

## IMADR in the UN – the 62<sup>nd</sup> Anniversary of Human Rights in Geneva – Q&A session

### Q&A Panel discussion

Mr. Ahmad Fawzi moderated the question and answer part of the event; he led the discussion by posing questions to each panelist and then providing time for them to answer. The well-rounded panel was comprised of human rights defenders from various backgrounds, each working to defend different human rights principles.

The first panelist to speak was **Adala Abu Middain**, who is Chairperson of the Right to Live Society in Gaza, an NGO she founded in 1992 to improve the lives of people living with Down's Syndrome and children with autism living in the Occupied Palestinian Territories.

*Q: Is there a hierarchy in the discrimination against disabled people? We heard that people with spinal cord injuries are treated better than people with mental disabilities. Is this true and if so what do you do about it?*

A: Of course there is discrimination, even within the family, not just in society. In 1990, I had a baby with Down's syndrome and I felt that people around me moved away from me. I felt marginalized. I didn't find an institution able to help me, and the baby only lived for a year. I took an oath to look after children who suffered like him. I created an institution and launched a campaign to give necessary care to these kids. Now, my association has 970 kids benefiting from these services. Society is harsh and looks down on people who aren't like others. I have discovered that many families hide their kids - lock them away in rooms to keep them away from outside prying eyes. One of my victories is to know that these children are free and acknowledged. UNRAW helped me get 16 kids into the labor market. They launched awareness campaigns, worked with schools and hospitals, and on school playgrounds, they assert that the child has the right to life. They gave the children material assistance, provided money, books, toys, clothes, although they were surprised to find out that once kids were given new clothes, they still came to school in old ones because their sisters and brothers had taken the new clothes away.

**Beatrice Achaleke** is President of the Black European Women's Council, which aims to develop and strengthen strategic alliances to influence the European Union's political agenda on issues affecting black European women, to empower them and increase their visibility in public life.

*Q. Why do you think that black women in Europe in particular need help? Are they not better off than other segments in society?*

A. "Black women in Europe" says it all - they are black and in Europe. They are constantly in a situation where they have to justify their presence, despite that some were born and raised here. They don't have the same rights or opportunities because of the perception that people have based on their visibility. We all talk about gender equality, but as long as there is no equality between black and white, there can't be equality between men and women, and black women have multiple discrimination because they are both black and women. Everyone should be able to excel in society, meet their needs and realize their full potential.

*Q: Do you think that next year being the year of people of African decent will have an impact on your work?*

A: I hope so. I think this says that the UN has recognized that Africans have different needs, no matter where they are in the world. My wish is to enable the women they are talking about to

come to the table and discuss the challenges that they feel. I share a dream with Mr. Luther King of a world where one day, people won't be judged by the color of their skin but by the content of their character.

**Dora Alonzo**, at 18, is a member of the Parliament for Children and Adolescents, a Guatemalan national organization for Mayan, Xinca, Garifuna and Ladino children and youth. The Parliament focuses its work on the promotion of health, education, gender equality, respect for identity, and the prevention of sexual exploitation and child abuse.

*Q: In many societies, young people who are activists are thought to be troublemakers rather than human rights defenders. How would you respond to this opinion?*

A: People who believe this about children and adolescents are quite wrong because children and adolescents are the very people who experience the situations in their communities. They know about the ill treatment and violations going on, so who better to propose solutions and relay the problems? They need a voice, a vote and gender parity; children need to have freedom of expression and have a voice in what the government decides. They must be included. People need to consider how children see the world; they have a vision of living in peace and ensuring that human rights should be ensured. People need to realize that children are the future but also the present.

*Q: What can your Parliament do in concrete terms for indigenous children?*

A. The Parliament is a place where children can really speak about what they see, and the problems and solutions they see. They are facilitators for the kids in their communities; they let them know what their rights are and what solutions can be found in their communities. There are currently 252 children in this parliament and they use the trickle down effect - current parliament members train the next generation of members, who in turn train others. It's a way for children to be heard.

**Nurbek Toktakunov** is a lawyer in Kyrgyzstan and head of the Precedent Partnership Group, which focuses on civic education, access to information and budgetary transparency. He works with prominent NGOs in Kyrgyzstan and also assists NGOs working to protect human rights.

*Q: Are you not placing yourself at risk as well? Why do you protect human rights defenders?*

A. I am simply a lawyer who loves his job, but when I realized that no legal discussion was possible, I thought about leaving my job. This is when I met with human rights defenders and they asked me to protect them against the major criticism they were receiving. They told me that people were being arrested and there was rigging of elections going on, so I started defending them. I realized that a lawyer who loves his job is an ideal one and works without compromise. I then realized I had become a human rights defender and I now enjoy the support of international organizations. The bad thing is when you realize what you are doing may not work so much. During the ethnic conflict in the south of my country, I defended human rights defenders and they were still put into prison for life. The main thing is to try though. I cannot set myself the task of making Kyrgyzstan a human rights country, but I try to maintain the balance there.

