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Opinion

Frightening violence in South Sudan demands stronger response by UN Human Rights Council

By Clément Voulé, Africa Programme Manager at ISHR

As civilians continue to be killed, raped and displaced in South Sudan, human rights advocates are crying foul at the failure of the United Nations Human Rights Council to take more assertive action regarding the country.

In a resolution adopted on 2 July, the Human Rights Council called on the Office of the High Commissioner for Human Rights (OHCHR) to urgently undertake a mission to South Sudan to comprehensively assess the human rights situation and engage the South Sudanese authorities. The resolution also emphasised the need for OHCHR to assess the ‘effectiveness of steps taken by the Government of South Sudan to: ensure accountability for human rights violations and abuses, which could include work to establish appropriate criminal justice mechanisms’.

But the Council has failed to call for an independent investigation of abuses or to establish a mechanism, such as a Special Rapporteur, to closely monitor human rights violations and decisively drive the UN agenda on human rights and accountability in South Sudan forward. With the human rights situation in South Sudan currently among the worst in Africa, what is needed is close monitoring and a strong response.

The Council resolution rightly expresses grave concern over ‘serious reports of violence against children, including rape and other sexual violence, and brutal killing, including slitting throats, burning and allowing children to bleed to death’. It also denounces a frightening list of atrocities: ‘the ongoing human rights violations and abuses and violations of international humanitarian law including those involving alleged targeted killings, ethnically targeted violence, rape and other forms of sexual and gender-based violence, recruitment and use of children, arbitrary arrests and detention, alleged torture, arbitrary denial of humanitarian access, violence aimed at spreading terror among the civilian population, and attacks on schools, places of worship, hospitals, and United Nations and associated peacekeeping personnel, by all parties, as well as the incitement to commit such abuses and violations’.

The gravity of the situation as reflected in the resolution should have prompted the establishment of a strong monitoring mechanism, but instead the Council called for OHCHR to work in complementarity with the African Union (AU) and its Commission of Inquiry (COI), encouraging the AU to publish the COI report ‘as soon as possible’. This falls far short of what NGOs and human rights defenders had called for – the establishment of a mandate to make authoritative recommendations to address the human rights violations in South Sudan and speak up in favour of a much needed accountability mechanism.

The fact that the AU has established a COI to investigate abuses in South Sudan should not prevent the UN Human Rights Council from doing its work exposing abuse, particularly given that the AU COI report remains unpublished¹ and is now probably largely out of date. Furthermore, concerns about duplication between the AU and the UN could have been addressed by establishing a UN Special Rapporteur on South Sudan instead of a UN based COI. A Special Rapporteur could have been a permanent voice monitoring and reporting on the situation in South Sudan and could have executed his or her mandate in close cooperation with organs of the AU.

The African Group States that advocated against the establishment of a fact finding mission or another strong monitoring mechanism may have been more concerned about implementing their policy of deference to the concerned State – the Government of South Sudan - rather than the plight of the thousands of victims who are calling for justice and an end to the violence.

A strong monitoring mechanism would have helped to increase the pressure on all parties of the conflict by exposing the abuses and holding them to account. The African Group of States represented in the Human Rights Council should revisit their policy of following the wishes of a concerned State when such a State stands accused of committing or allowing crimes against humanity, as is the case in South Sudan.

The resolution is certainly not what human rights activists in South Sudan had hoped for, but its strong emphasis on the need for the Government of South Sudan to deliver on key tasks, and the request to OHCHR to provide a comprehensive assessment of the situation and of the Government’s response, is an important achievement. In the hands of the High Commissioner for

¹http://www.ishr.ch/news/frightening-violence-south-sudan-demands-stronger-response-un-human-rights-council#_ftnref1

human rights such a mandate should allow the UN to make an impact on the situation and raise its voice for the victims in Africa's newest State.

Human Rights Defender Profile

KAONA SAOWAKUN: TRANSGENDER HUMAN RIGHTS DEFENDER FROM THAILAND

Kaona is a human rights defender from Thailand working on lesbian, gay, bisexual, transgender and intersex (LGBTI) issues. He started his work as a human rights defender in 2012 as a volunteer for [Anjaree Foundation](#). In 2013, he became co-chair of the [International Lesbian, Gay, Bisexual, Trans and Intersex Association Asia \(ILGA-Asia\)](#). Then in 2014, he joined Transmen Alliance (Thailand) as Policy and Advocacy officer.

Kaona spoke about his childhood and commented that 'before I was born, my mother thought I was going to be a boy. She even nicknamed me Toto, after the male superhero, a name she continued to use, even though I was born a girl. I always felt like a boy – I could never get used to the female gender role that society imposed on me. From this I have suffered a lot.'

Kaona means 'progression' or 'to step forward'. Kaona sees his name as an affirmation of the courage needed to express his true identity in a society that does not understand, and systematically bullies and discriminates against, trans-gender persons.

A recent report from the International Labour Organisation states that transgender people are the most discriminated against group in the world. In Thailand, some professions, such as government workers, are completely closed minded and unwilling to accept transgender people.

'In the workplace I have experienced hate speech on a daily basis, in the form of nasty jokes. I was pressed to say whether I used the male or the female toilets, and whether I preferred men or women. I felt insecure and hurt all the time. These experiences resulted in me resigning after one year.'

In addition to discrimination at the workplace, trans-people in Thailand are denied access to the Buddhist religious life.

'A trans-woman is restricted - at the monastery they tell her she's a woman and at the nunnery they tell her she's a man. She is caught in a grey area.'

Kaona spoke about his work advocating for the rights of trans-gender people in Thailand, a country that he considers has recently backtracked in its treatment of trans-gender people.

'The Thai government wants the world to believe that it is an LGBTI friendly country. But the draft of the new Constitution contains no provisions for transgender people – in fact it was removed at the last minute on the basis that reference to male and female was enough, that there was no need to mention us, as if we didn't exist. I see this as a huge step backward.'

Kaona speaks of the importance of establishing a Gender Recognition Law in Thailand, the country in which the most gender reassignment surgeries take place.

'In Thailand we cannot change our identity documents. This means that trans-gender men who look like men who were born men are often labelled as 'weird' by institutions that must see their identity documents, like

banks and universities. A Gender Recognition Law incorporating the right to change the legal status of one's sex is essential.'

At the international level, Kaona would like to see LGBTI persons recognised in all major treaties.

'Trans-people are not asking for new rights, we are merely asking for the application of pre-existing rights. Article one of the International Covenant on Civil and Political Rights expresses our struggle: the right to self-determination, to express who you are, to define yourself, free from fear, free from bullying or violence.'

In addition to struggling against engrained social prejudice, LGBTI people also risk being subject to physical violence.

'There is a prevailing cultural view in Thailand that you can 'cure' a gay man by hitting him or a lesbian by raping her. Five years ago the Thai gay pride parade was attacked by people throwing stones. They said that LGBTI persons are abnormal, that they come from hell. We were so scared that we decided to stop holding parades. More needs to be done to protect LGBT activists – or we will be forced underground.'

In addition to lobbying ministers and pushing for key reforms, Kaona uses the media to raise advocate for the rights of LGBTI people.

'We have started offering an award to the most LGBTI friendly TV channel. Last year Voice TV won. Now other TV channels have started publicising LGBTI news from around the world. It is a huge step forward.'

'The notion of Karma prevails among Thai people. You are who you are and you suffer as you do because of a past life. I disagree with this. I say we should accept everyone, no matter who they are, and give everyone equal rights. It's not enough to talk – we need to enact specific laws and provide concrete education to combat the traditional prejudices. We have seen progress in recent years, but there is still some way to go.'

You can also follow Kaona on Twitter at [@TohKaona](https://twitter.com/TohKaona).

Our Work to Support Human Rights Defenders

CORPORATE ACCOUNTABILITY DEFENDERS IN CENTRAL AFRICA: 'TROUBLEMAKERS' OFFER SOLUTIONS

Summary: At the third of five sub-regional consultations by African Commission experts, ISHR drew attention to regional trends in central Africa related to the intersection of extractive industry activities, government policy, and challenges to human rights defenders. Testimonies from national organisations working to improve respect for the rights of individuals and communities affected by natural resource exploitation highlighted gaps in legislation, insufficient knowledge, immense power imbalances, and inadequate implementation as key drivers of vulnerability and abuse.

The work of human rights defenders is a key element in improving natural resource governance and seeking justice for affected communities, [ISHR has told the African Commission on Human and Peoples' Rights](#) at a meeting in the Democratic Republic of Congo.

From 13 to 15 July, the African Commission's Working Group on Extractives Industries, the Environment and Human Rights – [whose mandate includes](#) examining the impacts of the extractive industries on human rights violations and environment – heard testimonies from national and regional civil society representatives who work on corporate accountability issues. The Working Group aims of this consultations were to examine the impact of extractive industries on human

rights, and to solicit recommendations to the Working Group, among other stakeholders, to improve respect for human rights in the area of natural resources management.

A range of legislative and policy measures throughout the region leave affected communities vulnerable, governments either ineffective or complicit, and corporations generally immune to penalty. ISHR participation in the consultation highlighted challenges facing those defenders, and provided recommendations for the Working Group and other stakeholders to improve respect for human rights.

Much of the substantive discussion and recommendations, arising from general debate and formal presentations and submissions, focused on the direct impacts of enterprises' operations or national legislation on the enjoyment of human rights. This included particular attention to consultation processes and the need to ensure that these are done in a manner that truly engages affected communities. Beyond simply mandating consultations, activists highlighted specific issues that prevent free, prior, and informed consent of communities: lack of information, limited or politicised participation, little advance notice, and weak support from local or provincial governments to enforce existing laws or ensure fulfilment of contracts.

Activists expressed dismay at the weak governance and pervasive corruption affecting all levels of government that undermine the ability of the State to fulfil its obligation to protect human rights when they are threatened by corporate actors. On the part of corporations, lack of transparency is a huge hindrance to effective negotiating by communities, and to effective action by governments to protect citizens' interest. There were a number of calls for more accurate and thoughtful research or data collection; transparency and disclosure requirements; and reform of land tenure laws.

'It is important to have more nuance in the understanding of what constitutes a duty to protect in the area of corporate accountability. While companies could easily have the means to prevent negative impacts and to provide redress, what lacks is will and – more often than one might think – awareness within all parts of the company. Governments have the ability and the tools to change that, and to push companies to take meaningful steps to ensure respect for human rights,' said ISHR's Sarah M Brooks, who attended the consultation. ISHR's Clément Voulé also attended the consultation in his capacity as an expert member of the African Commission's Working Group.

Although the Working Group's framework specifically reminded participants of the impacts on civil and political rights of extractives industries, and the challenges facing human rights defenders, very few individuals addressed the indirect impacts of corporate activity. These could include corporate pressure to enact favourable laws to attract foreign investment; to place limits on fundamental freedoms to contain or even silence dissent; and, on the positive side, 'trickle-down' effects from corporate standards or best practices promulgated in multilateral or international fora.

In this regard, ISHR provided input through its [formal submission to the Working Group](#) and through active participation in the discussions that emphasised the need for better protection for defenders. First, the submission highlighted the challenges facing human rights defenders in general, and corporate accountability defenders in particular, in the Central African sub-region. These include harassment, intimidation, reputational risk, arbitrary application of vague provisions of penal codes, and in general official characterisations of defenders as 'troublemakers' or even 'foreign agents' or 'traitors'.

