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## ALERT TO THE HUMAN RIGHTS COUNCIL'S 31ST SESSION

24.02.2016 - The UN Human Rights Council will hold its [31st regular session](#) at Palais des Nations in Geneva from 29 February to 24 March 2016.

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A highlight this session will be the opportunity for States to draw attention to serious violations of the rights of human rights defenders working on economical social and cultural rights. Norway will present a resolution on this issue. More details below.

### 10<sup>th</sup> anniversary of the Human Rights Council

With 2016 marking the 10<sup>th</sup> anniversary of the Human Rights Council, it is timely to reflect on both the challenges the Council has experienced and the opportunities for its improvement.

This view was supported by the President of the Human Rights Council, who, speaking of the anniversary during the Council's organisational meeting, referred to his desire to continue to work towards a more efficient and effective human rights mechanism, within the parameters of the existing legal framework. He noted a common desire by States to improve the Council's working methods, which he had perceived during recent consultations with all the regional groups. At the same time he confirmed there were a small number of delegations that have reservations regarding the desirability

of such efforts. He said it was important to progress the matter in an inclusive and transparent manner, despite the differing views held.

The United Kingdom, Switzerland and Germany supported the President's comments, saying the 10<sup>th</sup> anniversary provided an ideal opportunity to informally reflect on and work towards a more efficient and effective Council. Human Rights Watch also supported the reflections on the Council's functioning, emphasising the need for full civil society participation in any informal process.

Russia, Egypt, Saudi Arabia, Algeria, China, Cuba and El Salvador, however, said any discussion on improving the working methods and efficiency of the Council needed to respect the UN General Assembly resolutions addressing the review process. They argued that a formal review was conducted in 2011, and that there was no mandate for a review on the Council's 10<sup>th</sup> anniversary.

In ISHR's view, the 10-year anniversary provides both an opportunity to informally reflect on the Council's challenges, as well as an opportunity to develop – based on these challenges – clear and obtainable objectives for its improvement. The challenges faced include, firstly, strengthening the Council's capacity to address serious country and thematic situations of concern and ensuring that perceived economic and political interests do not trump the duty to address human rights concerns. Secondly, giving Council membership greater meaning, including by ensuring Member States improve their cooperation with the Council and its mechanisms, and improve respect for human rights in their own countries. Thirdly, guaranteeing the safe, unhindered and effective participation of civil society, in line with the high bar set by the General Assembly in demanding the 'most effective participation' on an equal basis as other observers, such as States that are not Council members.

This is in line with views presented at a high-level [ISHR reception at which with the current and immediate-past presidents of the UN Human Rights Council](#) reflected on the Council's work and discussed challenges and opportunities to enhance its impact in the year ahead.

### **Organisational meeting**

During the organisational meeting for the 31<sup>st</sup> session, the new President of the Human Rights Council said all delegations and organisations should contribute to a constructive working atmosphere, stressing this to be essential for the effective functioning of the Council. He urged States to ensure that consultations on resolutions are scheduled in a timely and transparent manner, and that at least one informal consultation be held amongst States on each resolution. He also highlighted that it is in the common interest of all those engaging in this Council session that a climate free from intimidation or reprisals be maintained.

There is a heavy [programme of work](#) for the session, which includes ten panel discussions and 99 reports to be presented. As it did in previous sessions, the Council has limited the overall time for its interactive dialogues with special procedures to four hours, by reducing the individual speaking time for States. The overall time allocated to civil society was already limited to 30 minutes, and will remain unchanged. These time restrictions are applicable to the clustered dialogue only. Speaking times for non-clustered sessions shall remain the same (three minutes for members and two minutes for observers). The President urged all those speaking at the session to exercise self-restraint in the preparation of statements, and reiterated that time limits will be enforced.

## **Annual report of the High Commissioner for Human Rights**

The High Commissioner for Human Rights will present his [annual report to the Human Rights Council](#) during the session. The report gives an overview of the work of his Office from December 2014 to November 2015.

