AFRICAN COMMISSION ON HUMAN AND PEOPLES’ RIGHTS

STUDY ON THE SITUATION OF HUMAN RIGHTS DEFENDERS IN EXILE IN AFRICA

(Study Undertaken Pursuant to Resolution ACHPR/Res.439(EXT.OS/XXVII)2020)
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**ACRONYMS AND ABBREVIATIONS**

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<tr>
<td>ACHPR</td>
<td>African Commission on Human and Peoples’ Rights</td>
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<td>AU</td>
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<td>CBDDH</td>
<td>Coalition Burundaise des Défenseurs des Droits de l'Homme</td>
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<td>Centre for the Study of Violence and Reconciliation</td>
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<td>EHAHRDN</td>
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<td>Economic Community of West African States</td>
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<td>Human Rights Defender</td>
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<td>National Intelligence Agency</td>
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<td>OAU</td>
<td>Organisation of African Unity</td>
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<td>OHCHR</td>
<td>Office of the High Commissioner for Human Rights</td>
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<td>PAHRDN</td>
<td>Pan-African Human Rights Defenders Network</td>
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<td>TRRC</td>
<td>Truth, Reconciliation and Reparations Commission</td>
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PREFACE

Since the establishment of the mandate of the Special Rapporteur on Human Rights Defenders and Focal Point on Reprisals in Africa, much progress has taken place in the recognition, promotion and protection of the rights of Human Rights Defenders (HRDs) in Africa. Networks and coalitions of HRDs have flourished across the continent. HRDs in many countries can discharge their work without significant hindrance. They are relatively well protected in law and practice.

In many other countries, however, HRDs find themselves at risk of targeted persecution that includes reprisals, smear campaigns, physical attacks, arbitrary detentions, torture, enforced disappearances, and extrajudicial killings. The increasing risk, frequency of threats and the culture of impunity for attacks against HRDs were the primary motivation for the establishment of the mandate of the Special Rapporteur on Human Rights Defenders and Focal Point on Reprisals in Africa a decade and a half ago.

Intensifying threats and risks all too often uproot HRDs from their homes and countries. Some are internally displaced while others are pushed into exile to seek refuge and a haven. Concerned by the increase of HRDs in exile, the African Commission on Human and Peoples' Rights mandated me in March 2020 to conduct this study. It is a continent-wide analysis of the lived realities of HRDs in exile in Africa. Through interviews and consultations in all corners of the continent, the study paints a picture of the multi-layered challenges and opportunities that HRDs in exile encounter.

Exile is an extremely complex and challenging situation. Yet, one thing seems to be true: exile does not silence HRDs. Through resilience and sheer determination, HRDs have turned exile into opportunities for learning, adapting and gaining new experience. Adapting their work and organisations to their new context, they continue to play a crucial role in ensuring that human rights violations are exposed, and impunity is fought. A commendable increasing phenomenon of host HRDs providing support to exiled colleagues in a planned and systematic way is emerging and needs to be supported so that non-exiled and exiled HRDs can support and learn from each other. When they return, formerly exiled HRDs can bring newly acquired skills, experiences and networks. But they needed not to have been exiled in the first place.

Every time a HRD is pushed out of his or her community, region, country, and continent, not only does the African human rights movement lose an invaluable resource, energy, and leadership but also the community loses a protector and impunity prevails. This study reminds all stakeholders, primarily State Parties to the African Charter on Human and Peoples’ Rights, of the critical importance of a safe and enabling environment for HRDs to work in defence of human rights.

Prof Rémy Ngoy Lumbu
Special Rapporteur on Human Rights Defenders and Focal Point on Reprisals in Africa
Chairperson of the African Commission on Peoples’ Rights

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FOREWORD

About two decades ago, I had to flee my native Somalia due to my human rights work. I was forced to leave my country because of speaking truth to power. Luckily, I found a safe haven in Toronto, Canada. Through discussions with my fellow countrymen, I realized that many others shared the pain and frustration of having to carry out human rights work in exile. I thus began developing a project that would allow exiled Human Rights Defenders (HRDs) in the East and Horn of Africa region to continue conducting their valuable human rights work while safely staying in the region. I am proud to see that after two decades, this idea has blossomed from East and Horn of Africa Human Rights Defenders Project (DefendDefenders) into a Pan African initiative, a wide-reaching organization dedicated to supporting and protecting HRDs across the continent. The Pan African Human Rights Defenders Network (AfricanDefenders) has now become a relatively big but well-knit family within the human rights community. Its stature and profile surpass anything I could have imagined in the early days of the project.

The space for human rights activism has continued to shrink as governments cling on to power by destroying the backbone of democracy and inclusive development and rejecting accountability and the rule of law. Across the continent, all our sub-regional networks and national coalitions are faced with an increasingly challenging environment. As African Defenders, we seek to innovate and adapt to these shifting dynamics by focusing on preventative measures, ranging from capacity building in digital and physical security to strengthening protection mechanisms to build up the resilience of HRDs to continue their work. As the number of HRDs forced into exile has lately considerably grown, we have now established the Ubuntu Hub City Initiative with the support of friendly African governments. Under this Initiative, six cities so far across the continent have been identified as home to HRDs in need of protection.

Over the years, we have highlighted, through reports to the African Commission on Human and Peoples’ Rights, the increasing restrictions faced by HRDs. Our reports have focused on HRDs working on different issues and themes: HRDs working on women’s rights (WHRDs); HRDs and journalists working to end impunity and high level corruption; HRDs in situations of armed conflict; HRDs working on elections or electoral systems; HRDs working on minority rights; and HRDs working on natural resources, transparency in extractive industries, the environment, and land rights.

The weaponization of the legal system to systematically target and degrade the work of HRDs is threatening to turn back the clock of democracy and human rights progress in Africa. These attacks illustrate the chasm between adopted standards and the state of implementation of such standards. It is undeniably a lack of commitment and political will by African State to domesticate and implement many progressive human rights treaties and instruments they have voluntarily developed and adopted. This in turn negatively affects the commitment by African States to work towards the vision of united, inclusive, and prosperous Africa by 2063.

This study is an opportunity to call on African government to collaborate with civil society organisations and national human rights institutions to have an adapted and responsive protection mechanisms for HRDs at national level to follow the example of Burkina Faso, Cote d’Ivoire, and Mali.

Hassan Shire
Chairperson of Pan African Human Rights Defenders Network
Executive Director of DefendDefenders
EXECUTIVE SUMMARY

This is a study prepared pursuant to Resolution 439 of the African Commission on Human and Peoples’ Rights (ACHPR) in which it mandated the Special Rapporteur on Human Rights Defenders and Focal Point on Reprisals in Africa to examine the situation of Human Rights Defenders (HRDs) in exile in Africa. The study was adopted by the ACHPR during its XX ordinary session held in XX.

As the ACHPR observed in Resolution 439, many HRDs in Africa have been pushed into exile in recent years. Most of them go into exile as a result of direct or indirect threats and intensifying risks associated with the impact of their work. These include death threats, judicial harassment characterised by incidences of arbitrary arrest and unlawful detention, abductions and enforced disappearances, smear campaigns and surveillance. State or non-State actors, or both, are responsible for perpetrating these violations and abuses against HRDs, which occur in a broader context of increasing restrictions on civic space in Africa.

The majority of exiled HRDs continue their human rights work in exile, disseminating information received by monitors on the ground and conducting advocacy in regional and international human rights bodies. They mobilise diaspora communities and (re-)establish human rights organisations in exile. While enjoying the relative safety and freedom of exile, HRDs face serious challenges in their human rights work. They stand the risk of losing legitimacy in the eyes of fellow HRDs. They struggle to access jobs, funding and documentation to legalise their stay in the new haven. They also find it difficult to obtain and verify information remotely in a safe manner. In this context, digital security is paramount to ensure the safety of both exiled HRDs and their contacts on the ground back home.

Many exiled HRDs continue to face security concerns, including hacking, cyber bullying and smear campaigns and surveillance by State agents. They also experience incursions into their houses or offices, physical attacks, and kidnapping attempts. Exiled HRDs also continue to worry about the safety of colleagues and family members in their country of origin who can be vicariously targeted in their place.

When they do not benefit from educational or professional opportunities, exiled HRDs can struggle with socio-economic integration in the host country. A lack of opportunities for trained professionals and challenges in the regularisation of their immigration status are common challenges for exiled HRDs.

Exile can take a toll on the wellbeing of exiled HRDs. They may struggle with past trauma and the stress, isolation, and uncertainty resulting from their displacement. Many of them do not benefit from psychosocial support mechanisms. Exile also has an enormous and little-documented impact on family dynamics, exacerbating wellbeing issues among exiled HRDs and their family members. While exiled HRDs often live with the wish to return home, those who do so can face challenges reintegrating in local human rights movements and readapting after years of exile.

Based on the findings of the study, the Special Rapporteur on Human Rights Defenders in Africa and Focal Point on Reprisals urges State Parties from which human rights defenders flee to implement the following recommendations:
- meet their obligations under the United Nations Declaration on Human Rights Defenders, the Grand Bay Declaration, the Kigali Declaration, and the Cotonou Declaration on Strengthening and Expanding the Protection of All Human Rights Defenders in Africa;
- unconditionally release arbitrarily detained HRDs and put an end to all forms of reprisals, harassment and acts of intimidation against HRDs and their families;
- take the necessary measures to conduct full, thorough, credible, transparent, and impartial investigations into all violations and abuses of the rights of HRDs and prosecute the perpetrators; and
- enact specific laws on the protection of HRDs.

The Special Rapporteur also encourages State Parties hosting exiled HRDs to:

- continue to strengthen regional cooperation regimes that promote freedom of movement of people and labour, ensuring that regional cooperation respects human rights standards and bilateral relations are not used to persecute, attack, or abduct HRDs in exile;
- ease visa and asylum procedures for HRDs at risk and ensure that the rights of migrants and refugees are respected, including the issuance of adequate travel documents to refugees; and
- complement and support initiatives by civil society organisations to establish HRDs havens in cities under their jurisdiction to make it easier for exiled HRDs to continue their work while contributing to enriching the culture and diversity in host cities.
METHODOLOGY

The Special Rapporteur requested DefendDefenders to coordinate the preparation of this study and provide the necessary technical and logistical support. DefendDefenders serves as the secretariat of both the Pan-African Network of Human Rights Defenders (PAHRDN) and the East and Horn of Africa Human Rights Defenders Network (EHAHRD-Net). It has extensive contact with HRDs across Africa. DefendDefenders has previously supported the office of the Special Rapporteur to produce two studies: The Report of the Study Group on Freedom of Association and Assembly in Africa and the Study on the Status of Women Defender of Human Rights.