'The same worrying trends that we see around the globe in terms of closing civil society space are present here, whether it consists in the targeted application of registration and assembly laws or in

the increasingly limited pool of finances available to organisations doing human rights work. However, at the same time the DRC has a vibrant network of activists working on different issues, in different regions, to improve the situation for communities,' said Ms Brooks.

The submission also contained short profiles for each of the countries in the region, using benchmarks like participation in multi-stakeholder initiatives; approaches to domestic legislation on enabling rights and efforts to maintain (or constrain) civil society space; and concerns or requests raised by the UN human rights mechanisms, including the Special Procedures, the UPR, and the treaty body system.

Finally, the submission offered recommendations to the Working Group, governments, and extractives industry enterprises on measures that could be taken to protect and promote defenders and civil society space. These included recommendations:

- To the Working Group: to ensure broad consultations with civil society; to publicly support defenders; and to prevent and protect against reprisals.
- To governments: to adopt laws that recognise and protect defenders, and to amend existing laws that leave gaps in protections for defenders and affected communities; to develop National Action Plans; and to hold companies accountable for violations.
- To enterprises in the extractives industry: to facilitate access for defenders; to strengthen efforts to combat corruption and to improve transparency; and to be proactive and speak out when fundamental freedoms are curtailed – especially, though not exclusively, in the context of natural resource exploitation.

Although there were significant concerns about capacity and knowledge of even basic human rights issues at the local level – among government officials, extractives companies, and local communities alike - most of the participants remained optimistic about the potential for reform and broader respect for human rights. Human rights must become a central element of these conversations, and national and international advocacy in this regard could be reinforcing. Ensuring that local defenders have the tools they need to do their jobs, and to do them safely without fear of reprisal, will be the first step.

The Working Group will continue the process of sub-regional consultations, with the next anticipated to be held in West Africa in early 2016. ISHR will continue to engage in and support this process, and the broader efforts at the African Commission level to protect and promote the work of corporate accountability defenders.

VENEZUELA: END STIGMATISATION AND REPRISALS AGAINST HUMAN RIGHTS DEFENDERS

A group of United Nations and Inter-American human rights experts [deplored today the attempts to discredit and intimidate human rights defenders](#) on Venezuela's State-controlled television, in retaliation for their human rights activities and cooperation with UN and regional human rights bodies.

'It's high time to pull the plug on this shameful and televised harassment of rights activists in Venezuela,' the experts said. 'We condemn what has become a clear pattern to intimidate and defame human rights defenders for merely promoting human rights in their country and for engaging with international and regional human rights bodies.'

The statement by the experts - including Michel Forst (UN Special Rapporteur on human rights defenders), David Kaye (UN Special Rapporteur on freedom of expression), Maina Kiai (UN Special Rapporteur on freedom of peaceful assembly and of association), José de Jesús Orozco (Inter-American Rapporteur on Human Rights Defenders), and Edison Lanza (Inter-American Special Rapporteur on Freedom of Expression) - came after ISHR staff and partners were attacked on Venezuelan State television and submitted complaints in this regard to the UN's human rights mechanisms.

Venezuela must discharge its obligations as member of the UN Human Rights Council and stop defaming and attacking human rights defenders who submit reports and give testimony to the UN, the International Service for Human Rights said today.

The call came after the President of Venezuela's National Assembly, Diosdado Cabello, attacked the legitimacy of human rights defenders who had come to Geneva to provide the [Human Rights Committee](#) with information about Venezuela's compliance with the International Covenant on Civil and Political Rights. The comments were made live on national [television](#) (see [video at 2.05.30](#)) and also questioned the role of ISHR in training the activists last year, specifically naming ISHR staff and Board members.

'Venezuela's campaign of defamation and stigmatisation of human rights defenders and democracy activists must end,' said ISHR Director Phil Lynch.

'As a Member State of the UN Human Rights Council and a party to the International Covenant on Civil and Political Rights, Venezuela has an obligation to respect the rights to freedom of expression and association, to cooperate fully with the UN human rights mechanisms, and to provide a safe and enabling environment for human rights activists. For such a high-level official to seek to defame and de-legitimise the work of human rights defenders is wholly incompatible with these obligations,' Mr Lynch said.

Mr Cabello read reports from anonymous informants regarding the movements and activities of the activists in question, accusing them of 'conspiracy' and 'attacks' against the State, whilst also stigmatising respected defender Feliciano Reyna by recounting his recent migratory record and accusing him of owning a million dollar business in Panama.

The Vice-President of the legislature also produced a photo of a training carried out by ISHR staff Ben Leather and Eleanor Openshaw in Caracas last December, accusing them of working to undermine the Venezuelan State, and sought to imply that ISHR Board member and head of the Colombian Commission of Jurists, Gustavo Gallon, was somehow unduly influence by the US. A synopsis of the accusations was later posted on the programme's website ([English](#) and [Spanish](#)).

'These honourable, dedicated and highly respected human rights defenders have only one interest', said ISHR's Ben Leather, 'namely respect for human rights in Venezuela. They have come to Geneva to provide first-hand information to the UN Human Rights Committee about the human rights situation in Venezuela and to discuss how the Venezuelan authorities might better guarantee the rights of their people. To suggest otherwise is dangerous and irresponsible'.

This is not the first time in which Venezuelan defenders have been subjected to [high level stigmatisation](#) and defamation following international activities. In March, Mr Cabello [accused activists](#) of using the Inter-American Commission for Human Rights to demonise Venezuela for political reasons. The use of State media to question and threaten activists has been [constant](#) for months.

'Venezuela's efforts to dissuade human rights defenders from engaging with international human rights mechanisms only strengthens ISHR's commitment to support defenders' in those efforts and to hold Venezuela to account for its obligations and these reprisals,' Mr Lynch said. 'The individuals and organisations named by the Assembly President are working tirelessly to guarantee the universal protection of rights both at home and through the international system of which Venezuela aspires to be a part. We expect both the State and the system to take measures to protect them'.

ISHR has submitted information on these cases of reprisal to the [Chair of the UN Human Rights Committee](#) and the [President and Bureau of the Human Rights Council](#).

CHINA: RELEASE WANG YU AND OTHER DETAINED AND DISAPPEARED HUMAN RIGHTS DEFENDERS

China must immediately cease its coordinated targeting of human rights defenders, said ISHR today as reports emerged as to the detention and disappearance of over 50 human rights lawyers and defenders.

'The scale and speed with which this has been carried out marks a new extreme in the crackdown on civil society under the Xi administration,' said Sarah M. Brooks, ISHR's East Asia programme manager and advocate.

'Authorities must identify those defenders who have been detained or disappeared, release all who have been detained arbitrarily, and investigate those authorities who are responsible. In light of concerns about the impact of new and pending legislation on human rights in the country, this is a clear and disturbing signal that the government feels it can act with impunity to quash criticism and dissent,' Ms Brooks said.

Earlier this week, UN High Commissioner for Human Rights Zeid Ra'ad Al Hussein issued [a statement expressing concern](#) about the human rights implications of China's new National Security Law, adopted by the National People's Congress on 1 July. Because of its broad scope and vague definitions, Zeid noted that it 'leaves the door wide open to further restrictions on the rights and freedom of Chinese citizens'. ISHR has previously expressed similar concerns regarding [China's draft anti-terrorism law](#), which seriously restricts the fundamental rights to freedom of expression, association and peaceful assembly.

[The Chinese government's response](#) to the High Commissioner was brief and to the point. Rather than engage on the issue as a matter of substance, or welcome ongoing dialogue with international experts on the issue, on 9 July spokesperson Hua Chunying instead accused the High Commissioner of making 'groundless accusations' that demonstrated a 'lack of professionalism' and constituted an 'interference in China's domestic affairs'. News media reporting on the story [cited an expert who claimed](#) that Zeid may have sought to 'damage China's international image'. This, despite [earlier assurances](#) by the government to 'support the [High Commissioner] in activities performing his duty'.

As though to make the point even more clear, the Chinese government embarked that same day on a roundup of human rights defence lawyers in Beijing, beginning with Wang Yu. In response to her disappearance, over one hundred concerned lawyers inside the country [signed an open letter](#) demanding her release and accountability for authorities.

In the two days since, [human rights groups](#) have documented [over four dozen human rights defenders](#) who, as of this writing, have disappeared. Some have been taken away by the authorities, while it is possible others may have been forced into hiding. ISHR continues to work with its partners to track the cases.

THE GAMBIA: PROTECT DEFENDERS OF WOMEN'S RIGHTS

The President of The Gambia has threatened human rights defenders with death should they criticise the government, rendering all those who defend human rights at risk, ISHR has told a UN committee of human rights experts reviewing the situation in the country this week. For women human rights defenders, including those defending women's and sexual rights, their gender can be a factor compounding the risks they face.

[In a joint report, ISHR and the African Centre for Democracy and Human Rights Studies \(ACDHRS\) have called upon the UN Committee on the Elimination of Discrimination against Women](#) to place enquiry about the situation of women defenders at the heart of its review of The Gambia, and strengthen its response to reprisals in line with recently issued treaty body guidelines. The Committee will produce a report containing key findings and recommendations on The Gambia's compliance with the Convention on the Elimination of Discrimination against Women by 27 July.

In The Gambia, discrimination against women, as well as extensive violations of the right to defend rights, create a highly restrictive environment for women human rights defenders to work in. Women who take a stand to defend human rights can be accused of stepping beyond the role they are ascribed as women in society. Where these women defenders' work challenges cultural and traditional practices, backlash can be powerful.

The joint submission outlines the cases of attacks against defenders working in support of sexual and reproductive rights. It expresses concern over the criminalization of Isatou Touray, the director of Gambian NGO GAMCOTRAP that focuses on the elimination of female genital mutilation, and her colleague Amie Bojang-Sissoho. Furthermore, GAMCOTRAP's religious advisor, Imam Baba Leigh, was disappeared and detained incommunicado for six months. 'President Jammeh has consistently failed to express any concern about attacks or threats toward defenders of sexual and reproductive rights,' said ISHR's Pooja Patel.

The Convention is highly pertinent to the protection of women defenders. CEDAW Article 7 (c) protects the right of women 'to participate in non-governmental organizations and associations concerned with the public and political life of the country'. Working for the respect of human rights is a key role at the heart of the public and political life of a country. In addition, the elimination of prejudices and customary and all other practices is a cornerstone of the Convention (Article 5). One of the principal factors impeding women enjoying their fundamental rights – including the right to defend rights – is the influence of culture, religion and tradition, and their manipulation for political reasons.

'Women defenders face discrimination as women and risk attack as they challenge that very discrimination and call for human rights accountability. It is vital that CEDAW consistently incorporate into their enquiry as a committee the experience of women human rights defenders,' said Pooja Patel. 'If discrimination and violence against women is to be effectively challenged, human

rights to be respected and the rule of law upheld, women defenders must be able to operate free from fear or hindrance.’

In regard to meeting obligations under CEDAW, there have been advances, including through the passage of the Domestic Violence and Sexual Offences Acts, but work on a bill to outlaw female genital mutilation remains painstakingly slow. In addition, there are no effective mechanisms for upholding women’s rights, including sexual and reproductive rights.

