

This time with human rights defender Lydia from Kenya!

WHO DEFENDS THE HUMAN RIGHTS DEFENDERS?

Second version



Course material for 15/16 year old high school students

Scholengroep Nijmegen



COLOPHON

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Version 1: This time with human rights defender Placide Ntole from Congo!

Version 2: This time with human rights defender Lydia from Kenya!



'Who defends the human rights defenders?' is meant for 15/16 year old high school students.

Free download on <http://www.amnestynijmegen.nl>

or <http://amnestynijmegen.antenna.nl/index.php/educatie/lesmateriaal>

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WORKSHEETS



**Who defends the
human rights defenders?**

Human rights

All countries of the world have agreed that everyone in the world whether you are a man or a woman, young or old, poor or rich and no matter what skin color, has the same rights. This agreement was made in the *Universal Declaration of Human Rights* on the 10th of December 1948 (UDHR). The rights named in the UDHR are called human rights.



The logo of the UDHR

In this short YouTube-movie some of these human rights are mentioned:



Human Rights - Ministry of Foreign Affairs



1. What human rights do you recognize in the movie?
2. What other human rights that were not mentioned in the movie do you know?



You probably already know that not everyone respects human rights. In that case, we speak of human rights violations. Some violations are easy to prevent, others are more difficult to find a solution for.

A human rights violation that can easily be prevented, is torture. If the government of a country prohibits torture and enforces the law, torture can be banned.



3. Give another example of a human rights violation that can easily be prevented.
4. Give an example of a human rights violation that cannot be prevented easily.



Prohibition on torture

Freedom of expression

One of the most important human rights is freedom of expression. If you cannot express your opinion, you cannot oppose human rights violations either.

Martin Luther King was publicly opposing discrimination of people with a dark skin color. His only 'weapon' was freedom of expression. Partly because of his famous speech 'I have a dream' (in front of about a million people) he realized equality of law for everyone in his country.



In some countries you have to be careful in the way that you act or about the things that you say. That is especially true for people with the following professions:

- Artist
- Journalist
- Moviemaker
- Union leader



Protest of a union in Belgium



A piece of art of Chinese artist Yue Minjun



5. Explain for each of the four professions mentioned above why these people should be extra careful according to you.
6. What do these professions all have in common?
7. Name a profession -not mentioned above- that could also be in the category of extra vulnerable professions.
8. Write your own text for a protest against a current wrong on the protest sign of Yue Minjun.

Human rights defenders



9. Write down as many words as you can that come to your mind when you think about 'human rights defender'. Does a person like that have any special characteristics according to you? If so, which ones?



A human rights defender is not superman. What is a human rights defender according to you?



10. Try to think of your own definition of 'human rights defender' together with your neighbour.

A 'human rights defender' is someone who

Extra vulnerable

Human rights defenders stand up for human rights, individually or in an organisation, without using violence. Unfortunately they cannot always do that in freedom. Protection of civilians is most needed in times of armed conflict or war. A human rights defender who exposes violations committed by political leaders or armed militias are often accused of partisanship and get threatened.

Since 9-11 a lot of countries adopted rules to oppose terrorism. This often means that the work of human rights defenders is criminalized.

Amnesty asks special attention for female human rights defenders, who often work under more difficult conditions than men and are extra vulnerable because of that. They are often not taken seriously by their surrounding society because of prevailing about women.

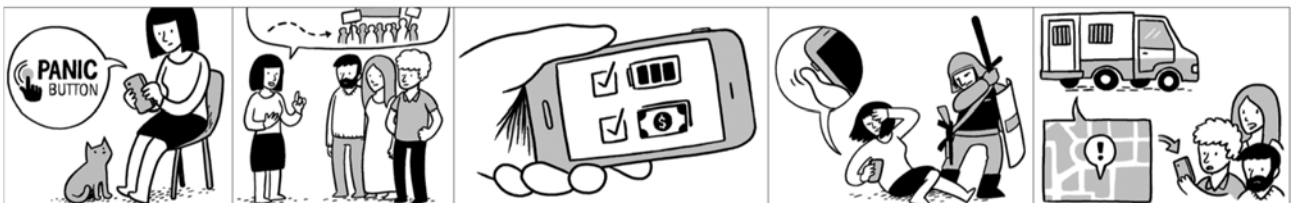


Some governments see the work of human rights organisations of women as not important and unlawful.

