

[Reprisals: States, Human Rights Council and UN must discharge legal duty to protect civil society](#)

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(Geneva) – Member States of the UN Human Rights Council are failing in their duty to prevent and protect human rights defenders, victims and witnesses who cooperate with the UN from gross acts of intimidation and reprisals, 16 leading NGOs said in Geneva today.

56 States recognise legal duty of Human Rights council to address reprisals

The [NGO statement](#) came as Ghana delivered a [statement on behalf of 56 States](#) acknowledging that while States have the primary duty to prevent reprisals, the Human Rights Council itself has not only a moral but a 'legal duty to address reprisals'. This marks the first time that such a body of States has explicitly recognised that the Council has a positive duty to act to prevent and promote accountability for reprisals as a matter of international law, a position advocated by ISHR based on a [memorandum of advice prepared by leading international lawyers](#).

Both statements were delivered in the context of a Human Rights Council debate on a [new report from the UN Secretary-General](#) which found that acts of intimidation and reprisals against persons cooperating with the UN are becoming more 'severe and varied'. The report documents cases ranging from travel bans to torture and concludes that, increasingly, such attacks target 'not only individuals or groups concerned but also their families, legal representatives, non-governmental organisations and anyone linked to them'.

'It is clear from the report that reprisals are a systematic and deliberate strategy to deter civil society engagement with human rights bodies,' said ISHR's Michael Ineichen, speaking on behalf of the 16 NGOs, including Amnesty International, the Association for the Prevention of Torture, the East and Horn of Africa Human Rights Defenders Project, Human Rights Watch and the International Commission of Jurists.

'Perhaps most disturbingly, the Secretary-General documents several cases of reprisals and intimidation by Member States of the Council – Members who are meant to "uphold the highest standard in the promotion and protection of human rights" and "fully cooperate with the Council",' said Mr Ineichen. 'We must also hold to account those States that not only tolerate this situation but elect such Members in defiance of basic membership standards,' he said.

Several States and groups, including [Norway](#) and the [European Union](#), took the floor to express grave concern at the cases of reprisals contained in the Secretary-General's report and to call on the States mentioned therein – including Council Members China, Kazakhstan, the Maldives, Russia, Saudi Arabia, the United Arab

Emirates, Venezuela, and Viet Nam - to respond to the allegations and update the Council on steps to ensure accountability.

Such statements were complemented by the likes of [Ireland](#), which expressed 'extreme' concern that the 'report suggests that acts of reprisal are often perpetrated by government officials or representatives of the State', and the [United Kingdom](#), which said:

'Reprisals or the threat of reprisals are designed to create a culture of fear. Those who make and carry out such threats want people to be too afraid to speak out against them, to challenge them and to change the situation for the better...Silencing human rights defenders only robs a society of the very dedicated people who can improve it.'

Secretary-General urged to appoint high-level focal point to address reprisals without further delay

In addition to recognising the legal duty of both States and the UN Human Rights Council itself to address reprisals, the cross-regional group of 56 States led by Ghana, Hungary, Ireland, Tunisia and Uruguay, said 'it is now high time for the Secretary-General to consider appointing a focal point on the issue of reprisals'. The urgent need to address the outstanding issue as to the implementation of HRC Res 24/24 was also addressed by Norway, saying 'The time has also come to, without further delay, appoint a system wide focal point in the United Nations to address the issue of reprisals in an effective and coordinated manner.'

'Several States have shown a commitment to improving the UN's response to intimidation and reprisals, principal amongst them Ghana, Hungary, Ireland, Tunisia, Uruguay, the core group of States that led the joint statement. We greatly appreciate these efforts,' said ISHR's Legal Counsel Madeleine Sinclair. 'Now is the time for Ban Ki-moon to appoint a focal point on reprisals and to better protect civil society from attack.'

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