For those *challenging discrimination on the basis of sexual orientation and gender identity* in the Gambia, the situation is grim. In the Gambia, homosexual conduct is criminalized for women and men. President Jammeh has publicly and repeatedly criticized human rights defenders promoting and protecting the rights of sexual minorities, and has called homosexuality one of the ‘biggest threats to human existence’.¹ The recent amendment of the Criminal Code on ‘aggravated homosexuality’ introduces the criminal offence of ‘aggravated homosexuality’ which carries punishments of up to life in prison and contributes to the existing climate of hostility against LGBT persons.

‘The Committee has acknowledged perceived or real sexual orientation and gender identity are compounding factors in women’s experience of discrimination, in its General Comments 27 and 28,’ said Pooja Patel, ‘It is important for the Committee to ask questions and make recommendations regarding the experience of defenders challenging discrimination on the basis of sexual orientation and gender identity, which is currently effectively carried out clandestinely.’

In the recent UPR review, The Gambia noted that it ‘had no objection to any Special Rapporteurs from the UN Human Rights Council interested in visiting The Gambia in respect of the mandate of the Human Rights Council.’² CEDAW should encourage The Gambia in extending invitation to relevant UN Special Procedures, including the Special Rapporteur on Violence Against Women, the Working Group on the issue of discrimination against women in law and practice, and the Special Rapporteur on Human Rights Defenders.

Given this context of intimidation and attack, *concerns about reprisals* against those cooperating with the Treaty Body, are key. At their recent annual meeting, Treaty Body Chairpersons [adopted the Guidelines against intimidation or reprisals \(known as the ‘San José Guidelines’\)](#).

‘It would important for the Committee to respond to the new Guidelines by designating a committee rapporteur on intimidation or reprisals during this session. The rapporteur would assess allegations and determine an appropriate course of action. The Committee should also consider steps to prevent attacks against those that cooperate with the Committee,’ said Pooja Patel.

ACDHRS and ISHR make the following recommendations to the Gambian state in regard to the implementation of their commitments under CEDAW:

¹ UN General Assembly on 27th September 2013

² A/HRC/WG.6/20/GMB/I para 159

- enact laws that promote and protect the rights of women, including women human rights defenders, and harmonize existing civil and religious laws all in line with Gambia's obligations under the international treaties it has ratified
- ensure effective and relevant mechanisms and bodies are put in place to implement policies promoting the rights of women, including women human rights defenders.
- establish a national human rights institution, fully compliant with the Paris Principles, that places at the heart of its concerns addressing the compatibility of the Gambian legal framework with international human rights commitments, and providing a focus on the protection of women human rights defenders.
- sign and ratify the Optional Protocol to the Convention on the Elimination of all Forms of Discrimination Against Women.

CAMBODIA: WITHDRAW LANGO AND ENSURE GENUINE CIVIL SOCIETY PARTICIPATION

A group of UN human rights [called on the Cambodian Senate to correct the decision by the National Assembly](#) to adopt the draft Law on Associations and Non-Governmental Organisations (LANGO). On 13 July, and despite concern expressed by a wide range of international NGOs, States and international organisations, the Cambodian National Assembly adopted the bill unanimously.

The UN expert on freedom of assembly and association, Maina Kiai, said the law “unequivocally threatens the very existence of a free and independent civil society in Cambodia,” and therefore the Senate should reject it. He was joined in his statement by the UN experts on freedom of expression and on human rights defenders.

The experts expressed concern about “the fact that there was no meaningful and transparent consultation with civil society throughout the drafting process. The half-day ‘National Workshop on Understanding the Draft LANGO’, convened by the National Assembly on 8 July 2015, did not allow for meaningful substantive exchanges on the detailed content of the draft”, Mr Kiai underscored.

(Geneva) - The [draft Law on Associations and Non-Governmental Organisations \(LANGO\)](#) before Cambodia’s National Assembly serves only to unnecessarily restrict the work of civil society in the country, said the International Service for Human Rights. ISHR joined a global civil society calls for the immediate withdrawal of the draft law, which is likely to be scheduled for a vote at the National Assembly on 10 July.

In a [joint letter](#) to Prime Minister Hun Sen, regional and international human rights organisations including ISHR, FORUM-ASIA, Amnesty International, Human Rights Watch and ICJ, expressed concern that, if adopted, this legislation, would give the Ministry of Interior Affairs and Ministry of Foreign Affairs arbitrary powers to shut down many domestic and international associations and NGOs, as well as community-based advocacy movements.

‘The restrictions on the right to association contained in LANGO go beyond the permissible limitations allowed by international human rights law and are unnecessary for any legitimate purpose. Legislation already in force in Cambodia is fully sufficient to appropriately regulate the activities of NGOs and other associations and to allow prosecution where criminal acts have been committed’ expressed the group, in the letter. ‘A law affecting fundamental rights should not be given so cursory consideration’ they stated.

The group of NGOs further highlighted that the government had failed to engage in meaningful consultation with civil society and independent experts, ignoring their repeated concerns reiterated at various stages of the drafting process.

In a [press release](#) on 22 May, the UN Special Rapporteur on the right to freedom of peaceful assembly and of association, Mr Maina Kiai, stressed that ‘since the Government of Cambodia intends to regulate the framework governing associations, the beneficiaries of the law should be key partners of the drafting process’. The Special Rapporteur had previously written to the government of Cambodia about problematic provisions in a 2011 version of the draft law on associations, including vague or ambiguous definitions, bureaucratic registration processes, unrealistic membership requirements and additional burdensome requirements on foreign NGOs.

‘It is regrettable that peaceful civil society protests against the draft LANGO on 28-30 June were obstructed by authorities. This move to suppress opposition against this law is indicative of the intentions the government has in regulating the work of associations and NGOs in the country’ said Ms Pooja Patel from ISHR.

The former UN Special Rapporteur on human rights in Cambodia, Mr Surya Subedi, expressed in his [outgoing statement](#) in April that Cambodia needed to address its ‘democratic deficit’ in order to make reforms meaningful. Drawing attention to the worrying trend of passing laws without meaningful public participation, he stated that ‘this sends an unhelpful message... that the old ways of managing the country have not changed’. The Special Rapporteur advised the government of Cambodia ‘to open the critical process of law-making, and win over the critics – not by pushing them aside, but with the strength of your arguments and a demonstrated willingness to take the best route to solutions, no matter who they are proposed by’.

Cambodia was also reviewed earlier this year for its compliance with the International Covenant on Civil and Political Rights, to which they are a party. The [committee of independent UN experts](#) expressed their concern over the draft LANGO, particularly as they received reports of harassment and intimidation of human rights defenders, journalists, trade union workers, land and environmental activists and other civil society actors, as well as members of the political opposition. They called on the government of Cambodia to review the draft law to bring it in line with the convention.

Our Work to Strengthen Laws and Systems

International

NIGER: STOP RESTRICTING THE RIGHTS TO FREEDOM OF EXPRESSION AND ASSEMBLY

States should use the Universal Periodic Review (UPR) to call for greater respect and protection for human rights defenders and civil society actors in Niger.

Today ISHR, the [West Africa Human Rights Defenders Network](#) and Collectif des Organisations de Défense des Droits de l'Homme et de la Démocratie launched a [briefing paper on the situation of human rights defenders in Niger](#). The briefing paper highlights concerns over laws which unreasonably restrict the right to freedom of expression and freedom of association. The briefing paper also documents reports of the use of reprisals against human rights defenders working on corporate accountability and transparency issues.

'Niger's development in its transition to democracy must be implemented on the ground to ensure the protection of human rights defenders, in particular those working on corporate accountability issues' said Abdoulaye Kanni, Collectif des Organisations de Défense des Droits de l'Homme et de la Démocratie.

The briefing paper serves as a submission to the UPR, which will scrutinise the situation of human rights in Niger in January 2016, and is intended to assist States and other stakeholders to formulate questions and recommendations during the UPR.

Following Niger's first UPR in May 2010 Niger has made significant changes in its transition to democracy, including establishing a new Constitution, enacting the 2010 Press Law and holding free and fair elections in 2011. Meanwhile, the grave concerns continue to persist for human rights defenders that represent a disconnect with this development.

At its first UPR in 2010, the government accepted all six recommendations in relation to freedom of expression, including a specific recommendation calling for respect and protection of human rights defenders. Despite these promises, journalists continue to be subject to arbitrary arrest and detention, and instances of police using excessive force, arrest and detention to repress peaceful protests continue.

'While there has been some progress in Niger, the lack of police knowledge of legislation decriminalising defamation has resulted in arbitrary arrest and detention being used to silence journalists' said Melanie Sonhaye Kombate, West Africa Human Rights Defenders Network.

Particularly at risk are human rights defenders working on transparency issues and journalists critical of the government. Women human rights defenders and Lesbian, Gay, Bisexual and Transsexual rights defenders also work in a conservative climate.

ISHR urges States to make strong UPR recommendations regarding the protection of human rights defenders and safeguarding civil society space. These recommendations should include that the Nigerian Government refrain from criminalising the legitimate activities of human rights defenders and develop and enact specific laws and policies that recognise and protect the work of human rights defenders. The government should also guarantee transparency and ensure civil society engagement in connection with the extractive industry.

CHINA: INCREASING ENGAGEMENT WITH HUMAN RIGHTS COUNCIL MUST BE MATCHED BY RESPECT FOR CIVIL SOCIETY AT HOME

In light of China's increasing engagement with the UN Human Rights Council, ISHR is beginning a new effort to document and analyse China's positions and initiatives at each Council session. It is envisaged that, moving forward, this will provide both a holistic view of China's contributions to the UN human rights mechanisms, in particular the Council, as well as a perspective on the human rights situation in the country. ISHR welcomes feedback on this reporting, including areas for focus and examples of follow-up.

(Geneva) - When China re-joined the Human Rights Council in 2014, it did so having made a number of commitments to uphold international human rights. In its membership pledge of 5 June 2013, presented to the then president of the UN General Assembly, China detailed its history of cooperating with UN human rights mechanisms and engaging 'constructively' in the Human Rights Council. This came at a time when China was becoming more active on a range of international law

issues globally, including in relation to issues such as climate change, development assistance, internet freedom, and often contentious negotiations in the maritime arena.

At the 29th session of the Human Rights Council in June 2015, ISHR notes that China made (or prepared) 35 discrete, formal interventions, compared to 26 such statements a year earlier. These included interventions on country-specific situations – notably, Syria, Eritrea and Belarus – as well as thematic issues covered by Special Procedures mandate holders and panel discussions on terrorism and human rights and on violence against women. The actions of China at the Council come against the backdrop of an increasing crackdown on civil society and dissenting voices domestically in a number of areas. China's positions internationally and domestically on some of these issues are discussed in further detail below.

Women's human rights

In its preparations for the twentieth anniversary of the Beijing Declaration and Platform for Action, the Chinese government led initiatives to organise a joint statement at the March session of the HRC, and to co-sponsor a side event with a cross-regional group in June. China made strong statements in this regard, including delivering a joint statement on behalf of a group of states at the annual panel discussion on the human rights of women, highlighting the need to combat violence against women in the post-2015 agenda and in the Beijing+20 documents.

However, despite strong rhetorical support for women's rights, China has not implemented recommendations made by the Working Group on Discrimination against Women and its Causes and Consequences, and it prevented individuals hoping to engage in the CEDAW review in November 2014 from participating in the review in Geneva, leading the [Committee to express serious concern about the incidence of reprisals against women defenders](#). China's lack of respect for women's rights domestically was best illustrated by the [detention for 37 days of five women human rights defenders](#) ahead of International Women's Day in March 2015, in relation to their planned activities to raise awareness of sexual harassment on public transportation. China has also maintained a consistent crackdown on civil society organisations since those arrests, resulting in the shuttering of multiple branches of the anti-discrimination NGO Yirenping and other organisations with ties to the 'Feminist Five'.