The study builds on field and desk research conducted between April and December 2019. More than 120 HRDs were consulted through a mix of online surveys, face-to-face semi-structured interviews, and focus group discussions. Interviews were conducted with HRDs who were in exile during the data collection period or had previously been exiled. They included founders, members, staff and volunteers of civil CSOs as well as journalists, lawyers, artists, trade unionists, and youth activists. Interviews were also conducted with HRDs who had not left their countries of though others did. Interviewees were from all the five sub-regions of the continent. They were identified through the existing sub-regional networks of HRDs, national coalitions of HRDs and other relevant actors.

The study also reflects a broad range of perspectives gathered in a series of consultations. At the NGO Forum preceding the 65th Ordinary Session of the ACHPR, the Special Rapporteur led a panel discussion on the situation of exiled HRDs in Africa. [TO BE UPDATED]

STUDY OUTLINE

This study is structured into five parts. Part I outlines the background to the study. It explains the context in which the ACHPR mandated the Special Rapporteur on Human Rights Defenders and Focal Point on Reprisals in Africa to undertake the study. It clarifies the meaning of the term ‘human rights defender’ and describes the scope and methodology of the study.

Part II of the study provides an overview of the lived realities of exiled HRDs in Africa. It first highlights the push factors that drive HRDs into exile from their home countries. It then describes their lived experiences by looking into their safety and security in exile, socio-economic integration into the host country, psychological wellbeing, and the prospects for returning home.

Part III explores the resilience strategies and coping mechanisms that exiled HRDs have put in place to ensure their survival and continuity of human rights work. It also examines the existing gaps and challenges in support programmes for exiled HRDs and in their efforts to continue human rights work. Part IV narrows down the analysis to the experiences of exiled HRDs from four main selected countries: Egypt, Ethiopia, The Gambia, and Zimbabwe. Part V draws the study to a conclusion. It contains the recommendations of the Special Rapporteur to various stakeholders, including State Parties from which HRDs flee and those that receive or host exiled HRDS.

1 The interviews were conducted in English and French. Some written questionnaires were filled in Arabic.
2 The names and identifying markers of all interviewees have been omitted to ensure their safety and security.
PART I

INTRODUCTION

Background

Human Rights Defenders (HRDs) are fundamental actors in the promotion and protection of human rights. They defend the rights of others, protect the environment, expose injustice, fight impunity, and hold the State to account. They work to promote democracy and uphold the rule of law. They also help to translate international and regional human rights standards into local reality, considering the contextual needs of communities. The crucial role of HRDs in society and the need for their protection is articulated in the 1998 United Nations (UN) Declaration on Human Rights Defenders.3 The Declaration has found specific resonance in Africa.

In April 1999, less than five months after its adoption, the First Organization of African Unity (OAU) Ministerial Conference on Human Rights noted that the Declaration “marks a significant turning point” and called on African governments to “take appropriate steps to implement the Declaration in Africa”.4 Four years later, the First African Union (AU) Ministerial Conference on Human Rights explicitly recognized “the important role of civil society organizations (CSOs) in general and human rights defenders in particular” and called on States to protect them.5

In keeping with the pronouncements of the OAU/AU on the role and protection of HRDs, the African Commission on Human and Peoples’ Rights (ACHPR) established the mandate or special mechanism of the Special Rapporteur on Human Rights Defenders in Africa in June 2004. The primary mandate of the Special Rapporteur is to “seek, receive, examine and to act upon information on the situation of human rights defenders in Africa”.6 Other roles of the Special Rapporteur are as follows:

a) to submit reports at every ordinary session of the ACHPR;
b) to cooperate and engage in dialogue with Member States, National Human Rights Institutions, relevant intergovernmental bodies, international and regional mechanisms of protection of HRDs, HRDs and other stakeholders;
c) to develop and recommend effective strategies to better protect HRDs and to follow up on his/her recommendations; and
d) to raise awareness and promote the implementation of the UN Declaration on Human Rights Defenders.

In 2014, the mandate of the Special Rapporteur was extended to include issues relating to reprisals against HRDs.7 In this regard, the Special Rapporteur is mandated to do the following:

a) gathering information on and effectively addressing cases of reprisals against civil society stakeholders;

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6 Resolution on the Protection of Human Rights Defenders in Africa, ACHPR/Res.69(XXXV)03.
b) documenting and maintaining a database on cases of reprisals brought to its attention;

c) provide guidance to the ACHPR for the adoption of urgent measures to deal with specific cases of reprisals;

d) presenting reports on cases of reprisals at each ordinary session of the ACHPR in the Special Rapporteur’s activity report; and

e) ensuring a follow-up of registered cases.

With the extension of the mandate of the Special Rapporteur and to reflect the additional responsibilities, the official name of the Special Mechanism also changed to “Special Rapporteur on Human Rights Defenders and Focal Point on Reprisals in Africa”.

Since the establishment of this Special Mechanism, much progress has been made in Africa in the promotion and protection of the rights of HRDs. This includes the establishment of regional and sub-regional networks of HRDs and most recently the Ubuntu Hub Cities. However, the work of the Special Mechanism for the last decade and a half also reveal that while their role is acknowledged in principle, HRDs in Africa face many risks in conducting their work. They are often the targets of threats, smear campaigns, surveillance, judicial harassment, arbitrary arrests, physical attacks, torture, and enforced disappearances. Some HRDs have paid the ultimate price. They have been killed because of their work\(^8\). Others have had their colleagues and family members targeted or attacked. Women HRDs (WHRD) face specific gender-based risks and experience violations differently.\(^9\) Other groups of HRDs who face specific risks include journalist and media workers, those working on land and environment issues, and youth and student defenders.\(^10\)

There has also been an increase in attacks on those who work on indigenous rights and those who promote and defend economic, social and cultural rights. The role of non-state actors including those with business interests in increasing risks and threats to HRDs is of also of concern.

The COVID-19 global pandemic that reached the shores of Africa in February 2014 had the effect of exacerbating violations and abuses against HRDs. HRDs detained in overcrowded or unsanitary prisons and detention facilities became amongst the most vulnerable to COVID-19 exposure and infection. Some governments used the pandemic as a pretext of targeting HRDs. For this reason, the Special Rapporteur issued a public statement on 1 May 2020 urging state parties to the African Charter to take the following measures to ensure the protection of HRDs in the context of the global pandemic:\(^11\)

a) Ensure that national responses to the COVID-19 pandemic do not lead to the targeting or undue interference with the work of HRDs;

b) Refrain from using COVID-19 related emergency declaration to justify the adoption of repressive measures against specific groups such as HRDs;

c) Refrain from adopting measures that restrict civic space and contribute to creating a hostile environment for HRDs;

d) Ensure that HRDs can communicate freely without fear of reprisal;

\(^8\) See HRD Memorial https://hrdmemorial.org


e) Take all necessary measures enabling HRDs to conduct their core activities, in particular those providing support to the most vulnerable populations, while complying with the health measures necessary to combat COVID-19; and

f) Promptly release HRDs detained without charge.

Whether they are State or non-State actors, perpetrators of violations or abuses against HRDs always seek to silence or repress them, frustrate their work, or punish them for it. These violations or abuses occur in the context of increasing restrictions on civic space in Africa, a trend that is characterized by broader State clampdowns on the right to freedoms of association, assembly and expression.12

Risks and violations associated with their work all too often force HRDs to leave their homes and seek protection in another country. Pushed into exile, HRDs thus become part of the 70 million people across the world who are forcibly displaced.13 During its 24th Extraordinary Session held in March 2020, the ACHPR expressed concern about the increasing number of HRDs in exile in Africa as a result of threats, attacks, general insecurity and conflicts. The ACHPR also noted that HRDs in exile face many challenges in host countries. They are thus in a precarious situation regardless of whether they are in exile for a short-term or a prolonged period. With the outbreak of the COVID-19 pandemic, the precarious situation of many exiled HRDs was aggravated while those at risk could not escape into exile as a result of travel restrictions and border closures.

Acting pursuant to its mandate under Article 45 of the African Charter on Human and Peoples’ Rights (African Charter), the ACHPR passed Resolution ACHPR/Res.439(EXT.OS/XXVII)2020 (Resolution 439) in which it decided to prepare a study on the situation of HRDs in exile in Africa.14 The ACHPR assigned the task of preparing the study to the Special Rapporteur on Human Rights Defenders and Focal Point on Reprisals in Africa.

This report presents the outcome of the study prepared pursuant to Resolution 439. It documents the push factors that drive HRDs into exile in Africa and the different shades of their lived experiences in exile. It paints a picture of their situation and the multi-layered challenges and opportunities that they encounter. The study was undertaken with the technical support of DefendDefenders (the East and Horn of Africa Human Rights Defenders Project).

Defining HRDs and the Scope of Resolution 439

The ACHPR observed in Resolution 439 that there is a need for all stakeholders in the African human rights system to have a clear understanding of the definition, role, rights and responsibilities of HRDs. This study begins by making that clarification and delineating its scope.

HRDs are defined by what they do rather than by their title or institutional affiliation. As rightly observed by the UN Office of the High Commissioner for Human Rights (OHCHR), HRDs as a category are best understood by describing their actions or the context in which they work.15 The human rights character of the work that an individual does is the most important element in categorising them as an HRD. In this regard, the term “HRD” refers to “people who, individually

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14 See Annex for the full text of Resolution 439.
15 OHCHR Human rights defenders: Protecting the right to defend rights – Fact Sheet 29, p. 2.
or with others, act to promote or protect human rights”. Or as may be deduced from the UN Declaration on Human Rights, HRDs are “individuals, groups and associations contributing to the effective elimination of all violations of human rights and fundamental freedoms of peoples and individuals”.

In Africa, as elsewhere, HRDs hail from all walks of life, focus on a diverse range of human rights, deploy a variety of methodologies and approaches, and work at different levels, including local, national, regional and global. Some HRDs work in a professional capacity and are affiliated to specific organizations or institutions, either as volunteers or on employment terms. Others take specific human rights causes at a personal level and work outside any professional capacity. HRDs work in diverse contexts.

The majority of HRDs are non-state actors. However, individuals in the public sector, such as state officials, parliamentarians, staff of National Human Rights Institutions (NHRIs), and international civil servants working with intergovernmental bodies, are categorized as HRDs to the extent that they work to promote and protect human rights. The Cotonou Declaration on Strengthening and Expanding the Protection of HRDs in Africa, adopted under the aegis of the ACHPR in 2017, thus implicitly acknowledges that the definition of HRDs extends to “representatives of civil society organizations, National Human Rights Institutions and governments from across Africa, working to ensure the promotion and protection of all human rights at local, national and regional levels”.

