen, with the Abductees' Mothers (Association) who have seen in the local community a very hostile reaction to their work. But bit by bit, they won over the local community and when they were working on the people who had been abducted and disappeared, and they have managed, with both sides of the conflict, to be allowed to do their work and have found people. So I mean, I think that's really extraordinary in a conflict situation like Yemen.[2]

(GF) - Again, Yemen is a great example of you finding success in some very, very difficult circumstances. Do all the defenders you find who found success even in a place as tough as Yemen, do they have something in common in their approach? Or is there a reason why they succeed?

(ML) - Well, I think everyone is fuelled by hope. I don't think anyone can continue to be resilient and to persist and to resist injustice, unless they can find hope. And even today, I was at the Award for Human Rights Defenders here in Dublin, and two of the people who won awards, they both mentioned hope. It's almost like the fuel that allows human rights defenders to think something will be better, and something has to be better. And it's also, I think it's a bit like Seamus Heaney's line: 'Walk on air against your better judgement'. And there's another poem I used to like - and I don't remember I was looking for it lately, I couldn't find it - because I thought it kind of summed up human rights defenders: it said 'with madness and a bit of hope.' And I think with a lot of human rights defenders, that is because they've taken on huge challenges either in women's rights or LGBTQ rights. Or, like me, I've had amazing meetings, there was one in the Amazon, where there was just a tarpaulin, poles covered by a tarpaulin, with a few people inside and a couple of goats running around and a baby crawling, and they had never spoken to anyone before. Then we were able to connect them with a lot of organisation and one of them said 'this is great, this internet' and I was going in, and 'this is great, this internet, I'm going to be able to learn lots of things now by going to meetings'.

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[1] Report of the UN Special Rapporteur, UN Doc. A/HRC/52/29, 21 December 2022, para. 1.
[2] Report of the UN Special Rapporteur, UN Doc. A/HRC/52/29, 21 December 2022, para. 74.

And then there was another one with women, beautiful Maasai women (with) the most exquisite outfits in a valley in Kenya, who were talking about the patriarchy and the fact that even their own community was so guilty of gender, and they were working against gender based violence. When you see this kind of thing, where people will continue (and they are dogged) it's almost something of the spirit, I think, that they are willing to take risks, not for their own personal advancement, but for the rights of others. And usually, when you talk to them, it's trying to make the world a bit better for their children.

(GF) - I mean, I've so many questions about that. I guess maybe I'll start with the last comment about the spirit. Do you find that some form of spirituality animates a lot of these struggles? I'm not putting any kind of particular religious gloss on it.

(ML) - No, I suppose I talk of the spirit as a loose kind of [sense], it's just that the sense of injustice is so strong in them that they just have to work against it, when they see it happening, and feel that there is something they can do. Of course, there are different human rights defenders of many different religions, and some of them are faith-based, they do it out of their faith. But I think the commonality between them all is this thirst for justice, and this thirst to seek redress for wrongs being visited on their communities.

(GF) - No I wouldn't want to reduce it to an emotion or anything like that. It's more of a sort of a way of being.

(ML) - I mean, they get up in the morning and they sometimes don't even know if they're coming home that night, but they make their human rights work part of who they are and what they are, it's in their blood. It's in their breathing and it's just what they do.

(GF) - You've said that it's very often women human rights defenders or LGBT human rights defenders who are the most successful or have the strongest analysis of their situation coming out of that? Is that part of it? Or why do you think they're so particularly successful?

(ML) - Well, I think it's very hard to generalise and I wouldn't, I wouldn't generalise in any way, because with women human rights defenders and LGBT human rights defenders, they are targeted not only for what they do, but who they are. For every advance that women human rights defenders have made for women's rights in so many countries, there are tons of countries - we just need to look at Afghanistan, Iran, Pakistan, India - that abuse human rights or women's rights. LGBT rights: they've just brought in this awful bill (Anti-Homosexuality Bill 2023), or are in the process of it in Uganda... but at the same time Botswana, Belize have de-criminalised homosexuality. So I mean, I always think countries go up and down, and it's constant: human rights abuses are going to be always with us.

(GF) - Yes, I mean, that is kind of a form of success. You talk about many forms of success in the report: access to justice, protecting the vulnerable, holding business accountable, securing the release of unjustly detained prisoners, but one is success through survival. And it sounds like you're talking about that?

