

Safeguarding Civil Society in Politically Complex Environments

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This publication was made possible through support provided by the U.S. Agency for International Development, under the terms of Award No. 115-A-00-03-00020-00 and 122-A-00-03-00019-00. The opinions expressed herein are those of the author(s) and do not necessarily reflect the views of the United States Agency for International Development or the United States Government.



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*International Center for Not-for-Profit Law
December 15, 2006*

Introduction

On January 17, 2006, Russia adopted a new federal law amending the legal framework governing non-governmental organizations (NGOs) and giving the government greater control over NGO activity. On February 20, 2006, the National Assembly of Sudan passed a draconian new bill which imposes restrictions on the work of NGOs operating in Sudan and grants discretionary power to the government over the operations of NGOs. On November 2, 2006, the Peruvian Congress passed amendments to Peru's Law Creating the Peruvian Agency for International Cooperation (APCI), which, if ultimately approved by Peru's President, would grant the APCI the authority to "harmonize" NGO activity with "national development policy and the public interest" and to regulate the flow of foreign funding to human rights defenders. Even at the inaugural session of the U.N. Human Rights Council, the Minister of Justice, Legal and Parliamentary Affairs of Zimbabwe issued a statement, calling upon the Council to establish a framework to prohibit the direct funding by "developed countries and their agencies" of NGOs operating in the fields of human rights and governance.

These are not isolated events. They are part of a growing regulatory backlash against NGOs in many parts of the world. In little more than a year, over twenty countries globally have introduced restrictive regulations aimed at undermining civil society. These countries join more than 30 others with existing laws, policies and practices that stifle the work of civil society organizations.

In the former Soviet Union, this trend arguably springs from the perception that NGOs played a fundamental role in the recent revolutions in Georgia and Ukraine, and the fear that similar citizen action is a threat to the authoritarian regimes in other countries.¹ But the trend to constrain civil society is clearly global in nature; countries from Eritrea to Zimbabwe, Bangladesh to Nepal, Algeria to Iraq, Burma to Laos, and Cuba to Venezuela have enacted or proposed new laws and regulations which diminish the legal space in which civil society can operate. In terms of their relation with civil society, these countries can be described as politically challenging or complex environments.

The stated rationale for laws and regulations which inhibit NGO activity varies from country to country, and is sometimes cast in terms of counter-terrorism, national security, or curbing NGO abuse. Even where the goals themselves are legitimate, the means used to achieve them are disproportionate as well as unjustifiably harsh and over-reaching. In politically challenging environments, governments perceive civil society as a threat and use the law as a sword to diminish the space in which it operates, and to undermine the strength of NGOs. These politically challenging environments tend to exhibit one or more of the following characteristics:

- The country operates a ‘closed’ or command economy (e.g., China, Cuba) or is governed by leaders with autocratic tendencies (e.g., Belarus, Turkmenistan, Uzbekistan);
- There is political dissension in the country or neighboring country that is perceived as threatening the current government regime or incumbent party (e.g., Russian, Sudan, Zambia);
- There are concerns about religious fundamentalism (e.g., Egypt, Uzbekistan);
- Similar legislation or practices have been enacted or introduced in neighboring regimes (e.g., the former Soviet Union and the Middle East);
- The country has a history of human rights abuses (e.g. Belarus, Zimbabwe);
- The country is concerned about “foreign influence” (e.g., Russia, Venezuela.)

Governmental restrictions on private initiative are nothing new. Authoritarian governments have often sought to limit the space for non-governmental activity. The current backlash against civil society is especially troubling, however, coming as it does on the heels of a renaissance of civil society in Central and Eastern Europe and nascent civil society growth in the former Soviet Union.²

In recent years, we have been witness not only to the tenacity of civil society to survive in oppressive environments, but more dramatically to the transformational power of civil society. From Slovakia to Serbia to Georgia to Ukraine, civil society groups have played the pivotal role in confronting authoritarian regimes.

Despite these successes, there remains the question of how civil society groups can survive, much less be a force for transformational change, within the straitjackets of legal space to which they are confined in so many other countries. While of course there is no fixed formula or clear recipe to safeguard civil society, there are a range of strategies and tools on which civil society groups can draw when operating within the most politically challenging environments.

Overview of Paper

In this paper, the International Center for Not-for-Profit Law³ (ICNL) seeks to identify available strategies and tools to protect civil society and freedom of association in politically complex environments. It should be emphasized that the paper is limited to desk research (that is, what has been made available online by organizations engaged in

protecting human rights and fundamental freedoms in difficult environments around the world), and does not rely on field research (which could perhaps form the basis for the next phase of this research). The strategies and tools discussed in this paper are certainly not an exhaustive list; they are rather illustrative and intended to provoke consideration of what would be most effective in particular contexts where civil society and the freedom of association are at risk. Moreover, this paper remains a working draft, and we welcome examples of additional strategies and tactics.

The strategies, tools and mechanisms available to protect civil society fall under the following categories:

- Protective alliances and networks;
- Raising public awareness;
- Advocacy campaigning;
- Direct public action;
- International diplomacy;
- Domestic litigation;
- National and international human rights mechanisms;
- Legal triage;
- Going underground.

We recognize that the boundaries between categories may not always be clear and bright. Certain tools and tactics could certainly fall into more than one category; put another way, several of the categories are overlapping.

More importantly, not every strategy will be appropriate for any particular context, but each of them has been used at various times and may offer meaningful options for those struggling to protect and defend civil society and the right to freedom of association.

Protective Alliances and Networks

“Change comes through partnership.”⁴

The importance of networking and alliances cannot be overstated. NGOs and lawyers may draw incalculable strength from networks. Networking provides the benefit, of course, of information sharing and increased access to expertise. There is also the inspirational value from knowing that the struggle to protect human rights is not a solitary one. Moreover, networks and alliances may provide protection to organizations and individuals struggling in repressive environments.

National networks, whether formal or informal, institutionalized or temporary, play an invaluable supporting role. Informal networking within the NGO community through regular meetings and email communication may be sufficient to facilitate information and strategy sharing. In other contexts, national umbrella groups may facilitate this process. In Afghanistan, for example, several umbrella groups have served in recent years to inform the NGO community of issues ranging from security to NGO legal issues, and to

collect NGO input on issues of concern to provide the Government. Temporary coalitions are also effective tools, as they allow for the pooling of resources, sharing of information, enhanced profile, and a broadened constituency base, among other advantages.

International networks offer the significant added value of cross-border sharing of information and expertise, as well as international leverage. For example, CIVICUS: World Alliance for Citizen Participation is an international alliance of members in about 100 countries working to strengthen civil society around the world, especially where freedom of association is being threatened.⁵ CIVICUS works through its global membership base and associated networks to mobilize responses to threatening government action by organizing statements of protest, letter writing campaigns, media campaigns, public demonstrations and fact-finding missions. In another example, the International Women's Rights Action Watch (IWRAP) has developed a database of over 5,000 organizations around the world to focus on compliance with the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW).⁶

Regional and international networking is often supported through regional and international meetings. In November 2005, ICNL hosted the Global Forum on Civil Society Law, in which some 150 lawyers, academics, government officials and NGO representatives gathered to discuss issues pertaining to freedom of association and civil society law.⁷ This gathering, and others like it, provides a forum for bridge building between countries, the strengthening of existing networks and the formation of new ones.