Female human rights defenders are more at risk to be threatened because of their gender and are more likely to become victim of sexual harassment and rape.

Amnesty launched a special application in 2014 that human rights defenders can use to call out for help, if they are at risk of being kidnapped, attacked or tortured. The Panic Button-app is a silent alarm and can be activated in case of emergency.

By pressing the button, fellow-activists are alarmed if a colleague is in danger. This will fasten the process of providing help. In the first hours of the arrest, the human rights defender's network can act fast to get their colleague released. For example they can overwhelm the police station with phone calls, organise a protest or warn lawyers and organisations like Amnesty.



11. What is meant by 'criminalizing human rights defenders'?
12. In what way the Panic Button-app works, is explained by the above pictures. What is missing, is English explanation. Write the five steps down together with you neighbour.

Who defends human rights defenders?

Human rights defenders stand up for the rights of others. This often puts them in danger. They also need protection.



13. Who should protect human rights defenders according to you? Explain.

Different international organisations stand up for the rights of human rights defenders. The two most important ones are the United Nations and the European Union.

United Nations

In 1999 the UN adopted the *Declaration on Human Rights Defenders**. The official name of the declaration* already shows that everyone has an obligation to protection human rights defenders.

Article 12 of the declaration pays special attention to the obligations of States:



Article 12

1. *Everyone has the right, individually and in association with others, to participate in peaceful activities against violations of human rights and fundamental freedoms.*
2. **The State shall take all necessary measures** to ensure the protection by the competent authorities of everyone, individually and in association with others, against any violence, threats, retaliation, de facto or de jure adverse discrimination, pressure or any other arbitrary action as a consequence of his or her legitimate exercise of the rights referred to in the present Declaration.
3. *In this connection, everyone is entitled, individually and in association with others, to be protected effectively **under national law** in reacting against or opposing, through peaceful means, activities and acts, including those by omission, attributable to States that result in violations of human rights and fundamental freedoms, as well as acts of violence perpetrated by groups or individuals that affect the enjoyment of human rights and fundamental freedoms.*

* Officially: *Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms*



European Union

In 2004 the EU adopted the *Guidelines on Human Rights Defenders*. Embassies of member States and EU-missions must provide protection to human rights defenders by visiting, observing processes and where needed undertake action against governments. They must also help guarantee that human rights defenders have free access to (foreign) financial donations.



14. The UN Declaration and the EU Guidelines (it already explains in the name) have one important disadvantage. What could that be? What could the UN and the EU do to further strengthen the protection of human rights defenders?

Next to States, private organisations can offer help to human rights defenders. We name a few, but there are more!

Amnesty International

One of the main tasks of *Amnesty International* is the protection of human rights defenders. Amnesty realizes that by protests, publicity, arranging visits and contacts, education and training, lobbying and sometimes financial support.

For example by supporting protests and by writing letters, you can participate yourself in the protection of human rights defenders.



#Idefend

#Idefend is an initiative of the delegation of the EU in the UN.



The goal of *#Idefend* is to show solidarity to human rights defenders and to improve their commitment and work for human rights for people all over the world. Maybe you have seen this on social media, like Facebook (<https://www.facebook.com/idefend>). You can support the initiative yourself by social media.

Justice and Peace



This Dutch organisation stands up for the protection and training of human rights defenders. *Justice and Peace* created several projects that support the work of human rights defenders..



Justice and Peace Netherlands

- *The Hague Training Course* provides training on digital security mechanisms and policy influencing.
- *Connet2Protect* connects human rights defenders with members of the parliament, lawyers and journalists.
- *Temporary Relocation* temporarily relocates human rights defenders from Africa and Asia in those continents.
- *Shelter City* is a European project. You can read more about that on the next page.



15. Next to legal rules - for example by referring to antiterrorist regulations - the movie mentions another way to obstruct the work of human rights defenders. What is that?
16. Which four ways of threatening a human rights defender are named in the movie?

Shelter City Nijmegen

The movie of Justice and Peace showed that human rights defenders can be put to silence, arrested and tortured and sometimes even disappear. If their situation allows it, they can benefit a lot from temporary shelter. Based on an initiative of the European Parliament, Shelter Cities have been created in all of Europe.

How does Shelter City work?