(ML) - Yes, I mean, for the year before the Taliban took over, we talked to hundreds of human rights defenders in Afghanistan, because the situation was deteriorating and we were trying to alert the international community, bringing their voices, not my voice. That's what I see as my job, the added value I can give is to try and bring the voices of those who don't have the access to states that I do, to them. So, we had a lot of meetings and then, of course, the Taliban took over and it was just… for women human rights defenders, the stories we were hearing from them about what was being visited there… But we managed to get [for] 155 of the people that we had talked to, temporary visas, they are not temporary, but visas outside; but there are still people in Afghanistan working and we're trying to support them. And in Iran! There was a demonstration in Afghanistan yesterday, for women's rights. Just think of 10 women walking along together with little placards. And you just say: are they totally…? What is it that's driving this? They know what the consequences could be. The same in Iran, there were so many young people in Iran who have suffered so much, and so many have been even executed for participating in demonstrations.

You look at the six organisations in OPT (Occupied Palestinian Territory) in [the] West Bank, and in Gaza, that have been designated terrorists by the Israelis: they are not more terrorist than I am. And even the EU: because of the designation by the Israelis, the EU stopped its funding to do an investigation - they found, of course, that they weren't terrorists, so they resumed the funding. But they are still going into work every day, despite the fact that they have been raided, their place has been closed up, they're still under the designation of terrorists. They are just unshakable.

(GF) - Well, your talk about the EU makes me think about what those of us in the EU can do? Even more broadly, when you said that - sort of - 'hope is the fuel', I suspect solidarity is the engine, if I'm going to push this metaphor as far as possible. So what do you think the role of solidarity is and how can individuals like us or like our listeners help human rights defenders succeed?

(ML) - Well, solidarity is huge. I remember donkey's years ago when I was director of Amnesty (International) going up into a place somewhere and seeing this poster on the wall and it said: 'solidarity is the last weapon of the defenceless' and it stayed with me. Solidarity is so important because it allows people to feel they are not alone, and that there are people that care about what they're doing and can try and assist them. For anyone who is interested in helping protect human rights defenders, they should lobby their governments to make human rights defenders a priority for their country. What countries need to do: they need laws, policies and implementation. That's all and it's not rocket science. It's easy. But it won't happen unless there is a groundswell in the country. Oftentimes, society is also against the work of human rights defenders, because they are fed false narratives, there is no free press, all of that kind of stuff. So it's very important for anybody who actually knows a little bit about human rights and believes in the Universal Declaration of Human Rights, that is 75 years old this year, and for me human rights defenders, they're the ones that breathe life into the Declaration.

So for us, I think the best thing that anyone can do is try and shape society a bit, talk to everyone and I always say, when I used to talk to schools and thing, I'd say: this is your community, the school is your community, talk to the school, talk to all the people in the school, don't think you have to solve what's happening over there. Start with trying to create a rights-based approach wherever you are and that includes when you hear all these stupid, offensive stories about refugees, migrants and asylum seekers, that you don't sit on the fence, and that you recognise that

states have to apply… you insist that states apply the international standards to which they themselves have agreed, and the right to asylum is one of them.

I don't know if you saw the piece in The New York Times where the documentation of refugees, asylum seekers, babies and children was videoed right from the time they were taken into a van, then put into a boat, a speedboat, then taken to the Hellenic Coast Guard, then put on a raft and pushed back to Turkey. Now, I did a country report on Greece last year, and the criminalization of human rights defenders, who are working to defend the rights of refugees, migrants and asylum seekers, is desperate, they're all being criminalised. Lawyers aren't allowed to see their clients. Anyone involved in search and rescue is seen as a people smuggler. Médecins Sans Frontières are forbidden to go to landing sites where to give medical attention to people. And all the time when I spoke to the Hellenic Coast Guard, they actually said to me their policy was 'control'- what was the other word? - well, it was all about control. The way they phrased it anyway, they thought it was a good thing that they were saying, but they were really playing into my hands, because the approach was all about 'get rid of all these people and just push them back into Turkey'. And we see it in Italy as well, and we see it in the UK now as well. You know, it's just everywhere.

(GF) - Yes, I mean, it is such a challenging sort of site for showing solidarity. But of course, it's all that more important to show solidarity.

(ML) - Exactly. And I think there's hope there, too, because we have two defenders in Libya, who were in the detention centres there, terrible places with ongoing torture and desperate conditions, but they started working for the rights of the people in detention, asylum seekers themselves, they started working for the rights of the people (in there) and got some advances. It is really mind blowing.

(GF) - So there's hope everywhere.

(ML) - Yes.

(GF) - Well, thank you so much Mary for being with us and for breathing life into human rights for all of us. And thank you also for showing us that human rights really do work.

(ML) - Thank you very much for having me.