Reports discussing the activities of the High Commissioner's offices in Guatemala and Colombia will also be presented. These come at a key time given the recent presidential election in Guatemala and the upcoming signing of the Peace Accords in Colombia. An interactive dialogue with the High Commissioner will follow, providing an opportunity to highlight the integral role and significant risks faced by human rights defenders working in these countries.

### **Human rights defenders**

The Special Rapporteur on the situation of human rights defenders, Michel Forst, will present his annual report to the Council on 3 March. The report focuses on good practices to promote and protect the rights of human rights defenders. Presentation of the report will be followed by a dialogue.

Of significance this session is a substantive resolution that will be presented by Norway on the situation of human rights defenders. At the 22<sup>nd</sup> Council session in March 2013, a previous substantive resolution on human rights defenders, [resolution 22/6](#), was adopted, and at the 25<sup>th</sup> Council session the mandate of the Special Rapporteur on the situation of human rights defenders was renewed.

The resolution at this session of the Council follows on the heels of the [resolution on human rights defenders adopted at the General Assembly](#) in November 2015. The General Assembly resolution included a number of [new, important and substantive provisions](#), including on the vital role of advocacy and the work of defenders in contributing to sustainable development and the realisation of economic, social and cultural rights, and the responsibilities of business enterprises with respect to engaging, consulting and protecting defenders.

This latest resolution provides an opportunity to recognise the critically important work of economic, social and cultural rights defenders, and the cross-cutting challenges they face, including restrictions not only on their rights to health, food, housing, social security and work, but also on their rights to freedom of expression, association, assembly and life itself.

As governments and businesses increase efforts to repress the work of defenders of economic, social and cultural rights, and with the international community often focusing on the protection of civil and political rights defenders, ISHR welcomes the resolution's focus. Economic, social and cultural rights activists have been identified by current and previous Special Rapporteurs on the situation of human rights defenders as [among the most isolated and stigmatised defenders](#).

It is integral that the resolution recognises the role of both State and non-State actors in the protection of human rights defenders, and enjoys broad State support for strong language demanding their protection.

On 7 March, ISHR - together with FIDH, CIVICUS, FORUM-ASIA, Peace Brigades International, the Global Initiative for Economic, Social and Cultural Rights, Protection International and the East and Horn of Africa Human Rights Defenders Project - will facilitate a high-level side event to shed light on the risks faced by economic, social and cultural rights defenders. It will draw on the report of the Special Rapporteur on human rights defenders to present good practices in furthering their protection.

The event will take place at 13:30 in Room XVIII of Palais des Nations. More information on the event can be found [here](#).

### **Freedom of peaceful assembly**

The Special Rapporteur on the rights to freedom of peaceful assembly and of association, Maina Kiai, will present a report prepared in collaboration with the Special Rapporteur on extrajudicial, summary or arbitrary executions, Christof Heyns.

The report outlines practical recommendations for the proper management of assemblies, as requested by the Human Rights Council in resolution 25/38. The Special Rapporteurs conducted consultations to inform this report. These consultations included meeting with representatives of 54 Member States to exchange perspectives and experiences on the proper management of assemblies; a consultation with experts from across Europe and Central Asia; and a meeting with an Advisory Panel convened to provide guidance throughout the course of the project. The process has provided the Special Rapporteurs with the opportunity to develop recommendations to better ensure the protection of all rights involved.

### **China**

The 31<sup>st</sup> session of the Council coincides with the anniversary of the death of Ms Cao Shunli; a tragic example of the results of criminalisation of the activities of human rights defenders in China and reprisals against them.

There has been a significant backsliding on human rights in China in recent months, in stark contrast to China's stepped-up international engagement on development, climate, and security issues. The situation on the ground continues to be one of astounding risks for defenders and near-total impunity for government actors. In January 2016, after [six months in 'residential surveillance in a designated location'](#), 19 of those detained as part of the so-called '709 crackdown' faced formal criminal charges, many of them for 'subversion of state power' or 'incitement to subversion', which carry excessive jail sentences.