To effectively undertake their work, HRDs must operate in a safe and enabling environment. The primary responsibility of ensuring that this is the case in practice lies with the State. In line with Article 12 of the UN Declaration on Human Rights Defenders, the State has a specific duty to ensure that HRDs are protected from “violence, threats, retaliation, de facto or de jure adverse discrimination, pressure or any other arbitrary action”. Elements of this duty include the enactment of relevant law(s) for the protection of HRDs and the establishment of effective institutional mechanisms for the enforcement of the law(s).

The duty of States in relation to HRDs derives from their general obligation to promote and protect the human rights of everyone. HRDs, whether at home or in exile, are entitled to all the rights enshrined in international and regional human rights treaties, including the African Charter, its Protocol on the Rights of Women in Africa (Maputo Protocol), and the African Charter on the Rights and Welfare of the Child. The ACHPR has over the years supplemented the provisions of the African Charter with soft law standards that are specifically applicable to HRDs. In addition to establishing the mandate of the Special Rapporteur, Resolution 69 of 2004 called on State Parties to the African Charter to give full effect to the UN Declaration on Human Rights Defenders and to take all necessary measures to ensure the protection of HRDs.

Resolution 104 and 119 of 2007 elaborated further on the meaning of “all necessary measures" and indicated that these include ensuring that HRDs have “an environment which allows them to carry out their activities safely, without suffering any acts of violence, threats, reprisals, discrimination, pressure and any arbitrary acts by State and non-State actors as a result of their

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16 UN Declaration on Human Rights Defenders, Preambular Para. 4.
17 Cotonou Declaration on Strengthening and Expanding the Protection of HRDs in Africa, Preambular Para. 1.
18 The ACHPR soft law standards adopted between 2004 and 2017 have been compiled and published by the current Special Rapporteur as a part of compendium on the legal protection of HRDs in Africa. The compendium is available at [http://www.pulp.up.ac.za/component/edocman/compendium-on-key-international-african-children-s-rights-instruments](http://www.pulp.up.ac.za/component/edocman/compendium-on-key-international-african-children-s-rights-instruments) (accessed 5 August 2020).
human rights activities”. Resolutions 345 and 376 of 2016 and 2017 respectively gives additional concrete content of the duty of State Parties in relation to protection of HRDs. These include:

- releasing arbitrarily detained HRDs and putting an end to all forms of harassment and other acts of intimidation against HRDs including individuals or groups of individuals who cooperate with or bring matters before the African human rights mechanisms;
- enacting specific laws on the recognition and protection of HRDs; and
- refraining from using the fight against terrorism as a pretext to restrict fundamental freedoms, including freedom of religion and conscience, expression, association, assembly and movement.

Other relevant ACHPR soft laws focus on the situation of specific groups of HRDs. Resolution 275 of 2014 call on State Parties to protect HRDs who work on the rights of sexual minorities. Resolutions 336 and 409 of 2016 and 2018 respectively deal with the situation of WHRD. Resolution 336 calls for enactment of laws on the protection of HRDs that address the specific protection needs of WHRD. It also urges State Parties to train the judiciary, security agencies and other relevant authorities on the specific risks of WHRD. Resolution 409 additionally calls on State Parties to stop acts of intimidation and reprisals against WHRD and to prosecute perpetrators of such acts.

The ACHPR resolution mandating this study to be prepared defined its geographical scope when it noted that it should focus on the “situation of human rights defenders in exile in Africa”. This means that while many exiled African HRDs are found outside of Africa, this study focuses on and highlights the plight of those exiled within the continent. Even though it paints a continental picture, the study explores five case studies in more detail.

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21 Resolution on Protection Against Violence and Other Human Rights Violations Against Persons on the Basis of the Real or Imputed Sexual Orientation and Gender Identity, ACHPR/Res.275(LV)2014.
PART II

OVERVIEW OF LIVED REALITIES OF HUMAN RIGHTS DEFENDERS IN EXILE

Push Factors Driving HRDs into Exile

HRDs are continually facing risks associated with their work. The level of risk is usually a factor of the threats paused to HRDs measured against the vulnerabilities or capacities that HRDs have in order to counter such threats. HRDs always try to locally manage and mitigate against risks paused by the threats of reprisals so that they can continue with defending the rights of others. However, in some situations, the magnitude of the risk reaches proportions that an HRD is unable to manage or mitigate locally. When the threshold of risk and its negative impact because of the threats faced reaches a level that cannot be managed locally, exile can be a self-imposed preventive last resort measure to protect the HRD. Exile is aimed at ensuring the continuation of an HRD’s work amid an increasingly hostile environment of legal and illegal restrictions and shrinking civic space. It can also be a reaction to the accumulation of severe threats and violations, after trying to manage the risk internally by lowering one’s profile or going into hiding.

Regardless of the push factor, the decision to escape into exile is never easy or straightforward, not only because it impacts every aspect of an HRD’s life, but also because it is often quite difficult to determine the magnitude of the risk faced and the probability that threats will transform into actions. WHRDS face even tougher decisions with the prospect of exile because they are the source of social and economic protection and stability for their families thus increasing their vulnerability to serious attacks for their activism. Thus, HRDs faced with the possibility of exile are often between a rock and a hard place.

In many cases, HRDs go into exile in a hurry. They leave overnight without telling anyone, at times after warnings by friends and colleagues that one more day in the country could result in their detention, disappearance, death or some other serious calamity. Others travelled to conferences or events abroad and found themselves unable to return.

The majority of HRDs interviewed for this study went into exile as a result of direct threats. Harassment and surveillance, including anonymous calls, messages, and death threats, were the most common examples. Threats can severely affect the psychological well-being of an HRD, making the HRD live in perpetual fear under the impression of always being watched.

Judicial harassment was mentioned by at least 12% of interviewees, who reported being investigated, detained, or brought to court under spurious or trumped-up charges. This often involves the selective application of repressive laws to target HRDs, particularly anti-terrorism and public order legislation, to silence HRDs. For example, two HRDs reported having been summoned to court more than 50 times! They recalled the enormous time and financial efforts it took to sustain such court processes. For HRDs, exile can make the difference between freedom and years of unjust detention.

About 17% of the HRDs interviewed also reported being arbitrarily arrested or abducted and held incommunicado and without been charged in a court of law. This unlawful detention often went hand in hand with torture and degrading treatment, leaving a mark on HRDs’ mental and physical wellbeing for years to come. HRDs also faced incursions into their homes or office to
instil fear, destroy equipment, or steal documents. They also experienced smear campaigns that sullied their reputation.

About 65% of the HRDs who specified the origin of their threat identified the State and its security apparatus as the perpetrator, while almost 30% cited non-State armed groups such as militias, rebels, or terror groups.24

[Infographic on reasons for exile - Incidents experienced by interviewed HRDs 46% harassment, threats, and surveillance /17% arbitrary detention or abduction (often involving torture) /12% judicial harassment /9% house or office break-in or attack /6% organisational limitations (frozen assets, deregistration, etc) /4% physical attack /4% smear campaign /2% other]

At least 46% of the HRDs interviewed for this research reported that one or more members of their family directly experienced some form of threat as a consequence of the HRD’s human rights work.25 This can range from family members being terrorised or beaten during home incursions, or being directly threatened and intimidated, at times as part of a deliberate strategy to exacerbate fear, divisions, and family pressure. In some situations, HRDs family members have faced “ransom arrests” where they are detained in order to force an HRD to surrender themselves to the police before the family member is released. A Gambian HRD recounted how State agents skilfully played his family members against each other, sending death threats to his mother’s house soon after her divorce.26 A Cameroonian HRD reported having to home-school her children because of threats they received in school.27

[Infographic on threats to family: 46% of interviewees reported threats or security incidents to family members]

Factors that determined the location for exile varied. Interviewed HRDs often looked at available professional or education opportunities abroad, which would also allow them to fulfil immigration requirements for student and work permits. Many also chose the closest safe option to home to better monitor the situation in their country of origin, receive family visits, and easily return whenever possible. However, some HRDs who remained in proximity to their country of origin reported being obliged to do so because of a lack of financial resources for longer-distance travel or valid travel documents, as some HRDs facing unexpected threats left their country undocumented. Geographical proximity often means cultural proximity, with shared customs and languages to facilitate socio-economic integration. The geographical proximity also helps to reduce the feeling of being totally uprooted that would associate with long distance relocation.

However, proximity may lead to insecurity, due to transborder porosity or stronger diplomatic and political influence. This pushed some exiled HRDs to relocate several times in search of safety.

[Infographic on location choice: 25% opportunity /25% geographical and cultural proximity/16% security concerns /10% no time to decide /8% network /8% immigration considerations / 8% other]

24 Not all interviewees specified the origin of their threats, either because it was unknown or because it was not clearly mentioned during their interview.
25 This is calculated on the basis of the number of HRDs who expressly reported that a family member had been targeted as a result of their human rights work and could thus be higher.
26 AfricanDefenders interview with a Gambian journalist formerly in exile in Senegal, October 2019.
27 AfricanDefenders interview with a Cameroonian HRD internally displaced in Cameroon, July 2019.
Safety and Security in Exile

Exile is not always a guarantee of safety or security. More than half of interviewees reported experiencing some kind of a security incident that could be linked to their previous or ongoing human rights work while in exile. Exiled HRDs often use the digital space for the advancement of their human rights work. However, the use of the digital space is not without security challenges. First, online activism opens the possibility of digital surveillance and hacking when adequate digital security measures are not in place. Second, the digital space can be a place of virtual threats, cyberbullying and smear campaigns. The emergence of sponsored trolls, bots and cyber bullies targeting HRDs is discernible.

[Infographic: 55% of interviewees reported security incidents in exile]

Surveillance and threats sometimes extend to the physical space. In this context, several HRDs reported the alleged presence of intelligence agents from their country, instances of infiltration of CSOs and solidarity groups in exile, suspicious thefts or incursions in houses and offices, and even manipulation of HRDs via social relationships. For example, male HRDs can be trapped by women agents in a phenomenon called “honey traps”. Some HRDs highlighted the use of embassies as a tool of surveillance and intimidation of exiled HRDs. Other HRDs reported being subjected to kidnapping attempts and physical attacks.

Surveillance is often aimed at accessing sensitive information possessed by exiled HRDs, but it can also have a taxing effect on their wellbeing. Suspicion is particularly rife in places with a large exiled and refugee population. The presence of numerous fellow exiled HRDs can be an opportunity for cooperation. However, HRDs expressed the concern of not knowing who can be trusted in an environment of increased paranoia. Mistrust and suspicion can in turn limit collaboration, negatively impacting HRD’s work.