When operating in politically complex environments, networks can provide a measure of protection from violence and oppression. In Cambodia, for example, several legal aid and human rights organizations created a "joint task force" to provide representation through a united organizational front, which, using both media and international support, was able to handle politically sensitive cases more effectively.⁸ During Peru's human rights crisis in the 1980s and early 1990s, 63 organizations formed the National Coalition for Human Rights, and became the preeminent voice for human rights in Peru, publishing an annual human rights report, advocating for political and legislative change, and protecting potential victims from both the state military and non-state armed groups. "The Coalition was created in at atmosphere of violence and extreme human rights abuses, demonstrating that it is possible to implement this coalition-building tactic in adverse situations."⁹

Peace Brigades International (PBI) has adopted an innovative approach by sending international observers to accompany human rights activists who are threatened by the government or paramilitary organizations in Latin America. "International accompaniment" was developed in the early 1980s to protect Guatemalan civil society activists; PBI operates similar programs in Mexico, Colombia and Indonesia. The success of the approach depends not only on international volunteer observers, but also on an extensive network of concerned individuals and supporting organizations, which is ready to apply pressure in crisis situations.¹⁰

Where there is a risk of detention, torture and death, lawyers will sometimes choose to organize and operate from exile. The Burma Lawyers' Council (BLC) offers one present-day example of this strategy.¹¹ The BLC is based in Bangkok and consists of 25 lawyer-members. The lawyers, all exiles, work to educate the rest of the world about the legal situation in Burma. Similar networks of exiles are monitoring the human rights situation in countries such as Turkmenistan; for example, the Republic Party of Turkmenistan in exile prepared a draft resolution for the European Parliament in 2003.¹²

Raising Public Awareness

*"Awareness precedes the assertion of rights."*¹³

Raising awareness is the first step toward addressing threats to civil society. Through effective awareness raising, local groups and coalitions can secure support from the broader NGO community, from the general public, from other nations, and from international organizations, which can ultimately lead to domestic and/or international pressure on the domestic government. The available techniques and approaches for raising public awareness are many and varied, and limited only by the imagination. Of course, the feasibility and effectiveness of any technique depends largely on the particular context. In the most politically challenging environments, raising public awareness of threats to civil society may expose those involved to arrest or organizations to termination. Nonetheless, we offer here a range of possibilities applied in various countries.

Popular Education

Awareness raising campaigns may seek to reach the general public or may target a narrower focus group. To reach a broad audience, common tactics include, among others, (1) the preparation and distribution of informational leaflets, brochures and pamphlets, (2) the distribution of shirts, posters and stickers (such as the "Choose" T-shirts distributed in advance of the 2001 presidential elections in Belarus), (3) the use of popular artwork, such as caricatures, cartoons and sketches to highlight issues, and possibly, graffiti to communicate thoughtful statements, which, assuming these activities are legal, can also be an effective way of engaging youth (this tactic was also applied in the pre-election period in 2001 in Belarus).¹⁴ Of course, the use of media, including the Internet, (discussed below) is fundamental when targeting the general public. Demonstrations, as newsworthy items, can also have a tremendous impact on public awareness.

An innovative educational program is street theatre – or "informance" plays – that is performances meant to inform citizens on any number of issues, often connected with their rights. The Philippine Educational Theater Association (PETA) has a long track history of conducting theatre to raise awareness among communities in the Philippines.¹⁵ Activists in Belarus have also conducted street theater, which, because usually intended to ridicule the President, has typically been shut down and led to the arrest of the participants.

Rights-Based Education

Fundamental to increased public awareness is providing education on human rights and legal rights to individuals living in repressive contexts. Numerous NGOs engage in this kind of activity, reaching out to schoolchildren, universities, minority groups and citizens more broadly. The education programs may be variously referred to as “know-your-rights” campaigns or “street law” programs, among others.¹⁶ These programs have been implemented in a wide range of contexts from Belarus to Uzbekistan. By focusing on national law, these programs are generally insulated from censure. The dissemination of easy-to-read, client-friendly educational materials has also proved critically important in raising public awareness beyond the scope of the program participants.

A potentially powerful long-term strategy to protect civil society is working for the integration of educational courses on rights issues as part of university curricula. For example, more than 15 courses on civil society or NGO law have been introduced in universities in countries throughout Central and Eastern Europe, in Ukraine, and in Central Asia.¹⁷

Training for Civil Society Activists

More targeted awareness raising programs may focus on legal training for civil society practitioners themselves. Training civil society activists on the existing legal framework and its implementation can guide civil society and NGO practitioners to navigate through the often complex and contradictory laws and regulations affecting their activity in politically challenging environments. Such targeted training has been used successfully to equip journalists with the skills and know-how to help them navigate the regulatory framework so as to avoid running into difficulties in the first place.¹⁸ Preventative training will often prove more effective than post-arrest legal services.

Training courses often target human rights defenders. The Asian Forum for Human Rights and Development recognizes that the capacities of human rights defenders “need to be strengthened to enable them to effectively address continuing and emerging human rights issues.”¹⁹ Similarly, Freedom House Mexico recently concluded a workshop on “New Tactics in Mexico”, which addressed the need for new tactics in human rights, looking at the issue of torture.²⁰

Monitoring and Documentation

Raising awareness must, of course, reach beyond informing the public of its existing rights on paper and tackle the more difficult issue of how the state is actually violating the rights to freedom of association and expression, and thereby threatening civil society. Recognizing this, civil society activists and NGOs must collect reliable information through investigative missions and effective monitoring programs. Monitoring involves research, investigation, documentation, analysis and reporting; it is essential to building a

picture of the human rights situation in a region or country and to ensure that responses by the international community and other stakeholders are based on facts.

CIVICUS (introduced above) publishes Civil Society Watch, a monthly bulletin concerning civil society's rights to freedom of association, assembly and expression around the world.²¹ The goals of the program include (1) identifying, documenting and publicizing situations in which the actions of government, business or NGOs are endangering the free participation of civil society; and (2) monitoring, documenting and promoting best practices that bring positive changes to these situations. Similarly, but with a specific focus on freedom of expression violations, the International Freedom of Expression Exchange (IFEX) has established a network, which issues "action alerts" to expose media-freedom violations and to raise awareness throughout the IFEX network.²² In the wake of the recently enacted changes to Russia's NGO laws, ICNL is working with local Russian partners to monitor the law's implementation and impact on NGOs. Of course, while the issuing of an alert or monitoring of implementation cannot guarantee protection for victims of violations, it does provide a necessary first step in that direction.

Ratings Mechanisms

As a specific form of monitoring, ratings mechanisms are often used to measure the compliance of countries with rights-based standards. Freedom House publishes *Freedom in the World*, an annual comparative assessment of the state of political rights and civil liberties in 192 countries and 14 related and disputed territories. In addition, *Nations in Transit: Democratization from Central Europe to Eurasia*, also published annually by Freedom House, is a comparative study measuring progress and setbacks in democratization in 27 countries from Central Europe to the Eurasian region of the former Soviet Union.²³ Transparency International issues an annual *Corruption Perceptions Index*, which ranks more than 150 countries by their perceived levels of corruption, as determined by expert assessments and opinion surveys.²⁴ Similarly, Reporters Without Borders publishes an annual *Worldwide Press Freedom Index*, which ranks 168 countries based on their protection of press freedoms.²⁵

In addition to these well-established ratings mechanisms applied by international NGOs, the U.S. Agency for International Development (USAID) publishes an annual NGO Sustainability Index, which gauges the strength and viability of the NGO sectors in Central and Eastern Europe in 28 countries (plus Kosovo) in Europe and Eurasia.²⁶ Most recently, the U.N.'s new Human Rights Council created the Universal Periodic Review (UPR), which will seek to measure the human rights records of all U.N. Member States through a common mechanism.²⁷

Use of Media

The effective use of all forms of media – newspapers, radio, and television, in addition to the Internet – can be a powerful tool to protect civil society and guard against abuses and rights violations. The media can help expose violations, educate the public, overcome

isolation, reach out to victims and beneficiaries, and help mobilize communities. NGO activists therefore need to understand the nature of media and how to work with media.

