

Human Rights Council must act to stop intimidation or reprisals

Human Rights Council 22nd session

ITEM 5 – GENERAL DEBATE ON HUMAN RIGHTS BODIES AND MECHANISMS

Thank you Mr President,

Article 38 of the Vienna Declaration explicitly recognises the “important role of non-governmental organizations in the promotion of all human rights and provides that human rights defenders should enjoy the rights and freedoms recognized in the UDHR, and the protection of national law”. Despite this, human rights defenders continue to face intimidation, harassment, attacks and reprisals for their work to promote and protect human rights.

Just last weekend the Sri Lankan press reported statements by a government minister that the state would move to arrest human rights defenders who had made any statements detrimental to the ‘unitary’ character of the state while in Geneva. This is further to representations from the delegation of Sri Lanka that certain NGOs should face disciplinary sanctions for screening a film on UN premises on the human rights situation in that country. The threat of withdrawal and suspension of ECOSOC consultative status as a means to silence NGOs reflects a troubling trend in UN-civil society relations.

Mr President, as we celebrate the 20th anniversary of the VDPA, it is time for the Council and Member States to take concrete steps to protect human rights defenders from all forms of attack, intimidation or reprisal. In the words of the UN Secretary-General, it is “time to go beyond reporting”. It is time to hold perpetrators accountable and provide appropriate remedies to victims.

In this regard, we welcome the increasing condemnation of reprisals by States from all regions of the world (*including Argentina, Australia, Austria, Bahrain, Belarus, Chile, China, Cuba, the Czech Republic, Denmark, Ecuador, France, Honduras, Ireland, Liechtenstein, Morocco, Norway, Paraguay, Poland, Qatar, the Republic of Korea, the Russian Federation, Saudi Arabia, Slovenia, Spain, Sri Lanka, Sweden, Switzerland, the United Kingdom of Great Britain and Northern Ireland, the United States of America, Uruguay and the European Union*).

We also welcome the cross regional statement led by Hungary and signed by XX States, and the commitment therein to take action on this important issue at the September 2013 session of the Council.

Mr President, we particularly appreciate your principled efforts to put a stop to intimidation and reprisal, including through your recent letter defending the right of NGOs to organise side events in the margins of the Human Rights Council.

However, Mr President, more must be done. Fear of reprisal can hinder the participation of victims and civil society, effectively rendering the UN human rights mechanisms inaccessible, and depriving the UN system and Member States of the knowledge and experience they depend on to carry out their mandates effectively. If the Human Rights Council is serious about ending intimidation and reprisals, it should take the following next steps:

1. The Secretary-General or the High Commissioner should appoint a UN-wide focal point to coordinate the UN’s overall response to reprisals and intervene at senior political levels in alleged cases of reprisals. Any such position needs to be established at an appropriately high-level, and properly resourced.

2. All allegations of intimidation or reprisals should be swiftly followed up. The Council must find a way to ensure that States mentioned in the Secretary-General's report inform the Council regularly and in a timely manner of steps taken to investigate cases of reprisals, prosecute and punish perpetrators, and provide appropriate remedies to victims. Several States have claimed to condemn reprisals, but have yet to inform the Council on steps taken to address allegations contained in previous reports. Any follow-up should ensure that the complainant is not placed in further danger.
3. Efforts should be made to build awareness of the Secretary-General's report on reprisals, by providing information about the report on OHCHR and UN human rights system webpages, and to encourage those who have suffered or face reprisals to submit their cases.
4. Member States and the Council itself must speak out clearly and consistently against reprisals. As UN Secretary General Ban Ki-moon has said, 'States have a responsibility to respect human rights and protect those who advocate for fundamental rights. When they fail to do so, the United Nations must stand up and speak out.' Mr President, as the UN's peak human rights body, this Council must stand up and speak out.

Finally, Mr President, there must be increased clarity for those engaging with the UN human rights mechanisms on steps they can take to protect themselves from and report allegations of intimidation or reprisals. We therefore call on all actors – including the office of the President and OHCHR – to provide more explicit guidance in this regard. From the side of civil society, we wish to refer to ISHR's 'handbook on reprisals' which was published recently.