A crucial security concern highlighted by several HRDs is the safety of family members they have left behind. Indeed, threats to family members are not only used to push HRDs into exile, but also to silence them once they have left. HRDs reported having their families subjected to surveillance or violence, interrogations and threats.

HRDs who escape into neighbouring countries are often better able to continue human rights activism. However, their proximity to their home country enhances their exposure to security threats, forcing them to leave the sub-region or even the continent. Some HRDs exiled in neighbouring countries have indeed been harmed or deported. In May 2019, South Sudanese HRD Samuel Dong Luak and opposition politician Aggrey Ezboni Idri were confirmed dead after being disappeared from Kenya, where they had gone in exile. In November 2018, a Sudanese activist in exile in Egypt, Mohamed Boshi, disappeared from Cairo and was later charged in Sudan. In February 2020, a Zambian HRD, Gregory Chifire, was suddenly detained pending deportation in South Africa when he had gone to the Immigration department to enquire on his

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28 A security incident is defined as an event that can expose HRDs or their organizations to danger or harm. The security incidents considered here include a wide range of events, from threatening calls, theft of devices potentially aimed at discovering information, to direct physical assault.
asylum application.\textsuperscript{31} He had to be rescued from custody pending deportation by Lawyers for Human Rights South Africa on instructions of the Southern Africa Human Rights Defenders Network. These trends send an alarming signal of an increasingly risky environment for HRDs in Africa, even for those who have already been forced into exile.

**Socio-Economic Integration in Host Countries**

Except for HRDs who selected their location of exile based on pre-existing professional or educational opportunities, exiled HRDs often face huge economic challenges. Finding employment in a new country is no easy task, and many interviewees reported having to do odd jobs unrelated to their previous profession to be able to survive and sustain their families. HRDs who may have been breadwinners for their families often experience a significant drop in their standard of living. Lawyers seem to face specific employment challenges as their qualifications are less transferable between different legal systems and they find themselves unable to practice without updating their education.

Economic integration can be particularly challenging for HRDs who find themselves in countries with floundering economies and saturated job markets. A Chadian HRD in exile in Cameroon, for example, recounted the economic difficulties encountered in a country currently in crisis, where even highly educated locals cannot find employment in their profession.

WHRD also highlighted specific vulnerabilities such as bringing up young children far away from family members who can support them in caretaking or being forced to do domestic work or street vending, which can affect their safety and security.

Socio-economic integration is deeply interconnected with security. HRDs in precarious financial situations are more exposed to security risks. They may not afford adequate housing solutions, and as such, they may be forced to live in neighbourhoods with higher crime rates or share accommodation with strangers. Furthermore, financial difficulties can affect an HRD’s ability to continue their activism. A Togolese formerly in exile in Niger reported being forced to face the risk of returning and ceasing all human rights activism because he was unable to sustain himself in exile.

Immigration status regularisation was also mentioned as a barrier to socio-economic integration, as it can impact HRDs’ ability to legally access employment and their freedom of movement. Approximately 30\% of interviewees had obtained refugee status. According to the context of the host country, the asylum processes could present different challenges and probabilities of success, but most complained about delays in their refugee status determination and the difficulties related to receiving documents for international travel.\textsuperscript{32}

From a legal perspective, becoming a refugee can also lead to host governments imposing limits on exiled HRDs’ space for civic engagement. The 1969 OAU Convention Governing Specific Aspects of the Refugee Problem in Africa includes vaguely defined clauses preventing refugees from taking part in any “subversive activities against an OAU member State” and requiring States parties to “prevent refugees from attacking other OAU States or engaging in activities likely to cause tensions between such states”. This can become problematic if host

\textsuperscript{31} Gregory Chifire vs Zambia, Communication ACHPR/COMM/726/19/ZAM/966/19.

\textsuperscript{32} Refugees are entitled to Convention Travel Documents (CTDs) issued by their host country. This document allows refugees to travel, similarly to a passport. See: UNHCR, “Note on travel documents for refugees ES/SCP/10”, 30 August 1978, \url{http://www.unhcr.org/excom/scip/3ae68cce14(note-travel-documents-refugees.html}
government apply a strict or even arbitrary interpretation of these clauses, banning refugees for conducting any “political” activity in a context where political opposition is conflated with civil society.\textsuperscript{33}

Some HRDs reported that they expressly refused to claim asylum in their host country. Some did so because they feel that claiming asylum would mean admitting that their exile would be protracted. Others wanted to maintain the ability to easily travel back to their country if the possibility arose or refused giving up their nationality as a symbolic act of resistance. In the word of an interviewee, “I didn’t want to go to colonial powers asking for asylum, it would mean betraying my forefathers, defeating my own beliefs.”\textsuperscript{34}

Without asylum, however, HRDs can enter a legal limbo, having to regularly renew short-term visas. HRDs with serious security concerns that do not have refugee status can struggle to renew their passports once they expire, as they are unable to travel back to their country and fear revealing their whereabouts to their embassies. Consequently, HRDs can find themselves undocumented and exposed to the risk of deportation and exploitation. An Ethiopian HRD, for example, recounted attempting to cross the Mediterranean through human trafficking routes to reach Europe given the inability to renew his travel documents, consequently spending six months in detention in Egypt, before working illegally in Sudan.

HRDs who enrolled in educational institutions and obtained a study visa were able to find a more stable solution for their immigration status while improving their skills and easing future economic integration. Being in an academic environment also facilitates HRD’s social integration, as interviewees reported feeling part of a community in a safe space for exchanges.

As an exception to the general trend of concern with immigration requirements, West African HRDs in exile in other West African states made little mention of visa-related issues. One HRD pointed to the successful regional integration within the West African sub-region as a factor that enhances socio-economic integration of exiled HRDs in the host countries. The freedom of movement regime of the Economic Community of West African States (ECOWAS) is in this regard a best practice on the continent for labour migration as well as attending to the needs of displaced people.\textsuperscript{35}

\textbf{Psychological Wellbeing of HRDs in Exile}

A crucial yet often overlooked aspect of exile is the psychological wellbeing of HRDs and their families. HRDs can bring into exile their past trauma linked to the violations they witnessed in their home countries, and the threats and attacks they directly experienced, including torture. This can cause HRDs to experience nightmares, insomnia, flashbacks, uncontrolled fear, or depression. This is often particularly intense for HRDs coming from conflict-affected areas. Moreover, while the trauma caused by past experiences may dissipate with time in a safe environment, exile can become a new source of psychological stress.


\textsuperscript{34} AfricanDefenders interview with a Zimbabwean HRD in exile in South Africa, December 2019.

At least 60% of HRDs interviewed reported experiencing serious stress during their time in exile, with some HRDs showing clear signs of distress during interviews. However, only 11% of interviewees reported benefitting from psychosocial support of any kind, including counselling or stress management advice.

HRDs expressed feelings of internal conflict and homesickness as they struggle to accept their inability to be home. The uncertainty of the future seems to be one of the most troubling issues for exiled HRDs. They struggle to feel settled in their host country as they wait for the possibility to return. Looking at the future can be especially worrying for young exiled activists who may have had to abandon their studies or interrupt their careers at an early stage.

HRDs who struggle to integrate socially and economically in their host countries, or to continue their human rights work, can also face feelings of isolation and helplessness. Struggling for survival and depending on the help of others can also be particularly hard to accept for HRDs who used to enjoy a high socio-economic status in their home communities.

Some of the interviewees tended to trivialise their situation or to prioritise the need to support and protect their family or other victims of violations over their own self-care. However, this duty to carry out heroic acts of selflessness can exacerbate stress and mental pressure. Some HRDs also expressed the feeling that psychosocial support is not part of their culture. For them, problems are primarily discussed and solved among communities. Interviewees who have become part of refugee communities reported benefitting from community support, for example, through women’s groups. Yet, as HRDs in exile are often removed from their own communities, access to community-based support mechanisms may be limited.

The interviewed HRDs who have received support through counselling or stress management advice were often satisfied with the benefits. Similarly, HRDs who had knowledge of psychology or well-being measures stated that it was helpful to apply these techniques on themselves, for example by practicing yoga or breathing exercises. Others reported turning to religion or sports as a coping mechanism.

Another important aspect related to exiled HRDs’ psychological wellbeing is the impact of exile on their family relations. As previously noted, families can bear the brunt of repression before and after HRDs are forced into exile. Some interviewees thus reported being worried about the wellbeing of their parents, sibling, spouses, and children, who may have been traumatised by home incursions, interrogations, and threats. This can also trigger a sense of guilt in HRDs. They may feel responsible for causing the suffering of others or be blamed by their communities for such suffering. Family considerations thus play a role in HRDs’ decisions about exile and their human rights engagement.

Because of economic, social, and other considerations, HRDs are not always able to bring their family with them to new countries. In this context, interviewees reported being able to receive family visits or meeting their families “half-way”, often in border towns. A few interviewees also reported travelling back to their country in secret to visit their families, which can expose them to risks. Others, however, are unable to see their families for years, due to limited economic resources or security concerns. Several HRDs regretted the inability to attend the funerals of their loved ones and properly mourn. The chances of travelling home became specifically slim with the outbreak of the COVID-19 pandemic and the ensuing travel restrictions and border closures. Other HRDs reported having parents suffering from depression or children who grew up without their mother or father. Exile can ultimately break up families, as HRDs reported
having family members who refuse to speak to them or going through divorce as their partners did not accept the difficulties of exile.

**Dream and Reality of Return**

Experiences of exile differ widely in their duration. Some HRDs may temporarily leave their country to avoid an imminent threat and reassess their strategies. Others find themselves in protracted exile. The sample for this study includes HRDs who have been in exile for a few months as well as some who have been in exile for more than 20 years.

Most exiled HRDs live with the wish to return to their home. Many, however, do not feel safe to do so as the conditions that prompted them to leave continue to persist. Some HRDs turn exile into a skills update and learning opportunity, by enrolling for studies and gaining experience that will help them to positively contribute to the promotion of human rights in their country when they will be able to return. Some interviewees mentioned returning for short periods of time keeping a low profile to test the possibility of moving back, but not many were successful. A Chadian HRD, for example, reported having to go into exile anew after returning due to the limitations imposed on his organisation and the repression he continued to face. An HRD also reported returning out of despair caused by his inability to adapt to the situation of exile.

