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The following submission is made on behalf of Front Line, The International Foundation for the Protection of Human Rights Defenders.

We are happy for the content of this response to be made public.

*Mary Lawlor*

Mary Lawlor  
Executive Director

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## **Front Line Defenders response to the Review of the White Paper on Irish Aid**

The following submission is based on Front Line Defenders' work over 11 years on behalf of human rights defenders at risk. We have not undertaken a specific consultation with human rights defenders on the review paper, but the response draws on the consultations we conducted with human rights defenders in order to develop the Front Line Defenders Strategic Plan 2011-2014<sup>1</sup>, the conference we held in Brussels in 2007 on HRDs and Development Agencies<sup>2</sup>, successive Dublin Platforms for Human Rights Defenders<sup>3</sup>, and Front Line Defenders' Annual Reports on the situation of HRDs.<sup>4</sup>

### **Progress Made: Has the Government been successful in implementing the commitments contained in the White Paper on Irish Aid?**

Front Line Defenders welcomes the progress that has been made with regard to implementing the commitments contained in the previous White Paper on Irish Aid. In particular we welcome that there has been stronger support for the protection of human rights defenders and a growing understanding that this is an issue which connects with many of the other priorities of the White Paper.

However, the absence of a dedicated human rights presence within the Development Cooperation Division (DCD) has impacted on the commitments contained in the White Paper. Without coherent human rights expertise and direction within the DCD, it is difficult to see how the Government is monitoring and evaluating the human rights obligations and impact of the Irish Aid programme. This is further compounded by the absence of a Human Rights Based Approach to programming, which is considered best practice by other government ODA wings. Without a dedicated Human Rights Officer within the Development Cooperation Division, and in the absence of a Rights-Based Approach, there is no clarity regarding the effect, positive or negative, of Irish Aid interventions on human rights at country level. This is of specific concern to Human Rights Defenders who often represent the voiceless elements of target communities and should be recognised as active partners in development.

The relationship between the Human Rights Unit in the Political Division of the DFA, and the Development Cooperation Division could also be stronger. The Human Rights Unit focusses on multilateral human rights issues, including Ireland's relationship with the Human Rights Council, but should also engage with Irish Aid on policy. Improvements could also be made by creating a more coherent information flow on human rights issues between the Human Rights Unit, the Permanent Representations in New York and Geneva, and Irish Aid presences at programme country level, in order to adopt a more common approach and dialogue on human rights issues with all partners, and to promote a coherent political strategy.

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1 [http://www.frontlinedefenders.org/about/strategic\\_plan](http://www.frontlinedefenders.org/about/strategic_plan)

2 Human Rights Defenders and Development Agencies: How to build stronger synergies? Brussels, 15-16 October 2007 organised by Front Line Defenders with the support of the European Commission and the King Baudouin Foundation, and with the assistance of ECDPM <https://www.frontlinedefenders.org/node/18137>

3 <http://www.frontlinedefenders.org/platform>

4 [http://frontlinedefenders.org/files/front\\_line\\_defenders\\_2012\\_annual\\_report\\_inspiring\\_hope\\_and\\_provoking\\_a\\_bac\\_klash.pdf](http://frontlinedefenders.org/files/front_line_defenders_2012_annual_report_inspiring_hope_and_provoking_a_bac_klash.pdf)

**Changing context: What are the implications of the changes in the global and domestic context for the Government's aid programme in the future and how will these affect current priorities?**

Front Line Defenders has been documenting targeted repression against human rights defenders around the world since the organization was founded in 2001. Killings, death threats, torture, fabricated prosecutions and unfair trials continue to be government strategies to repress, control and try to silence human rights defenders in a significant number of countries. In the last years there has also been a growth in the number of countries using restrictive NGO legislation, restrictions on funding and other procedural regulations to try and hamper and undermine the work of independent civil society. Whilst the Arab Spring and earlier movements for peaceful change have brought positive transformations in some countries they have also provoked a backlash against human rights defenders from the side of nervous autocrats in many others.

This global political context should lead to a strengthening of Irish Aid's focus on the protection of human rights defenders and support for independent civil society. This is central to the stated priorities on governance and human rights but are also crucial to the potential effectiveness of all development efforts.