Counter-terrorism and national security

At the June session's panel on the impact of terrorism on human rights, China highlighted its efforts to enact legislation that 'is implemented in line with the rule of law' and that respects human rights and protects citizens' 'legal rights and freedoms'. The delegation expressed hope that this legal basis would facilitate deepening international counter-terrorism cooperation in the future. In separate remarks under their Item 4 intervention, the Chinese delegation raised concerns about 'new anti-terrorism and national security laws' in Western state that 'overly constrict civil society freedoms and exclude specific human rights content'. In his response, the Special rapporteur on counter-terrorism and human rights, Ben Emmerson, welcomed the opportunity to comment on this law. Following the end of the Council, the High Commissioner for Human Rights released a [strong statement calling on the Chinese government to consider the human rights implications of the National Security Law](#), adopted on 1 July.

For over a decade, however, China has used the imperative of counter terrorism as a means of suppressing dissent among ethnic minority populations such as Uighurs and Tibetans, and religious minorities such as Falun Gong practitioners. A [draft anti-terrorism law](#), presented for consultation in

January of this year, would specifically underwrite ‘strike hard’ campaigns in ethnic Muslim regions that often result in violence or arrests, and application of the death penalty.

NGOs have argued that the National Security Law has raised both substantive and procedural concerns that national security will become an excuse for silencing dissent, cracking down on civil society, and solidifying Party control. The law as adopted is even more regressive than the draft, including a broad definition of activity that constitutes a threat to national security, potentially including something as simple as criticism of the government. Regrettably, rather than respond transparently to questions from international civil society and the OHCHR, Ministry of Foreign Affairs spokesperson Hua Chunying and Permanent Representative to the UN in Geneva Ambassador Wu Hailong dismissed the High Commissioner's statement as ‘groundless’ and ‘amateur’.

Civil society space

Increased engagement by the Chinese delegation has been directed at limiting the space for constructive dialogue at the Council and other UN bodies. The Chinese government regularly presses the HRC Secretariat to ‘uphold the intergovernmental nature and membership’ of the Council and to ‘abide by the rules of procedure and relevant regulations’; though more nuanced than in previous years, these statements nonetheless allude to ongoing tensions around civil society participation at the Council. In previous sessions, the Chinese delegation used procedural tactics to silence civil society voices (25th session), and voted for hostile amendments to an HRC resolution on civil society space (27th session).

Domestically, efforts to suppress independent civil society have never been stronger. Starting on 9 July, the Chinese government began a systematic targeting of human rights lawyers, activists, and others, possibly in retaliation for their work on ‘sensitive’ high profile cases and engagement with international civil society and the UN. On 4 June, China closed for final comment draft legislation on ‘foreign NGO management’. According to a range of commentators, both human rights groups and businesses, if adopted in its current form [the law would impose significant burdens on civil society organisations](#), both domestic and international. It would increase the securitisation of not just the work of human rights organisations, but a whole range of community-based groups – from legal clinics and service centres, to academic institutions, to industry associations – by bringing their activities under the purview of public security apparatus.

Despite China’s pledges and its increased activism, the Council must speak with one voice to China and send a strong, consistent message: States are not rights-respecting countries purely as a result of their membership. It is the work of the Council to ensure that the actions each Member State takes to advance human rights in the Council are mirrored by their efforts to continually advance human rights at home. At minimum, the blatant contradictions in China’s behaviour in Geneva and in Zhongnanhai deserve the scrutiny of this Council and demand the justice to which human rights defenders, activists, scholars, and ordinary Chinese citizens are entitled.

SIERRA LEONE: DEVELOP AND IMPLEMENT LAW FOR PROTECTION OF HUMAN RIGHTS DEFENDERS

States should use the Universal Periodic Review (UPR) to urge Sierra Leone to repeal legislation restricting the activities of human rights defenders (HRDs) and develop and implement a law for their protection.

ISHR and the [Sierra Leone Human Rights Defenders Network](#) today launched a [briefing paper on the situation of HRDs in Sierra Leone](#), which details official restrictions on the rights of freedom of expression and of association. The briefing paper also documents risks and threats faced by particular HRDs, including those working on issues associated with labour rights and corporate accountability.

The paper aims to assist States elaborate recommendations for Sierra Leone's next UPR, which is scheduled to take place in January 2016, and serves itself as a submission.

Following its last UPR in 2011, Sierra Leone accepted recommendations in relation to freedom of expression and assembly. In response Sierra Leone enacted an important 'Right to Access Information Bill' in October 2013, however inadequate action has been taken to ensure the effective implementation of this Bill.

'Regrettably, grave concerns persist in relation to the safety and security of human rights defenders in Sierra Leone. Especially vulnerable are defenders working on issues related to corporate accountability, women human rights defenders and journalists critical of the government,' said Clement Voulé of ISHR.

'Less than a year ago, Sierra Leone showed international leadership as one of the key States negotiating Human Rights Council Resolution 27/31, which elaborated on the protection of civil society space. Unfortunately, however, there remains a significant gap between these international standards and their implementation at the national level in Sierra Leone. Human rights defenders, journalists and civil society organisations continue to face threats and obstacles that are incompatible with Sierra Leone's commitments under Res 27/31 and the UN Declaration on Human Rights Defenders,' Mr Voulé said.

'The elaboration of a specific national law on the recognition and protection of human rights defenders, developed and implemented in close consultation with civil society, should be a priority for the authorities of Sierra Leone,' said Alphonsus B.M. Gbanie, Executive Secretary of the Sierra Leone Human Rights Defenders Network.

'Authorities should also ensure the full and effective implementation of the Right to Access Information Bill, with access to information being vital to promote transparency, combat corruption, and expose and seek justice for human rights violations,' Mr Gbanie said.

Limitations on HRDs' rights to freedom of expression, association and assembly commonly take the form of defamation and sedition charges, and well as rigid procedural requirements for the authorisation and conduct of public demonstrations. Further, the International Centre for Not-for-Profit Law has stated that the Sierra Leone Association of Non-governmental Organisations is being used as tool being used by the government to limit civil society space.

ISHR urges States to consult with civil society and to make recommendations for the protection of HRDs. In particular ISHR urges States to make recommendations that the government of Sierra Leone:

- Consult with civil society to create a national law on the protection of HRDs in line with the United Nations Declaration on HRDs, as promised at the 28th session of the UN Human Rights Council in March 2015.
- Ensure full and effective implementation of the Right to Access Information Bill.
- Repeal restrictive laws on freedom of expression and assembly.
- Stop criminalising HRDs and repeal legislation restricting their work.
- Ensure prompt and transparent investigations and accountability in relation to all attacks and violations against HRDs.

HUMAN RIGHTS COMMITTEE CONDEMNS THREATS AND REPRISALS AGAINST VENEZUELAN ACTIVISTS

The Human Rights Committee has demanded that Venezuela end stigmatization of human rights defenders and do more to protect them, in its [concluding observations](#) the State's fourth report.

The Committee - mandated with reviewing and assisting the State's compliance with the International Covenant on Civil and Political Rights - expressed concern at reported acts of intimidation, stigmatisation, threats and attacks against human rights defenders. It demanded the State put in place measures to protect defenders and guarantee independent investigations of any crimes against them.

The Committee also condemned the [high-level de-legitimisation](#) of activists by the President of the National Assembly, as a reprisal for their interaction with the Committee. The incident was the latest in a [long line](#) of high-level defamation of human rights defenders and the Committee asked that the State take measures to avoid such acts by State officials.

'The Human Rights Committee is the latest of several independent expert human rights bodies to speak out about the closing of safe spaces for human rights defence in Venezuela', said ISHR's Advocacy and Communications Manager Ben Leather. 'The State must now respond: firstly by ceasing the defamation of human rights defenders, and secondly by taking steps to protect them and listen to their concerns'.

ISHR [trained Venezuelan activists](#) in how to interact strategically with the UN mechanisms last December. Since then, the [Committee on Economic, Social and Cultural Rights](#) and a group of [Special Procedures](#) have made recommendations to the State, as well as the Human Rights Committee.

UN COMMITTEE ON NGOS: HUMAN RIGHTS ORGANISATION GAINS ACCREDITATION BUT REFORM NEEDED TO SAFEGUARD NGO PARTICIPATION AT UN

A human rights organisation working for the release of prisoners of conscience, [Freedom Now](#), has finally been granted consultative status with the UN by the Economic and Social Council (ECOSOC), reversing 5 years of deferral of their application by the ECOSOC NGO Committee. Consultative status is required for an NGO to be able to attend and participate in UN meetings.

Addressing ECOSOC, US Ambassador to the UN Samantha Power called the US led-resolution to push through their accreditation, a bid 'to put an end to the inexcusable attempt to deny Freedom Now's official NGO status'. The resolution to accredit Freedom Now, co-sponsored by Albania, Australia, Estonia, France, Germany, Japan, Switzerland, the United Kingdom and Uruguay, passed by 29 votes to 9, with 11 abstentions.

Reflecting on the outcome, Freedom Now Executive Director Maran Turner said, 'We intend to use this status to improve attention and global efforts to address human rights violations and arbitrary detention.'

Freedom Now applied for UN consultative status in May 2009, and received over 60 questions from States that are members of the NGO Committee in the following five years, most particularly from China, Russia, Cuba, Venezuela, Iran, Sudan, Pakistan and South Africa. It was yet another decision by the NGO Committee last month to again defer the Freedom Now application that prompted the US initiative to overturn that decision in the Committee's parent body, ECOSOC.

'We are delighted that Freedom Now has at last been granted accreditation and will now be able to contribute to the UN more fully and directly,' said Eleanor Openshaw of ISHR, which advises and assists NGOs to obtain consultative status. 'Very frequently human rights organisations face multiple deferrals of their applications at the NGO Committee through perpetual questioning by States who ultimately fear the human rights accountability these organisations demand.'

Separately, an attempt led by Israel to overturn the NGO Committee's May decision to accredit the Palestinian Return Centre, was defeated in a vote in ECOSOC. The US, Germany and the UK had said that granting that organisation consultative status was premature, as there were still 'legitimate questions to be answered'.

Several States spoke at the ECOSOC meeting to express concerns about the NGO Committee. The EU emphasised the 'increasing deviations' by the NGO Committee from the principles that guide its work as expressed in ECOSOC resolution 1996/31, noting in particular that information requested by Committee members frequently went much further than what NGOs should be required to submit.

The EU also highlighted concern about the withdrawal of status from an NGO as a possible reprisal. At the May session of the NGO Committee, the African Technology Development Link and the African Technical Association had their '[roster status' withdrawn](#) in connection with statements they delivered at the UN Human Rights Council in March in a process that prompted criticism and concern amongst some States, and the NGO community.

'ISHR welcomes the EU statement about the risk of withdrawal of status being abused,' said ISHR's Eleanor Openshaw. 'We cannot accept a situation where NGOs are fearful of speaking out, under the threat that their accreditation could be at jeopardy.'