China's increased interaction at the Council could be perceived as demonstrating a more mature approach to the international human rights mechanisms. However, its contributions to country-specific debates often are politically motivated, lacking in substance, or – on key thematic areas – directly contradict its actions at the domestic level.

In light of China's growing role at the Council, ISHR last year began to document China's engagement at each session. The first analysis from [the June 2015 Human Rights Council session is here](#), while the most recent analysis for the September session can be found [here](#). This analysis is intended to provide an overview of China's contributions to the UN human rights mechanisms, in particular the Council, as well as an independent perspective on the human rights situation in the country.

With China's mid-term UPR report due in April, this session of the Council provides an opportunity to reflect on the recommendations made to the State and its responses to them. It is also an occasion to consider the role of civil society in pressing for and assisting with the implementation of accepted recommendations. With this in mind, ISHR, the Tibet Advocacy Coalition, The World Uyghur Congress and others are organising a side event to discuss good practices and ongoing challenges in fulfilling the potential of the UPR process. More information on the event can be found [here](#).

### **Burundi**

Following the special session of the Human Rights Council on Burundi in December 2015, on 21 March 2016 there will be an enhanced interactive dialogue with the High Commissioner on the human rights situation in Burundi.

This session will also see the Special Rapporteur on the situation of human rights defenders present his [mission report on the situation of human rights defenders in Burundi](#), following a visit in November 2014. In his report, the Special Rapporteur first describes the legal and institutional framework for the promotion and protection of human rights in Burundi. He then details the current situation and challenges faced by defenders in the exercise of their legitimate activities. These challenges include a lack of protection against and impunity for violations committed against them; illegitimate restrictions on the exercise of fundamental rights; criminalisation of legitimate activities; and stigmatisation. The report concludes with recommendations to the Government of Burundi.

During the special session on Burundi, ISHR made a [statement to the Human Rights Council](#) welcoming the enhanced UN human rights monitoring and investigation role envisaged in the [resolution adopted by consensus at the session](#). Regrettably, not only has the situation in Burundi deteriorated since then, but the Burundian Government has yet to accept and facilitate access for the mission of the Office of the High Commissioner for Human Rights, or to address the human rights concerns raised in the special session resolution.

Council membership comes with higher expectations on States in terms of their respect for human rights and cooperation with human rights mechanisms. As a member of the Human Rights Council, it is therefore even more important that the Government of Burundi be urged to demonstrate good faith attempts to address human rights violations in the country and give full and unfettered access to the [experts mandated by the Human Rights Council resolution](#).

## Myanmar

The interactive dialogue with the Special Rapporteur on the situation of human rights in Myanmar will take place on 14 March. The Special Rapporteur is expected to highlight the progress and ongoing concerns on the human rights situation in the country, particularly with a focus on the historical elections late last year.

A resolution to renew the mandate of the Special Rapporteur will also be considered by the Council. States must take this opportunity to highlight concern about the lack of progress in delivering on the commitment to establish an Office of the High Commissioner for Human Rights' presence in Myanmar; to refer to the need for developing a longer term strategy towards an accountability mechanism for human rights violations; and to call for the release of remaining political prisoners and the removal of ongoing restrictions and threats to defenders.

On 14 February a [joint open letter from a number of Burma/Myanmar civil society organisations](#) was sent to Permanent Representatives of Member and Observer States of the Human Rights Council regarding the situation of human rights in Burma/Myanmar. The organisations urged States to advocate for the renewal of the mandate of the Special Rapporteur to ensure systematic monitoring and evaluation of ongoing human rights violations in the country. Further, they said the Council and the Special Rapporteur should work towards establishing clearly benchmarked guidelines that will act as a road map for the future of human rights in Burma/Myanmar.