Shelter City started by recruiting cities in Europe. Shelter Cities in the Netherlands (or soon to be) are: Amsterdam, Den Haag, Groningen, Maastricht, Middelburg, Nijmegen en Utrecht. After The Hague and Middelburg, Nijmegen was the third Shelter City of the Netherlands.

The next step is the selection of human rights defenders. They are chosen by a national selection committee, composed of representatives of Justice and Peace, the Ministry of Foreign Affairs, de Faculty of Law of the University of Amsterdam, Hivos en Free Press Unlimited.



Every Shelter City provides a human rights defender a safe environment for three months. In that period, the human rights defenders can recharge so that he or she can return with new found energy.

The human rights defenders will go back to their own country, empowered by a larger network and with more knowledge to better do their work. If desired, the human rights defenders can participate in education or training. Meetings with politicians in The Hague and Brussels will also be arranged.

An interaction should be created between the human rights defenders and civilians of the Shelter Cities. He or she will be part of events in the city (like Music Meeting and the Four Day Marches in Nijmegen). In their turn, the human rights defenders can participate in debate or have a speech on human rights in his or her country.

The human rights defender 'from Nijmegen'



Lydia is president of the Mwea Foundation (Mwea is a region in Kenya). Lydia works with the local communities in Mwea on land issues. She fights for better rights of those who cultivate land and for a fairer distribution of available irrigation water.

By doing that, she regularly collides with different governmental institutions that do not consider the interests of the local population and even counteract to their interests.

In addition to that, as a fervent fighter for democracy in Kenya, she is part of the Elections Observation Group (ELOG) that checked the fair conduct of the latest elections at the election offices.

Lydia has received several death threats because of her work and she has had to submerge temporarily for her safety.



17. Shelter City does not just have advantages. What disadvantage(s) of the Shelter City project could you think of?
18. Imagine you would be in Lydia's position. What practical matters could come up for a human rights defenders in Nijmegen?

Human rights in Kenya

Unfortunately, human rights violations in Kenya are still a present-day issue. Human Rights Watch reported several cases of human rights violations in 2015. Under these cases were extrajudicial executions, arbitrary arrests and torture. Despite the existence of several pieces of evidence for these human rights violations, the government fails to act.



The president of Kenya, Uhuru Kenyatta, did not exactly make a show of virtue. The International Criminal Court in The Hague tried to sue Kenyatta for his involvement in violence around the presidential elections of 2007 (that killed more than a thousand people). Eventually the charge was withdrawn by the Court for lack of cooperation of the Kenyan government.



19. What are the most important differences in the work of a human rights defender in Europe and that of one in Kenya? Explain your answer.

Land rights and land grabbing

Lack of land rights is a problem in a lot of African countries. The government is usually owner of the property and can decide what do to with it. This means that the government can sell the ground to investors, without considering the rights of the local population that uses the land and often has owned it for many generations. Because the population does not possess proof of property, they can do nothing about it. Especially because of the increasing global demand for food, water, energy and raw materials, big pieces of land are traded by governments to western corporations.

Women are usually mostly affected by this land grabbing. Access to land is usually arranged by male family members and national legislation sometimes contains discriminating provisions with regard to property rights for women. To illustrate: women are responsible for 80% of the food production in Africa, while they only own 2% of the land.



Kenya is one of the countries that copes with these issues, because many parts of the land are officially registered as government property. The movie below further explains the issue of land grabbing:



Land grabbing



20. The movie tells that in many areas where land grabbing takes place, hunger increases, while more food is being produced. Explain how that is possible.
21. What possible solution to the issue is mentioned in the movie?

Irrigation leads to irritation

The farmland of Kenya belongs to the best of the world. In most areas there is a sufficient amount of rain, it is just unevenly distributed. At one place there is an annual amount of rain of 3000 millimeter (three to four times the amount of rain in the Netherlands), in another place there is only 250 millimeter a year. For four hundred years Kenya has been trying to better redistribute the available water. After independence, the government created the National Irrigation Board (NIB) with the purpose of: "providing the development, control and improvement of irrigation, for all purposes connected to that".

The NIB has drafted seven national irrigation-schemes that are in control of the so-called irrigation managers. One of these irrigations-schemes is the Mwea-scheme.

Although the NIB was established after independence, many laws that the NIB uses are from the colonial era. These laws were beneficial for English colonists, but not for the Kenyan population.

