



Session Report

Please know you may design the structure of this report to better suit the session. It's important to capture the key outcomes and solutions proposed for the future.

Session Title: Plenary 2: Defending the defenders, those who uncover the truth and the victims of corruption and the violations of human rights

Date & Time: Wednesday, 07.12.2022, 10:30 am – 12:00 pm GMT -5

Report prepared by: Alice Stevens, Project Manager Land and Corruption in Africa, Transparency International

Moderated by: Hazel Feigenblatt, Regional Journalism and Media Programs Manager for Latin America and the Caribbean at the Institute for War & Peace Reporting

Panellists:

- Uzra Zeya - Under Secretary for Civilian Security, Democracy and Human Rights, USDOS
- Ed O'Donovan - Special Advisor to Mary Lawlor, UN Special Rapporteur on the situation of Human Rights Defenders
- Matthew Caruana Galizia - Director, Daphne Caruana Galizia Foundation
- Jodie Ginsberg - President of the Committee to Protect Journalists (CPJ)
- Lysa John Berna - CIVICUS, Secretary General
- Carolina Jimenez - President at the Washington Office on Latin America (WOLA)
- Dunja Mijatovic - Commissioner for Human Rights, Council of Europe

Share the thematic focus of the session, its purpose and corruption risks?

- Sharing strategies and actions to protect people's rights
- **Massive threats against democracy**
Corrupt politicians, extremist groups, organised crime silencing those speaking out about corruption. More vulnerable, more exposure to violence and threat.
- The Killing of a Journalist teaser – Films for Transparency festival

Summary of panellists' contributions & discussion points (please be as detailed as possible)

Moderator: Hazel Feigenblatt, Regional Journalism and Media Programs Manager for Latin America and the Caribbean at the Institute for War & Peace Reporting opens the session by discussing the threats against democracy in recent years and how corrupt politicians, authoritarian leaders and organised crime are targeting those fighting corruption. These groups can work with impunity as democracy institutions are being weakened.

Her question for the panel is how do we fight back?

Main points raised by **Uzra Zeya - Under Secretary for Civilian Security, Democracy and Human Rights, USDOS:**

- It's imperative that the US government work across all sectors including civil society and the private sector
- An example of cross-sector collaboration is President Biden's Summit for Democracy when 100 partner governments, thousands of CSOs and the private sector came together to build more resilient democracies, combat corruption and safeguard human rights.
- Undersecretary Uzra explained three ways in which the US government works in tandem with their partners:
- First, Defending the Defenders. The State Department funds numerous rapid response and emergency assistance programs to benefit CSO and HRDs at risk. Their Lifeline Embattled Civil Society Organisation Assistance Fund has committed 44 million USD for activities to protect and support civil society. 97% of those receiving Lifeline reported that it allowed them to sustain their work.
- Second, the US government is an advocate of free press and independent media. The State Department has committed millions of dollars to support the Global Anti-Corruption Consortium (GACC), a partnership between media and civil society to expose corruption and demand accountability. GACC benefits from strong multi-lateral support. In just four years, the initiative has shown real world impact.
On Nov 2, USAID launched the Strengthening Transparency and Accountability through Investigative Reporting (STAIR program) – a 5-year 20-million-dollar initiative. Additionally, the State Department is providing at-risk journalists with targeted support through the Journalist Protection Platform.
- Third, the State Department is working to elevate the voices of international anti-corruption champions around the world. This Friday, Dec 9, Secretary Blinken will announce the third cohort of the International Anti-Corruption Champion

Awardees. Next year, the US will be hosting the 10th conference of States Parties to the UNCAC. The UNCAC is the world's only legally binding universal instrument in our fight against corruption.