## Other country-specific developments

Several **thematic reports** on the situation of human rights in specific countries or regions will be presented to the Council, including the reports of the experts on human rights in **Côte d'Ivoire**, the **Central African Republic**, and **South Sudan**. Each of these mandates is due to expire this year. The mandates on Côte d'Ivoire and the Central African Republic are expected to be renewed, while discussions about creating a mechanism on South Sudan are ongoing. In this respect, ISHR welcomes their renewal and the Council's continued attention to the human rights situation in these countries. The Council will also conduct **interactive dialogues** with the experts on these countries, providing an opportunity for local human rights defenders to highlight violations that have occurred.

The Council will adopt the UPR reports of 14 countries. This will provide an opportunity for [Australia](#), [Nauru](#), [Oman](#), [Rwanda](#) and [Myanmar](#) to accept recommendations made in relation to human rights defenders, as recommended by ISHR's [briefing papers](#) on these countries.

## Appointment of mandate holders

A new Special Rapporteur on the situation of human rights in the Palestinian Territories Occupied since 1967 will be appointed at this session, with candidates available [here](#).

The Council will appoint a member from the Eastern European States to the Expert Mechanism on the Rights of Indigenous Peoples. The Council will also appoint a member from the Latin America and Caribbean States, and the Asia-Pacific States to the Working Group on the issue of Human Rights and Transnational Corporations and Other Enterprises. All candidates are available [here](#).

In view of the pending appointments, it is relevant to recall that in appointing mandate holders, the President of the Council is required to give particular attention to the need to avoid actual or perceived conflicts of interest. Mandate holders should also be genuinely committed to the independence and effectiveness of the special procedures system, and have a demonstrated commitment to civil society engagement and participation.

## Officers of the Human Rights Council

Newly appointed members of the Bureau for the 10th cycle include:

- H.E. Mr CHOI Kyong-lim (Republic of Korea), President of the Human Rights Council
- H.E. Mr Ramón Alberto Morales QUIJANO (Panama), Vice President
- H.E. Mr Janis KARKLINS (Latvia), Vice President
- H.E. Mr Negash Kebret BOTORA (Ethiopia), Vice President
- H.E. Mr Bertrand de CROMBRUGGHE (Belgium), Vice President and Rapporteur

## Panel discussions

There are 10 panel discussions scheduled for this session:

- The annual high-level panel discussion on **human rights mainstreaming** on Monday 29 February at 15:00. The theme at this session of the Council is the 2030 Agenda for Sustainable Development and human rights, with an emphasis on the right to development.

- Russia will lead a high-level panel discussion on the **50th anniversary of the International Covenants on Human Rights: universality, indivisibility, interdependence and interrelatedness of all human rights**. It will take place on Tuesday 1 March at 9:00. In accordance with resolution 27/21, the OHCHR will prepare a report on the panel discussion.
- The Philippines and Bangladesh will lead a panel discussion on **climate change and the right to health** on Thursday 3 March at 9:00.
- Mexico and New Zealand are hosting an annual interactive debate on the **rights of persons with disabilities**. The debate will focus on Article 11 of the Convention on the Rights of Persons with Disabilities, on the situation of risk and humanitarian emergencies. It will take place on Friday 4 March at 9:00.
- The European Union is organising an annual full-day meeting on the **rights of the child** with a focus on information and communications technology and child sexual exploitation. The meeting will be held on Monday 7 March, starting at 9:00.
- A group of States including Colombia, Mozambique, Portugal and Brazil will lead a panel discussion on **human rights and HIV/AIDS epidemic** on Friday 11 March at 9:00.
- A group of States including Bangladesh, USA, France, Mali, Morocco and Tunisia will lead a panel discussion on **preventing and countering violent extremism** on Thursday 17 March at 15:00.
- Argentina, Brazil, Paraguay, Uruguay and Venezuela will lead a panel discussion on **the incompatibility between democracy and racism** on Friday 18 March at 9:00.
- There will be a debate on **the state of racial discrimination worldwide**, in commemoration of the International Day for the Elimination of Racial Discrimination, on Friday 18 March at 15:00.
- Annual thematic discussion on technical cooperation, focusing on **technical cooperation and capacity-building to promote and protect the rights of all migrants, including women, children, older persons and persons with disabilities**. The discussion will be held on Tuesday 22 March at 12:00.