Front Line Defenders strongly supports the Irish Government's reaffirmed commitment to meeting the UN target for Official Development Assistance of 0.7% of GNP.

**Key Issues: How should the Government respond to the key issues of hunger, fragility, climate change, basic needs, governance & human rights, and gender equality? Are there other issues? Given the limited resources and the need to focus these, which issues should the Government prioritise in its future aid programming?**

**Fragility**

Many of the human rights defenders we work with would question the White Paper's unqualified statement that "Linking relief and development is key" in fragile countries. The paper quotes the World Development Report on how: "strengthening legitimate institutions and governance to provide citizen security, justice, and jobs is crucial to break cycles of violence." But what is the strategy where institutions do not enjoy legitimacy which is the case in many fragile states? Too often the international community has invested in training and support for police, security forces or judicial systems that are not legitimate in the eyes of the communities they repress. Such support needs to be clearly conditional on functioning mechanisms of accountability and respect for human rights.

In the seminar we held in Brussels on Human Rights Defenders and Development Agencies there were explicit calls not to engage in development activities where Government's are undemocratic and systematically violate human rights. Human rights defenders called for aid in such circumstances to be limited to humanitarian assistance. There is a natural tendency for development staff to want to find ways to continue to deliver programmes that they believe are beneficial but there needs to be a much more critical review of such decisions. It would be better to provide more effective development assistance in fewer areas and to give a clear message about minimum human rights conditions for effective development.

Front Line Defenders would argue that there needs to be a much stronger focus by Irish Aid on support for independent civil society including for human rights defenders and independent journalists in such fragile contexts. There is frequent reference to partnership being essential for effective development but there needs to be a clearer acknowledgement that there can be no genuine partnership where freedom of expression and freedom of association are curtailed and human rights defenders cannot operate freely.

## **Governance and human rights**

Front Line Defenders supports giving a significantly increased priority to governance and human rights and believes that there needs to be a much stronger strategy developed if Irish Aid is to be more effective in this area. Such a strategy needs to give an important priority to the protection of human rights defenders and the creation of the conditions in which they can undertake their legitimate work.

The most important factors in addressing poor governance and corruption are the development of a free media and an independent civil society that can monitor, criticise and seek to hold authorities to account. It is not effective to develop strategies that focus on persuading those who are abusing power to make commitments to abuse power less. It is worrying that the White Paper talks about engaging “with partner governments on the basis of a strong commitment to accountability, democratic governance and respect for human rights and the rule of law,” without any elaboration of how such commitments will be held to account.

Irish Aid should develop an explicit strategy to prioritise support for free media and an independent civil society over and above collaborative approaches with Government institutions. Any collaboration with Government institutions that goes beyond the humanitarian should also be clearly conditional on the protection of human rights defenders and journalists and the respect in practice for human rights and the rule of law.

Our seminar on Human Rights Defenders and Development Agencies concluded:

*Most development agencies acknowledge the human rights based approach to development, but in practice, this approach still needs to be better understood and disseminated. A human rights based approach to development creates partnership relations between HRDs and development agencies and the responsibility of the latter to “do no harm”, and to protect the space for HRDs. It also implies the obligation to consult with HRDs on the best mechanisms to protect this space, and to include the situation of HRDs in Governance strategies, with clear benchmarks. For example, consultations with HRDs should be part of impact assessments built into the beginning of projects.*

*Development agencies must be accountable to the communities they seek to serve. There is a key role for HRDs in promoting and facilitating independent community level accountability for the activities of development agencies (particularly when there is a direct budget support to Governments). In that respect, the European Commission must develop and implement its own mechanisms to ensure monitoring and follow-up of its engagement with HRDs. Transparency needs to be promoted as a positive value in implementing development strategies – “without transparency you are throwing money away”.*

*Moreover, effective development is conditional on freedom of expression and association.*

*Without space for critical voices terms such as accountability, partnership and participation are meaningless. However, participants stressed that aid conditionality should not be about punishment but about effectiveness.*

## **Gender Equality**

In promoting a stronger integration of human rights in all aspects of Irish Aid activities, including but not limited to activities related to gender equality, a priority should be given to including women human rights defenders (WHRDs) and to the specific security and protection needs of WHRDs.

