

2010 Washington Human Rights Summit

Plan of Action

To Support Freedom of Association, Freedom of Expression and Human Rights Defenders

Washington, DC

March 8, 2010



After decades of progress in the spread of freedom and human rights, in recent years the world has witnessed declines in fundamental freedoms in a wide range of countries around the globe, as well as attacks on fundamental freedoms at multilateral institutions. Deterioration has occurred particularly in two core freedoms—freedom of expression and freedom of association—creating increasingly hostile conditions for human rights defenders and democracy activists in every region of the world. The rights of individuals to share information and to express their thoughts and opinions—whether through published works, private blogs, or peaceful demonstrations—are being threatened by a broad array of legalistic, political and economic pressures, as well as by violence from state and non-state actors.

To address this challenge, [human rights defenders](#) from more than twenty countries met in Washington, DC between February 17 and 19, 2010 and produced the following Plan of Action directed to the United States government, other governments, multilateral organizations and civil society organizations. The participants also noted the absence from the gathering of at least three invited individuals – Liu Xiaobo of China, Riad Seif of Syria, and Yevgeniy Zhovtis of Kazakhstan – because they are currently imprisoned for their work on behalf of human rights and democracy. Their stories were highlighted by multiple speakers during the gathering, as it was noted that these three individuals represent the many others worldwide who are currently imprisoned for their advocacy and activism.

These proceedings built on and incorporated several previous efforts – including the 2006 [Prague Charter](#) that was highlighted by Vaclav Havel in his address to the Summit via video on February 17, the [Principles on Defending Civil Society](#) published in 2007 by the International Center for Non-Profit Law and the World Movement for Democracy, the [Guiding Principles on Non-Governmental Organizations](#), issued by the U.S. Department of State in 2006, and the [Diplomat's Handbook](#) published under the auspices of the Community of Democracies in 2008.

For All Governments

General

- Support the work and independence of Special Procedures mechanisms of the U.N. Human Rights Council, particularly the Special Rapporteurs for Freedom of Expression and for Human Rights Defenders; issue a standing invitation to all mandate holders to visit their countries and encourage other governments to do the same.
- Consult with civil society organizations (CSOs) in their own countries and abroad and provide them with a meaningful opportunity to participate in mechanisms to assess state compliance with international treaty obligations, as well as in the Universal Periodic Review under the U.N. Human Rights Council.
- Respect, and encourage other governments to respect, international human rights norms, including protection of the basic freedoms necessary for the functioning of independent civil society organizations, human rights defenders, and journalists.
- Respect the right of human rights defenders to participate and engage in international forums, networks, and regional and multilateral organizations without interference.
- Strengthen, and where they do not yet exist, help to create, regional and sub-regional human rights bodies and mechanisms within intergovernmental organizations that are guided by universal standards. This requires financial and technical assistance, as well as diplomatic and political support. Encourage and facilitate the inclusion of civil society representatives, especially human rights defenders in their deliberations. Governments are urged also to model (demonstrate) best practices within such initiatives.
- Do not use the struggle against terrorism or violent extremism as a pretext to curtail the legitimate activities of nonviolent civil society organizations, journalists, or human rights defenders. Further, governments should clearly distinguish in law and in practice between violent activities and legitimate peaceful actions.
- End the selective investigation and baseless prosecution of civil society activists, journalists and human rights defenders in reprisal for their legitimate activities. No one should be detained or imprisoned for the nonviolent promotion and protection of universal human rights principles; individuals who express nonviolent political or other views should not be detained or imprisoned for such expression.
- Combat impunity in cases concerning the murder or harassment of journalists and human rights defenders by vigorously investigating and prosecuting cases of violence against members of the media and civil society.

- Adopt in their bilateral relations a policy of providing support for, and, where necessary, protection of civil society groups, journalists, and human rights defenders and implement that policy by instructing embassies and aid missions to support these groups in practical ways. For example:
 - When political leaders and diplomats visit countries where independent civil society activists are facing persecution, including criminal prosecution, they should, (unless the security of the activists would be threatened by such contacts) meet publicly with independent human rights defenders, including those who may have been subjected to official persecution;
 - Develop strategies to support persecuted human rights defenders at regional and international meetings and other forums by consistently drawing international attention to their cases;
 - Develop better strategies and policies to provide protection, including resettlement, access to travel visas, and asylum to civil society activists under threat.

- Those governments that provide bilateral foreign assistance of any kind should include criteria specifically designed to promote the rights of freedom of association and freedom of expression for human rights defenders, journalists, and other independent civil society activists.

- Bilateral aid programs should:
 - Provide technical assistance for local activists and journalists to monitor the implementation of key freedom of association and freedom of expression standards;
 - Support capacity building for local civil society organizations and media groups, including strengthening national and regional networks;
 - Provide emergency funding for human rights defenders and other key civil society actors under threat;
 - Support local initiatives to educate both government officials and the broader public on freedom of expression and freedom of association, as provided for in international law;
 - Ensure assistance reaches independent and legitimate civil society activists and take measures to assess and resist diverting funds towards Government Organized Non-governmental Organizations (GONGOs).