- *"We must work together to achieve our shared objectives."*

Matthew Caruana Galizia - Director, Daphne Caruana Galizia Foundation

- Matthew shared a personal story of his experience with violence towards journalists.
- *"I always think of myself of being more of a witness for what happens when everything goes wrong."*
- Matthew's mother, a journalist of 30 years was assassinated in a car bomb attack while we were working on an investigation into the energy sector in Malta related to the Panama Papers.
- His life was turned upside down, but he was introduced to an important support network including TI, Reporters without Borders, etc. Gave his family the platform that they needed to fight for justice for his mother.
- *"Everything that I thought was functioning in my country, the criminal justice system, the political system, had simply been completely hollowed out. We really had to fight from scratch to get justice for my mother."*
- It gives you an idea of the kind of resources that are needed to get justice in just one case.
- In over 90% of cases of assassinated journalists, there is complete impunity, meaning that no one is ever prosecuted, let alone convicted.
- His family set up a foundation set up in the name of this mother to force the world to learn lessons from his mother's case by looking at Malta as a microcosm for everything that can possibly go wrong. And hopefully prevent further murders of journalists around the world.

Jodie Ginsberg - President of the Committee to Protect Journalists (CPJ)

- Set the stage: *"It's looking like 2022 is going to be one of the worst years in living memory for journalists."* 65 journalists and media workers killed so far this year, and they expect a record number of imprisonment.
- Here in the US, a reporter was found murdered on his doorstep – Jeff German. The man accused of his murder was a public official whom German was investigating.
- Threats to journalists are not taking place in remote authoritarian contexts. *"They're here and they're on our doorstep".*
- *"Half of the killings that we've documented this year took place in countries that Freedom House deems 'Free' or 'Partly Free'."*
- Murder is just the tip of the iceberg. Governments have far more effective tools for silencing journalists. They are silenced through imprisonment and the increasing misuse and abuse of law to target journalists.
- There are fewer prosecutions for the things they actually report in favour of prosecution on other matters - financial matters for example.
- For example, José Rubén Zamora in Guatemala is currently in pre-trial detention for money laundering. Jimmy Lai was charged last month with fraud.
- It allows governments to claim that they are not targeting journalists for what they are reporting. It muddies the waters and smears journalists.

- It's also been employed by wealthy and powerful individuals, not just governments.
- Increasing use SLAPP (Strategic Lawsuits Against Public Participation) and civil lawsuits. It also ties them up in expensive litigation.
- Explosion in online harassment (particularly against women journalists and woman of colour)
- **What do we need?**
 1. We need to see much more from governments to create safe spaces for journalists.
 2. We need to see changes to the legal system that prevents spurious legal claims against journalists
 3. More to be done to address harassment online

Lysa John Berna - CIVICUS, Secretary General

- CIVICUS monitors civil freedoms across the world and cocreates strategies for the defense of civic space.
- This morning, Lysa was part of a launch of a report on the right to protest this morning with a focus on Sri Lanka, Iran and Russia.
- Lysa discussed the role of non-state actors, that is organisations that claim to be part of civil society and present themselves as rights-based organisations but they distort the narrative and make it difficult for HRDs to do their work.
- CIVICUS are trying to get a better understanding of these groups. Unlike civil society, these groups use violence and intimidation. These groups also take away space for public and political debate from other civil society actors.
- *"The threat to defenders is actually larger from non-state actors than state actors."*
- **What to do?**
 1. Follow the money. The US is one of the largest funders of polarisation, hate and attacks on champions of sexual and reproductive health and rights.
 2. Follow the restrictions. The four top countries that introduced new laws punish and prevent protesters - US, UK, France, Uruguay, all open countries.
- *"We need to test and shift the narrative around there being a good force and a bad force. It's not the Avengers movie or series. And we need to start calling out both our enemies but also our allies and find better ways to work with or against them."*

Carolina Jimenez - President at the Washington Office on Latin America (WOLA)

- WOLA establishes and builds partnerships with civil society in Latin America and amplify their voices in global spaces.
- While the panel is drawing attention to the difficulties for HRDs and journalists in open societies, in closed societies, the situation is much worse.
- Defending human rights and anti-corruption today in Latin America has become increasingly difficult, challenging, and dangerous.
- Latin America showed the world positive examples of how impunity and corruption could be faced. What happened?
- *"Democratic backsliding or authoritarianism is a major threat to anti-corruption efforts."*
- **What needs to be done?**