*[Infographic: 40% 1 – 5 years in exile / 25% more than 10 years / 20% less than 1 year / 16% 5-10 years]*

When a country experiences an opening of civic space and important reforms, many HRDs may be able to return. The case studies on the Gambia and Ethiopia below revealed that. In this context, HRDs reported feeling a duty to return to support the transition process, by helping fellow citizens to deal with the past and establish conditions for continued improvement of human rights, democracy, accountability, and the rule of law. Indeed, some HRDs reported being nominated to lead prominent institutions and commissions on human rights, transitional justice, and key legal reforms.

However, many HRDs whose dream of returning turned into a real possibility explained the complexity of deciding to resettle at home. Diverse professional, economic, and family considerations come into play in these instances. Uprooting family, possibly for a second time, is a concern for HRDs, as well as the lack of economic opportunities at home. To balance these considerations, some HRDs travel regularly between their country of origin and their host country, at times temporarily separating from their families anew.

Returning from protracted exile also means facing a second experience of displacement to a country that an HRD has long dreamt of returning to, but sometimes failing to recognise as their own. HRDs expressed feeling like strangers or having lost their social and professional networks. As recounted by an interviewee, this sense of displacement and isolation can be exacerbated by peoples’ unwillingness to associate with HRDs who had been publicly antagonised, arrested, or charged with serious crimes. A few HRDs also reported struggling to leave their fear behind, aware that collaborators of the perpetrators that harmed them enjoyed impunity and are still walking freely in the same streets where they were arrested, abducted, attacked, or tortured.

Return can also trigger tensions with the HRDs who stayed during phases of repression, some of whom may not see exiles as legitimate actors in the struggle for human rights. Funding competition in a context of re-flourishing civil society can also be a source of tension, as HRDs
formerly in exile may have built a wider international network to attract funding. In this context, it is important for returnees to refamiliarize themselves with the local context and issues, as well as to focus on the gaps that local civil society cannot cover, contributing their experience of international advocacy, lobbying and communication which HRDs inside the country could not conduct. HRDs who have been in exile and those who stayed will have developed different types of skills and resilience strategies that can be complementary if put at the service of collaboration. Ultimately, all efforts are needed to rebuild any country on foundations of peace and human rights after a period of severe violations.
PART III
RESILIENCE STRATEGIES AND COPING MECHANISMS FOR HUMAN RIGHTS DEFENDERS IN EXILE

Support Mechanisms for HRDs in Exile

Approximately 60% of HRDs interviewed reported having received some form of protection support by human rights organisations in the context of their exile. Those that did not receive support include HRDs often working in rural areas. When threatened, these HRDs go into exile via quasi-official routes and thus fail to access tailored support mechanisms. They are also rarely aware of existing protection mechanisms available for supporting HRDs including their relocation. Some high profile HRDs who acknowledged the value of the solidarity and support they were able to receive thanks to their reputation stressed the importance of not leaving a gap for youth or grassroots HRDs and deliberately moving away from support that is too urban centric.

Interviewed HRDs who did receive support highlighted the importance of HRDs protection programmes for the safety of at-risk HRDs, although some complained about lengthy procedures and delays in processing requests. Others highlighted existing gaps in long-term support. Protection mechanisms are often focused on evacuation and time-bound financial support for the initial phase of exile. They thus stressed the need to look beyond emergency to help HRDs continue their activism and become self-sufficient in their host countries. Interviewees also highlighted the importance of helping HRDs develop adequate physical and digital security skills to mitigate risks and reduce their impact.

Another gap is the lack of support for returning HRDs who had to abandon their work and studies during exile. These HRDs have to start from scratch upon return. Some HRDs thus proposed the establishment of support mechanisms dedicated to help HRDs who want to return from exile to resettle. For example, start-up funds for founding organisations or income-generating activities could be established for returning HRDs.

Human Rights Work in Exile

[Infographic: continued work VS stopped or limited (90% VS 10%)]

About 90% of interviewed HRDs reported having continued their human rights work in exile. The relative security of exile offers HRDs the freedom to be more vocal in highlighting abuses and promoting human rights, with many reporting a sense of renewed commitment to their work. However, about 10% of interviewees almost completely abandoned their activism because of security reasons, economic challenges, or the inability to adapt their strategies to a new context.

Interviewed HRDs have mainly continued their human rights activism by conducting advocacy at the regional and international level and raising awareness about human rights issues on social media, information platforms, and media outlets, often established by exiled HRDs themselves. Exiled HRDs often function as a bridge between the local and international community, as they are in a position to spread the information received through monitors and sources within their country who need to keep a low profile for security reasons. For some exiled HRDs, this focus on monitoring, advocacy, and providing information represents a major change, as they find themselves unable to reach their traditional beneficiaries on the ground.
In situations where a large diaspora exists, exiled HRDs have also played the role of organisers. They mobilise members of the diaspora in pressure groups or solidarity actions around specific human rights issues. An Algerian HRD in exile in Switzerland, for example, reported organising sit-ins by Algerians abroad in solidarity with the pro-democracy demonstrations that began in February 2019.36 A Chadian HRD in exile also recalled mobilising other Chadians as well as local CSOs to commemorate cases of enforced disappearance and demand justice.

[Infographic: 20% HRDs established an organisation in exile]

At least 20% of interviewed HRDs reported having established a new human rights organisation in their host country or having transferred the activities of their previous organisation, as it was unable to operate in their country of origin. These organisations often focus on remote monitoring and documentation, research-based advocacy, and campaigning. Other organisations also allow HRDs to continue to perform social work focused on asylum seekers, refugees, or other HRDs in exile. A Sudanese WHRD reported setting up an organisation in Uganda to support incoming asylum seekers from Sudan, including giving advice on how to integrate into Ugandan society. Another HRD from Eritrea established an organisation to provide psychosocial support to Eritrean refugees and migrants.

If conducting human rights work in exile can bring new opportunities, it is also rife with challenges. Many interviewees expressed the view that working away from their home countries was sometimes less effective. This can be due to the impossibility of working to mobilise communities, a loss of legitimacy in the eyes of fellow HRDs who did not leave, and difficulties to fully understand the local situation, especially after years of exile. Furthermore, those trying to silence HRDs often take the opportunity to discredit exiles as “outside forces”, supported by malicious foreign actors.

Gathering reliable information in a safe manner is another major practical challenge. First, being removed from the immediate context of human rights violations, exiled HRDs struggle with the verification of the information they receive. Painstakingly cross-checking information with several sources thus becomes essential to ensure the reliability of their data and the credibility of their publications, but it also requires more time and resources. Second, according to the local context, it can be dangerous for people on the ground to document and share sensitive information with HRDs abroad. In this context, HRDs who have successfully managed to securely exchange information stressed the paramount importance of having knowledge in digital security for the protection of both the source and the recipient. An additional good practice shared by some interviewees is to have a well-structured support network of International Non-governmental Organisations (INGOs) and embassies that can be quickly activated if a local observer is at risk.

Making information on human rights violations and abuses accessible to people in the country of origin can also be challenging due to the danger of accessing publications that are considered controversial or because of technical difficulties linked to the blocking of information platforms and internet shutdowns. Similarly, HRDs focusing on regional and international advocacy regret not being able to directly engage with relevant state institutions and have constructive collaborations on draft policies and legislations.

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For HRDs who have established new organisations, funding is one of the most prominent challenges. Interviewees expressed the feeling that donors prefer organisations working on the ground and complained about a lack of understanding of the situation given the extent of restrictions imposed on CSOs in their countries of origin. Those who managed to access funding reported making important personal sacrifices to support their organisations in the initial phase, as well as continuous efforts to explain the context of their work to donors to reach a shared understanding.

HRDs setting up new organisations often additionally struggle with legal registration in their host country, which further impacts the possibility of receiving funding. A good practice to ease registration is to expand an organisation’s geographical mandate beyond the single country of origin of the HRD and to involve trusted HRDs from the host country (which is at times a legal requirement for registration). This can also prevent tensions with the host government when bilateral relations may be at stake. Successful examples encountered during this study include a disability rights organisation established by a Zimbabwean HRD in South Africa, and a regional monitoring and advocacy association set up by an Egyptian HRD in Tunisia.

As exile tends to transform the nature of the work of many HRDs to include remote monitoring and documentation, international advocacy, communication and campaigning, it can result in a gap in capacity for HRDs who are new to these fields of work. Human rights organisations aiming to support HRDs in exile can play an important role in filling this gap. Support may include mentorship and trainings tailored to the specific needs of exiled HRDs, including digital security, fact-checking, and innovative methods for data collection, storage, and visualisation.

Emergence of Organized Support: Ubuntu Hub Cities Initiative

One of the most innovative initiatives for supporting exiled HRDs that has recently emerged is the Ubuntu Hub Cities Initiative established and operationalized by DefendDefenders. Ubuntu Hub Cities is an Africa-based relocation programme for African HRDs. The initiative aims to not only relocate HRDs at risk but also to also support them to develop personally and professionally, get integrated in their host countries, widen their networks, and continue their human rights work in a safe and secure environment. The programme also provides psychosocial support to relocated HRDs. Psychosocial support is aimed at the building HRDs’ resilience to traumatic and posttraumatic experiences.

The Ubuntu Hub Cities programme draws inspiration from the European Union (EU) Shelter City Initiative that was launched in 2009 during the Czech’s presidency of the EU. The EU initiative exists in varying forms in Belgium, Denmark, France, Germany, Italy, Netherlands, Poland, Slovenia, Spain, Sweden and United Kingdom (UK). Outside of the EU, comparable initiatives exist in several cities in the United States (US), including New York, Pittsburgh and Miami.

The Ubuntu Hub Cities Initiative is a localized and adapted version of the EU Shelter City Initiative. It is based on the African notion of “ubuntu” – the instinctive drive amongst Africans to help each other in challenging time. The initiative allows for structured and systematic relocation of HRDs at risk to six hub cities in different corners of the African continent: Kampala in Uganda; Cape Town, Johannesburg and Pretoria in South Africa; Abidjan in Côte d’Ivoire; and Tunis in Tunisia. These cities were identified following a series of consultation meetings with diverse stakeholders, including HRDs. They are strategic as they also serve as headquarters or regional hubs for international organizations and global NGOs.
Implementation of the Ubuntu Hub Cities Initiative is decentralized. In each of the six cities, DefendDefenders implements the initiative in conjunction with local partners such as sub-regional and national networks or coalitions of HRDs and academic institutions. The initiative also partners with institutions engaged in provision of psychosocial support, such as the Centre for the Study of Violence and Reconciliation (CSVR) in South Africa and Beity Association in Tunisia. DefendDefenders has a Hub City Coordinator in each of the six cities who are responsible for managing all logistical aspects of the relocation process. The Hub City Coordinator is specifically responsible for connecting relocated HRDs to relevant local institutions and other HRDs, providing security briefs, and supporting them in navigating relevant immigration processes. They also assist with educational or professional placement and referral for psychosocial support.