Freedom of Association

- Create a public policy and regulatory framework that encourages the right of people to form associations, especially those that promote and protect human rights. Specifically, governments should:
 - Ensure that laws governing the functioning of CSOs avoid lengthy registration processes, burdensome documentation requirements, and vague provisions that give governments broad powers to interfere with the capacity of civil society for independent action;
 - Eliminate criminal sanctions for unregistered civil society activities;

- Provide CSOs with the right to appeal official decisions denying legal registration, ordering the closure of organizations, or ordering the cessation of activities;
 - Put in place clear and non-discriminatory tax regulations and exemptions to enable CSOs to operate;
 - Provide opportunities for open, transparent and meaningful consultation with civil society prior to the enactment of new laws, regulations, or the amendment of existing laws that affect freedom of association.
- Remove arbitrary, discriminatory and overly burdensome restrictions on the ability of civil society groups to raise, access, and manage funding domestically and internationally, and all governments should reaffirm and defend the right of organizations to receive assistance across borders, including financial assistance.
 - Respect the right of workers to unionize and strike, in accordance with international standards.

Freedom of Expression

- Ensure that the right to freedom of opinion and expression through any medium of communication, as well as the right to seek, receive and impart information and ideas of all kinds, is enshrined in domestic constitutions and protected in law and practice in accordance with international human rights law. Among other elements, this includes:
 - Ensuring that in cases where domestic legislation could potentially restrict freedom of expression or the free flow of information, such restrictions are narrow, clearly defined, and in line with international human rights standards;
 - Actively supporting the phasing out of criminal defamation laws, both at home and around the world, and eliminating excessively punitive civil penalties;
 - Ensuring that any laws and regulations against “hate speech” are not abused to restrict the right to freedom of expression of anyone, including members of religious, ethnic, sexual and other minorities.
- Create a public policy and regulatory framework concerning the media, including new media, which promotes pluralism and incorporates the views of civil society. Specifically, governments should:
 - Ensure that licensing regulations for print and broadcast media are as limited as possible, and provisions for community broadcasting are included in the overall framework;
 - Treat all media outlets in an equal and fair manner, with publicly-funded news outlets considered the same as independent entities in licensing and other activities.
- Restrict the international sale of technology that can be used for internet censorship or surveillance where that technology is used by governments to restrict the rights to freedom of expression and privacy. At the same time, guarantee that access to free

mass market software for personal communication and information sharing is not restricted by sanctions directed against repressive governments.

- Build effective coalitions with other governments supporting internet freedom, including citizens' access to media unfettered by filtering or censorship mechanisms.
- At the U.N. Human Rights Council and in other U.N. human rights bodies and regional organizations, resist efforts to develop new international norms prohibiting religious defamation or blasphemy that endanger freedom of expression, and instead seek measures that address religious hatred and intolerance while upholding fundamental freedoms of expression and opinion, including:
 - Speaking out publicly and consistently against racist and intolerant language and conduct by public officials and other prominent public personalities;
 - Building political consensus, including reaching out across political party lines, to encourage speaking out against intolerant discourse.

For the U.S. Government

Policy Formulation

- Ensure that advancing human rights, including the protection of the freedoms of association and expression, are operationalized and properly resourced, through a National Security Presidential Directive or some comparable mechanism.
- Ensure that the promotion of freedoms of association and expression are included in a national foreign assistance strategy.
- Strengthen the U.S. Guiding Principles on Non-Governmental Organizations (issued in 2006) by developing them into action guidelines for embassies, missions and other U.S. diplomatic representatives around the world.
- Facilitate U.S. civil society engagement with civil society groups working on similar issues abroad.
- Facilitate, support and strengthen engagement by independent civil society organizations in regional and sub-regional multilateral bodies.
- Formulate a strategy to promote freedom of expression in countries where it is under threat and fulfill the pledge made in January 2010 by Secretary of State Hillary Rodham Clinton that the United States would make Internet freedom an international priority. Specifically, it should:
 - Seek to guarantee that the acceptance of trade agreements is conditional on respect for internet freedom, as it is on labor rights, and consider applying the same concept to trade and investment benefits, technical support, and bilateral and multilateral assistance;
 - Ensure that U.S. technology is not used to violate the rights of internet users at home and abroad;
 - Promote the development and dissemination of technology that will

- circumvent internet censorship and strengthen user privacy in repressive countries, through policies and funding;
 - Strongly support indigenous efforts in countries where the internet is restricted to expand space for free expression online;
 - support the enactment of the recently reintroduced Global Online Freedom Act, which fights internet censorship abroad and prevents U.S. companies from aiding the censorship operations of repressive foreign governments;
 - Retain robust support for the broadcast of impartial news and information into countries whose media is otherwise restricted.
- Combat terrorism and violent extremism by promoting more human rights, not less. Specifically, the U.S. government should de-couple the fight against terrorism and violent extremism from efforts to restrict political speech, including speech that may be critical of U.S. policy and practices.