The colonists decided that rice had to be grown in Mwea. That obligation is adopted by the NIB. To date the irrigation managers will not allow anything other than rice to be grown.

The Mwea Foundation is not happy about the old irrigation-schemes. But the prohibition to grow anything other than rice is not the only problem. The abuses are of such a large scale, that the Mwea Foundation speaks of 'inhumane laws'.

For more information on this, you can watch the fragment of the movie the foundation produced:



Land rights in Kenya (fragment)



The call for reforms of the Mwea Foundation encounters so much resistance that several members of the Mwea Foundation have received death threats, including the president, the vice-president, the treasurer and their lawyer.



22. The movie of the Mwea Foundation contains the slogan: 'Colonial past in the present'. Explain in your own words what the Mwea Foundation could mean by that.
23. Allowing only one kind of crop to be grown comes with certain risks. What risks could that be?
24. What branch of agriculture is -next to the prohibition on growing any crops other than rice- also prohibited by irrigation managers in Mwea?
25. Why is it not possible for a Mwea-farmer to apply for a loan with a bank?
26. Name at least three rules of the irrigation managers that led to big agitation among the inhabitants of Mwea.
27. The group that threatened Victor, vice-president of the Mwea Foundation, used a cynical name. What was that name?

Extra course material

As a preparation for the meeting with human rights defender Lydia we came up with some questions you can ask her. Of course you can think of some question on your own that you want to ask. What would you like to know?

- * Against what human rights violations is she fighting?
- * Why do these violations take place and what can she do about it?
- * What successes has she achieved in his work?
- * She is threatened for opposing violations. How does that affect her work? Is she not scared?
- * What does the future of Kenya look like?



Text in picture: Are there any question?

Notes

INSTRUCTIONS



**Who defends the
human rights defenders?**

Introduction

The course material 'Who defends the human rights defenders?' is developed by the Education group of Amnesty Nijmegen in cooperation with Shelter City Nijmegen.

Shelter City is a national initiative of Justice & Peace in cooperation with Dutch cities and the Ministry of Foreign Affairs to protect human rights defenders as initiated by a motion of the European Parliament. Human rights defenders that risk their own lives by fighting for human rights, will be provided temporary shelter in European cities.

Shelter City Nijmegen is realised by a cooperation between different organisations from Nijmegen, under which Amnesty Nijmegen, Radboud University, Council of Beliefs and Religion Nijmegen, the municipality of Nijmegen and Driestroom. Qader Shafiq of Driestroom coordinates the project, qadershafiq@driestroom.nl.

Between 2015 and 2017 four human rights defenders will come to Nijmegen. The second one is Lydia* from Kenya, who will be in Nijmegen from 24th of September until 18th of December in 2015.

* For her safety we can not disclose her name.

Structure

The course material 'Who defends the human rights defenders?' takes two lessons of 50 minutes.

Lesson 1: worksheets 1-5

Lesson 2: worksheets 6-10

The course material can be used by the teacher independently as well as by guest teachers from Amnesty Nijmegen. For guest lessons you can contact the head of the Education group: Harry de Ridder, amnestynijmegen@gmail.com.

As a follow-up, you can ask Lydia herself to tell her story as long as she still is in Nijmegen. For that you can also contact Harry de Ridder, amnestynijmegen@gmail.com.

As preparation for a possible meeting we have prepared some question and ask the students to prepare some questions as well before the meeting.

Preparation of the meeting: worksheets 11-12

Four versions

In 2015–2017 four different versions of the course material 'Who defends the human rights defenders?' will be created. Each version will be connected to the individual story and backgrounds of the human rights defenders that come to Nijmegen. The first one and a half part of the material will not change, only the last half on the human rights defender will be adapted every time. As soon as we know the identity of the following human rights defender, we will publish the next version of the course material.

General notions

Lesson 1 and the first half of lesson 2 (worksheets 1-8)

Human rights defender

Second half of lesson 2 (worksheets 8-12)

Goals

- The student will be introduced to human rights and human rights violations.
 - The student knows that the human right 'Freedom of expression' is connected to opposing human rights violations.
 - The students know that people with certain professions have to more careful than others.
 - The students can explain their own definition of a human rights defender.
 - The student knows that human rights defenders are extra vulnerable and know why female human rights defenders are at even greater risk than their male colleagues.
 - The student can tell who stands up for the rights of human rights defenders and can name some international and private organisations that protect their rights.
 - The student knows about Shelter City.
 - The student knows about the selection procedure of human rights defenders that come to one of the Shelter Cities of the Netherlands.
 - The student knows human rights defender Lydia and her background.
 - The student can name some human rights violations in Kenya and explain why these violations mostly occur there.
-
- The student will meet and converse with human rights defender Lydia.