Chile, Mexico and Uruguay made a statement in which they noted that the perpetual questioning of NGOs by the Committee was tantamount to a denial of status. This is the third year that the three Latin American States have expressed their concern about the workings of the NGO Committee, in particular in regard to the Committee being used as a forum for carrying out reprisals against NGOs. The States called for greater transparency in the work of the Committee, recommending webcasting of Committee sessions. Avoiding a continuation of current practice was 'essential and could no longer be put off', said the States.

The three Latin American States ended their statement by referencing ISHR's recently published '[A Practical Guide to the UN Committee on NGOs](#)', which they called 'a specific and valuable contribution to facilitating NGO participation'.

Reform of the NGO Committee was at the heart of recent discussions held earlier this year by ISHR with the Australian Missions to the UN in Geneva and New York, at which the guide was launched. Several [ideas were put forward during those panel debates](#): from webcasting NGO Committee sessions, to introducing a 'trigger clause' limiting the number of questions NGO Committee members could ask of one organisation before the application passed to ECOSOC, to imposing a time limit within which the NGO Committee should make a decision on an application for accreditation.

'Freedom Now has been fortunate in being based in a country - the US - which is willing to invest the political capital in supporting an applicant for accreditation at ECOSOC. 'Unfortunately not all organisations are in that position,' said ISHR's Eleanor Openshaw. 'It is clear that [urgent reforms](#) are needed to ensure that the NGO Committee actually works to fulfil its mandate, and that pro-civil society States show a greater commitment to participation in the Committee.'

Reflecting upon Freedom Now's struggle for accreditation, Executive Director Maran Turner noted, 'Following this experience, we would like to bring forth greater discussion about reforming the NGO accreditation process and making the UN a more welcoming place for civil society'.

SINGAPORE: RESPECT AND PROTECT THE RIGHT TO FREEDOM OF EXPRESSION

States should use the Universal Periodic Review (UPR) to call for greater respect and protection for human rights defenders (HRDs) and civil society actors in Singapore.

Today ISHR launched a [briefing paper on the situation of HRDs in Singapore](#), which serves as a submission to the UPR and is intended to assist States and other stakeholders to formulate questions and recommendations during the UPR. Singapore is scheduled to be reviewed at the 24th session of the UPR in January 2016.

The briefing paper highlights concerns over risks facing HRDs and official restrictions on the exercise of the rights to freedom of expression, especially for those advocating for lesbian, gay, bisexual, transgender and intersex (LGBTI) rights.

'Male same-sex relations continue to be a crime under the Penal Code and the government has introduced a requirement that material advocating LGBTI rights must be taken down within 24-hours

following a directive by the police. The government must amend these laws to protect LGBTI defenders,' said ISHR's Pooja Patel.

More broadly, the Government continues to criminalise the legitimate work of HRDs and journalists – including through charges of defamation, 'contempt of court', and media censorship laws such as the Newspaper and Printing Presses Act and the Broadcasting Act.

In its last UPR review, Singapore accepted a recommendation on repealing or narrowing the restrictions on public discourse. However, this has not yet been implemented. Journalists and media workers still face legal actions and restrictions that are incompatible with the right to freedom of expression under the Universal Declaration on Human Rights and the ICCPR.

ISHR urges States to make strong UPR recommendations regarding the protection of HRDs and safeguarding civil society space in Singapore, including to:

- Review defamation laws and ensure that their application is not used to arbitrarily stifle freedom of opinion and expression, and that the de facto ban on public demonstrations is lifted.
- Ensure the full promotion and protection of the rights to freedom of expression, assembly and association in line with international human rights standards.
- Repeal the 24-hour takedown requirement for 'material that advocates homosexuality or lesbianism' on popular websites.
- Repeal or substantially reform the legal offence of contempt of court. It has repeatedly been used to charge foreign, as well as domestic, citizens.

UNITED KINGDOM: PROTECTING HUMAN RIGHTS DEFENDERS IS EVERYONE'S BUSINESS

(19/7) The United Kingdom should strengthen regulations and incentives to ensure that corporations consult, respect and protect human rights defenders, many of whom are targeted for their work to expose and seek accountability for business-related human rights violations, ISHR said today.

In a [submission to the UK Government](#), which is currently reviewing its National Action Plan on Business and Human Rights, ISHR said that human rights defenders have a vital role to play in advising and assisting businesses to comply with their human rights obligations and in securing access to justice for victims of violations, and that both corporations and States have legal duties in this regard.

'Supporting and protecting human rights defenders is everyone's business,' said Michael Ineichen, head of ISHR's Human Rights Defender and Corporate Accountability Programme.

'The UK has a responsibility to legislate to ensure that UK businesses and their subsidiaries respect and not interfere with the legitimate work of human rights defenders. The UK Government and its embassies should also speak out against laws, policies and practices in third States in which UK companies operate that restrict or criminalise the work of defenders, making clear that development and economic imperatives are never justification for human rights violations,' Mr Ineichen said.

'For their part, businesses and investors should consult fully and properly with human rights defenders as part of their due diligence and human rights impact assessment obligations. Consulting with human rights defenders can assist business to obtain a social license for projects and to identify, avoid and mitigate human rights risk. A constructive relationship with human rights defenders makes good business sense.'

'Businesses should also recognise, however, that human rights defenders have a right to speak out and protest against business operations and projects and must respect and not interfere with their exercise of the rights to freedom of expression and assembly in this regard. UK businesses should also speak out against legislative and other attacks and restrictions against human rights defenders in the States in which they operate, recognising that a safe and enabling environment for human rights defenders is also a safe and enabling environment for responsible business,' Mr Ineichen said.

'Corporations can be powerful and influential actors for social change and for upholding human rights and the rule of law,' Mr Ineichen said, noting that the time may have come for progressive businesses to come together to develop business principles or guidelines on protecting civil society space, especially given the proliferation of laws and practices in States from [Russia](#), to [China](#), to [India](#) which are impeding the independence and operations of non-governmental organisations.

'Just as progressive business has become more active in speaking out for LGBT rights and against discrimination, so too should they be speaking out for civil society and human rights defenders,' Mr Ineichen said, echoing a [recent call from the Business and Human Rights Resource Centre](#).

When the UK adopted its initial [National Action Plan in September 2013](#), it became the first State to adopt a plan with specific commitments in relation to the protection of human rights defenders working in the field of business and human rights. As the National Action Plan is reviewed and revised in 2015, the UK has the opportunity to build on that leadership by detailing further concrete measures and commitments that it will take as a State, and that it will require or incentivise UK businesses and their subsidiaries to take, to support and protect human rights defenders.

ISHR's submission to the UK Government, entitled '[Protecting human rights defenders: Everyone's business](#)', is available [here](#).

BAHRAIN: HUMAN RIGHTS COUNCIL MUST ACT TO PROTECT HUMAN RIGHTS DEFENDERS AT ITS 30TH SESSION

States should use the forthcoming 30th session of the UN Human Rights Council in Geneva to address restrictions and reprisals against human rights defenders, journalists and opposition activists in Bahrain, a coalition of leading non-governmental organisations said today.

In an [open letter to Ambassadors to the Human Rights Council](#), the NGOs - including ISHR, Human Rights Watch, Amnesty International, FIDH and the Gulf Center for Human Rights - expressed grave concern that, over the last year, 'the Government of Bahrain has intensified its repression of dissenting voices, including through the arbitrary detentions of high-profile opposition activists and human rights defenders, trials that fail to adhere to international fair trial standards, ill-treatment of detainees, excessive use of force, and restrictions on the rights to freedom of expression, association and assembly that go far beyond those permitted under international law'.

'We urge your delegation to promote and support the adoption of a resolution expressing concern over and calling for improvements in the human rights situation in Bahrain,' the letter says.

Thanks to the leadership of Switzerland, a group of States has previously delivered a series of [joint statements on the situation in Bahrain](#) to the Human Rights Council, most recently in June 2014. Regrettably, Bahrain's continued lack of compliance with international human rights laws or cooperation with the UN human rights mechanisms necessitates that the Council itself adopt a resolution on the situation.

'The Government of Bahrain has demonstrated a continued unwillingness to abide by its obligations under the International Covenant on Civil and Political Rights and the Declaration on Human Rights Defenders. The time has come for those States that profess a commitment to freedom of expression, association, assembly and the rule of law to take concrete and resolute steps to make that commitment a reality in Bahrain,' said ISHR Director Phil Lynch.

'In particular, States must press for the immediate and unconditional release of human rights defenders and activists such as Abdulhadi Al-Khawaja and Dr Abduljalil Al-Singace, who remain in long-term arbitrary detention. While we welcome the recent release of [Nabeel Rajab](#), no person should face detention in connection with their exercise of the fundamental rights to freedom of expression, association, assembly and dissent,' Mr Lynch said.

PARAGUAY: IMPLEMENT MEASURES TO PROTECT HUMAN RIGHTS DEFENDERS

States should call on Paraguay to adopt necessary measures to guarantee the protection of human rights defenders, especially those working in defence of indigenous communities from land grabbing, says ISHR in a [briefing paper on the situation of human rights defenders in Paraguay](#) published today.

Paraguay is scheduled to be reviewed at the 24th session of the Universal Periodic Review (UPR) in January 2016.

Human rights defenders in Paraguay face repression on at least two fronts, being targeted by the Government for legitimate dissent, as well as by non-state actors for seeking to expose alleged atrocities.

'Human rights defenders, in particular those working against land confiscations and journalists criticising the Government and exposing drug trafficking, continue to face threats, harassment and even killing. The recently elected Government in Paraguay must immediately take action to protect the legitimate work of human rights defenders,' said Ben Leather of ISHR.

The Government continues to criminalise the legitimate work of human rights defenders – including through charges of defamation, which is a criminal offense punishable by prison terms of up to three years and fines.

In its last UPR Paraguay received one recommendation which called for a participatory and inclusive process with civil society organisations in the implementation of UPR recommendations. However Paraguay has only partially implemented this recommendation. According to civil society, some meetings were held with civil society organisations, but no resources were provided to indigenous communities to enable their effective participation, nor has their inclusion been guaranteed.

ISHR urges States to make strong UPR recommendations regarding the protection of human rights defenders and safeguarding civil society space in Paraguay, including to:

- Combat impunity by ensuring prompt, thorough and transparent investigation of all violations against, and killing of, human rights defenders; the prosecution of perpetrators; and access to effective remedies for victims.
- Immediately and urgently adopt all necessary measures to guarantee the right to life, integrity, and safety of journalists and human rights defenders, particularly those working for the defence of indigenous communities from land grabbing.
- In consultation with civil society, develop and implement a specific national law on human rights defenders and establish, mandate and resource a mechanism for their protection from both State and non-State actors in line with the United Nations Declaration on Human Rights Defenders.
- Acknowledge the legitimate role of human rights defenders, and create and sustain an enabling environment for human rights defenders and journalists to carry out with their vital work without threat of violence or reprisals.
- Refrain from criminalising the legitimate activities of human rights defenders and repeal or amend all laws and policies which restrict their activities and rights, including laws criminalising defamation.

STATES SET OUT THEIR VISION AND COMMITMENTS AS CANDIDATES TO THE HUMAN RIGHTS COUNCIL

Ahead of elections to the UN Human Rights Council this fall, eight candidate States set out their vision for Council membership if elected, and responded to questions on their human rights commitments. This dialogue took place at an event hosted at UN Headquarters by Amnesty International and International Service for Human Rights (ISHR), in partnership with the Permanent Missions of Botswana, Brazil and the Netherlands.