### **Resolutions to be presented to the Council's 31<sup>st</sup> session**

(as announced at the organisational meeting on 14 February). (States sponsoring the resolution in brackets).

- **Resolution on human rights situation in South Sudan** (Albania, Uruguay, UK, US)
- **Resolution on the integrity of the judicial system** (Russia)
- **Resolution on minorities in the criminal justice system** (Austria, Senegal, Slovenia)
- **Resolution on promoting human rights through sport in the Olympic ideal** (Greece, Brazil, Congo, Japan, Morocco, Republic of Korea)
- **Resolution on the role of good governance** (Poland, Australia, Chile, Republic of Korea, South Africa)
- **Resolution on peaceful demonstrations** (Switzerland, Turkey)

- **Resolution on the right to adequate housing** (Finland, Germany, Brazil)
- **Resolution on the right to work** (Egypt, Greece)
- **Resolution on terrorism and human rights** (Egypt)
- **Resolution on human rights education training** (Morocco, Senegal, Switzerland, Slovenia, Thailand)
- **Resolution on the prevention of torture** (Denmark)
- **Resolution on economic, social and cultural rights** (Portugal)
- **Resolution on the protection of the environment** (Slovenia, Costa Rica, Morocco, Maldives, Switzerland)
- **Resolution on the situation of human rights in Iran** (Sweden, Macedonia, Moldova, USA)
- **Resolution on the human rights situation in Syria** (United Kingdom)
- **Resolution on combatting violence based on religion** (Pakistan)
- **Resolution on the Palestinian Territories Occupied since 1967** (Pakistan)
- **Resolution on human rights defenders working on economic, social and cultural rights** (Norway)
- **Resolution on technical assistance and capacity building in Mali** (African Group)
- **Resolution on technical assistance and capacity building in Libya** (African Group)
- **Resolution on the negative impact of the non-repatriation of funds of illicit origin to the countries of origin on the enjoyment of human rights** (African Group)

## Events

All events will take place at Palais des Nations in Geneva.

### ISHR events

- **[Protecting human rights defenders](#)**, Monday 7 March, presented by ISHR. This event is scheduled for 13:30-15:00, Room XVIII.
- **[Human Rights in China: UPR](#)**, Monday 14 March, organised by ISHR and others. This event is scheduled for 10:00-11:00, Room XVIII.

### Other key events

- **DiploHack: the results**, Monday 29 February, organised by the Permanent Representation of the Kingdom of the Netherlands, the Port Switzerland and Impact Hub Geneva. This event is scheduled for 13:15, Room XXIV.
- **Homelessness and housing rights**, Friday 4 March, organised by Global Initiative for Economic, Social and Cultural Rights. This event is scheduled for 11:00-12:00, Room XXVII.