Where the media is an accessible tool, press conferences are a well-established means to generate increased awareness of the issue at hand. Through a press conference, an organization can effectively communicate its message to a broader audience, and build or strengthen connections with media outlets and journalists. In addition, a celebrity endorsement can significantly increase media attention, thereby raising public awareness of the issue in turn. Furthermore, one of the most effective communication tools is the story told by a survivor of human rights violations or by a human rights defender working on the frontline.²⁸

In the many of the most politically complex environments, where mass media are owned, controlled or heavily censored by the state, it is often necessary to use alternative forms of communication. International news services (Radio Free Europe / Radio Liberty, for example) serve as an important tool for human rights defenders throughout an entire region, especially where broadcast in the local languages. Media attention may be generated by international organizations. “When Amnesty International adopted me as a prisoner of conscience, the newspapers started talking about me, I got better treatment in prison, and I was given a proper hearing in the courts.”²⁹

Use of Technologies

Internet technology provides a range of critically supportive tools to support NGOs and civil society activists in their efforts to protect civil society. Human rights groups use Internet technology to collect, organize, safeguard and disseminate information about human rights violations. Unfortunately, this information is vulnerable to government confiscation, destruction and neglect. To guard against this threat, database tools have been developed that improve the ability to manage information and to document abuses, allowing monitors to create back-up files on remote Internet servers so that the data cannot be lost even if the original PC is destroyed.³⁰

The Association for Progressive Communications (APC) has established a global computer network for NGOs to help protect their work from governments and opposition groups, who may try to block access to a controversial website. The innovative solution is known as “mirroring”, whereby the APC will send sensitive information from one NGO to another for posting; in this way, sensitive material is freely available on the Internet, but is not easily traced back to its source.³¹

Advocacy Campaigning

“Never doubt that a small group of thoughtful, committed people can change the world ... Indeed it’s the only thing that ever has.”³²

Advocacy campaigns contribute to and build on the foundation of increased public awareness. While the concept of advocacy campaigning is broad enough to embrace

many of the tactics described in this paper, we choose to identify it as a separate component here to highlight its importance. In addition, advocacy campaigning is a multi-layered, nuanced issue of its own, with volumes upon volumes having been written on the subject. Here below we highlight only a few issues.

Advocacy for Law Reform

Even in politically complex environments, civil society groups can work to improve regressive legislation. While this strategy may appear far-fetched, there are a number of countries where it has worked successfully, including Albania (during the period of martial law imposed by Berisha), Slovakia (under Prime Minister Meciar), and Russia (where the recently enacted law was revised based on the technical assistance provided by NGOs). Such law reform campaigns are most likely to succeed where there is true local ownership of the initiative, where international assistance providers have credibility in the eyes of key stakeholders, and where reformists make efforts to respond constructively to government concerns.

Lobbying to promote reform can assume a variety of forms, including in-person meetings with government officials or parliamentarians, discussions with government officials and parliamentarians at conferences or seminars, study tour trips organized for officials, as well as letters and petitions directed to policymakers.

In 2005/2006, NGOs organized against repressive draft legislation in both Kazakhstan and Russia by issuing public statements to a wide range of stakeholders, by holding meetings, and by generating media attention. The domestic campaigns also helped alert and engage other nations and international NGOs to publicly apply pressure to the domestic government to re-consider the repressive draft legislation. In both countries, the advocacy actions led to change.

Letter Writing

Letter writing is a simple and potentially powerful way to communicate a message and support advocacy campaigning. Letters can target local officials, military officials, or others with direct responsibility for human rights violations; newspapers and media outlets to encourage them to increase coverage of particular issues and/or countries; supporters in the effort to raise money; embassies as a means to target governments; NGOs to provide them with moral support and encouragement; prisoners and relatives to boost their morale.

To widen the impact, letter-writing campaigns can engage volunteers and public booths, as well as the Internet and email list-serves. In this way, letter writing can become a mass petition. With sufficient signatures, a petition can put substantial pressure on public officials and agencies.

Former deputy prime minister of Malaysia Anwar Ibrahim was released in September 2004, after having been convicted and sentenced to nine years for what was perceived to

be political reasons. He later spoke about the affect of Amnesty International's letter-writing campaign on the Malaysian authorities: "Write more and you'll affect them more. From my experience in government and in prison I can tell you that these letters work."³³

Cyber-Activism³⁴

The Internet offers multiple tools to enhance advocacy campaigns. Creating websites and email list serves are among the most common. In addition, weblogs (or blogs) are easy-to-build personal websites that allow an individual to post information about any topic at any time. The great advantage of the blog is its immediacy; anyone with access to the World Wide Web can receive information the moment it is posted. Blogs are excellent tools for spreading information about an organization, issue or campaign. A blog can also serve as a clearing-house for people within a region. This is particularly critical in countries with severe censorship, such as Burma or Iran. Information can be sent from the repressive country to a blog located in a more protected environment before being published online. Hundreds of bloggers in Iran are finding ways to share information and increase attention on censorship issues.³⁵

The website www.Meetup.com allows people with similar interests to arrange personal meetings in almost every country. Individuals can join existing groups that may have formed around a given topic (e.g., freedom of association, freedom of speech, open society, etc.). Since 2002, over one million people have joined Meetup groups in more than 40 countries.

Web-based petitions allow advocates to reach greater numbers of people more quickly. Free online petition tools include: www.ipetitions.com, www.petitionthem.com, www.petitionspot.com.

Finally, text messaging (SMS) is an increasingly common form of communication via mobile phones. Amnesty International Netherlands has developed an innovative use for this technology. In 2001, as part of its campaign against torture, the Netherlands section incorporated text messaging into its Urgent Actions and invited thousands of mobile phone users to sign up as "SMS activists". These activists were notified in a text message whenever a detained individual was in danger of being tortured. In November 2001, more than 6,000 activists responded to an appeal to support jailed Uzbek poet Yusuf Dzhumaev; he was released on 29 December.³⁶

Mass Mobilization

Mobilizing groups and citizens to demonstrate for human rights and other issues is among the most powerful strategies available to protect civil society. This has been amply shown in several countries in recent years, but that these demonstrations are usually the result of planning, preparation and hard work rather than simply spontaneous outbursts is not always clear.

The MJAFT! Campaign was an Albania-wide advocacy campaign launched in March 2003 aiming to be the largest awareness raising and advocacy campaign in Albania and to reach up to 3 million people. The goal of the campaign was “to generate a social earthquake in Albania, to shake off citizen apathy, and increase public demand on solutions to a decent life.”³⁷ To support the organization of local campaigns in Albania, MJAFT! Prepared a “Things YOU Can Do” Organizing Manual, with ideas and tools to help in organizing and advocacy efforts. The Manual contains useful guides, such as a *strategy chart* to assist groups with planning and conducting an advocacy campaign, a *recruitment plan* to help in developing an organization’s base, a description of *common tactics* and techniques, and a *working with media* timeline.