Movie material

In the course material 'Who defends the human rights defenders?' four short movies are showed:

YouTube-movies:

* Human rights of the Ministry of Foreign Affairs (2.22 min.)
<https://www.youtube.com/watch?v=5eRCogmiGfA>

* Justice and Peace Netherlands (3.02 min.)
<https://www.youtube.com/watch?v=IK1jAIJOAcM>

* Land grabbing (1.54 min.)
<https://www.youtube.com/watch?v=GGoe5YaWIhk>

* Land Rights in Kenya (van 02.15 - 09.38 = 07.23 min.)
<https://www.youtube.com/watch?v=NsZUOysf0HE>

MP4-movies:

* Human rights of the Ministry of Foreign Affairs (2.22 min.)
<http://amnestynijmegen.antenna.nl/download/Mensenrechten-BuZa.mp4>

* Justice and Peace Netherlands (3.02 min.)
<http://amnestynijmegen.antenna.nl/download/justice-and-peace-netherlands.mp4>

* Land grabbing (1.54 min.)
<http://amnestynijmegen.antenna.nl/download/Landroof.mp4>

* Land Rights in Kenya (07.20 min.)
<http://amnestynijmegen.antenna.nl/download/LandRightsinKenya.mp4>

The first movie is in Dutch. We have translated it into English (see the next page).
The third movie is in English with Dutch subtitles.

Movie: Human rights of the Ministry of Foreign Affairs

Everyone is equal and has the same rights... or is that not true?

Everyone has the right to peace and freedom... or is that not true?

Everyone has the right to freedom of expression... or is that not true?

Everyone has the right to believe what they want... or is that not true?

Everyone has the right to life with who they want... or is that not true?

Justice - Equality - Solidarity - Humanity

In a humane society everyone enjoys equal rights. For that reason there is a foreign policy on human rights.

Human rights - For everyone - Always - And everywhere

Human rights

The lesson starts with discussing what human rights and human rights violations are.



1. Everyone is equal, everyone has equal rights, everyone has the right to develop in a good standard of living, everyone has the right to live in freedom and safety, everyone has the right to sufficient food and water, there is a prohibition on the use of child soldiers, nobody can be arbitrarily arrested without the family of the person knowing where they are (prohibition on disappearances), everyone has the right to life, everyone has the right to freedom of expression, torture is prohibited, everyone has the right to believe, everyone has the right to live together with whom he or she want, everyone has equal rights.
2. -
3. For example: prohibition on slavery, prohibition on the use of child soldiers.
4. Some economical, social and cultural rights are less easy to realize, think of: the right to labour. Every society copes with unemployed people.

Freedom of expression

In this part of the course material we further discuss the human right 'Freedom of expression', a condition to be able to oppose human rights violations (of others).



5. Artist: if you show art that exposes the government or makes fun of it, you risk being arrested.
Journalist: he can expose corruption or other wrongs which the risk of being arrested.
Moviemaker: similar to the journalist, but not with words but with images. A moviemaker can make fun of the government as well.
Union leader: he or she stands up for the rights of workers and stands up against the wishes of employers
6. They do not just stand up for their own opinion, but also for the rights of others.
7. A writer, blogger, cartoon artist, comedian.
8. -

Human rights defenders

We are discussing a self-made definition of human rights defenders and their characteristics.



9. After the students' opinion. A human rights defender is not superman, but someone who is not afraid to stand up for the rights of others. It takes some courage, or at least someone who is willing to take on his own fear.
10. For example: A human rights defender is someone who stands up for the rights of others (in a situation where he operates himself and where human rights are violated; someone from Amnesty who stands up for human rights in a safe environment are not called human rights defenders). A human rights defender can only be called a human rights defender if he or she does not use violence.

Extra vulnerable

Human rights defenders are at great risk, especially women. Amnesty's application can help with that.