- **Human rights in Burundi**, Friday 4 March, organised by East and Horn of Africa Human Rights Defenders Project. This event is scheduled for 15:00-17:00, Room XXIV.
- **Civil society and business**, Tuesday 8 March, organised by CIVICUS - World Alliance for Citizen Participation. This event is scheduled for 11:00-12:00, Room XXIII.
- **Human rights in Ethiopia: Protests**, Tuesday 8 March, organised by CIVICUS - World Alliance for Citizen Participation. This event is scheduled for 11:00-12:00, Room XXVII.
- **Human rights defenders in Asia**, Tuesday 8 March, organised by Asian Forum for Human Rights and Development. This event is scheduled for 15:30-16:30, Room XVIII.
- **LGBTI persons and torture**, Thursday 10 March, organised by Association for the Prevention of Torture. This event is scheduled for 13:00-14:00, Room XXIV.
- **Elections**, Thursday 10 March, organised by East and Horn of Africa Human Rights Defenders Project. This event is scheduled for 14:00-15:00, Room XVIII.
- **Human rights in Myanmar**, Friday 11 March, organised by Asian Forum for Human Rights and Development. This event is scheduled for 10:00-11:00, Room XVIII.
- **Human rights in Myanmar**, Friday 11 March, organised by Human Rights Watch. This event is scheduled for 12:00-13:30, Room XVIII.
- **Human rights in Australia**, Thursday 17 March, organised by Franciscans International. This event is scheduled for 11:00-12:00, Room XXVII.
- **Human rights in Bahrain: Assembly**, Monday 21 March, organised by CIVICUS - World Alliance for Citizen Participation. This event is scheduled for 12:00-14:00, Room XXIV.

Please note – This is a selection of the events from the draft full programme of NGO parallel events (as at 19 February 2016), [available here](#).

## Opinion

### STRENGTHENING THE IMPACT AND EFFECTIVENESS OF THE UN HUMAN RIGHTS COUNCIL

11.02.2016 - *This is an edited extract of a speech delivered by Bertrand de Crombrughe, Ambassador and Permanent Representative of Belgium and Vice-President of the UN Human Rights Council, to a meeting of senior civil society representatives on 9 February 2016.*

The 10th anniversary of the Human Rights Council is an important opportunity to reflect on its effectiveness and how to strengthen its impact.

In 2015, Belgium was re-elected as member of the Council for a period of three years. We also have been elected to the position of Vice-President and Rapporteur of the Council for 2016 as the representative of the Western European and Others Group (WEOG). This shows how much we are engaged in the promotion and defence of human rights. The human rights dimension is one of the pillars of our foreign policy.

Human rights in Belgian foreign policy

Belgium has set for itself a number of thematic priorities: the fight against impunity; the abolition of the death penalty; the fight against all forms of discrimination – including the fight against racism; the fight against extreme poverty; the rights of children; and the rights of women, to name the most important of them. Thus, with Uruguay, we recently launched the Geneva-based ‘Group of Friends on Children in Armed Conflict’ to contribute to the mainstreaming of the topic in Geneva and to support the mandate of the Special Representative Leila Zerrougui.

Human rights are point and centre of Belgian development cooperation efforts. Our Vice-Prime Minister and Minister for Development Cooperation, Alexander De Croo, consistently emphasises the importance of a human rights-based approach to development. Last week he announced the intensification of efforts to strengthen women’s rights, as well as to fight female genital mutilation. This will be achieved by supporting dedicated projects led by UNICEF and UNFPA. Furthermore, specific provisions related to female genital mutilation will be included in development cooperation agreements that are to be concluded or renewed with partner countries.

Belgium’s human rights engagement is further reflected in the significant financial investment despite scarce budgetary resources. I am proud in this regard that Belgium has over the last years continued to increase voluntarily contributions to the Office of the High Commissioner for Human Rights. In 2015 we were ranked as the 10th highest contributor, donating more than USD 3.5 million.

### **The value and role of civil society at the Human Rights Council**

Both as Ambassador of Belgium and as a Vice-President of the Human Rights Council, I recognise the value and role of independent civil society. We know the high importance of your work and are ready to defend it with all our energy. Everyone – but a few that you know – recognises your undisputable contribution to the work of the Council. Personally, I was struck by the impact of civil society last year concerning the grave human rights situation in Burundi, which was a real test case of the Council’s ability to act preventively. The joint letter you sent to our governments requesting a special session on Burundi helped to move the lines and to raise awareness among members and observers of the Council. This led ultimately to a strong and decisive resolution, which includes the decision to send an expert mission to the country. Still, continued pressure is needed to implement this provision.

