

NEWS FROM

LAWYERS' RIGHTS WATCH CANADA

By Catherine Morris*

"FIRST THEY IGNORE YOU": ATTEMPTS TO THWART HUMAN RIGHTS ADVOCACY

"First they ignore you. Then they ridicule you. And then they attack you ... And then they build monuments to you," said U.S. labour rights leader Nicholas Klein in 1918.¹ A century later, this pattern of responses continues to impede the work of human rights advocates. Headlines are easily generated by extrajudicial killings, enforced disappearances, or jailing and torturing of advocates. These grave violations are often preceded by more easily disregarded or more easily forgotten methods of silencing human rights defenders (sometimes referred to simply as "defenders" below). Despite such attempts to halt the efforts of defenders, the legal research, education and advocacy of Lawyers' Rights Watch Canada ("LRWC") contribute to saved lives, restored liberty, or positive decisions and changes in laws, policies and practices. LRWC's open files illustrate its continued contributions in face of these challenges, as set out below.

"First They Ignore You"

Recommendations made by human rights defenders are often ignored or omitted in minutes of proceedings or reports. Letters to governments may not be answered at all, or responses may be perfunctory. This does not mean governments have not noticed letters or statements: "victims of human rights abuses and their advocates continue to report that LRWC's work is vitally important to achieving justice in individual cases, providing a source of hope in the interim".²

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“Then They Ridicule You”: Vilification and Defamation

Human rights defenders around the world are often subjected to mockery, vilification or defamation in response to their peaceful human rights advocacy. This is despite universally accepted international standards upholding the right to engage in human rights education and advocacy.³

In some of the most dangerous countries for defenders, attacks are often preceded or accompanied by public defamation.⁴ In Colombia, discriminatory vilification of environmental human rights defenders, particularly Indigenous and women defenders, is commonplace.⁵ Saudi Arabia uses smear campaigns to justify arbitrary arrests and detentions of defenders.⁶ The UN High Commissioner for Human Rights has noted “the vilification of dissent” in the Philippines,⁷ where human rights defenders are “red-tagged” as “communists.”⁸ Human rights defenders in Turkey are subjected to campaigns of public vilification by government officials and state-controlled media.⁹ China stigmatizes human rights lawyers in state-run media, “calling them ‘opponents of China,’ ‘radical activists’ and ‘black sheep,’ and airing coerced confessions” to discredit their human rights work.¹⁰ Legal research and advocacy for defenders who are maligned in their home countries because of their work help to protect reputations and destroy justifications for attacks.

“And Then They Attack You”

Unchallenged public disparagement makes it easier to justify threats, criminalization, attacks or even killings of human rights defenders. The range of attacks noted by LRWC against defenders includes surveillance, judicial harassment, arbitrary detention, unfair prosecutions, disbarment, threats of harm, assaults or murders with impunity, or enforced disappearances.

Colombia fails to properly investigate attacks on human rights defenders, making it one of the top two most dangerous countries to be a defender. Last year was described as “the year that massacres returned to Colombia.”¹¹ In 2020, at least 375 people were murdered in 90 massacres, the “highest number of assassinated human rights defenders and community leaders since 2011.”¹² State surveillance of defenders has also been a concern.¹³

The Philippines is also on the list of the two most deadly countries for defenders. Since LRWC’s November 2020 report in the *Advocate*,¹⁴ the toll of jurists extrajudicially killed in the Philippines during the period starting with the 2016 election of President Rodrigo Duterte has risen to 62. Included among the murdered jurists are nine prosecutors and eight judges.¹⁵

Another 16 lawyers have survived murder attempts, and one lawyer has been subjected to enforced disappearance since November 2020.¹⁶ Many of the murdered lawyers and defenders had been red-tagged (accused of being

communists or terrorists) before being killed. There have been few proper investigations.

Turkey has imprisoned more lawyers than any other country.¹⁷ Lawyers who represent people considered to be dissidents are targeted, disparaged, detained, charged and sentenced to prison as “terrorists” for performing their professional duties. The situation in Turkey was described in LRWC’s November 2020 report to the *Advocate*.¹⁸

Saudi Arabia makes claims of social cohesion and cultural norms as it routinely violates international human rights law by arbitrarily detaining numerous defenders. Included among those arbitrarily detained is women’s rights defender Loujain Al-Hathloul, who in December 2020 was sentenced to imprisonment for campaigning against the driving ban for women and against Saudi Arabia’s male guardianship system.¹⁹ She was convicted in unfair proceedings on spurious charges by a tribunal that lacks the competence, impartiality and independence required by international law standards.²⁰ Ms. Al-Hathloul was convicted of charges that fail to comply with the international principle of legality,²¹ including “trespassing the country’s religious and national foundations”, “suspicious communication with foreign entities”, “recruiting people working in government positions”, and “funding hostile groups abroad to undermine Saudi national security, stability, social peace and to destroy the social cohesion”.²² Human rights advocates around the world joined forces in a well-publicized campaign to secure her release. Ms. Al-Hathloul may be released in March 2021 after the court suspended a portion of her nearly six-year sentence. [Ms. Al-Hathloul was ultimately released on or about February 10, after submission of this article for publication – Asst. Ed.] A Saudi Arabia court peremptorily dismissed complaints that Ms. Al-Hathloul was tortured and ill-treated during detention.

China stigmatizes dissent as a violation of proclaimed ideals of social harmony. Dissidents and human rights defenders have been subjected to kidnapping and incommunicado detention in secret locations where they are likely to be tortured and ill-treated.²³ They are charged with vague offences such as “picking quarrels and provoking trouble” or national security offences.²⁴ Despite increased intensity in international calls for accountability for its human rights abuses²⁵ (including allegations of genocide against Uighur people²⁶ and convincing civil society findings of forced organ harvesting²⁷), China continues its resistance to international human rights, refusing to remediate its ongoing rights violations and instead attempting to reframe international law in “win-win” terms of “dialogue and cooperation”.²⁸ Despite China’s egregious and systematic human rights abuses, in October 2020 the UN General Assembly narrowly elected China to the UN Human Rights Council for a three-year term (2021–2023).

Lest lawyers in Western democracies be complacent, one need only look to events in the United States in 2020 to see how vilification can be used to justify and incite attacks against defenders. In 2020, the then-U.S. president labelled peaceful protestors as “left wing extremists”²⁹ and journalists as “enemies of the people.”³⁰ Subsequent crackdowns against peaceful protestors during 2020 included arrests in numerous cities of hundreds of journalists³¹ and dozens of clearly marked legal observers reporting on protests.³²

“Then They Build Monuments”

Generations of human rights defenders have achieved the creation of international law aimed at prevention and remediation of human rights violations. Over the past 70 years, international human rights norms have been accepted by the vast majority of countries, including (in varying degrees) by China, Colombia, the Philippines, Saudi Arabia and Turkey.

Looking at the international human rights treaties, one might imagine a world of peace and human dignity. Have the treaties become impotent monuments to international human rights to which states only pay lip service? International human rights law and standards came about as a result of the work of human rights defenders, sometimes at the cost of livelihoods, reputations, freedoms or even their lives. And it will be defenders who bring about the respect, protection and fulfillment of rights, through documentation of facts, legal research, public reporting, advocacy and international human rights education. Effective implementation of international human rights law and standards depends on the support of lawyers, legal scholars and other rights advocates.³³

ENDNOTES

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Leanne Christie, detail of *Bustling Passages*, oil on canvas, 30" x 48"

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