

ENDING REPRISALS AGAINST HUMAN RIGHTS DEFENDERS

Professor Malcolm Evans, Chair of the UN Sub-Committee on the Prevention of Torture, has worked closely with ISHR to develop a reprisals policy and establish a dedicated reprisals focal point for that treaty body.

Paulo Filgueiras, UN Photo

IMPACT 2014

- Sustained advocacy led by ISHR and the East and Horn of Africa Human Rights Defenders Project culminated in landmark resolution by the African Commission on Human and Peoples' Rights mandating a Special Rapporteur to investigate, document and promote accountability for reprisals
- Campaigned extensively to highlight and demand accountability for the fatal reprisal against Chinese human rights defender Cao Shunli, leading to public statements by the UN Secretary-General, the UN High Commissioner for Human Rights, the UN Committee on the Elimination of Discrimination against Women, seven special rapporteurs, and senior government officials in the United Kingdom, the United States, Germany and Switzerland, among others
- Commissioned and published groundbreaking legal advice from leading international law firm Freshfields on the legal obligations of the Human Rights Council President and Bureau to combat reprisals
- Worked with the government of Botswana to coordinate a joint statement on behalf of 56 States calling for a stronger, more coordinated and more systematic approach to preventing and promoting accountability for reprisals
- Published our comprehensive guide for human rights defenders on the strategic use of UN mechanisms to prevent and promote accountability for reprisals in Arabic and French
- Advocated successfully for the appointment of special rapporteurs to combat reprisals, with eight of ten UN treaty bodies now establishing a dedicated reprisals focal point
- Campaigned for investigation, accountability and justice in individual cases of reprisals in Cameroon, China, Malaysia, Maldives, Sri Lanka, Thailand, Russia and Viet Nam, among others
- Produced an advocacy video highlighting the human cost of reprisals, to mobilise stronger actions by States at the UN, watched by more than 1000 human rights defenders, diplomats and decision-makers

For many people defending human rights can be dangerous work. From defamation to detention, from enforced disappearances to executions, reprisals against human rights defenders and others for speaking out and seeking accountability through international and regional human rights mechanisms worsened in frequency and intensity throughout 2014.

Perhaps the most egregious case of reprisal during 2014 was that perpetrated against Chinese lawyer and human rights defender Cao Shunli. Intercepted at Beijing airport en route to Geneva to participate in an ISHR training course and advocate at the UN, Cao was detained incommunicado, denied access to adequate health care, and died in Chinese custody on 14 March 2014.

Cao's tragic death seemed to mark an inflection point for the international community in its resolve to combat reprisals, leading to unprecedented progress in the development of policies and mechanisms to address the issue, much of it led by ISHR.

Over the course of 2014, the African Commission on Human and Peoples' Rights became the first regional human rights body to establish a dedicated reprisals focal point, eight of ten UN treaty bodies appointed rapporteurs to investigate and follow up on allegations of intimidation and reprisals, numerous treaty bodies issued recommendations regarding the protection of human rights defenders, and a group of 56 States led by Botswana renewed the call for the appointment of a high level official to protect those who seek to cooperate with the UN.

The case for more effective mechanisms to combat reprisals was further strengthened by the publication of a pioneering legal advice – commissioned by ISHR and prepared by Freshfields, together with former judges of the European Court of Human Rights Sir Nicolas Bratza and Professor Egbert Myjer – which elucidated the UN's legal obligation to prevent reprisals and promote accountability. ISHR is now working closely with the President of the Human Rights Council to secure the implementation of this advice and to follow up and end impunity in individual cases of reprisals at the international level.



“The three minutes it took me to read a statement in the Human Rights Council on the need for accountability in Sri Lanka changed my whole life. It made me a kind of a walking dead in the country. At school in Colombo my daughter was accused of coming from a traitor’s family. On the radio everyday there were calls for me to be killed. State media said that my family should be stoned to death. Everyone told me it was too dangerous to come home.”

Sunanda Deshapriya

Sri Lankan human rights defender now living in exile in Geneva

A short video by ISHR on the human cost of cooperating with the United Nations has been watched by diplomats, decision-makers and human rights defenders.



www.ishr.ch/reprisals-video



“It is difficult to overstate the importance to the effective safeguarding of fundamental rights that those complaining of a violation of those rights should have unhindered access to international institutions set up with the specific function of their promotion and protection. Those institutions, for their part, carry a heavy responsibility to ensure such access by taking effective measures to prevent such hindrance and to protect the individual and those representing him or her from acts of intimidation or reprisal for communicating or cooperating with them.”

Sir Nicolas Bratza

Former President of the European Court of Human Rights and ISHR Board member



“China must ensure that all allegations of reprisals and abuse are promptly and thoroughly investigated, and that perpetrators are brought to justice.”

UN Committee on Economic, Social and Cultural Rights

Concluding Observations on China, issued May 2014

ISHR’s Reprisals handbook, an important resource for human rights defenders who interact with regional and international human rights systems, was published in 2014 in Arabic and French.
www.ishr.ch/reprisals-handbook

VISION 2015

With your support we will:

- Work closely with the African Commission's Special Rapporteur on Human Rights Defenders and ISHR Board member Reine Alapini Gansou to investigate and promote accountability for cases of intimidation and attacks against civil society actors in Africa
- Conduct strategic litigation to strengthen jurisprudence on the right to free and unhindered access to UN and regional human rights complaints mechanisms
- Continue to monitor, investigate and pursue accountability in cases of alleged intimidation or reprisals
- Work closely with the President and Bureau of the Human Rights Council, together with the UN High Commissioner for Human Rights, to prevent, follow up and end impunity in cases of reprisal
- Provide technical assistance to States to implement specific national laws and policies to enshrine the right to communicate with international and regional human rights mechanisms and the duty of both State and non-State actors to prevent intimidation and reprisals



ISHR has actively campaigned to highlight the case of the late Chinese human rights defender Cao Shunli and to demand accountability for the reprisal against her.



ISHR Director Phil Lynch spoke at the 2014 Internet Freedom Forum, hosted by the US Mission in Geneva, addressing the protection of the right to freedom of expression, both online and offline, of those who engage with the UN.



ISHR hosted a panel discussion at the UN Human Rights Council's 27th session on protecting civil society space and preventing reprisals, together with FIDH, East and Horn of Africa Human Rights Defenders Project and ADC Memorial.