Cape Town, Johannesburg and Pretoria became active ubuntu hub cities on 6 February 2019 when the Initiative was launched in the country. Abidjan followed on 14 February in 2019 and Tunis on 19 February 2019. The process of relocation begins with an HRD filling out an application or through a referral by a partner organization. A verification is then conducted, a process that involves consultation with partner organizations. If an application is accepted, placement is discussed with the relevant Hub City Coordinator. Factors that impact on placement include the risk faced by the applicant, opportunities for integration and possibilities for personal development of the applicant in the selected city, availability of funding, and the applicable legal and administrative frameworks of the intended host country, including immigration requirements. Since its launch in 2019, a total of 51 HRDs have been relocated under the Ubuntu Hub Cities Initiative.

PART IV
EXPERIENCES OF EXILED HUMAN RIGHTS DEFENDERS IN SELECTED AFRICAN COUNTRIES

Egyptian Exiled HRDs

Many Egyptian HRDs have left the country in the last six years after seeing colleagues being arrested, disappeared, killed or tortured. The introduction of the 2017 CSO law also represented a turning point for Egyptian civil society. Several CSOs failed to re-register under the new legislation or refused to do so. Effectively unable to function independently, several CSOs moved their staff, and eventually their offices, abroad, often in Tunisia.

Tunisia offers at-risk Egyptian HRDs, as well as HRDs from the whole of North Africa, cultural and linguistic similarities close to home. Egyptian HRDs have also chosen Tunisia as a place of exile in order to enjoy a relatively enabling environment for civil society. Indeed, Egyptian HRDs in exile in Tunisia reported benefitting from freedom of expression and association, and the opportunity to network, collaborate, and share best practices with Tunisian HRDs as well as other HRDs in exile from Libya, Algeria, and Morocco. Furthermore, the presence of several regional and international human rights organisations presents exiled HRDs with relevant employment opportunities. The major barrier to collaboration mentioned by Egyptian HRDs is the widespread use of the French language in the Tunisian civil society landscape.

In this context of flourishing civil society, some Egyptian HRDs in exile in Tunisia have managed to rebuild organisations previously functioning in Egypt or to establish new ones. Attracting funding remains a challenge for newly established organisations, especially in a country with highly reputable established CSOs with strong donor relations. Organisations with a regional focus seem to be particularly resilient.\textsuperscript{40}

The existence of successful regional organisations established by HRDs in exile is enabled by Tunisia’s legal framework for CSOs.\textsuperscript{41} However, in addition to expressing frustrations with long bureaucratic processes for registering new CSOs, interviewed HRDs seemed uncertain about the impact of future amendments to the legal framework. Furthermore, many exiled Egyptian HRDs struggle with the changed nature of their work, as other exiles around the continent. Lawyers who used to represent victims of unfair trials in court or researchers who used to expose human rights violations are now limited to providing legal advice or reaching interviewees through secure communication platforms.

Despite enjoying relatively high freedom of expression and association, Egyptian HRDs in exile in Tunisia are not spared from security concerns. Interviewees signalled the presence of Egyptian agents monitoring their activities. An Egyptian HRD in Tunis recounted repeatedly finding his computer switched on upon arrival in office, after having switched it off the previous day. The incident did not repeat after the installation of closed-circuit television (CCTV) cameras in his office. In this context, HRDs highlighted the existence of bilateral security cooperation between the Governments of Egypt and Tunisia but seemed to agree that the Tunisian government would not acquiesce to or tolerate serious harm to HRDs within its territory.

Yet, the possibility of reprisals towards colleagues or family members within Egypt pushes some exiled HRDs to keep a low profile and avoid public engagements in relation to the human rights

\textsuperscript{40} AfricanDefenders interview with an Egyptian HRD in exile in Tunisia, July 2019.
\textsuperscript{41} Decree No. 88 of 2011.
situation in Egypt. Moreover, interviewees reported instances of travel bans or interrogations imposed on Egyptian HRDs after travelling to Tunisia, such as journalist Ahmed Gamal Ziada, arrested at Cairo Airport upon arrival from Tunis in January 2019.\(^{42}\)

Regularising residency is an issue of common concern among exiled Egyptian HRDs. As opposed to other HRDs from countries that are part of the Arab Maghreb Union (AMU), obtaining residence and work permits can be a long and tedious process for Egyptians settling in Tunisia. Such delays can leave exiled HRDs stranded in legal limbo, often unable to travel outside Tunisia while waiting for their permits to be issued. HRDs expressed fear that their unclear immigration situation may leave them vulnerable to forced repatriation, with certain risks upon returning to Egypt. Immigration difficulties can also hinder family reunification, negatively impacting the wellbeing of exiled HRDs. An interviewee planning to settle in Tunisia in the long term described facing difficulties in bringing his wife and children due to delays with his resident permit despite possessing all the required documentation.

Despite security and bureaucratic challenges, Tunisia remains a hub not only for its own civil society but also for HRDs at risk across the region. The presence of HRDs in Tunisia with diverse backgrounds and experiences is an invaluable opportunity for exiled and local HRDs to learn, share experiences, and work together for the promotion of human rights in North Africa.

**Ethiopian Exiled HRDs**

Most Ethiopian HRDs in exile today or those who have recently returned left the country following the 2005 General Elections, after the enactment of the laws on CSOs and anti-terrorism in 2008/2009, or in the context of the mass protests in the country in 2016.

In exile, some HRDs have founded organisations, devoting their efforts to documenting violation and conducting research-based advocacy with a focus on Ethiopia. Accessing and verifying reliable information from exile was particularly difficult as sources in the country were reticent to discuss the situation with those in exile, especially if that person had been charged under the 2009 anti-terrorism law. As one HRD who had returned from exile explained: “People were scared of talking to me for five years”.\(^{43}\)

Others who continued human rights work from new countries explained how their precarious immigration status also limited their ability to travel to international forums like the UN Human Rights Council (HRC) or the ACHPR. This situation made planning and applying for visas difficult or altogether impossible. Another HRD noted that their physical distance from Ethiopia was a hindrance to their work, noting that: “I felt my contribution was not so meaningful because I was really far and didn’t know how I could influence people. It can be very frustrating”.\(^{44}\)

Some Ethiopian HRDs in exile reported still receiving anonymous threats and harassing messages. One HRD described how the Ethiopian news website he founded in exile was the victim of a cyber-attack. When in exile in Europe or North America, security concerns were difficult to explain to people in Western countries, with one noting that “the problem in Norway is that people don’t understand why I should be attacked just for expressing my thoughts”. This

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\(^{43}\) AfricanDefenders interview with a returning Ethiopian HRD, September 2019.

\(^{44}\) AfricanDefenders interview with a returning Ethiopian HRD, September 2019.
lack of cultural and physical proximity added to the already stressful state of exile and made some interviewed HRDs reconsider their civil society engagement altogether.

Those who had fled to nearby countries in the sub-region sometimes faced more serious security threats. One exiled HRD was forced to flee Uganda to Europe due to threats he received, lending credence to the notion that the Ethiopian security apparatus extended well beyond its own borders. Another HRD who settled in Kenya described escaping a kidnapping attempt and being nearly beaten by a group of pro-government Ethiopians in Nairobi, forcing him to flee to Sudan instead.

Ethiopia has witnessed significant changes since April 2018 when a new Government took office. The new Government initiated national reforms aimed at opening political and civic space, allowing for a rebirth of civil society. Thousands of political prisoners were released and exiled HRDs and opposition leaders returned with an invitation to play an active role in the country’s future, including running for elections.

However, questions remain over what role HRDs returning from exile will play in this new political era, as the background, nature, and length of their exile influences their reintegration into Ethiopian society and the human rights movement. These differences thereby exclude a blanket one-size-fits-all approach to reintegrating HRDs into the country’s human rights environment.

Some media professionals returning from exile worry that political polarisation among journalists will pose a serious challenge to an industry already struggling to rebuild. Many media professionals forced into exile continued to practice journalism, taking up fellowships abroad or founding news outlets in their host countries. The loosening of restrictions under the new Government has allowed for the rebirth of some small outlets, many based in Addis Ababa or regional capitals. However, journalists returning to Ethiopia lamented a loss of networks and the flattening of media houses over the years and doubted whether all exiled HRDs would come back. Moreover, more recent violations related to media freedom and access to information have led some to wonder whether the new reforms will stand the test of time.

The need for psychosocial support for HRDs attempting to reintegrate was proposed by several interviewees for this study, though this need could just as easily extend to HRDs who were detained in Ethiopia for long periods of time. These endeavours could be one area where international organisations could greatly contribute guidance and expertise, supporting local CSOs while allowing civic space to expand and grow organically from within.

Another major area of concern regarding returning HRDs is how they will be accepted and reintegrated into a new Ethiopian civil society, especially as the removal of foreign-funding restrictions in the amended Charities and Societies proclamation likely signals more donor

funding from abroad. One HRD interviewed for this report expressed his worry that those returning from exile in Western countries would effectively overshadow the contributions of those returning from neighbouring countries, because of the reputation and professional connections built in exile. This feeling was also expressed by some HRDs who remained in Ethiopia during the repression, with some criticizing those who had fled and worrying that those returning from exile would take over movements they had sheltered during the storm.

Returnees lamented these attitudes and wondered how to effectively rebuild a cohesive civil society apparatus given these differences. These apprehensions have the potential to smother the rebuilding of civil society if they are not adequately addressed. Moreover, donors from abroad will need to be careful not to aggravate these tensions, as accusations of favouritism or elitism can quickly sour emerging networks in the burgeoning human rights movements.

Given these trends and gaps, there remain significant challenges for the country’s fledging civil society, especially as it attempts to rebuild amid the rapid reform process. Many interviewed HRDs lamented that the human rights organisations currently operating, lack adequate capacity to keep pace with these developments. The establishment of the Ethiopian Human Rights Defenders Coalition, launched in December 2019, is a step in the right direction for improved synergies and best practices sharing. Effectively rebuilding civil society will require coordination, discipline, and general consensus in order to be ready to tackle the difficulties that doubtless lie ahead.

**Gambian Exiled HRDs**

Escaping into exile has been a reality for Gambian HRDs for many years. Many HRDs left The Gambia between 1994 and 2016, with the number of Gambian exiled journalists tripling after 2005. Many left in a context of a crackdown on civic space and after receiving warnings from acquaintances close to circles of power. Others who had left the Gambia to study or work abroad found themselves unable to return because of their human rights work. For the majority of exiled HRDs, Senegal was the gateway to finding refuge. Many remained to enjoy the proximity, both geographical and cultural, with their country of origin. Others continued to Europe and North America.