**Otgonbaatar Tsedendemberel** is a lawyer in Mongolia and the Advocacy Program Manager of the LGBT (Lesbian, Gay, Bisexual, Transgender) Centre. The LGBT Centre, he helped found, is the first human rights organization in Mongolia dedicated to promoting and protecting the rights of the LGBT community.

*Q: Do you ever feel personally threatened or under attack as a human rights defender?*

A: Danger is always present as a human rights defender for LGBT. Two days before this trip, my colleagues and I received death threats. This threat is always there.

*Q: A lot of people say that discrimination is based on values, religion, culture, etc. and that LGBT rights cannot be applied everywhere because of these factors. How do you feel about this?*

A: LGBT should be a vessel and not different because of culture, religion, values etc. I was told that the name of my organization has meaning that conflicts with traditions and culture and could give a wrong impression to the youth. This is an example where authorities think that these rights are against culture and tradition, but this is very wrong and needs to be fought everyday.

**Roberto Garreton** is a member of the UN Working Group on Arbitrary Detention. He was a lawyer and human rights defender during the Pinochet regime and after Pinochet's collapse became Chile's first ambassador to the UN from 1990-1994.

*Q: Human rights defenders are sometimes arrested and detained. What can the UN do about governments that imprison human rights defenders for political or civil reasons?*

A: It is not a sprint for human rights - it's a marathon. You lose day after day after day, but one day, you do win. What can we do as human rights defenders? Today, the most repressed people in the world are human rights defenders and social communicators, whether they are journalists or writers who try to make sure that violations are known to all. There are many who have been recognized, but that doesn't free them of their life. Human rights defenders must first ensure that they have the trust of their people; the credibility in the eyes of their people and society. They defend victims by being credible and honest. Human rights defenders don't draw distinction between good deaths and bad deaths, between good and bad imprisonment, between good and bad people. They have no distinction and that is what makes them good.

**Ana Pelaez Narvaez** is a member of the UN Committee on the Rights of Persons with Disabilities and Director for the International Relations of the Spanish National Organization for the Blind. She also represents the Spanish Committee of Representatives of People with Disabilities in the council of the Royal Board on Disability, chaired by Queen Sofia of Spain.

*Q: You are disabled, so you must have a very personal view on the suffering that people go through. Can you give us input on how people can combat discrimination?*

A: The first thought that should come into our heads is the added value that comes from diversity. The fight for human dignity of persons with disabilities is essential. We must bear in mind that the discrimination that affects millions of people is often done with good will in attempting to care for them, but often in doing this, they discriminate against them, like putting people in institutions and caring for them in psychiatric centers. We believe that if there is a school for people with disabilities, then they will receive better care; we believe if we make sure they have no legal capacity, then they will be better off because no one can exploit them. We really think that we are caring for them, but we are actually deeply discriminating against them. I cannot think of anything worse than ensuring that people are no longer equal before the law. Inclusion is moving people toward the community, and the community must include them in their hearts, while the only thing that people with disabilities must do is add their diversity to society.

*Q: Then we need to re-educate people?*

A: If we write and speak correctly, that is an element of education. If we hold events that include everyone, then we aren't talking about disabilities, we are talking about human rights. In the case of intellectual disabilities, as we said before, I think the first barrier is in the family circle. Family must be the first to change the paradigm and understand that their relative has to be seen in different eyes.

**Chaloka Beyani** is the Special Rapporteur on the Human Rights of Internally Displaced Persons and senior lecturer in International Law at the London School of Economics.

*Q: Internally displaced persons (IDP) and migrants face persecution. There are mechanisms to protect them, but even governments that have signed onto these don't respect them. What would you do?*

A: My mandate on IDPs is specific to internally displaced people, but the lack of management of them often leads to refugees - people who cross borders often from fear of persecution. My purpose is to give a voice to IDPs who are settled in camps and are vulnerable in terms of security, food, shelter, and water, etc. Part of my mandate is to govern international actions in order to address the distress and plight of IDPs. Often, they are victims of discrimination and it's important that States oblige to their commitments under international treaties on discrimination. I need to make sure normative framework is adhered to by States through dialogue and visits, and by occasionally examining specific complains from IDPs. How do I do this? There is the question of fulfilling IDPs in terms of their needs, and their needs are many; you see it in their eyes. Unless there is an outside intervening factor, then they remain in a deplorable situation. I have to be careful to undertake interventions that don't lead IDPs open to retaliation or revenge and make sure the interventions work appropriately and do not in the long term open IDPs up to political risks.

*Q: There is a view the Special Rapporteurs are just trying to impose their ideas onto people with support of international organizations. What is your opinion on this?*

A: This is incorrect. We are there to act as the eyes and ears of the international community in places where things aren't working. Special Rapporteurs act within the code of conduct and under the guidance of the Council, which results in action. There are critics who criticize because they are affected by the actions Special Rapporteurs bring about, and so they aren't happy.