“Enough” or “kifaya” in Arabic is the official slogan of the Egyptian Movement for Change, which has helped organize public demonstrations in Cairo opposing Hosni Mubarak’s re-election. Indeed, February 2005 demonstrations appeared to be the largest anti-Mubarak demonstration ever.³⁸ Students in Chile organized protests, which drew a million students and teachers and called for educational reform in Chile.³⁹ CIVICUS and Amnesty International, working with local groups and citizens, organized a unique demonstration of regional solidarity with the people of Zimbabwe on March 12, 2005. The campaign was intended to call attention to the threatened rights of freedom of assembly and expression in Zimbabwe and mobilized civil society groups and individuals in Mozambique, South Africa and Zambia.⁴⁰

Direct Public Action

“It is not power that corrupts but fear. Fear of losing power corrupts those who wield it and fear of the scourge of power corrupts those who are subject to it.”⁴¹

In this section, we step beyond the more traditional strategies and tools described above into approaches designed to apply direct pressure to governments and human rights violators, or to provide direct relief to the victims of violations. The utility of any direct public action, as always, depends on the context. What follows are specific examples of direct public actions.

Protest Actions: Strikes

Protest actions, such as strikes, are among the most visible of direct public actions. We of course recognize that strikes may be difficult to conduct in politically repressive countries and directly expose participants to arrest and imprisonment. Indeed, in many such contexts, striking may be illegal. But in the right place and time, it has proved a revolutionary tactic.

In Poland, in 1980, Gdansk became the center of resistance to government decrees and led to a growing wave of strikes. In mid-August 1980 an Interfactory Strike Committee was established to coordinate the rapidly spreading strikes. Soon afterwards it presented the Polish government with a list of demands based largely on workers’ rights. Accords

were reached between the government and the Gdansk strikers on August 30. Then on September 22, *Solidarity* was formally established.⁴²

Boycotts

Perhaps the best-known example of successful boycotting comes from South Africa's Anti-Apartheid Movement (AAM). It was in 1958 that representatives of the African National Congress (ANC) first appealed for an international boycott of South African goods: "The economic boycott is going to be one of the major political weapons in the country."⁴³ The purpose of the boycott was described as (1) a protest against apartheid, and (2) a gesture of solidarity with the oppressed people of southern Africa.⁴⁴

The boycott movement grew out the repression of other forms of political activity and direct action previously adopted by opposition groups. Prior to the call for a boycott, the ANC had joined with other opposition parties to fight apartheid through various forms of passive resistance, including mass stay-at-homes. But by the end of the 1950s, the government had prohibited these forms of direct action and arrested or exiled most of the ANC leaders.

To support the boycott movement, the ANC and other opposition leaders worked over the following decades to raise awareness and to campaign in support of the international boycott. The importance and need for outside support of the boycott was clearly understood: "When our local purchasing power is combined with that of sympathetic organizations overseas we wield a devastating weapon."⁴⁵ Among other supporting awareness-raising tools, leaflets describing the life for the majority black population under apartheid were distributed internationally. Meetings were organized to give platforms to exiled liberation movement leaders. Contacts were established with similar groups in other countries and direct presentations were made to other governments. A newsletter (Anti-Apartheid News) was published and widely distributed. These efforts, which extended over decades, paid off. The essential importance of the boycott strategy was "to end all forms of collaboration with the apartheid regime and to impose total international sanctions against it."⁴⁶

Engagement

The lesson of boycotting in South Africa may or may not be suitable in other contexts.

There is no one-size-fits-all policy model. Burma under military rule is not apartheid South Africa. What worked in Tutu's South Africa – or Havel's Czech Republic – may not work in Daw Suu's Burma.⁴⁷

The Free Burma Coalition (FBC) is a Burmese-led political initiative to support the Burmese people's aspirations and struggle for democracy and human rights. The FBC formerly supported an Anti-Apartheid like approach by pushing boycotts, pro-sanctions advocacy and Burma awareness promotion. They have since abandoned this approach and now support efforts to interact and engage with the country – through travel and

tourism, educational and cultural exchange, development activities aimed to support people's livelihoods, institutional and capacity building, and humanitarian assistance.⁴⁸

Similar debates surround the question of how to support civil society and change within Iran. These debates of course go beyond the question of the existence and/or strengthening of civil society and often focus on macro-political relations between the world's free nations and the repressive regime. Suggested engagement strategies with Iran include, for example, scholarships for students, exchange programs, and increased air travel between countries. David Ignatius of the Washington Post, arguing for connectivity with Iran, notes what he calls "the obvious lesson of the past 40 years, which is that isolation has usually failed (as in the cases of Cuba and North Korea), while connectivity has usually succeeded (as in the cases of the Soviet Union and China)."⁴⁹ On the other side of the debate, Charles Krauthammer calls this strategy "pernicious folly", arguing that it would "short-circuit the process, that, after years of dithering, is about to yield its first fruits: sanctions that Tehran fears."⁵⁰

We do not pretend to suggest what strategy is appropriate for Burma, Iran, or any other country. The point is, however, that civil society groups working within repressive regimes need to be aware of all available strategies (isolation through boycotts versus connectivity through engagement, for example) and decide for themselves which to push for in engaging with the local community and international community.

Direct Support to Victims of Violations

Direct public action need not always be confrontational, or targeted toward the offending government. Alternatively, some civil society groups instead act directly to support victims of violations.

The South Africa Development Community (SADC) developed a strategy document – "SADC Journalists Under Fire" – proposing a variety of direct actions to support journalists and media workers that are frequently under pressure. "When a journalist is arrested, it's a very dramatic event. Journalists and their families need to know that someone is standing ready to support them."⁵¹ The program of direct support includes such actions as:

- Visiting journalists in jail;
- Providing medical support through emergency funds;
- Providing trauma counseling;
- Mobilizing journalists to attend court cases to display solidarity;
- Providing rapid legal support to detained journalists;
- Providing financial support to families in which a jailed journalist is the sole breadwinner;
- Identifying safe places in case journalists need to go into exile and funding to support journalists in exile.

The Center for Human Rights and Development (CHRD), an NGO based in Sri Lanka, facilitates the release of political prisoners by widely disseminating stories of the political prisoners and their relatives. CHRD meets with political detainees and with members of the victims' families, and subsequently prepares documentation with details of the arrest, detention, and family background of the prisoner, as well as the cost of the detention and torture suffered by the prisoner. The widespread distribution of such information has led directly to hearings in 14 landmark cases. In addition, CHRD provides family members and witnesses with transportation to and from court and safe lodging during the hearing.⁵²

Innovative Mechanisms

Citizen Initiative for Constant Light mobilized 30 million people in Turkey to turn off and on their lights to demand that the government act against corruption. Citizens throughout Turkey began turning off their lights at 9:00 p.m. every night until members of a crime syndicate were brought to justice. The key challenge for this initiative was spreading the word to the citizenry; Citizen Initiative relied on press releases, media support, and an alliance of grassroots organizations that would alert their members. The lights-out demonstration began on 1 February 1997 in Istanbul and other cities and continued every night until 15 February, when an estimated 30 million households participated in the largest public protest against corruption in Turkish history.⁵³

Similarly, Slovak citizens under the Meciar regime lit candles in the household windows as a symbolic protest against his regime. Belarusian activists have adopted the same tactic to express their dissatisfaction with the Lukashenka regime. Such mass citizen actions can have tremendous symbolic importance.