All interviewed Gambian exiled HRDs highlighted that they did not feel safe in Senegal because of the alleged presence of spies from the Gambian National Intelligence Agency (NIA). One interviewed journalist reported escaping a kidnapping attempt. Another highlighted that Gambian refugee groups were allegedly regularly infiltrated by NIA agents pretending to be exiled dissidents. This created an atmosphere of suspicion and distrust, which sometimes affected exiled HRDs’ ability to work as a unified or cooperative community. Security concerns

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50 AfricanDefenders interview with a returning Ethiopian HRD, September 2019.

51 AfricanDefenders interview with a returning Ethiopian HRD, September 2019.


54 AfricanDefenders interviews with HRDs and journalists formerly in exile in Senegal, the United Kingdom, the Netherlands, and the United States, October 2019.
pushed some exiled HRDs to leave Senegal and at times the continent altogether. At the same
time, HRDs who remained in Senegal spoke highly of the solidarity offered by the Senegalese

Even if most exiles did not speak French, widely used in Senegal, socio-economic integration
was enabled by the presence of several international NGOs and media houses in Dakar, as well
as common pre-colonial linguistic and cultural heritage and bond.

Among the Gambian HRDs interviewed for this study, there seems to be a feeling that exile only
strengthened their resolve to expose the human rights abuses in the country and to advocate
internationally for justice and accountability. In this context, diaspora publications, radio, and
information platforms flourished, often online. In addition to exposing the reality in their country,
exiled journalists and HRDs took up an advocacy role, submitting petitions and calls for action to
relevant embassies and international bodies, and mobilising the diaspora in local
demonstrations and protests, not only in Senegal but in several major cities in Europe and North
America.

While verifying information remained a challenge for exiled journalists, some knowledge of
digital security and growing discontent within the country allowed for a continuous flow of
information, including leaks from government officials. Exiled Gambian HRDs found creative
solutions to distribute information even within the Gambia, for example by secretly sneaking in
cassettes with information on ongoing violations and distributing them inside the country.

After the 2016 General Election, the new Gambian Government released more than 150
political prisoners and embarked in a series of reforms, including security sector reform, and
reforms of media laws and the criminal code. To tackle issues of transitional justice, it
established a Truth, Reconciliation and Reparations Commission (TRRC) with the mandate to
document violations committed from 1994 to January 2017 and oversee reparations to victims.
In June 2018, the Constitutional Review Commission (CRC) was also created to draft a new
constitution for the country. In this context of renewed hope and opening civic space, many
journalists and HRDs fulfilled the dream of many exiles: return.

Journalists and HRDs who returned to The Gambia after the 2016 General Election expressed a
sense of obligation in taking part in the reconstruction of the country. Some of the HRDs
interviewed were contacted by the new administration to take up roles within the TRRC, the
CRC, the newly established National Human Rights Commission, and even in the government.
Others are working within new media houses or as local correspondents for international news
agencies, exposing the crimes of the past, or speaking truth to the current power.

At the same time, interviewees indicated that many of their colleagues have not returned,
particularly those who have managed to establish themselves in Western countries. Others
desire to return but have not yet been able because of the lack of economic opportunities in the
country – something that affects less high-profile journalists and HRDs. One returned journalist,
for example, recounted establishing a new media house, but was unable to make ends meet
due to the capital-intensive nature of the industry. After convincing a reluctant family to give up

55 AlJazeera, “President Adama Barrow orders release of 171 prisoners”, 20 February 2017,
170220063108170.html [accessed 24 January 2019].
56 See the website of the Constitutional Review Commission: https://crc220.org/ [accessed 21 January 2020].
refugee status in Europe to return to the Gambia, the new economic challenges led him into divorce.

Family considerations are another factor impeding some exiles from returning. After a protracted exile, which already had an enormous impact on their well-being and their family relations, many HRDs have children who have never been to the Gambia, and do not want to uproot them from their context and education.

Despite the challenges of return, interviewed HRDs expressed positive feelings regarding their renewed freedom of expression. Journalists particularly mentioned not having experienced interference in their editorial content and feeling safe to publicly speak their mind. According to some of the interviewees, having people in government institutions and civil society who have similar experiences of exile is beneficial for mutual understanding and collaboration. At the same time, a returned journalist reported having to distance himself from former exiles in government positions to safeguard his ability to criticise and act as a watchdog.

**Zimbabwean Exiled HRDs**

Zimbabwean HRDs have been forced into exile for decades. Whether in exile for almost 20 years or less than two months, the majority of Zimbabwean HRDs at risk have taken refuge in South Africa. For many, this choice was dictated by geographical, linguistic and cultural proximity, as well as socio-economic factors as some HRDs left “in the middle of the night” or “crossing the border illegally”. South Africa’s border with Zimbabwe is also porous. Others also chose South Africa because of its symbolic struggle for freedom and better civic space, as well as to be closer to home and to the struggle for human rights in Zimbabwe.

The vast majority of HRDs interviewed have continued their human rights activism in exile, focusing on regional and international advocacy, exposing human rights abuses and torture, and supporting other exiles, asylum seekers, and migrants searching for safety in South Africa. Given the long history and high population of Zimbabweans in exile in South Africa, radios and newspapers covering developments in Zimbabwe have flourished, as well as Zimbabwe-focused CSOs and support groups. Some of the interviewed HRDs have successfully established their own organisations in exile but complained about long registration periods and funding competition with other well-established organisations. Many spoke highly of the solidarity shown by South African civil society and the intricate collaboration between Zimbabwean and local HRDs, with joint anti-xenophobia campaigns as an example.

However, young Zimbabwean HRDs who have only recently gone into exile in South Africa seem to face some challenges in accessing these collaboration opportunities. Their situation is partly because of their precarious economic situation, which does not allow them to pay for transport to attend meetings and events. One way of addressing this situation is fostering active intergeneration collaboration between HRDs in exile.

In a context in which much of the human rights work in Zimbabwe is conducted at the community level and through street protests, the most pressing challenge mentioned by interviewed HRDs is their distance from the frontline struggle. This is particularly felt by student activists and HRDs who previously focused on community mobilisation and are now seen as

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less legitimate by their fellow HRDs who remained in Zimbabwe. This alleged loss of legitimacy seems to trigger a sense of defeat and lack of purpose in some the interviewees.

Divisions seem to exist not only between those in and out of Zimbabwe but among exiled HRDs themselves. This is due to mistrust and suspicion amidst widespread surveillance by the Zimbabwean government and a highly politicised working environment in which the boundaries between human rights work and opposition activism are often blurred.-

Security and surveillance are other concerns for Zimbabwean HRDs exiled in South Africa. Interviewees’ testimonies seem to reveal active efforts by the State to discover the whereabouts of the HRDs who left the country. A student activist who fled Zimbabwe in 2019 recounted having to internally relocate within South Africa with fellow young HRDs more than three times, as his address and those of other HRDs were published in a newspaper in Zimbabwe. Another reported that security forces regularly visit and harass his family in Zimbabwe looking for information on his whereabouts. Interviewees also reported some instances of infiltration of Zimbabwe solidarity groups, with one HRD claiming that a Zimbabwean agent managed to infiltrate the board of directors of a CSO he had established, eventually forcing its closure. Two HRDs also reported escaping abduction attempts on the advice of South African security services and consequently being put under the protection of the South African state.

Another challenge mentioned by nearly all interviewees was the regularisation of their presence on South African territory. While some of the HRDs who left Zimbabwe some years back have been granted refugee status, others have failed to be recognised as refugees or have refused to seek asylum, struggling with the continuous renewal of visas and permits, amidst corruption at the border. This has an enormous impact on their socio-economic integration, as they can only work legally with a residence permit. The frustration with immigration procedures is so high that some of the interviewed HRDs have abandoned the process altogether, living undocumented, and risking deportation.

These difficulties are seen by some of the interviewed HRDs as a purposeful barrier created by the South African government in an act of solidarity with the Zimbabwean government. Interviewees argued that granting asylum to HRDs or other Zimbabweans with a background of political activism would break the South African narrative that the crisis in Zimbabwe is only economic in nature. Other interviewees read their administrative challenges through the lens of xenophobia, as xenophobic attacks in South Africa have once again been on the rise in recent times. Indeed, almost all interviewees mentioned xenophobia as a major challenge to their socio-economic integration and safety.

Socio-economic challenges are particularly devastating for exiles who are neither economic migrants nor high-profile HRDs. Most of such exiles fled the country after being persecuted for participating in demonstrations. Without being members of the human rights community, they struggle to access support networks. They end up undocumented and exposed to further exploitation in South Africa having crossed the border illegally through human trafficking routes. Women protesters in this situation are particularly vulnerable. They are often victims of rape during their journey and may end up forced into domestic work or prostitution.

As it becomes increasingly difficult for Zimbabweans to safely speak up and demonstrate in the streets of Zimbabwe, the role of exiled HRDs in promoting human rights in the country and exposing violations is fundamental. Despite their reduced ability to mobilise communities within the country, it is crucial for exiled HRDs to continue to keep Zimbabwe in the international spotlight. In order to do so effectively, it is crucial for exiled HRDs to overcome suspicions and create spaces for inter-generational exchanges and collaboration between the “old” and “new” HRDs in exile.

With the effective quashing of descent, offline expression and protests in the streets of major cities in Zimbabwe and the insecurity felt in South Africa to openly take action to expose violations of human rights, HRDs in exile have taken to online campaigns and protests at the deterioration of human rights situation in Zimbabwe. The emergence of the hashtag #Zimbabweanlivesmatter demonstrates the importance of digital rights and activism to Zimbabwe HRDs in exile. This again emphasizes the importance of digital security training for exiled HRDs.

**Other Exiled HRDs**

The experience of exiled HRDs in other parts of the continent are substantially similar to those exiled HRDs in the four countries discussed above. This is the case, for instance, in relation to the situation of Burundian HRDs exiled in Uganda and Rwanda. Many Burundian HRDs fled the country in the context of the political crisis that engulfed the country in 2015, which saw a sustained crackdown on civil society and HRDs. In both Rwanda and Uganda, Burundian exiled HRDs regrouped and continued their human rights work.

A 2018 study by DefendDefenders and the Coalition Burundaise des Défenseurs des Droits de l'Homme (CBDDH) found that “[m]ost of the previously existing and well established human rights organisations that were prevented from working in Burundi have been able to reorganize in exile, as the majority of their members and staff have relocated to either Kigali or Kampala”. Even so, many of them continued to live in fear and some were targeted by agents of Burundian intelligence service. They also faced social and economic difficulties to integrate in the two host countries as well as challenges associated with psychosocial wellbeing.