Belgium, Germany, Georgia, Kyrgyzstan, Panama, the Republic of Korea, Slovenia and Switzerland elaborated on their pledges, and were questioned on how they would work as members to address human rights violations and to strengthen the work of the Council.

'In countries around the world, public meetings like this are a fixture of elections – a chance for voters to hear from the candidates, to better understand the motivations of those seeking office,' said moderator Charles Radcliffe, Chief of Global Issues Section, Office of the UN High Commissioner for Human Rights (OHCHR). 'Today we have such an opportunity to engage in dialogue with candidates on their specific pledges made as part of their application to join what is, after all, the world's peak intergovernmental body on human rights.'

The terms of 18 out of the 47 members of the Human Rights Council conclude in 2015. Whilst some States are standing for a second consecutive term, other candidates are running for Council membership for the first time.

UN General Assembly Resolution 60/251, which established the Council, outlines a competitive procedure to select its members, and stipulates that States' human rights records and pledges should be taken into account.

'At this event, States present their credentials to stand as Human Rights Council members,' said Nicole Bjerler of Amnesty International's UN Office in New York. 'Both candidates and

members of the audience can thereby reflect on what membership on the Council means in terms of protecting and promoting rights at home and at UN level.'

Regrettably, four of the five regional groups are running 'closed slates' this year, where the number of candidates matches the number of available seats. 'Running closed slates all but guarantees victories for the candidates, regardless of their human rights records, thus potentially opening the Council's door to membership by "abuser" States,' said Eleanor Openshaw of ISHR.

The audience in the room and those following the debate on the UN webcast, which included member States and civil society representatives, raised questions on such diverse topics as the situation of migrants, discrimination and violence on the basis of sexual orientation and gender identity, women's rights and gender equality, the right to privacy and surveillance by States, torture and other forms of ill-treatment, and indigenous peoples' rights. Questions were also raised about the Council's work on country specific situations.

In response, several candidates stressed the importance of realising human rights at home, including by implementing recommendations coming from the Human Rights Council and its mechanisms. Several highlighted the importance of the role of civil society in this process.

'We are delighted that many candidates expressed their support for effective civil society engagement with the UN, and that they recognise that NGOs are essential in bringing a fresh perspective and the view from the ground to the UN,' said Ms Bjerler.

Candidates reflected on how to address country-specific situations, including through dialogue, prevention, reacting to early warning signs and addressing serious human rights situations.

'We were encouraged to hear several States, including Belgium, Germany, Georgia, Panama, Republic of Korea, and Switzerland deplore the use of no-action motions during UN meetings. They emphasised the importance of holding discussions on the substance of human rights irrespective of the topic at hand,' said Ms Openshaw.

This is the fourth time that Amnesty International and ISHR have co-hosted the annual event for Human Rights Council candidates. 'We are delighted to see more and more States prepared to participate, and welcome their active engagement and support for the event,' said Ms Bjerler.

Regrettably, only eight of the 20 candidates for election, from only four out of the five regional groups, chose to participate in the event this year. 'We encourage all State candidates to see this as an opportunity in future to demonstrate the kind of transparency and accountability that is expected of all Council members,' said Ms Openshaw.

EGYPT: STATES SHOULD USE HUMAN RIGHTS COUNCIL TO ADDRESS DETERIORATING COUNTRY SITUATION

States should act to address the deteriorating human rights situation in Egypt at the next session of the UN Human Rights Council in September, ISHR, Human Rights Watch, the Human Rights Law Centre, Amnesty International and the Human Rights Council of Australia said today.

In an [open letter to Australia's Foreign Minister Julie Bishop](#), the NGOs called on Australia to lead a coalition of like-minded States in developing a resolution or joint statement aimed at preventing further deterioration and promoting accountability for past violations in Egypt.

'The human rights situation in Egypt is grave and becoming graver, with the government of President Abdel Fattah al-Sisi leading a brutal crackdown on civil society and against almost any form of criticism or dissent,' said ISHR Director Phil Lynch.

'The Human Rights Council must not stand idly as Egyptian authorities preside over mass arbitrary arrests, a de facto ban on peaceful protest, the imposition of the death penalty following grossly unfair trials, and widespread torture and ill-treatment in prison,' Mr Lynch said.

According to Human Rights Watch's Australia Director, Elaine Pearson, the mandate of the Human Rights Council demands action on such a country situation. 'Action at the Human Rights Council would be a crucial step to demonstrate to the Egyptian government that the world is watching and to increase pressure for reform and accountability,' Ms Pearson said.

According to Mr Lynch, 'Human Rights Council action on Egypt would also show solidarity and support to human rights defenders, journalists and other civil society actors who are severely restricted and even criminalised for their exercise of the rights to freedom of expression, association and assembly.' ISHR recently expressed grave concern at the ongoing [harassment of the Cairo Institute for Human Rights Studies and other non-governmental organisations](#) in Egypt, warning that it appeared that systematic efforts are underway to shut down independent civil society in the country.

'For the Council to take action on Egypt requires that a State or States demonstrate leadership and step up to the plate in drafting or negotiating a resolution. We call on Australia to be that State,' said Emily Howie of the Human Rights Law Centre in Australia.

'Australia is very well placed to lead Council action on Egypt given Australia's support for civil society and democratic freedoms at the international level. Leading on Egypt would also provide an important opportunity for Australia to demonstrate its mettle as a potential Human Rights Council member for 2018-2020,' Ms Howie said.

FIRST MEETING OF IGWG FOR BINDING TREATY ON BUSINESS AND HUMAN RIGHTS CLOSES IN GENEVA

The first session of the Intergovernmental working group for the elaboration of an [International Legally Binding Instrument on Transnational Corporations and other Business Enterprises with respect for human rights](#) (IGWG) closed this afternoon in Geneva. The OHCHR will now support the Chair of the IGWG, Ecuador, in preparing a final report to be presented at the Human Rights Council's 31st session.

'Civil society's participation in this session has enriched the process', said ISHR's Ben Leather in a closing [statement](#) to the IGWG. Mr Leather recognised important moves by Ecuador to bring the process closer to local activists, such as by webcasting the session and by ensuring additional space for written submissions from civil society members without ECOSOC status.

However, Mr Leather underlined that 'It is important to maintain these practises and continue to open and institutionalise civil society space at the IGWG'. This could be done, he said, by sharing the draft plan of work further ahead of the session, by opening for written submissions with greater anticipation, and by integrating civil society interventions into panels rather than at their end'.

‘It is also vital that the Chair and the Secretariat develop a process to prevent and respond to reprisals against human rights defenders wishing to interact with the process, whether in Geneva or at distance’, he concluded. As of yet, there has not been an announcement from Ecuador regarding how it intends to tackle this issue.

ISHR had intervened with a [statement](#) earlier in the week to reiterate the key points of a [written submission](#) by 25 NGOs from around the world, namely that human rights defenders must be central to the IGWG process and protected by its outcomes, if any treaty is ultimately to take on corporate human rights abuses.

‘Given that the resolution which created the Working Group, plus its Chair, have consistently reiterated the importance of civil society, we hope that this point will be cited as a key principle in the final report of the session’, said ISHR’s Corporate Accountability Programme Manager Michael Ineichen. ISHR had also made a [statement](#) to a Panel on the Obligations of States to guarantee the Respect of Human Rights by TNCs and other business enterprises.

Whilst civil society speaking times had [briefly been under threat](#) earlier in the session, ultimately there was a good range of interventions from many INGOs and some local activists who had visited Geneva for the session.

However, State participation in the session was limited, with extremely few interventions from members of the Western European and Others Group. Switzerland interacted throughout the week, though the majority of active participants came from the Like Minded Group and Latin America.

On the first day of work the European Union had intervened as a block through a representative of their Geneva Mission. They made two suggestions to the Plan of Work, namely the inclusion of an extra panel on the UN Guiding Principles on business and human rights, and a change of language to explicitly suggest that all kinds of businesses would be covered by the discussions. However, many States in the room criticised the second proposal and there was little support for proposals from Uruguay and Argentina to seek a compromise.

After much debate the Plan of Work was adopted with only the addition of the extra panel, and from there on the EU did not participate actively in proceedings.

‘During the session the complementarity of the Guiding Principles with the path to a binding treaty was consistently reiterated by a range of actors’, Mr Leather said after the close of the session. ‘Therefore we hope that efforts can be made from all sides to ensure that participation at the next session can be broader on the part of both States and civil society’.

The next session of the IGWG will take place in Geneva in 2016.

ISHR’s interventions can be viewed on youtube [here](#).

National

HONDURAS: ENSURE EFFECTIVE IMPLEMENTATION OF HUMAN RIGHTS DEFENDER PROTECTION LAW

The adoption of a specific law for the protection of human rights defenders and journalists is a necessary but not sufficient step towards ensuring that they can work safely and freely in Honduras, the International Service for Human Rights said today.

Honduras recently enacted a 'Law for the Protection of Human Rights Defenders, Journalists, Social Communicators and Legal Practitioners', Decree No 34-2015, in response to concerted advocacy by [local and regional civil society](#), together with recommendations from [international human rights organisations](#) and UN human rights bodies. The Law seeks to give effect to the UN Declaration on Human Rights Defenders at the national level and to provide measures for the protection of defenders at risk.

'The enactment of a specific law on the protection of human rights defenders is a crucial step towards recognising the value and legitimacy of their work, and providing a safe and enabling environment in which for them to operate in Honduras,' said ISHR's Manager of Advocacy and Communications, Ben Leather. 'It is also pleasing to see a State respond positively to the recommendations of international and regional human rights mechanisms and implement those recommendations at the national level.'

'It is now vital, however, that further steps are taken secure this progress, including by ensuring that the National Protection System for Human Rights Defenders, established under Article 19 of the Law, is adequately resourced, that civil society is fully consulted and engaged in operationalising and monitoring the Law, and that the Law and human rights defenders themselves receive high level political recognition and support,' Mr Leather said.

While welcoming the Law and noting its many positive features - including its recognition of the right to advocate for and defend human rights and the primary duty of the State to protect persons and associations exercising this right from any form of violence, threat or discrimination - ISHR shares the analysis of [Protection International and CEJIL](#) that there remains scope for improvement.

'ISHR considers that there should be stronger civil society representation within the governance and decision-making structures of the National Protection System and that further legislative and practical steps are necessary to close the protection gaps that persist where the perpetrators of acts of violence or discrimination are the very State security agencies charged with the protection of defenders,' Mr Leather said.

ISHR does note and welcome the fact that the law as enacted is more comprehensive than a previous draft, incorporating some but not all [drafting inputs provided by civil society](#).

'ISHR remains committed to working with Honduran authorities and both local and international civil society to promote the effective implementation of the law and to identify and close protection gaps. This is consistent with our [project to develop a Model National Law on the Protection of Human Rights Defenders](#), providing authoritative guidance to States as to the legislative steps and measures necessary to ensure the effective implementation of the Declaration on Human Rights Defenders at the national level.'

By adopting Decree No 34-2015, Honduras joins other States such as [Mexico](#) and [Cote d'Ivoire](#) in taking the vital step of enacting specific national legislation on the protection of human rights defenders, with a conducive legal environment being a pre-condition to a safe and enabling environment for defenders overall.