Using a more directly confrontational tactic, the Initiative for Freedom of Expression used a civil disobedience approach in Turkey that involved voluntarily selecting to republish state-banned materials to ridicule restrictions on freedom of expression. The technique was implemented to make so many people participate in the crime that the action would no longer be deemed criminal. Through re-publication, those who became signatories and published the works again participated in the 'crime'. More than 80,000 were involved in carrying out the tactic.⁵⁴

International Diplomacy

*"International exposure of violations and pressure on violators are effective means to bring about change."*⁵⁵

Diplomatic efforts can be critical to communicating concerns at the higher echelons of government. Leaders of other nations and international organizations can initiate discussions with a government to dissuade it from introducing repressive regulatory measures, providing the government with sufficient space to change course publicly. In a recent example, US Secretary of State Condoleeza Rice urged Russia to revise restrictive draft legislation, remarking on the critical link between democracy and the freedom of association. Multilateral diplomatic efforts have also born fruit in advancing NGO law

reform in Albania (World Bank), in Kazakhstan (the OSCE) and in Russia (the G8). As noted by Paula Schriefer, Freedom House's Director of Programs, in recent testimony to the House International Relations Committee's Subcommittee on the Middle East and Central Asia on the state of freedom in Central Asia, "Pressure by the U.S. government and the presence of international organizations has helped to improve human rights and fundamental freedoms of association and speech in Kyrgyzstan and Kazakhstan."⁵⁶

On May 24, 2006, the Carter Center and Human Rights First co-sponsored the Human Rights Defenders Policy Forum. Among other issues, the Forum addressed the issue of what policymakers can do concretely to demonstrate a clear and consistent commitment to human rights issues. Participating human rights defenders developed recommendations to democratic states and inter-governmental organizations, which are summarized here:⁵⁷

- Demonstrate consistency in promoting human rights and freedoms in each region;
- Work together to confront the deterioration of human rights;
- Do not abandon new democracies just because an election has occurred, but rather continue to support democratic development over the long term;
- Focus support on promoting independent media outlets;
- Ensure that indigenous or disadvantaged groups are included in all democratic processes;
- Demonstrate strong solidarity with all human rights defenders to increase their visibility;
- Reaffirm their own commitment to human rights standards and reinforce international mechanisms designed to protect human rights;
- Exert prompt and effective pressure on governments attempting to restrict NGO activities; and
- Use targeted diplomatic and economic sanctions against individual public officials responsible for human rights abuse.

Domestic Litigation

*"Justice is not available on a platter, but has to be fought for."*⁵⁸

Domestic litigation offers a potentially powerful tool to challenge rights violations, to expose the repressive nature of the governing system, and/or to generate public attention and awareness.

Litigation can be used to directly challenge constraining legislation. This was demonstrated successfully in Kazakhstan in 2005 when a direct challenge to the Constitutional Court resulted in a finding that the restrictive laws enacted by Parliament were not constitutional. Alternatively, human rights lawyers in many countries "use impact or test litigation as a primary strategy for attempting to achieve social change through legal means."⁵⁹

Regardless of the legal strategy, the utility of litigation depends in large measure on the competence, independence and impartiality of the judiciary. “The integrity of the result in judicial proceedings is only as valuable as the integrity and credibility of the government to enforce such results.”⁶⁰

Where courts are controlled by repressive regimes, litigation strategies may be of more limited utility and even place litigating organizations at risk; organizations pursuing cases must therefore develop innovative approaches and consider how to reduce organizational risk. For example, in Cambodia, to challenge the practice of land grabbing by local government officials, the Cambodian Defenders Project used a dual approach by working with local NGOs to encourage citizen protests against land seizures and by implementing a legal strategy that allowed cases to be heard in appellate courts, where judges were potentially more neutral and less subject to intimidation.⁶¹

There may be occasions when litigation makes sense even where a courtroom success is highly unlikely. First, domestic litigation may constitute a necessary step as a means of exhausting domestic remedies before petitioning international tribunals (considered below). Second, by exposing obviously unjust court decisions to the media, lawyers and NGOs can mobilize broad-based community support. Moreover, litigation can serve broader political goals; for example, in Chile, during the Pinochet regime, the Vicariate of Solidarity filed thousands of petitions for the release of detained or disappeared persons, with the goal of exposing the compromised nature of the Chilean judiciary.⁶²

These examples highlight the importance of supportive strategies, such as the use of NGO networks, media campaigns, international pressure, popular support, legislative reform and education. Litigation can be more effective when combined with legislative advocacy.

Another litigation tool that may be available in French-based civil law systems is the possibility of private prosecution, whereby certain classes of victims may have standing to bring criminal charges against their abusers, or where the case is in the public interest. NGOs should be alert to opportunities to bring actions where they can demonstrate a direct interest in the case.⁶³

National and International Human Rights Mechanisms

“Freedom of association has been recognized as an international right for 50 years -- in Article 20 of the Universal Declaration of Human Rights of 1948, in Article 11 of the European Convention on Human Rights (“ECHR”), which entered into force in 1953, and in Article 22 of the International Convention on Civil and Political Rights (“ICCPR”), which entered into force in 1976.”⁶⁴

A) National Mechanisms

Many countries have established a governmental entity with responsibility to monitor, if not enforce, human rights law. These entities include ombudsmen, human rights

commissions, truth commission and judicial regulatory bodies. The range of powers varies widely among these entities; regardless, these entities provide an important tool for human rights NGOs and lawyers.

Ombudsmen are officials appointed to receive complaints from private individuals about the government. The Ombudsman system was first introduced in Sweden and has taken root in Europe, but has also been introduced more recently in other parts of the world. Indeed, even in authoritarian countries, such as Pakistan and Iran, the Ombudsman, “as a powerful organization with independent personnel and budgetary assurances guaranteed under the constitution, function to safeguard the citizens from corruption and human rights abuses.”⁶⁵ China too has authorized organizations with ombudsman-like authority, namely the power to investigate and act as a check against the irregularities of public servants.⁶⁶ Of course, the effectiveness of the Ombudsman will vary from country to country.

The South African Truth and Reconciliation Commission offers one of the best-known examples of a national human rights monitoring mechanism. The Commission was given extensive powers, including the power to subpoena and to litigate to enforce civil and human rights, the power to hold public hearings and to pressure government ministries. South Africa is not alone; roughly 20 other countries have relied on some form of this process. In addition, some countries, including Sierra Leone, East Timor and Cambodia, are considering the establishment of newer “hybrid” courts combining local and international criminal law.⁶⁷

B) International Human Rights Mechanisms

The right to freedom of association is protected by numerous international covenants and treaties. Multiple international human rights mechanisms, some with global reach (UN commissions) and some with regional jurisdiction, have been created to ensure compliance with these international instruments. Each offers a potentially significant complimentary tool for the work of NGOs and lawyers at the national level. At the same time, with the exception of the European Court on Human Rights, these mechanisms cannot issue legally binding decisions that force states to comply. Nonetheless, the political and moral force of the decisions has proven significant in influencing state behavior. We list the various mechanisms here below and provide a brief description of each.