1. From a civil society perspective, movements need to work more closely together. The anti-corruption, human rights and democracy movements need to work jointly. For example, as we speak, the top anti-corruption prosecutor Virginia Laparra, has been imprisoned for eight months. This whole conference should be demanding her immediate release. The more voices, the more pressure.
2. The role of the international community should not be understated. The role of external actors like the UN continues to be very important.
3. We need to learn from past mistakes – we have seen the successes but also the backlash.

- ***What to do better?***

Stronger transfer of capacity and clear laws and institutions in place that can continue to support after the ground after international actors have left. We need better protocols and mechanisms in place to protect those who continue the fight on the ground.

Ed O'Donovan - Special Advisor to Mary Lawlor, UN Special Rapporteur on the situation of Human Rights Defenders

- This past March, the focus of a report by the Special Rapporteur on Human Rights to the Human Rights Council was on the work of anti-corruption activists and the risks faced by them.
- *“Anti-corruption work is human rights work and anti-corruption activists are human rights defenders.”*
- ***Anti-corruption activists don't always see themselves as HRDs. Why does it matter?***

Work on the protection of human rights defenders (HRD) over the last 20 years can benefit anti-corruption defenders. Avenues of protections may become available to anti-corruption activists:

 1. International architecture that protects HRDs. E.g., The Special Rapporteur can raise cases over formal and informal channels. We understand that increased visibility is not always the safest course of action but sometimes it is.
 2. A number of states are supportive of HRDs in their foreign policy and commit their embassies in third countries to protect HRDs at risk. Though unevenly applied, we've seen examples diplomats legitimizing or protecting HRDs.
 3. Protection ecosystem that has evolved among civil society. These networks can provide financial support, legal and medical support, and risk training. Organisations can provide crucial moral support as well as networking opportunities.
 4. Rest and respite protective fellowship opportunities around the world. Ed highlighted a recently launched program called the Sanctuary Initiative for whistle-blowers and anti-corruption activists.
- Unfortunately, governments cannot be relied on to provide sufficient protection. Civil society networks are critical.

Dunja Mijatovic - Commissioner for Human Rights, Council of Europe

- HRDs are key partners of my office
- Dunja noted that HRDs are her driving force. Meeting them gives her energy and

a sense of responsibility.

- Civil society and HR activists are facing so many obstacles in their work – legal and administrative, access to funding, judicial harassment, threats, intimidation, surveillance, ill treatment and kidnapping and murder.
- Dunja recently attended a roundtable in Dublin bringing together HRDs and several member states from the Council of Europe. This clarified the gravity of the issues.
- Regardless of the fact that Dunja’s mandate focuses on the 46 states of the Council of Europe, it is impossible to be effective without looking at the global environment.
- *“Only by understanding the gravity of the problems and the severity of those attacks, can be effective. We cannot live in a bubble of one continent or one region of the world.”*
- Dunja also mentioned that she has paid particular attention to impact of the pandemic, the war in Ukraine, and the issue of migration in Europe on human rights.

Questions from Hazel: ***Why don’t we have a more systemic and coordinated response to these issues?***

Jodie Ginsberg:

- Democratic backsliding is one factor.
- People are more concerned a what is happening at home and domestic policy. This is trumping international human rights commitments.
- International mechanisms are sluggish and bureaucratic.
- The inability of different agencies to coordinate on an increasingly complex issue. Even those there’s good will, the actual practicalities of delivering results run counter to the intention.

Matthew Caruana Galizia:

- One of the key lessons is the hollowing out of the state without anyone else noticing.
- Matthew is a believer in the rule of law in general as the best way to protect HRDs and journalists.
- An increasing weight of the anti-corruption global work is falling on journalists.
- In Malta, there has been increased interest of international agencies and Malta has benefitted as there is less room for impunity.