In Kenya, exiled HRDs from Somalia, Ethiopia and South Sudan have been able to conduct human rights work in Nairobi and in the refugee camps. However, the Kenyan government’s overall hostile policy against refugees in recent years has negatively impacted on HRDs. Most HRDs are also frequently harassed by security agencies. A 2016 report noted that most HRDs

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in exile in Kenya were afraid of the police because of past experiences, which included harassment and exhortation.\textsuperscript{66}

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PART V

CONCLUSION AND RECOMMENDATIONS

African HRDs forced into exile by security risks resulting from their human rights work face compound professional and personal challenges. The distance from the field affects their ability to conduct their human rights work as they used to and their relationship with fellow HRDs on the ground. Security can remain a concern in exile, combined with socio-economic difficulties. Even return, the dream of most in exile does not seem to put an end to the difficulties of displacement, rather opening a complex process of reintegration. Ultimately, exile can break families and take an often-invisible toll on HRDs’ own wellbeing.

In its multifaceted impact on HRDs’ lives, no experience of exile is the same. Consequently, no one-size-fits-all recommendation can be made to future, currently exiled, or returning HRDs. HRDs who escape into neighbouring or nearby countries are able to do so quickly, find themselves in culturally and linguistically similar environment, and can refugee status relatively easy. But they also encounter fewer work opportunities for trained professionals and bigger security risks. Those HRDs who leave the continent may easily find employment or study opportunities. But they struggle with cultural displacement, language barriers, and the inability to continue their human rights work closer to home.

The five case studies included in this study illustrate challenges and best practices. They shed light on the diversity of exile on the African continent. The situation of Zimbabwean HRDs exiled in South Africa shows the difficulties with being far from the frontline of human rights work, the suspicion that can exist among populous exiled communities, as well as the importance of inter-generational collaboration between HRDs in exile. Egyptian HRDs in Tunisia provide examples of organisational resilience, regional cooperation, and the importance of turning exile into a learning opportunity. The return of exiled HRDs to the Gambia and Ethiopia illustrates the challenges faced by returnees as well as their essential contribution to countries in transition. Cameroon offers insights into the life of HRDs working in conflict-affected areas and the striking similarities that internal and cross-border displacement can hold.

Based on the findings of this study, the Special Rapporteur on Human Rights Defenders in Africa and Focal Point on Reprisals in Africa makes the following recommendations:

Recommendations to State Parties from which HRDs flee to exile

The Special Rapporteur urges State Parties from which human rights defenders flee to:
- meet their obligations under the United Nations Declaration on Human Rights Defenders, the Grand Bay Declaration, the Kigali Declaration, and the Cotonou Declaration on Strengthening and Expanding the Protection of All Human Rights Defenders in Africa;
- unconditionally release arbitrarily detained HRDs and put an end to all forms of harassment and acts of intimidation against HRDs and their families;
- take the necessary measures to conduct full, thorough, credible, transparent, and impartial investigations into all violations and abuses of the rights of HRDs and prosecute the perpetrators;
- enact specific laws on the protection of HRDs;
- train law enforcement agencies on human rights; and
- strengthen institutions or oversight and human rights protection such as the courts and national human rights institutions.
Recommendations to State Parties hosting exiled HRDs

The Special Rapporteur encourages State Parties hosting exiled HRDs to:
- continue to strengthen regional cooperation regimes that promote freedom of movement of people and labour, ensuring that regional cooperation respects human rights standards and bilateral relations are not used to persecute, attack, or abduct HRDs in exile;
- ease visa and asylum procedures for HRDs at risk and ensure that the rights of migrants and refugees are respected, including the issuance of adequate travel documents to refugees;
- complement and support initiatives by civil society organisations to establish HRDs havens in cities under their jurisdiction to make it easier for exiled HRDs to continue their work while contributing to enriching the culture and diversity in host cities.

Recommendations to HRDs in exile

The Special Rapporteur advises HRDs in exile to:
- develop a preventative rather than reactive approach to physical and digital security, actively seeking to improve their knowledge in digital security and developing security plans adapted to the context of exile, as well as contingency plans for the protection of observers at risk, for example through solidarity networks and early warning systems;
- when establishing organisations in exile consider the local legal framework for civil society organisations, and seek to collaborate with local HRDs without duplicating existing initiatives;
- make continuous efforts to foster understanding of the specificities of work in exile among partners and donors, including clarifying limitations and increasing the visibility of the human rights work conducted in exile;
- pay attention to symptoms of stress and adopt suitable measures to improve their wellbeing when necessary, including sports, solidarity groups, stress management advice, and counselling; and
- make an active effort to identify HRDs in exile, act in solidarity with them, and integrate them in local civil society initiatives.

Recommendations to HRDs at Risk

The Special Rapporteur advises HRDs at risk to:
- develop security plans that help them to continuously reflect on the level of risk, threats, vulnerabilities and capacities so as to prevent or mitigate the impact of risk on the operations of HRDs and their institutions including drawing contingency plans to be ready to respond to possible escalations of risk;
- given the multi-layered difficulties of exile, consider relocation as a measure of last resort;
- closely monitor and document the human rights and civic space situation in their country and consistently draw this to the attention of the Special Rapporteur on Human Rights Defenders and Focal Point on Reprisals in Africa;
- actively build a wide network of fellow HRDs and civil society organisations within their country and beyond to be able to have a solidarity network if risks escalate;
- consider immigration procedures, cultural and linguistic similarities, educational and professional opportunities, and security factors which will impact ability to work and integrate in the choice of their location of exile; and
- if returning to their country of origin to seek to collaborate closely with the local civil society and HRDs who are in the country to develop complementary strategies and
synergies in the promotion of human rights, including through the formation of networks and coalitions.

Recommendations to International Non-Governmental Organisations

The Special Rapporteur calls upon International Non-Governmental organizations to:
- develop tailored trainings for exiled HRDs with a focus on digital security, remote monitoring and documentation, international and regional advocacy and lobbying, communications, and fundraising;
- continue to strengthen protection initiatives for HRDs within and without their countries, and develop innovative approaches that foster the socio-economic integration of exiled HRDs and their ability to continue their human rights work, through flexible and comprehensive relocation mechanisms and increased coordination among protection, human rights, and refugee support mechanisms;
- develop and strengthen initiatives to provide mid to long term support for exiled HRDs in order to enable the continuation of their human rights work;
- take into consideration the impact of exile on HRDs’ families in interventions, and extend protection, psychosocial, financial, and relocation support to human rights defenders' family members;
- actively seek to make support mechanisms for HRDs accessible for youth, grassroots, and marginalised defenders, including by raising awareness about the existence of such mechanisms;
- continuously streamline processes and procedures to ease HRDs’ access to support mechanisms; and
- consider the development of tailored initiatives to support HRDs who want to return to their countries of origin, including security assessments and financial support for the initial phase of return or to (re-)establish civil society organisations.

Recommendations to donors

The Special Rapporteur calls upon donors to:
- develop flexible approaches to ensure that exiled HRDs can continue their human rights work by adapting funding and reporting requirements to the specific context of work in exile;
- support initiatives tailored to the support of exiled HRDs, including comprehensive and flexible relocation initiatives as well as mid to long term programmes that enhance the work of exiled civil society organisations; and
- when HRDs are able to return to their countries of origin in a context of opening civic space, provide support for rebuilding a healthy civil society environment and fostering collaboration.

Recommendations to the United Nations High Commissioner for Refugees

The Special Rapporteur calls upon the United Nations High Commissioner for Refugees to:
- consider the unique protection and psychological needs of HRDs and continue to engage them in the implementation of durable solutions for refugees and expedite resettlement for HRDs facing serious security risks; and
- continue to support and encourage host governments to issue adequate travel documents and provide basic services to refugees, including those in urban areas.
ANNEX

Resolution on the Need to Prepare a Study on the Situation of Human Rights Defenders in Exile in Africa - ACHPR/Res. 439 (EXT.OS/ XXVI1) 2020

The African Commission on Human and Peoples’ Rights (the African Commission), meeting at its 27th Extraordinary Session from 19 February to 04 March 2020, in Banjul, The Gambia;

Recalling its mandate to promote and protect human and peoples’ rights in Africa under the African Charter on Human and Peoples’ Rights (the African Charter);

Considering Article 45(1)(a) of the African Charter which mandates the African Commission to collect documentation, undertake studies and research on African problems in the area of human and peoples’ rights;

Further the Grand Bay Declaration and Action Plan of 1999 of the Organization of African Unity (OAU) which recognizes that the adoption of the United Nations Declaration on the Protection of Human Rights Defenders by the 54th session of the United Nations Commission on Human Rights marks an important turning point, and appeals to African governments to take appropriate measures to implement this Declaration in Africa;

Considering the Kigali Declaration of 2003 of the African Union, which recognizes the important role of Civil Society Organizations in general, and human rights defenders in particular, in the promotion and protection of human rights in Africa;

Recalling the Cotonou Declaration on Strengthening and Expanding the Protection of All Human Rights Defenders in Africa of 2017, ACHPR Resolutions ACHPR/Res.69(XXXV)04, ACHPR/Res.119(XXXXII)07; ACHPR/Res.345(LVIII)2016 and ACHPR/Res.376(LX)2017 on the situation of human rights defenders in Africa, and in particular ACHPR/Res.196(L)2011 on reprisals;

Aware of the need to improve understanding of the term “human rights defender” and its importance for the development of human rights on the continent, through a better understanding of its role, its rights but also its responsibilities by all stakeholders;

Concerned by the increase in the number of defenders in exile as a result of threats, attacks, general insecurity and conflicts they are victims of because of their human rights activities;

Concerned also by the challenges that these human rights defenders face in host countries regarding their work towards the promotion and advancement of human rights;

Taking into account the precarious situation of these human rights defenders during their short-term or prolonged exile and its negative impact on their activities for the promotion and protection of human rights;

Aware also of the need to ensure an enabling environment for human rights defenders to carry out their work;
Bearing in mind Resolution ACHPR/Res.273(LV)2014 on the expansion of the mandate of the Special Rapporteur on Human Rights Defenders in Africa to include Reprisals;

The African Commission:

i. **Decides** to prepare a study on the situation of human rights defenders in exile in Africa;
ii. **Decides** to entrust the Special Rapporteur on Human Rights Defenders and Focal Point on Reprisals in Africa with the task of preparing the said study;
iii. **Invites** State and non-State actors to support the study.

**Done in Banjul, Republic of The Gambia, on 04 March 2020**