The leading UN human rights mechanisms include the following:

*The Human Rights Committee*⁶⁸ was set up under the International Covenant on Civil and Political Rights (ICCPR) to ensure that state parties respect human rights as defined in the ICCPR. Consisting of 18 persons, and convened three times a year, the Committee is authorized to accept individual complaints and to investigate alleged violations of the human rights set out in the ICCPR brought by victims of violations or their representatives. Where the Committee believes a violation has occurred (or is about to occur), it can take action, which could include (1) requesting interim measures by the

state, (2) declaring that the state has violated the ICCPR, or (3) calling upon the state to end the violation of the ICCPR. While the state is not legally bound to comply with the Committee's requests, the Committee decisions do carry political and moral force. Of course, this political and moral force may be insufficient to influence the behavior of more repressive states. Furthermore, the Committee review and decision-making process is a slow one, lasting from 2-4 years.⁶⁹

The Special Representative of the UN Secretary General on Human Rights Defenders was established in 2000 by the Commission on Human Rights to support the implementation of the 1998 Declaration on Human Rights Defenders (Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms). The mandate of the Special Representative is to gather information on the situation of human rights defenders, to enter into dialogue with Governments and other key stakeholders, and to make recommendations to improve the protection of defenders. The Special Representative also works to promote the rights set forth in the major international human rights instruments, including the Universal Declaration and the ICCPR.⁷⁰ Complaints concerning violations of the rights of human rights defenders can be sent by victims of violations, their representatives, or by NGOs.

The 1503 Procedure is based on the resolution of the UN Commission on Human Rights, adopted in 1970, which established a mechanism for complaints about "situations which appear to reveal a consistent pattern of gross and reliably attested violations of human rights." In 2000, the mechanism was substantially revised by another resolution, 2000/3. It should be noted that the 1503 procedure is confidential, until the final stages of an examination, and that the procedure examines the human rights situation in countries, rather than examining individual cases. Complaints are sent in writing to the Office of the High Commissioner for Human Rights in Geneva. Some 20,000-25,000 complaints are received each year, and the review procedure is slow and cumbersome.⁷¹

Regional human rights mechanisms include the following:

The Inter-American Commission on Human Rights (IACHR) is an autonomous organ of the Organization of American States (OAS). Alongside the Inter-American Court of Human Rights, the Commission works for the promotion and protection of human rights. Since 1965, the IACHR has been expressly authorized to examine complaints or petitions regarding specific cases of human rights violations (violations of the Charter of the OAS and the American Convention on Human Rights).⁷²

Similarly, the African Commission on Human and Peoples' Rights (ACHPR) is a supranational body tasked with promoting and protecting human rights and collective (peoples') rights throughout the African continent, based on the African Charter on Human and People's Rights. Established in 1986, the Commission is authorized to examine individual complaints and ensure that countries are meeting their legal obligations under the African Charter.⁷³

The European Court on Human Rights, based in Strasbourg, offers perhaps the best example of an international mechanism protecting human rights. Created to hear complaints regarding alleged violations of the European Convention on Human Rights and Fundamental Freedoms, the Court's judgments are legally binding on states.⁷⁴ Notably, the Court has made several seminal decisions establishing the scope of the right to freedom of association in the European context.⁷⁵ In these cases, the aggrieved parties (having been denied registration or terminated) obtained judgments against their government requiring registration of the organizations. Moreover, given the fact that the language enshrining the freedom of association in the European Convention and in the ICCPR is virtually identical, the European Court decisions arguably have persuasive authority outside the European context.

Legal Triage

*"A group of lawyers within the Bar Association decided to address this problem from two points – victims willing to press charges and lawyers willing to accept their cases."*⁷⁶

In the most repressive climates, many of the strategies outlined above may not be realistic or viable. In such circumstances, providing legal support services to NGO practitioners and representatives may be one of the few remaining options. As has been demonstrated so recently in Uzbekistan, however, this type of legal assistance carries its own risks; the American Bar Association's Central European and Eurasian Law Initiative (ABA-CEELI) was shut down in Uzbekistan on the grounds of having provided legal services to unregistered organizations.⁷⁷ At the same time, however, there are success stories.

The Media Lawyers Network, facilitated by the Media Institute of South Africa (MISA) in Zimbabwe, has established a network of lawyers to provide legal defense to journalists. MISA-Zimbabwe ensures that when a journalist is arrested or detained, a lawyer is available within an hour in almost any part of the country. In addition, MISA-Zimbabwe has set up a legal defense fund, which pays lawyers for their services and provides money for the release of journalists. Similar legal defense networks are also operating in Zambia and Botswana.⁷⁸

Similarly, a collective of attorneys in the Izmir Bar Association (Turkey) organized its members to provide free services to victims of police torture. The project was developed by a group of 4-5 attorneys, and initially included 45 attorneys willing to prosecute torturers. The group has grown to include 234 people providing services to human rights cases.⁷⁹ In the more challenging context of Chile during the Pinochet dictatorship, the Vicariate of Solidarity provided legal defense services, and used the Catholic Church as a base of operations and a protective umbrella.⁸⁰

In Malaysia, the Bar Council was confronted with the challenge of representing protesters in mass demonstrations, where the government ordered that trials proceed in one continuous hearing, without a break. In response, the Bar Council adopted an innovative approach, devising a system of representation in shifts, with lawyers working on cases for 2-3 days in a row before being relieved by a new lawyer.⁸¹

Going Underground

“The light of Solidarity illuminates all of us.”⁸²

When all else fails and civil society groups are denied legal space – whether through denial of registration, termination, suspension of activities, prohibition, harassment, imprisonment, etc. – groups of determined, committed and brave individuals have managed to survive over time in the most trying circumstances. We make brief reference to a few inspirational examples.

Polish Solidarity was established as an independent labor union in Poland in 1980 and soon changed into an umbrella organization attracting a broad range of political and social groups united in opposition to the communist regime. The roots of Solidarity can be traced back to 1976, when a group of dissident intellectuals founded a Workers’ Defense Committee (“KOR” in Polish). KOR used several of the strategic tools described above; it supported families of imprisoned workers, offered legal and medical aid, and disseminated news through an underground network. In addition, it published a Charter of Workers’ Rights; later, in August 1980, the Gdansk Interfactory Strike Committee presented the Polish Government with a list of demands largely based on the Charter. Some 15 months after being formally established, Solidarity was declared illegal, and its leaders arrested. Despite its legal dissolution, Solidarity continued to operate as an underground organization.⁸³

Charter 77 was an informal civic initiative in Czechoslovakia from 1977 to 1992. The movement drew its name from a document entitled “Charter 77”, which was circulated within Czechoslovakia in January 1977. The document criticized the government for failing to implement human rights provisions contained in a range of other documents, including the Czechoslovak Constitution, the Final Act of the 1975 Conference on Security and Cooperation in Europe, and UN covenants. Some 243 Czechoslovak citizens signed the document originally; by the mid-1980s the number of signatories had grown to 1200 people.⁸⁴

Significantly, the Charter 77 document emphasized that Charter 77 is not an organization, has no statutes or permanent organs, and “does not form the basis for any oppositional political activity.”⁸⁵ This statement was a calculated means of staying within the bounds of Czechoslovak law, which made organized opposition illegal.

Nonetheless, the Czechoslovak government reacted harshly, dismissing some from work, denying educational opportunities to their children, suspending drivers’ licenses, forcing some into exile, and detaining and imprisoning others. Vaclav Havel, along with five others, was tried for subversion and sentenced to prison terms of up to five years. Despite unrelenting discrimination, however, the group continued to issue reports of human rights violations by the government.