### **Audience Participation**

After the panel discussion, Fawzi opened the floor for audience participation.

*The first to speak was a representative from Civics who directed a question at Garreton:*

*Q: Do they ever have people in extreme poverty come into their realm of work?*

A: This issue is close to my heart. Many different options have been explored; social integration, prevention, and many names have been bounced about for something that is simple. They need to just make sure that all human rights are enforced, so that they end up in a society that has no poverty, the best instrument is human rights. However, we must also deal with problem of wealth because this world is replete with money and food. There could be no poor people but that would mean there would be less rich people or that they would be less rich. We need to call a spade a

spade and that is how we would see progress.

*Zami from Yemen, who represents minority women in the Middle East, said she heard the statement about black women and asked Achaleke: Is it possible for us, in the Middle East, to participate in the same institutions that work to assist black women because all marginalized women suffer two-fold discrimination?*

A. We are a young organization that is constantly expanding and we believe that we have strength in numbers, so they can all join. We would appreciate anyone wanting to work with us.

*Canada: Do human rights defenders feel that the UPR is making a difference for them? We are more and more conscious of risks and reprisals and would be curious to suggestions they might have for ways the HRC can help to protect them.*

Beyani: I think this has made a difference in qualitative protection and eliminating political problems. Its limited selectivity has reinforced some of the work treaty bodies do in terms of looking at reports of individual States. It also enables some of the mandate holders to pinpoint specific problems, so when they go to the field, they engage actors on these issues. It's important to ensure compliance and we need to look at what the HRC actually does after each review.

Tsedendemberel: The UPR process and CAT recommendations have been effective and useful. We take it as a victory for sexual minorities in Mongolia. For the first time, the government spoke about sexual minorities and a dream came true for us. As a follow up of the UPR, we went home and began talking to ministries and officials, speakers of parliament, commissioners and so on and so forth. A few officials have taken the cause seriously and expressed the willingness to collaborate with us. Most stay the same and are reluctant to start working for sexual minorities. However, we won't give up because we have such a strong base due to the UPR and CAT. We recently started an anti-discrimination campaign for tolerance in November and it will continue through March. We have also organized workshops for police to raise awareness about sexual minorities, and the police are actually starting to contact us for further recommendations.

*Indonesia directed a question to Alonzo: How does the government react to your Parliament? Do they support you?*

A: In 2004, the government took a position on the Parliament and said that the parliamentary mandate was only valid for two years, but we have managed to keep it continuing over time. It is true that sometimes we have been considered as a plaything, but we have proven that children and adolescence have a voice and make a difference. We now have the fourth generation of parliamentarians, the kids are between 9-17, and once you are older you become advisor and train children below you. Children from all communities, rural, urban, and indigenous or not, need this space and can improve society. We have had discrimination from local authorities but we have proven our worth.

*A representative of Human Rights Watch: Keeping in mind that recently the Nobel Peace Prize winner, Liu Xiaobo, had his family targeted by the Chinese government. What do you expect from the international community to better support human rights defenders?*

Toktakunov: A lot has been done around events in the South; local people attack a lot of human rights defenders physically. It's not public opinion, which has been addressed against human rights defenders. The people we are working for are now accusing us of betraying international interest. They aren't saying who is right or wrong, they are saying that States needs to carry out

investigations and take due process. Unfortunately, procedures take a long time when taken to the international community. If these procedures could be sped up this would be of enormous assistance.

*Poland directed a question at Beyani: Do you cooperate with human rights mechanisms?*

A: I hesitate because I am part of Special Procedures and the question was more about how human rights defenders engage with Special Procedures, so I will approach this from other way. The Special Rapporteur on human rights defenders is mandated to engage with the defense of people in the field. I work very closely with a number of organizations, the Norwegian Council, the Internally Displaced Monitoring Centre, and in the field you find human rights organizations that are interested in IDPs. Of course each time the Human Rights Council sits, it has an audience of human rights defenders - it is fruitful. I want to encourage making sure that work between human rights defenders and the Council is coordinated and effective.

China was the last to speak from the audience and wanted to comment on Human Rights Watch's reference to Liu Xiaobo: On this question, China has repeated many times that this case is not about human rights or freedom of expression - Liu Xiaobo is a criminal who has been sentenced because he violated Chinese law, and what he did runs contrary to Chinese law and the peace prize.

The event came to an end by welcoming Nelson Ebo, an opera singer born in Angola during the civil war, to sing. Ebo discovered opera at the age of 13 and began singing at restaurants until he participated in the human rights song contest organized by the OHCHR and the Ministry of Justice, where he won a scholarship to study music in Spain in 2001. He currently attends the Hartt School in Harford, Connecticut, USA.