How do we go back to a stronger, more independent judiciary?

Carolina Jimenez:

- Judicial independence is one of the first victims of anti-democratic actors when they come to power. This is a major challenge to civil society.
- However, even in the most authoritarian context, leaders care about their political capital. We need to keep raising the stakes.
- *“Not just ‘Name and Shame’ because these days we all know that they want to be named they have no shame.”*

How do we fight back against anti-rights groups?

Lysa John Berna:

- A coordinated response from civil society is possible.
- An entirely new set of changemakers is emerging outside of the formal spaces.

Usually when we talk about solutions, the case of women requires a more specialised response. What do you think is working?

Dunja Mijatovic:

- We need to continue exposing the problems and talking about this with governments that are willing to listen.
- When it comes to WHRDs, safety is important. It is key that there are governments who are willing to help women

Are we documenting targeted attacks of women?

Ed O'Donovan:

- We are getting increasing number of cases of targeted threats of women.
- Given the scale of the threats, it's impossible to document everything.
- Unfortunately, relocation is a necessary response to risks to HRDs. More and more programs recognise the additional caring responsibilities of women and allow a relocation of family members. This has been one very positive development.

Main outcomes of session (include quotes/highlights and interesting questions from the floor)

Frank Vogel, cofounder of TI, calls on advocates to highlight the hypocrisy of the UK, the US and others who engage with Saudi Arabia, with Egypt, Azerbaijan and others that are imprisoning HRDs and anti-corruption speakers on a massive scale. We should all speak out about this massive hypocrisy. Called out the IMF and the World Bank for ignoring these issues.

"We need to test and shift the narrative around there being a good force and a bad force. It's not the Avengers movie or series. And we need to start calling out both our enemies but also our allies and find better ways to work with or against them." -

Lysa John Berna - CIVICUS, Secretary General

"Anti-corruption work is human rights work and anti-corruption activists are human rights defenders." - **Ed O'Donovan - Special Advisor to Mary Lawlor, UN Special Rapporteur on the situation of Human Rights Defenders**

"It's looking like 2022 is going to be one of the worst years in living memory for journalists." - **Jodie Ginsberg - President of the Committee to Protect Journalists (CPJ)**

Key recommendations for the future and concrete follow-up actions

Jodie Ginsberg:

1. We need to see much more from governments to create safe spaces for journalists.

2. We need to see changes to the legal system that prevents spurious legal claims against journalists
3. More to be done to address harassment online

Lysa John Berna:

1. Follow the money. The US is one of the largest funders of polarisation, hate and attacks on champions of sexual and reproductive health and rights.
2. Follow the restrictions. The four top countries that introduced new laws punish and prevent protesters - US, UK, France, Uruguay, all open countries.

Carolina Jimenez:

1. From a civil society perspective, movements need to work more closely together. The anti-corruption, human rights and democracy movements need to work jointly. For example, as we speak, the top anti-corruption prosecutor Virginia Laparra, has been imprisoned for eight months. This whole conference should be demanding her immediate release. The more voices, the more pressure.
2. The role of the international community should not be understated. The role of external actors like the UN continues to be very important.
3. We need to learn from past mistakes – we have seen the successes but also the backlash.

What can be done to create opportunities for scaling up the solutions discussed in the session? And by whom?

No

Is there a specific call to action to key stakeholders, such as governments, businesses, funders, civil society, young people, journalists or any other stakeholder that should be noted? Please specify if relevant.

Follow up on Virginia Laparra, the Guatemalan prosecutor who is currently being held in isolation at a men's high security prison. She has been held for eight months without charges. Hazel invited the audience to approve a motion to demand that the Guatemalan authorities release her as soon as possible. The audience applauded.

Peter Eigen, founder of TI called for us to work together to create an international organisation that brings together civil society, as we can no longer rely on national governments or international governments institutions like the UN.

Rapporteur's name and date submitted

Alice Stevens, 07.12.2022