Key Developments in the Promotion and Protection of Human Rights

ECHR FAILS TO PUSH ITALY TO PROTECT SAME-SEX RELATIONS

While the decision of the European Court of Human Rights on 21 July 2015 acknowledged that failure to legally approve same-sex relationships is a violation of human rights, Human Rights Watch considers the Italian legislative power to enact laws to protect and recognise same-sex relationships should have been endorsed... [more](#)

CAMBODIA: CAMBODIAN CONSTITUTIONAL COUNCIL MUST DEFEAT LAW ON ASSOCIATIONS AND NGO

The Constitutional Council of Cambodia intends to analyse the constitutionality of the Law on Associations and Non-Governmental Organizations, which according to the International Federation of Human Rights contains restrictive provisions on the rights to freedom of expression and freedom of association... [more](#)

NEW SURVEILLANCE LAW IN FRANCE CRACKSDOWN ON HUMAN RIGHTS

France recently enacted surveillance legislation conceding extensive powers to the authorities to intercept and monitor people within its territory, notwithstanding opposition from rights groups... [more](#)

ANGOLA: STOP ARBITRARY DETENTAINING DISSENTING VOICES

As part of a crackdown on dissent, four human rights activists and a journalist were arbitrarily detained while visiting prisoners of conscience in Calomboloca prison for 'making politics in the prison'... [more](#)

GAMBIA: RELEASE ALL PRISONERS OF CONSCIENCE

While welcoming the release of 200 prisoners, Amnesty International called on the government of Gambia to release all unlawfully detained prisoners in detention for expressing dissent... [more](#)

UK: ENSURE CORPORATE ACCOUNTABILITY ABROAD

Despite calls from Amnesty International to prosecute multinational commodities trader Trafigura, the UK authorities have failed to investigate the disposal of toxic waste in 18 locations across Côte d'Ivoire 9 years after the event... [more](#)

LIBYA: TRIPOLI'S COURT TRIAL OF GADDAFI-ERA OFFICIALS IS UNLAWFUL

On 28 July 2015, in proceedings plagued by fair trial breaches, 32 Gaddafi-era officials were convicted for crimes committed during Libya's 2011 uprising. Human Rights Watch says while the victims of those crimes deserve justice, that can only be delivered through fair and transparent proceedings... [more](#)

MYANMAR: LAND RIGHTS DEFENDER MUST BE RELEASED

The Observatory for the protection of human rights defenders (made up of the International Federation for Human Rights and the World Organisation Against Torture) called on Myanmar to immediately release Su Su Nway, a land rights defender and leader of the Myanmar Farmers Union who was arbitrarily arrested on 23 July 2015... [more](#)

BRAZIL: FAILURE TO PROVIDE JUSTICE FOR RIO DISAPPEARANCES

Amnesty International highlights the impoverished state of Brazil's criminal system in the continued failure to properly investigate and prosecute the disappearance of 11 young people in Rio de Janeiro in 1990... [more](#)

SLOVAKIA SIGNED THE CONVENTION ON CLUSTER MUNITIONS

On 24 July 2015 Slovakia acceded to the Convention on Cluster Munitions. Human Rights Watch highlights the significance of such a decision, by a country that previously manufactured and exported cluster munitions... [more](#)

UKRAINE: FREEDOM HOUSE CALLS ON CORRUPTED ELECTIONS

Freedom House highlights concerns in relation to future elections in Ukraine, following the recent parliamentary election on 26 July 2015 in Chernihiv, Ukraine which was marked by serious irregularities... [more](#)

Opportunities for NGO Engagement

HUMAN RIGHTS COUNCIL

The 30th regular session of the Council Session will be held on 14 September to 2 October in the Palais des Nations. Information and updates will be published [here](#).

The 15th session of the Human Rights Council Advisory Committee will be held from [10 August to 14 August](#) in the Palais des Nations. The Advisory Committee functions as a think-tank for the Human Rights Council, focusing mainly on studies and research-based advice as requested by the Human Rights Council. NGOs in consultative status with ECOSOC may submit written statements relevant to the work of the Human Rights Council Advisory Committee ahead of the relevant session. Information and updated will be published [here](#).

The Human Rights Council organizational meeting on the 30th session will take place on [24 August](#) at Palais des Nations in Room XX.

The Human Rights Council is organising a Forum on Business and Human Rights that will be held from on [16 to 18 November](#). The draft programme outline can be accessed [here](#). More information is available [here](#).

The [12th session](#) of the Working Group on the issue of human rights and transnational corporations and other business enterprises will be held from [18 September to 2 October](#).

UNIVERSAL PERIODIC REVIEW

The 23rd UPR session will take place on [2 November to 13 November 2015](#). The following States will be reviewed: Micronesia, Lebanon, Mauritania, Nauru, Rwanda, Nepal, Saint Lucia, Oman, Austria, Myanmar, Australia, Georgia, Saint Kitts and Nevis, and Sao Tome and Principe.

The following States will be reviewed at the 25th session of the UPR which will be held in [April/May 2016](#): Suriname, Greece, Samoa, Saint Vincent and the Grenadines, Sudan, Hungary, Papua New Guinea, Tajikistan, United Republic of Tanzania, Antigua and Barbuda, Swaziland, Trinidad and Tobago, Thailand and Ireland. Guidelines for submissions are found [here](#) and are due on [21 September](#) (tentative). Information about the UPR mechanism can be found [here](#).

TREATY BODIES

The 115th session of the Human Rights Committee will be held on [19 October to 6 November](#) and will consider the following State reports: Austria, Benin, Greece, Iraq, the Republic of Korea, San Marino and Suriname. The programme of work and other information is found [here](#). NGO submissions should be made by [7 August](#).

The 55th session of the Committee Against Torture will take place on [27 July to 14 August](#). The Committee will consider the following States during the session: Iraq, Slovakia and Switzerland. The programme of work and other information is available [here](#).

The 56th session of the Committee Against Torture will be held on 9 November to 9 December. The Committee will consider the following State reports: Austria, Azerbaijan, China, China (Hong Kong), China (Macau), Denmark, Jordan, Liechtenstein. The Committee will also consider the lists of for: France, Mongolia, Saudi Arabia, and Tunisia. The Committee will also consider the list of issues prior to reporting for: Ghana, Kenya, Kyrgyzstan, Latvia, Netherlands, Poland, and Portugal. More information is available [here](#).

The Working Group on Arbitrary Detention will hold its 73rd Session on [31 August to 4 September](#). The Working Group acts on information [submitted to its attention](#) regarding alleged cases of arbitrary detention.

The 9th session of the Committee on Enforced Disappearances will take place on [7 to 18 September](#). The Committee will consider the following States reports: Iraq and Montenegro and the following list of issues from: Kazakhstan, Burkina Faso and Tunisia. The programme of work is available [here](#).

The 56th session of the Committee on Economic, Social and Cultural Rights will be held on [21 September to 9 October](#). The Committee will analyse the following State reports: Burundi, Greece, Guyana, Iraq, Italy, Morocco and Sudan. The programme of work can be found [here](#) and the accreditation form [here](#). The 56th Pre-sessional Working Group will be held on [12 to 16 October](#), in which the following states parties reports will be considered: Angola, Burkina Faso, Honduras, Kenya, Namibia, Sweden, The former Yugoslav Republic of Macedonia, United Kingdom of Great Britain and Northern Ireland. NGOs submissions for each will be accepted until 3 weeks before the [56th session](#) and the [Pre-sessional Working Group](#) respectively.

The 62nd session of the Committee on the Elimination of Discrimination against Women will take place on [26 October to 20 November](#). The reports of the following States parties are scheduled to be considered: Lebanon, Liberia, Madagascar, Malawi, Portugal, the Russian Federation, Slovakia,

Slovenia, Timor-Leste, the United Arab Emirates and Uzbekistan. The Provisional Agenda can be accessed [here](#) and the Programme of Work [here](#).

The Working Group on the issue of discrimination against women has made a [call for submissions](#) on 'discrimination against women in law and in practice with regard to the right to health and safety'. The deadline for submissions is [15 August](#). The result of this research will be launched in June 2016.

If you are unable to attend relevant treaty body meetings, you can now watch them live online. A group of Geneva-based NGOs, including ISHR, has coordinated to make this possible. The webcasts can be viewed [here](#).

COUNTRY VISITS BY SPECIAL PROCEDURES

Sri Lanka	Working Group on Enforced or Involuntary Disappearances, 3 - 12 August 2015
Azerbaijan	Working Group on the issue of human rights and transnational corporations and other business enterprises, 18 - 27 August
Hungary	Working Group on the issue of discrimination against women, 1 - 2 September 2015.
Japan	Special Rapporteur on the sale of children, child prostitution and child pornography, 1 - 10 September 2015
Hungary	Working Group on the issue of discrimination against women in law and in practice, 1 - 11 September 2015
Chile	Special Rapporteur on the rights to freedom of peaceful assembly and of association, 21 - 30 September 2015
Australia	Special Rapporteur on the human rights of migrants, 27 September - 10 October 2015
Belgium	Working Group on the use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination, 12 - 16 October 2015
Turkey	Working Group on Enforced or Involuntary Disappearances, 16 - 20 November 2015
United States	Working Group on the issue of discrimination against women, 30 November - 11 December 2015

Find more information on these visits [here](#). To find out how you can support the visits, please contact respective mandate-holders via their email address, as listed in the [directory](#).

Conferences and events

MARTIN ENNALS AWARD CEREMONY

The City of Geneva and the Martin Ennals Foundation are co-hosting the 2015 Martin Ennals Award Ceremony. Often regarded as the ‘Nobel Prize for Human Rights’, the Laureate is selected by the Jury of the Martin Ennals Award, made up of ten of the world’s leading human rights organizations. The event will take place on the 6th of October at 6pm, at Uni-Dufour, Geneva...[more](#)

GENEVA PEACE TALKS 2015

Interpeace, in partnership with United Nations Office at Geneva and Geneva Peacebuilding Platform is hosting the Geneva Peace Talks 2015. Speakers from diverse backgrounds, including violent environments, will explain their contribution to peace building efforts around the world. The event will take place on the 18th of September, between 4.30-6pm in Room XIX, Palais des Nations. Registration opens on the 17th of August...[more](#)

ADVISORY COMMITTEE MEETING WITH NGOS

The Members of the Advisory Committee of the Human Rights Council invite NGO representatives with ECOSOC status to an informal exchange of views on the Committee’s work on Tuesday 11 August, at 10 a.m. in room XXVII, Palais des Nations. The Committee will discuss the impact of activities of vulture funds on human rights; unaccompanied migrant children and human rights; and elimination of discrimination against persons affected by leprosy and their family members... [more](#)

New Resources

UPDATED: SIMPLE GUIDE TO THE UN TREATY BODIES - GUIDE SIMPLE SUR LES ORGANES DE TRAITÉS DES NATIONS UNIES

ISHR’s [Simple Guide to the UN Treaty Bodies](#) provides an overview of the UN human rights treaty body system and the different ways human rights defenders can make use of it to further their human rights causes. The guide also provides information on the relationship between the treaty bodies and other UN human rights mechanisms, relevant developments related to the harmonisation of the working methods of the treaty bodies, and a glossary and e-resources for further reference.

Aussi en Français - [Guide Simple sur les Organes de Traités des Nations Unies](#).

SUBMISSION TO UK REVIEW OF ITS NATIONAL ACTION PLAN ON BUSINESS AND HUMAN RIGHTS

ISHR’s [submission to the UK Government](#), which is currently reviewing its National Action Plan on Business and Human Rights, highlights the vital role human rights defenders play in advising and assisting businesses to comply with their human rights obligations and in securing access to justice for victims of violations, and that both corporations and States have legal duties in this regard.