11. The work of human rights defenders is criminalized to silence them.
12. Step 1: Take the time to install the Panic Button-application in a calm situation.
Step 2: Think of the people who should be informed when action needs to be undertaken. Step 3: Check that your phone is on, sufficiently charged and with sufficient credits (for a prepaid or contracted phone).
Step 4: Press the button of the application in case of emergency.
Step 5: Your network will be notified by text and indicate your location so that people from your network can help you fast.

Who defends the human rights defenders?

Mensen die opkomen voor de rechten van anderen lopen zelf ook gevaar en hebben zelf ook bescherming nodig.



13. According to the declaration basically everyone: individuals, groups, organisations and official institutions.
14. Both are not treaties with legal force, but declarations with no more than official promises. If the UN and the EU would contain that protection in a treaty, we could take on violators with the law or treaty in place.
15. Defamation (violate someone's honour or good name on purpose) with the goal of degrading the human rights defenders and taking away their credibility.
16. 1) physically (physical intimidation or direct threats).
2) online (digital surveillance and online threats).
3) family (physical intimidation or direct threats of family members).
4) mobile phone (surveillance of mobile phones and threats by text).

Shelter City Nijmegen / The human rights defender 'from Nijmegen'

In this part of the course material we further discuss the how and why of the Shelter City project and the human rights defender who came to Nijmegen..



17. It could be: the human rights defenders do not want to go back to their own country or the situation in their country has become so badly in those three months that they cannot go back. It could also be personal: for example when a person got into a relationship in the city where he or she temporarily lived.
18. Think of things like: a place to live, a place to work or take a course, the use of a computer, telephone, public transport card, a budget to their expenses, but also: people around them to accompany and help them.

Human rights in Kenya

Human rights violations in Kenya is a day-to-day issue. The government does not do anything to prosecute and punish the guilty. The president himself is suspected of having committed violations



19. The Kenyan government does not react to signals from the outside. As a human rights defender, you will not have to count on support of the government if you denounce human rights violations. In addition to that, the government of Kenya itself is guilty of violations. It is not just the lack of help from the government that makes it difficult, but standing up for human rights can even be dangerous for your own safety.

Land rights and land grabbing

In many states, including Kenya, the government possesses most of the land. The government often rules over the land, without considering the local population.



20. Two-thirds of agricultural land deals by foreign investors are in countries with serious problems of hunger. 68% of those investors intend to export everything they grow on the land, which means that even though we're growing more food, big land deals will make hunger worse.
21. Right now the World Bank provides the finances for many big land deals. It also has the power to influence how land is bought and sold as well as setting an example for investors. The World Bank can contribute to the solution by putting a stop to land grabbing. You can help by telling the World Bank to put big land deals on hold and search for better ways.

Irrigation leads to irritation

Irrigation is in power of manager from the governmental institution NIB. They only allow the growing of rice. The local population wants reform led by the Mwea Foundation.



22. With this slogan, the Mwea Foundation emphasizes that nothing has changed since the colonial period. The independence did not bring about improvements.
23. If a disease arises and spreads among rice plantations, or if harvest fails, farmers will have no income and nothing to eat.
24. Cattle breeding.
25. To get a loan, a farmer must show proof of ownership of the farm and farmers do not have documents to show that. Then the bank will not have collateral for the loan.
26. You cannot build a permanent house without permission of the manager; you cannot leave the house for a period longer than one month without permission of the manager; you can only grow rice; you cannot keep livestock; you can only inherit something with permission of the manager; the manager does not take care of proper ways for waste, which causes people to get ill; they are threatened by the manager.
27. The advocates of human wrong.

Literature

Mwea Foundation

- <https://www.frontlinedefenders.org/taxonomy/term/14399>

Human rights in Kenya

- <https://www.hrw.org/world-report/2015/country-chapters/kenya>

Web links

- http://www2.nijmegen.nl/mmbase/attachments/1549721/Shelter_City_Nijmegen_Initiatiefvoorstel_februari_2014.pdf
- <http://www.justiceandpeace.nl/mensenrechtenverdedigers-en-veiligheid/shelter-city>
- <http://www.driestroom.nl/Sheltercity.aspx>
- <http://www.amnestynijmegen.nl>



Who defends the human rights defenders?

Course material for 15/16 year old high school students developed by the Education group of Amnesty Nijmegen and Shelter City Nijmegen

Scholengroep Nijmegen

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