Diplomatic Engagement

- Ensure that consistent human rights and democracy messages are conveyed in bilateral discussions at all levels and in all areas.
- When establishing bi-lateral structures to deal with human rights issues, include local civil society activists in their development and functioning.
- In countries where freedoms of association and expression are curtailed, ensure that embassies and missions have a plan of action for supporting independent civil society organizations, media and human rights defenders. This includes, but is not limited to:
 - Convening regular meetings and building relationships with human rights defenders and journalists to show support for their work and remaining engaged in their efforts;
 - Monitoring trials of human rights defenders;
 - Upon visits to these countries, the president, the secretary of state, members of Congress, and other senior officials should commit to consistently and publicly meeting and otherwise have direct engagement with civil society leaders and other human rights activists.
- Engage with other countries in order to counter government initiatives that threaten freedoms of association and expression in multilateral bodies.
- Lead multilateral efforts to promote a single Internet and end censorship.

Foreign assistance

- Ensure that the integrity and independence of U.S. government assistance is maintained. In those countries where restrictions exist on providing international aid to independent CSOs, the U.S. government should devise strategies for assisting civil society, and should register its objections with the host country's government. The

U.S. government should not acquiesce to the demands of other governments to vet or restrict U.S. foreign assistance to independent human rights organizations.

- Remove overly onerous U.S. conditions on foreign assistance that jeopardizes freedom of association and undermines CSOs.
- Provide direct support to human rights defenders to participate in multilateral, regional and sub-regional human rights mechanisms.
- When establishing bilateral structures to deal with human rights issues, such as strategic dialogues, or in drafting trade agreements with human rights provisions, ensure that local civil society activists are included in the development of the agreements' human rights components, and especially in the ongoing monitoring of their implementation.
- Ensure that the integrity and independence of U.S. government assistance is maintained. In those countries where restrictions exist on providing international aid to independent CSOs, the U.S. government should devise new strategies for assisting civil society, or should register its objections with the host country's government.
- Appoint senior-level officials at USAID and the State Department to engage with civil society on freedom of association issues, and hold regular meetings with human rights and journalists' organizations in order to gain information about potential programming for sensitive countries and to receive feedback on the effectiveness of ongoing aid projects.
- USAID and other US government funded programs should:
 - Provide technical assistance to promote an enabling environment for civil society and media groups around the world;
 - Support research and tools for the monitoring and the defense of freedom of association and freedom of expression;
 - Support international meetings and networks to support freedom of association and freedom of expression;
 - Provide emergency funding for human rights defenders and other civil society representatives under threat;
 - Ensure that assistance reaches independent civil society organizations and actors, and take measures to assess and resist diverting funds towards Government Organized Non-governmental Organizations (GONGOs).

For Multilateral Institutions

- Ensure that protection of freedom of association and freedom of expression are emphasized among their objectives and that existing mechanisms, including the UN Human Rights Council's Special Procedures, give particular attention to both in their work.
- Ensure the full and effective participation of civil society groups, journalists, and human rights defenders in the workings of the human rights mechanisms of these

bodies (UN Human Rights Council, Inter-American Commission on Human Rights, Organization for Security and Cooperation in Europe, African Commission on Human and Peoples' Rights, and the new ASEAN Intergovernmental Commission on Human Rights), including:

- Fair, non-discriminatory and non-politicized accreditation procedures for CSOs;
- The development of effective consultation mechanisms and participation policies, strategies and bodies for CSOs;
- Funds pooled from contributions by member states that enable CSOs to participate in international meetings, sessions, assemblies, hearings, and monitor and report on states' performance and adherence to human rights standards;
- Adequate notice and information given to CSOs about anticipated or ongoing processes, planned meetings and other activities to enable them to fully prepare and provide effective input into the work of the multilateral organizations.

For Civil Society

- Form alliances and build mutually supportive civil society constituencies to combat the restrictions on freedom of association and freedom of expression, promote an enabling environment for civil society, and provide solidarity and support when under attack.
- Engage humanitarian and development CSOs to support the rights of civil society actors promoting human rights and political freedoms in the countries in which they operate.
- Communicate with governments, multilateral organizations and international CSOs as soon as possible about threats and potential threats to civil society, in order to raise awareness and encourage supportive interventions, where appropriate, as early as possible.
- Raise awareness among civic actors of existing rights under international and national law, with an emphasis on the protection of the freedom of association and expression in UN conventions, applicable regional conventions and internationally vetted principles, such as the [Principles on Defending Civil Society](#). Where freedom of association and expression are at risk, raise awareness of available strategies and tactics for safeguarding these rights.