

## [Landmark panel on reprisals at the Human Rights Council](#)

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The Human Rights Council's (the Council's) first ever panel on reprisals, held on 13 September, saw widespread condemnation of intimidation of those who cooperate or attempt to cooperate with the United Nations (UN) human rights system.

See previous ISHR news coverage on reprisals on our website. For comprehensive background on the discussions within the UN human rights system, and the Human Rights Council in particular leading up to this panel debate, see *Respect and Protect? Exploring the need for the United Nations Human Rights Council to strengthen its response to reprisals* a joint publication by ISHR and the independent researcher Jo Baker, available [here](#).

Opening the panel via video-message, the UN Secretary-General, Mr Ban Ki-Moon, emphasised the importance for States to protect human rights and those who advocate for fundamental rights. He said that if States failed to do so, it is the responsibility of the UN to stand up and speak out to defend those who engage with the UN human rights system.

In her opening statement the High Commissioner for Human Rights Ms Navanethem Pillay highlighted both the *need* and the *right* of human rights defenders to participate in the work of the UN. She emphasised the crucial role human rights defenders play in the work of the UN, informing about the on-the-ground reality of situations. Mr Michel Forst, speaking as Chair of the Coordination Committee of special procedures, noted that human rights defenders are often the first source of information for special procedures. He related how difficult it was on a personal level for a mandate holder to return from a mission and to learn that defenders with whom they had met had suffered intimidation, abuse, or even death as a result of sharing information.

Underlying these remarks was the point that the UN is only credible insofar as it does engage with human rights defenders, a point raised by the High Commissioner and echoed by other panellists including Ms Mehr Khan Williams, Chair of the Board of the International Service for Human Rights; and Mr Szabolc Takacs, Deputy State Secretary for Global Affairs, Ministry of Foreign Affairs, Hungary. States from different regions also reiterated the point throughout the debate. Qatar spoke of the 'moral responsibility' to ensure those who assist us are not endangered. The UK, Norway, and Denmark, and Amnesty International, stated that reprisals are attacks on the UN system itself, while Australia stated that reprisals 'undermine everything the UN seeks to achieve'.

Several human rights defenders contributed to the debate by speaking of the particular threats they had faced, including a defender from Bahrain who has received multiple phone calls threatening his life and his family after tweeting about his attendance at this session of the Council. He emphasised the expectation defenders have that the UN remain free from fear, as for some it is the only place where they can make themselves heard.

Norway commented on the need to give due attention to the [Secretary-General's report on reprisals](#). Mr Takacs suggested that Item 5 of the Council's agenda could be used as a space for holding a dedicated discussion on the report and on reprisals. Mr Shire Sheikhahmed of the East and Horn of Africa Human Rights Defenders Project emphasised the importance of following up more effectively to the report, and holding regular, timely and dedicated discussions on the report. The UK and Norway called on all States in the report to provide a response outlining the steps taken to investigate allegations and hold perpetrators accountable. In a joint statement on behalf of Austria, Lichtenstein, and Slovenia, the Ambassador of Switzerland was the only one to specifically name States including Bahrain, Bangladesh, Belarus, China, India, Kenya, Malawi, Rwanda, Saudi Arabia, Sri Lanka, and Sudan, requesting them to closely cooperate with the Council and to take 'all necessary steps to investigate and ensure accountability' in the alleged cases.

Several of the States mentioned criticised the report. China raised strong objections to the inclusion in the report of allegations of harassment of Chinese human rights defenders who had taken part in a training course in Geneva, questioning whether this fell within the scope of reprisals through cooperation with the UN human

rights system. Norway, on the other hand, joined the Secretary-General in including 'learning' about the UN human rights system as an element of seeking cooperation. Sri Lanka and Belarus also stood against the report, arguing against its 'double-standards' and perceived political approach. They raised the issue of the need for credible sources that are 'cross-checked'. Cuba called for prior screening to ensure that complaints made are at least 'minimally credible' in order not to undermine the trust and confidence that States have in the UN system, and threaten credibility. Bahrain supported this view, arguing that objectivity in the report must be based in credible sources, rather than audio-visual media and social networking sites. In response, Mr Takacs quoted the report, in which the Secretary-General affirms that 'information has been corroborated through multiple sources and assessed for its reliability and consistency'.

While there was general agreement that States have the primary responsibility to protect against reprisals, there was some discussion about the responsibility of other actors, especially when States will not or cannot meet their obligations in this regard. Reflecting this point, Dr Ramiro Rivadeneira Silva, Defensoria del Pueblo of Ecuador (Ombudsman of Ecuador), on behalf of the Network of NHRIs in the Americas, stated that there are violent groups in Latin America that have outrun the capacity of States to provide security to defenders. He emphasised the importance for the UN system to be capable of receiving and denouncing the complaints by human rights defenders and to offer immediate and concrete responses to their issues. He also proposed to establish a system of protection for the lives and families of defenders that continue to be threatened.

Poland, echoing a point made by Mr Shire Sheikhahmed, called for the international community to enhance cooperation between mechanisms in order to provide a more systematic response, while the UK asked the panel how States could assist each other to meet their obligations in this regard. Mr Shire Sheikhahmed also spoke of civil society's response, in particular the importance of networks, such as the East and Horn of Africa Human Rights Defenders Project, as an essential element of the protection response for human rights defenders. Mr Forst suggested that transregional groups of States should work together to establish joint initiatives for the protection of defenders, such as for example establishing asylum agreements, or providing shelter in diplomatic missions. This, he said, could also include a group of Ambassadors in Geneva joining forces in protecting defenders coming to the Council.

The idea of appointing a focal point on reprisals within different branches of the State and other actors also gained traction. Mr Claudio Grossman, another panellist and Chair of the Committee Against Torture, suggested appointing an interlocutor in States that looks out for any potential acts of reprisals before they take place. He proposed establishing a mechanism at the national level that facilitates the dialogue with human rights defenders. France echoed Mr Grossman's proposals by raising the idea of establishing a 'mediator' at the level of the UN, appointed by the Secretary-General, whose function would be to investigate alleged cases of intimidation or reprisals and assure that measures have been taken to follow up such allegations.

Mr Grossman also raised the importance of creating an environment in which everyone has the space to enjoy and uphold human rights. States supported this approach, listing concrete examples of initiatives that could be taken. The US condemned national laws and actions that prevent human rights defenders from carrying out their work. Mr Grossman particularly emphasised the need to repeal defamation laws that restrict freedom of expression, and are often used to criminalise the work of human rights defenders. On the other hand, the Russian Federation, Sri Lanka, and Belarus, expressed their opinion that defenders must act within national laws.

On Tuesday, 18 September, the Council will hold a general debate under Item 5. This will be another opportunity for States and NGOs to discuss the report of the Secretary-General on reprisals, and it will be interesting to observe if the concerned States heed the repeated calls from their peers to update the Council on the allegations contained in the report.

Then will be up to the Council to now follow-up on the basis of the many suggestions made. As the Secretary General stated, the panel should act as 'a catalyst for robust and coordinated action throughout the UN system to systematically condemn and respond to persecution and intimidation'. Given that the next formal resolution on this issue is currently only planned for September 2013, it is to be hoped that the fate of individuals suffering reprisals will not be 'shelved' for 12 months, but that the increased levels of attention and concern will translate in concrete and protective action.

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