The success of the Charter 77 movement has inspired other groups, including Charter 97, which is a citizens' human rights organization, calling for democracy in Belarus.⁸⁶

Discussion Groups in Syria. Indisputably, civil society in Syria has little breathing space. Somewhat reminiscent of the informal Charter 77 approach, Syrian students have opted to work outside of established political parties and to meet in discussion groups. These groups are not formally organized; they have no charter or official platform. Instead, they convene groups of opposition-minded individuals, disillusioned with other options. "The discussion groups are invaluable because they focus on the problems that afflict regular Syrians on a daily basis – in other words, the afflictions that can bring Syrians onto the streets."⁸⁷ This is perhaps a small beginning, but from such small beginnings, significant change can flow.

Conclusion

The current regulatory backlash against civil society groups in politically challenging environments is subject to increasing attention and concern around the world.⁸⁸ Freedom of association and civil society will almost certainly remain under threat in politically complex environments. In this context, NGOs and other civil society organizations – because they act as alternative power centers, regardless of their mission – will often be perceived as potentially threatening to authoritarian regimes. Moreover, even in the most progressive countries, there is always some risk of backsliding on commitments to freedom of expression and association.

Where confronted with barriers and constraints, civil society groups will seek to identify the most appropriate response. They will search for the most effective tools and strategies available to help ensure that they can continue to address their missions meaningfully, and indeed, can continue to survive. In this paper, ICNL has presented an overview of at least some of the available strategies and tools to protect civil society and freedom of association in politically complex environments. As stressed in the introduction, this paper is a working draft, and we welcome feedback both on those strategies highlighted here and on examples of additional strategies not included. Our intent has been to provoke discussion and consideration of the most effective tools for civil society in politically complex environments and we look forward to ongoing dialogue on the issue.

¹ In *The Backlash Against Democracy Promotion* (Foreign Affairs, March/April 2006), Thomas Carothers asks the legitimate question of autocratic leaders: "Are they genuinely afraid that relatively modest Western democracy-training programs and financial aid for often weak civic and political groups will undermine their hold on power, or is this fear just a convenient justification for repressive measures they would take anyway?"

² ICNL has identified the common legal barriers to civil society and NGO activity that emerge in various politically challenging climates. See *Civil Society Under Threat: Common Legal Barriers and Potential Responses*, USAID 2005 NGO Sustainability Index.

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- ³ The International Center for Not-for-Profit Law (ICNL) is an organization dedicated to the promotion of the freedom of association, civil society, and citizen participation worldwide (www.icnl.org).
- ⁴ *When the Boycott Began to Bite*, Christabel Gurney, History Today, London, June 1999 (article describing the boycott movement in South Africa).
- ⁵ See <http://www.civicus.org/new/default.asp>
- ⁶ *Supporting non-governmental organizations in their use of international mechanisms to press government for change*, New Tactics in Human Rights (<http://database.newtactics.org/NewTactics/CaseList.aspx>).
- ⁷ See more on the Global Forum at this link: (<http://www.icnl.org/knowledge/news/2005/11-21.htm>).
- ⁸ *Promoting Justice*, Richard J. Wilson and Jennifer Rasmusen, © 2001, International Human Rights Law Group, p. 91.
- ⁹ *Building a coalition of all human rights organizations in a country to speak with one voice against abuses*, New Tactics in Human Rights (<http://database.newtactics.org/NewTactics/CaseList.aspx>).
- ¹⁰ *Accompanying human rights activists to protect them from danger*, New Tactics in Human Rights (<http://database.newtactics.org/NewTactics/CaseList.aspx>).
- ¹¹ See <http://www.freeburmacoalition.org/>
- ¹² See *Draft Resolution of Republican Party of Turkmenistan in exile*, Turkmenistan Project, (<http://www.eurasianet.org/turkmenistan.project/index.php?page=politics/republicanp&lang=eng>).
- ¹³ Indian activist, quoted in materials published by the Human Rights Connection.
- ¹⁴ See MJAFT! Campaign “Things YOU Can Do” Organizing Manual.
- ¹⁵ *Using street theater to inform the public about social issues*, New Tactics in Human Rights (<http://database.newtactics.org/NewTactics/CaseList.aspx>).
- ¹⁶ As just one example, the American Bar Association, through its Central European and Eurasian Law Initiative (CEELI), has published “know your rights” brochures and “street law” course to educate average citizens on their rights and responsibilities.
- ¹⁷ See www.ngolaw.org
- ¹⁸ *Campaigning for Freedom of Expression: A Handbook for Advocates*, International Freedom of Expression Exchange (IFEX), p. 22.
- ¹⁹ See www.forum-asia.org/activities/linkage/capacity/atss05/index.shtml
- ²⁰ See www.freedomhouse.org. See also information on human rights training conducted by Zimbabwe Lawyers for Human Rights (www.zlhr.org.zw).
- ²¹ See <http://www.civicus.org/csw/news.asp?section=updates&title=news.asp>.
- ²² *Campaigning for Freedom of Expression: A Handbook for Advocates*, International Freedom of Expression Exchange (IFEX), p. 19.
- ²³ See <http://www.freedomhouse.org>
- ²⁴ See <http://www.transparency.org>
- ²⁵ See <http://www.rsf.org>
- ²⁶ See http://www.usaid.gov/locations/europe_eurasia/dem_gov/ngoindex
- ²⁷ See <http://hrw.org/english/docs/2006/06/28/global14096.htm> (June 29, 2006).
- ²⁸ See *Campaigning for Freedom of Expression: A Handbook for Advocates*, International Freedom of Expression Exchange (IFEX), pp. 106-110; *Amnesty International Campaigning Manual*, Amnesty International Publications, © 2001, Chapter 9: “Media and Publicity”.
- ²⁹ *Amnesty International Campaigning Manual*, Amnesty International Publications, © 2001, p. 159.
- ³⁰ *Creating a database tool that protects human rights information from confiscation*, New Tactics in Human Rights (<http://database.newtactics.org/NewTactics/CaseList.aspx>).
- ³¹ *Helping non-governmental organizations connect and support one another through Internet networks*, New Tactics in Human Rights (<http://database.newtactics.org/NewTactics/CaseList.aspx>).
- ³² Margaret Mead, anthropologist.
- ³³ See <http://www.amnestyusa.org/urgent/success.do>.
- ³⁴ In this section, ICNL makes reference to certain websites as illustrative examples of available resources, but is not endorsing any particular website or resource.
- ³⁵ *Campaigning for Freedom of Expression: A Handbook for Advocates*, International Freedom of Expression Exchange (IFEX), pp. 37-39.
- ³⁶ *Campaigning for Freedom of Expression: A Handbook for Advocates*, International Freedom of Expression Exchange (IFEX), p. 39.