Front Line Defenders contributed to the publication of the *Global Report on the Situation of Women Human Rights Defenders*<sup>5</sup> in January 2012. The Global report sets out the context in which WHRDs work, recognizing that the social, cultural, economic and political environment substantively influences the challenges WHRDs face and can exacerbate their vulnerability. Identifying context also enables the experience of WHRDs to be understood as more than individual occurrences, but rather as part of a systemic and structural oppression of WHRDs because of their gender and/or the work that they do on gender-related issues.

Just as WHRDs are uniquely affected by the context in which they work, the gendered responses and the risks faced because of what they do and their gender identities, strategies to ensure protection of WHRDs have to be designed and implemented with these in mind. The *Global Report* explores strategies implemented to protect WHRDs at risk, as well as strategies to address the structural challenges WHRDs face in their lives and work. This dual approach is necessary to guarantee protection of WHRDs in the long-term, and is critical to gender equality. Fundamentally, WHRDs themselves must be engaged in the design and implementation of protection strategies to ensure that these are effective as possible, recognizing that defenders themselves are the experts on their own needs. Front Line Defenders would urge Irish Aid to include a stronger focus on the protection of WHRD.

The White Paper currently contains no reference to Lesbian, Gay, Bisexual, Transgender and Intersex (LGBTI) rights. Ireland has become an active and well respected player at multilateral level on LGBTI rights, specifically through its engagement at the Human Rights Council. However, this commitment is not being translated to Irish Aid policy, and the situation for LGBTI Human Rights Defenders is deteriorating in many of Irish Aid's programme countries, including Uganda and Malawi, as well as countries in receipt of bilateral Irish Aid funding, such as Zimbabwe and South Africa. The Government should not allow the progress made by Ireland on LGBTI rights at multilateral level dissipate, and should explicitly recognise the need for protection of LGBTI people, and support for LGBTI Human Rights Defenders in Irish Aid programming. This could be done by main-streaming LGBT issues across Irish Aid programmes, in the same way that gender has been main-streamed, and by lending the issue specific prominence in political dialogue and engagement with partner organisations, both UN and NGO.

## **Private Sector**

The increasing emphasis on trade and the role of the private sector requires, as the White Paper says, "a sound policy and regulatory environment." Clearly there is potential mutual

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5 [http://www.defendingwomen-defendingrights.org/pdf/WHRD\\_IC\\_Global%20Report\\_2012.pdf](http://www.defendingwomen-defendingrights.org/pdf/WHRD_IC_Global%20Report_2012.pdf)

benefit for Ireland and Africa to deepen their economic engagement and trading relationships, but care must be taken that it doesn't translate into trade at any cost. The policy and regulatory framework should be based on international human rights standards and should include the participation of human rights defenders. Human rights defenders often face repression because of their legitimate activities to defend the economic rights of their communities.

An ethical charter setting out the guiding principles through which business relations and trade can be conducted is necessary in order to ensure that the poorest African countries do not suffer the double jeopardy of exploitation linked to business, under the auspices of the Irish Aid Program and the "strengthened mandate of Ireland's embassies." Such a charter should include specific measures in relation to the inclusion and protection of human rights defenders.

### **Ways of Working: How can the Government further strengthen its ways of working in delivering an effective aid programme, with a view to delivering real results in poverty reduction?**

There is a danger that the desirable focus on aid effectiveness is producing an increase in bureaucratic results based monitoring processes at the expense of serious independent evaluation of impact. Donor driven reporting systems often clash or operate in inefficient parallel with management and control systems developed through experience to deliver efficiency and effectiveness. Serious measurement of impact needs to include qualitative evaluation and should be undertaken in cooperation with independent stakeholders including human rights defenders. There should be less ticking boxes and generating statistics and more external and critical evaluation that ensures genuine accountability to local communities through the involvement of independent civil society.

### **Policy coherence**

The commitment to integrate human rights across Irish Aid's programmes is welcome. We would recommend giving particular priority to the protection of human rights defenders which should be integrated much more fully in the work of Irish Aid which can play a key role in acknowledging the legitimate role of human rights defenders in development.