UNIVERSAL PERIODIC REVIEW: BRIEFING PAPERS ON THE SITUATION OF HUMAN RIGHTS DEFENDERS

ISHR launched briefing papers on the situation of human rights defenders in [Niger](#), [Singapore](#), [Paraguay](#) and [Sierra Leone](#). The briefing papers aim to assist States to elaborate recommendations

for the each country scheduled to be reviewed as part of the Universal Periodic Review process in January 2016, and serve themselves as submissions.

NATIONS IN TRANSIT 2015: DEMOCRACY ON THE DEFENSIVE

Freedom House issued its 2015 edition of [Nations in Transit](#). An annual study of democratic governance in 29 countries from Central Europe to Central Asia, which highlights the boldness of forces opposing democracy in Eurasia... [more](#)

A DIFFICULT PROFESSION: MEDIA FREEDOM UNDER ATTACK

Human Rights Watch issued its report [A Difficult Profession: Media Freedom Under Attack](#). The report is based on interviews with 86 journalists and documents physical attacks and threats faced by journalists in Bosnia and Herzegovina, Kosovo, Montenegro and Serbia.

A CLIMATE OF FEAR FOR LGBT PEOPLE IN KAZAKHSTAN

Human Rights Watch has released its report [That's when I realized I was nobody: A Climate of Fear for LGBT People in Kazakhstan](#) which documents, despite decriminalisation of same-sex relations, the constant harassment and discrimination faced by the LGBT community in Kazakhstan.

GUIDES: ADVOCACY TOOLKIT AND ENGAGING WITH THE MEDIA

Civicus has released an [Advocacy Toolkit](#), as well as a companion to the toolkit for influencing the Post-2015 development agenda - [Engaging with the Media](#).

These guides on effective advocacy strategies are primarily intended for civil society actors that are willing to contribute to the post-2015 agenda, including the Sustainable Development Goals. They include sections on how to develop an advocacy strategy and the use of media.

The guides are also available in:

- Advocacy Toolkit - [French](#), [Spanish](#) and [Portuguese](#).
- Engaging with the Media - [French](#), [Spanish](#) and [Portuguese](#).

Case notes on decisions from international human rights bodies - Merits Decisions

GUNETHTHIGE V. SRI LANKA (2087/2011)

Investigation into the death of a victim of police assault in Sri Lanka found inadequate

Summary

In March 2015, the Human Rights Committee was asked to consider whether Sri Lanka had violated its obligations under the International Covenant on Civil and Political Rights in connection with the death of an individual in police custody.

The communication was submitted by two Sri Lankan nationals on their own behalf and on behalf of their deceased son and nephew respectively, Thissera Sunil Hemachandra, under the Optional Protocol to the Covenant.

Background

On 22 July 2003, Mr Hemachandra was arrested and detained without reason by officers of Moragahahena Police Station, shortly after it had become known that Mr Hemachandra had won approximately US\$25,000 in a lottery. Mr Hemachandra was severely beaten upon arrest and while in police custody.

On 23 July 2003, Mr Hemachandra was in a visibly critical medical condition, with especially severe injuries to his head and abdomen. The police failed to seek medical assistance for several hours.

On the same day, the authors submitted a complaint to the National Human Rights Commission of Sri Lanka.

On 26 July 2003, Mr Hemachandra died in the national hospital of Colombo as a result of his head injury. On 29 July 2003, a post-mortem report identified four possible origins of the injury: (a) a heavy blow to Mr Hemachandra's back, (b) a fall due to being pushed, (c) an accidental fall, or (d) a fit due to alcohol withdrawal or epilepsy. The report stated that a fall following alcohol withdrawal was "possible", a conclusion drawn from the condition of Mr Hemachandra's liver.

On 27 July 2003, an investigation was ordered by the Colombo Chief Magistrate's Court. On 8 August 2003, the matter was transferred to the Magistrate of Horana. On 29 April 2004, the investigation was closed further to the Attorney General's decision not to pursue charges in connection with Mr Hemachandra's death because of an alleged lack of evidence for his having been assaulted.

On 8 September 2013, the authors filed a fundamental rights petition with the Supreme Court of Sri Lanka. The complaint to the National Human Rights Commission was suspended as a result.

On 6 August 2010, the Supreme Court, relying on the report from 29 July 2003, dismissed the petition on the ground that a fit due to alcohol withdrawal was "highly probable". The Court discarded the possibility of Mr Hemachandra's death being the result of police assault and chose not to launch an independent investigation.

On 20 July 2011, the authors filed a communication with the Committee under the Optional Protocol to the Covenant. The authors claimed that Sri Lanka had violated the authors' and Mr Hemachandra's rights to: (i) life; (ii) freedom from cruel and inhuman treatment; (iii) liberty and security of the person; and (iv) dignified treatment in detention (in violation of articles 6, 7, 9, 10 of the Covenant respectively).

As of March 2015, the authors still did not know the exact circumstances surrounding Mr Hemachandra's death and no investigation or prosecution of any public authorities had taken place.

The Committee's decision

Regarding the admissibility of the authors' complaint, the Committee noted that the authors had exhausted domestic remedies for the purposes of article 5(2)(b) of the Optional Protocol, noting the undue prolongation of the remedies available to the authors, and declared the claim admissible to the extent that it raised issues under articles 6, 7, 9 and 10 of the Covenant.

On the merits, the Committee recalled its jurisprudence that, by arresting and detaining an individual, State parties take responsibility for that individual's life and that there was a rebuttable presumption that a death occurring during police custody constituted an arbitrary execution requiring adequate investigation. With respect to the latter, the Committee noted that all investigative steps taken by the police had been taken by the same police forces that had arrested and detained Mr Hemachandra, that the investigations by the Magistrate of Horana had been closed, and that the

authors' petition had been dismissed by the Supreme Court after seven years, without any form of independent investigation having been ordered. The Committee considered these measures inadequate and concluded that by act or omission, Sri Lanka had not taken adequate steps to protect Mr Hemachandra's life or to properly investigate his death. The Committee further noted Mr Hemachandra's lack of adequate legal representation.

In view of the above, the Committee concluded that Sri Lanka was in violation of the Covenant. Regarding Mr Hemachandra, Sri Lanka was in breach of articles 6, 7 and 9. Having reached this conclusion, the Committee decided not to examine separately the remaining grounds invoked by the authors under article 10.

As for the authors' personal claims, the Committee found a violation of article 7 on account of the continued anguish caused by the unresolved circumstances surrounding Mr Hemachandra's death.

In accordance with article 2(3) of the Covenant, the Committee observed that Sri Lanka was under an obligation to provide the authors with an effective remedy. This included a prompt and independent investigation of the facts, prosecution of the perpetrators and providing the authors with adequate financial compensation. Sri Lanka was also required to ensure that such violations did not reoccur in the future and to issue a public apology to Mr Hemachandra's family.

Sri Lanka must now submit its written response within six months of the Committee's decision, including information on the action taken in the light of the Committee's recommendations, and ensure that the decision is published widely.

Sam Hunter Jones is an international lawyer, based in London.

KOZLOV ET AL. V. BELARUS (1949/2010)

Belarus' denial of authorisation to hold demonstration breached rights to peaceful assembly and freedom of expression

Summary

In March 2015, the Human Rights Committee was asked to consider whether Belarus had violated its obligations under the International Covenant on Civil and Political Rights in connection with a refused request for authorisation to hold a demonstration.

The communication was submitted by five Belarus nationals under the Optional Protocol to the Covenant.

Background

On 28 August 2009, the first author, Mr Kozlov, filed an application with the Brest City Executive Committee requesting permission to hold a picket (with the four other authors of the communication) in a pedestrian zone in Brest on 27 September 2009, with the stated purpose of drawing attention to the systematic violation of the Law on Petitions by State officials.

On 14 September 2009, the Deputy Chair of the Brest City Executive Committee rejected Mr Kozlov's request. The Deputy Chair based his decision on article 6 of the Law on Public Events and a previous decision by the Brest Executive Committee that had determined that public gatherings could only take place in the Lokomotiv sports stadium, outside Brest city centre.

On 15 October 2009, the authors appealed the Deputy Chair's decision before the Leninsky District Court in Brest. The appeal was rejected on 9 November 2009.

On 19 November 2009, the authors filed a cassation appeal against the Leninsky District Court's decision before the Judicial Chamber for Civil Cases of the Brest Regional Court.

On 18 February 2010, the Judicial Chamber for Civil Cases of the Brest Regional Court concluded that the authors' application to hold a picket at the desired location was lawfully refused on the basis of the legal authorities referred to in the Deputy Chair's decision.

On 15 March 2010, the authors filed this communication with the Human Rights Committee under the Optional Protocol to the Covenant. The authors claimed that Belarus had violated their rights to: (i) a fair trial, (ii) freedom of expression, (iii) peaceful assembly, and (iv) freedom from discrimination on the grounds of political opinion (in violation of articles 14, 19, 21 and 26 of the Covenant respectively).

The Committee's decision

Regarding the admissibility of the authors' complaint, the Committee declared that the parts of the complaint concerning articles 14 and 26 were inadmissible for lack of substantiation. The Committee considered that the authors had sufficiently substantiated their claims regarding articles 19 and 21 and declared this part of the authors' complaint admissible. The Committee noted that the authors had exhausted domestic remedies for the purposes of article 5(2)(b) of the Optional Protocol due to their various attempted appeals.

On the merits, the Committee recalled that the rights to peaceful assembly and to freedom of expression were fundamental human rights of particular importance in a democratic society. Any restrictions must therefore be (i) in conformity with the law, (ii) proportionate, (iii) necessary in a democratic society, and (iv) in the interest of national security, public order, protection of public health or morals or the protection of the rights of others.

The Committee noted that neither the decision of the Deputy Chair of the Brest City Executive Committee nor the decisions of the domestic courts had included any justification for the refusal of Mr Kozlov's request. Moreover, the Committee decided that the national authorities had failed to demonstrate how the proposed picket would jeopardize protected interests. The prohibition of an assembly in any public location in the entire city of Brest except Lokomotiv stadium therefore infringed the right to freedom of assembly.

The Committee recalled that the tests of necessity and proportionality also applied to the right to freedom of expression. In the absence of any justification for the interference with this right, the Committee considered that Belarus had violated article 19 of the Covenant.

The Committee also found Belarus to be in breach of article I of the Optional Protocol to the Covenant due to its lack of cooperation in the proceedings. In particular, the Committee referred to Belarus' failure to accept the Committee's competence and its declaration that it would not accept the Committee's findings.

In view of the above, the Committee concluded that Belarus was in violation of articles 19(2) and 21 of the Covenant, as well as article I of the Optional Protocol.

In accordance with article 2(3) of the Covenant, the Committee found that Belarus was under an obligation to provide the authors with an effective remedy, including financial compensation and reimbursement of legal costs. The Committee also requested Belarus to review the application of its domestic legislation to ensure full compliance with articles 19 and 21. Belarus was also under an obligation to ensure that such violations did not reoccur in the future.

Belarus must now submit its written response within six months of the Committee's decision, including information on the action taken in the light of the Committee's recommendations, and ensure that the decision is published widely.

Sam Hunter Jones is an international lawyer, based in London.



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