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- ³⁷ See http://www.mjافت.org/en/rreth_mjافت.htm and MJAFT! Campaign “Things YOU Can Do” Organizing Manual.
- ³⁸ *Enough is not enough*, Al-Ahram Weekly, (<http://weekly.ahram.org.eg/print/2005/731/eg10.htm>); see also Washington Post editorial (<http://www.washingtonpost.com/wp-dyn/articles/A35379-2005Mar14.html>).
- ³⁹ *Chilean students end mass protest*, News Limited, June 10, 2006.
- ⁴⁰ See <http://www.civicus.org/new/content/ZimbabweSolidarityRally.htm>
- ⁴¹ Aung San Suu Kyi, “Freedom from Fear” speech.
- ⁴² See the following links: <http://countrystudies.us/poland/81.htm> and http://www.britannica.com/nobel/micro/555_63.html
- ⁴³ *When the Boycott Began to Bite*, Christabel Gurney, History Today, London, June 1999.
- ⁴⁴ *The Anti-Apartheid Movement, 1959-1979*, a paper presented by the Anti-Apartheid Movement at a conference on “Southern Africa in the 1980s”, held in London on June 26, 1979. (<http://www.anc.org/za/ancdocs/history/aam/survey.html>).
- ⁴⁵ *When the Boycott Began to Bite*, Christabel Gurney, History Today, London, June 1999.
- ⁴⁶ *The Anti-Apartheid Movement, 1959-1979*, a paper presented by the Anti-Apartheid Movement at a conference on “Southern Africa in the 1980s”, held in London on June 26, 1979.
- ⁴⁷ *Isolating Burma will not help Aung San Suu Kyi*, Zarni, The Independent, UK, June 18, 2005.
- ⁴⁸ See <http://www.freeburmacoalition.org/>
- ⁴⁹ *It's Time to Engage with Iran*, David Ignatius, Washington Post, May 26, 2006.
- ⁵⁰ *Say No to Tehran's Gambit*, Charles Krauthammer, Washington Post, May 26, 2006.
- ⁵¹ *Campaigning for Freedom of Expression: A Handbook for Advocates*, International Freedom of Expression Exchange (IFEX), pp. 19-23.
- ⁵² *Sharing stories of political prisoners and their relatives to pressure for their release*, New Tactics in Human Rights (<http://database.newtactics.org/NewTactics/CaseList.aspx>).
- ⁵³ *Mobilizing citizens to turn off their lights everyday to protest government corruption*, New Tactics in Human Rights (<http://database.newtactics.org/NewTactics/CaseList.aspx>).
- ⁵⁴ *Re-publishing state-banned materials to ridicule restrictions on freedom of expression*, New Tactics in Human Rights (<http://database.newtactics.org/NewTactics/CaseList.aspx>).
- ⁵⁵ CIVICUS, Civil Society Watch (www.civicus.org/csw/news).
- ⁵⁶ *Freedom House Director of Programs Testifies on Freedom in Central Asia*, Freedom House Press Release Detail, April 26, 2006 (<http://www.freedomhouse.org>).
- ⁵⁷ 2006 Human Rights Defender Policy Forum, Common Trends and Recommendations, May 24, 2006 (<http://www.humanrightsfirst.org/defenders/forum/trends-2006.htm>).
- ⁵⁸ Chandra Kangasabi, Secretary General, Hakam, Malaysia (as quoted in *Promoting Justice*, ii).
- ⁵⁹ *Promoting Justice*, Richard J. Wilson and Jennifer Rasmusen, © 2001, International Human Rights Law Group, p. 60.
- ⁶⁰ *Promoting Justice*, p. 64.
- ⁶¹ See *Promoting Justice*, p. 68.
- ⁶² See *Promoting Justice*, p. 65-66.
- ⁶³ See *Promoting Justice*, p. 71.
- ⁶⁴ *European Court of Human Rights Holds Right to Form Associations is Fundamental Human Right*, ICNL, International Journal for Not-for-Profit Law (IJNL), Volume 1, Issue 1, September 1998.
- ⁶⁵ Uniqueness and Cooperation of Asian Ombudsman, Dr. Lee Wun-Hyoung, Chief Ombudsman, Korea, (http://www.ombudsman.go.kr/pub_root/korean/filedata/pds/Eng/6th_AOA_Conference).
- ⁶⁶ Uniqueness and Cooperation of Asian Ombudsman, Dr. Lee Wun-Hyoung.
- ⁶⁷ See *Promoting Justice*, p. 84.
- ⁶⁸ The Human Rights Committee should not be confused with the more high-profile Commission on Human Rights, a Charter-based mechanism, or its replacement, the Human Rights Council. Whereas the Commission on Human Rights was a political forum where states debated all human rights concerns (since June 2006, replaced by the Council in that function), the Human Rights Committee is a treaty-based mechanism pertaining only to the ICCPR.
- ⁶⁹ The Human Rights Committee, http://www.frontlinedefenders.org/manual/en/hrc_m.htm.

⁷⁰ The Human Rights Committee, http://www.frontlinedefenders.org/manual/en/hrc_m.htm. See also Office of the United Nations High Commissioner for Human Rights, <http://www.ohchr.org/english/issues/defenders/index.htm>.

⁷¹ The Human Rights Committee, http://www.frontlinedefenders.org/manual/en/hrc_m.htm.

⁷² The Human Rights Committee, http://www.frontlinedefenders.org/manual/en/hrc_m.htm. See also Inter-American Commission on Human Rights, <http://www.cidh.org/what.htm>.

⁷³ The Human Rights Committee, http://www.frontlinedefenders.org/manual/en/hrc_m.htm. See also African Commission on Human and People's Rights, http://en.wikipedia.org/wiki/African_Commission_on_Human_and_Peoples'_Rights.

⁷⁴ The Human Rights Committee, http://www.frontlinedefenders.org/manual/en/hrc_m.htm. See also European Court of Human Rights, http://www.en.wikipedia.org/wiki/European_Court_of_Human_Rights.

⁷⁵ See case decisions on <http://www.icnl.org/knowledge/pubs/index.htm>.

⁷⁶ *Engaging Free Professional Legal Services for Victims, New Tactics in Human Rights*, (<http://www.newtactics.org/main.php/WK212>).

⁷⁷ See Radio Free Europe / Radio Liberty (RFE/RL) Newline report, May 24, 2006.

⁷⁸ *Campaigning for Freedom of Expression: A Handbook for Advocates*, International Freedom of Expression Exchange (IFEX), p. 21.

⁷⁹ *Providing free legal services to victims of police torture*, New Tactics in Human Rights (<http://database.newtactics.org/NewTactics/CaseList.aspx>). One potential barrier to providing legal assistance in many countries are rules requiring legal assistance to be compensated. In such circumstances, it may be necessary to work with the legal profession to allow for pro bono legal services. Brazil's Instituto Pro Bono has worked to support such an effort in Brazil since 2001.

⁸⁰ See *Promoting Justice*, p. 65-66. Of course, in less repressive contexts, we also find impressive examples. In Thailand, the Thongbai Thongpao Foundation (TTF) brings legal assistance to rural people, and trains them on basic human rights and laws, as a part of a "Law to the Villages" program. Participants in the training receive photo identity cards that list citizen rights (as criminal suspects) and that contain the signature and contact details of their personal lawyer. Mere possession of the card can empower individuals.

⁸¹ See *Promoting Justice*, p. 69.

⁸² A. Touraine, J. Strzelecki, F. Dubet, M. Wiewiórka, „Solidarność”. *Analiza ruchu społecznego 1980-1981*, Paris 1982, p.81.

⁸³ See the following links: <http://countrystudies.us/poland/81.htm> and http://www.britannica.com/nobel/micro/555_63.html.

⁸⁴ See Charter 77, http://en.wikipedia.org/wiki/Charter_77.

⁸⁵ See Charter 77, http://en.wikipedia.org/wiki/Charter_77.

⁸⁶ See Charter 97, http://en.wikipedia.org/wiki/Charter_97.

⁸⁷ Protecting Civil Society in Syria, Joe Pace, SyriaComment.com, February 22, 2006.

⁸⁸ As but one example, the U.S. State Department released ten *Guiding Principles on Non-Governmental Organizations* on December 14, 2006. These principles are intended to be an important tool for the U.S. and other governments in measuring governmental treatment of NGOs.