Front Line Defenders supports the related recommendation from Dochas:

*We propose that the White Paper should, state that as a matter of standard practice, Irish Aid will involve civil society organisations, in Ireland and internationally, including women's organisations, in the preparation, design, delivery and monitoring of policies and programmes as well as in the overall impact analysis of Ireland's relations with programme countries.*

Our Brussels Seminar on Human Rights defenders and Development Agencies concluded:

*If there is no space for human rights defenders to operate, there can be no effective or sustainable development. HRDs and development agencies are increasingly realizing that they both need each other: they share common interests, and working together is the only sustainable way to advance development and human rights at the same pace. In practice, interesting initiatives can be found where HRDs and development agencies cooperate in a sustainable way.*

*Perpetrators seek to intimidate and instil fear, therefore it is important to monitor and manage rational response to threats. Development agencies need to develop their skills and confidence to engage with human rights defenders, acknowledging that HRDs would not be threatened and attacked if they were not doing something that made a difference. Constructing alliances between development agencies and HRDs should be a priority and will lead to mutual benefits.*

*To achieve that goal, there is a clear need to integrate HRD as actors in the overall EU development cooperation process, which must be coherent, consistent and integrated towards HRDs and Development. A “cultural change” on the ground is needed, as there is an unclear chain of responsibilities for EU coherent action (conflict of interests, fragmentation). It must acknowledge that nothing will happen without better structures, processes and tools. In that respect, at European Commission level, common training specifically on HRDs for RELEX and EuropeAid would be a step forward.*

*At a more operational level, HRDs must be able to benefit from a consistent support, both financial support and a political backing and protection when needed. A better risk analysis and political context assessment from the part of donor agencies is crucial to understand the needs of HRDs and design the most appropriate support strategies and implementation mechanisms.*

*This can lead to designing local strategies, defining benchmarks with regards to the situation of HRDs in a country, reconsidering procedures to fit the specific needs for HRDs, developing adequate accountability and participation mechanisms for HRDs (associating HRDs to programming, implementation, monitoring and evaluation), and associating civil society and HRDs in particular to the political dialogue, which should be as transparent as possible. Governments must not be allowed to exclude HRDs from political dialogues.*

### **Working with programme countries**

It is difficult to reconcile the statement in the consultation paper that: “(t)hese partnerships also place obligations on the recipient governments, including commitment to democratic principles, respect for human rights and the rule of law and a willingness to combat corruption,” with the reality of the lack of respect for human rights and the specific targeting of human rights defenders and independent civil society in a number of the programme countries including Uganda, Ethiopia, Malawi and Vietnam.

The approach of Irish Aid has been seriously inadequate in the face of the failure to meet such obligations in each of these countries and there is a need for a much more robust approach to human rights and governance. As noted above the key to this must include a much stronger focus on human rights defenders, media freedom and the development and support of independent civil society. It is not good enough to pay lip service to this, there needs to be practical consequences including the suspension or significant redirection of Irish Aid programmes if necessary.

### **Public engagement and ownership**

Front Line Defenders supports the emphasis placed on public engagement and ownership and will seek to contribute to this through our public activities.

## **Conclusion**

Irish Aid has been successful in a number of areas since the last White Paper on Irish Aid but a significant failing has been the poor outcomes regarding governance, corruption and human rights in a number of the programme countries including Uganda, Ethiopia, Malawi and Vietnam.

There is a need for a much stronger commitment to the protection of human rights defenders and an integration of this key strategy across the work of Irish Aid. Human rights defenders are crucial for any effective work on corruption, governance and human rights. Respect for their legitimate role should be a pre-condition for any work with government agencies on these issues. Priority should also be given to the specific protection needs of women human rights defenders and defenders of LGBTI rights.

Irish Aid should develop an explicit strategy to prioritise support for free media and an independent civil society over and above collaborative approaches with Government institutions. Any collaboration with Government institutions that goes beyond humanitarian assistance should also be clearly conditional on the protection of human rights defenders and journalists and respect in practice for human rights and the rule of law.