As far as the other regions of the Great Lakes of Africa are concerned, I particularly appreciate your help in likewise maintaining awareness of the Human Rights Council. Many are tempted to give up on the region because of the persistent dismal record in the area of human rights, but we must not let the people down. Belgium is striving to keep the area on the agenda and you have been a great help in this.

In general, your fresh views on evolving situations keep our minds on alert, not the least on those that do not figure in mass media headlines. I can only encourage you to pursue your efforts.

### **Protecting human rights defenders and combatting reprisals**

This leads me naturally to the protection of human rights defenders. We are currently in a kind of standstill after the adoption of Human Rights Council Resolution 24/24, which the New York bodies refuse to follow up. The establishment of a UN-wide senior focal point to promote the prevention of, protection against and accountability for reprisals, as called for in Res 24/24, has not proceeded at all. You are also very much aware of the fact that the latest resolution dedicated to the human rights defenders at the Third Committee in New-York was, for the first time, put to a vote. This trend is worrying. We have the feeling that we are backtracking on this issue instead of progressing. Yet, I can

assure you that at the level of the Human Rights Council Bureau, as well as for Human Rights Council President Choi, there is absolutely no ambiguity: there is a strong will to continue hammering on the issue at each and every occasion. The intention is to continue on the line initiated by our German colleague during last year's Presidency and where appropriate, to name and shame on cases that are brought to the Bureau's attention.

The primary responsibility to prevent and ensure adequate protection against reprisals lies, at the end of the day, in the hands of the States themselves. Some recent good practices have emerged, such as the adoption of guidelines against intimidation or reprisals by chairpersons of human rights Treaty Bodies, together with the appointment by a number of Treaty Bodies of rapporteurs or focal points on reprisals. But the question remains how to break the deadlock and to achieve a qualitative step. Repeated oral statements can reach a limit in terms of real protection. I think the celebration of the Council's 10th anniversary provides us with an opportunity to reflect collectively on this issue and to put together some concrete recommendations.

### **Strengthening the Universal Periodic Review**

We are at the crossroads in relation to the Universal Periodic Review (UPR). The UPR will soon enter in its third cycle. Labelled as one of the more successful parts of the institutional package of 2006, we have here an occasion to assess where we stand and how we can make even better use of this important mechanism. I feel quite comfortable to speak about this topic since Belgium undertook its second review just last month. It was for me an interesting experience and, to judge by the engagement of Belgium Vice-prime Minister and Minister for Foreign Affairs Didier Reynders and of the team of 25 he brought with him, a convincing case about the usefulness of the UPR to improve the human rights situations in our countries. It is a healthy process where our administrations and decision makers are compelled to reconsider inherited prejudices and certainties in the face of criticism formulated by their peers. In the aftermath, Belgium's Foreign Minister decided to set up in Belgium a national monitoring mechanism for the implementation of UPR recommendations, akin to those we have for the implementation of European Union Directives. He has further resolved to propose the introduction of a similar mechanism in the European Union. It would track the record of fellow Member States in carrying out human rights obligations, much in the way the evolution of their budgetary outlays and public finances are being supervised by the European Commission in the so-called European Semester mechanism.

With the third cycle of the UPR approaching, we should be aware of the risk of falling into routine, where recommendations and answers remain similar throughout successive cycles. We should start thinking of ways to keep the tension in the mechanism. Your colleagues from UPR Info made an interesting study on this subject. They pointed out some issues, such as the overwhelming number of recommendations and the absence of capacity to follow them up, their dubious quality at times, the neglect of recommendations that are noted and not accepted, and so on and so forth. They formulate a number of interesting suggestions. For instance, we could require that more extensive explanations be given by States for recommendations that are not implemented and even for those that are not accepted but only 'noted'. We could also suggest a focus on more systemic issues with multiplier effects, such as the establishment of independent human rights mechanisms in relevant countries to follow up on the recommendations. We could require a higher quality in recommendations and commitments: avoiding terms like 'recommends to consider...', 'recommends to find alternatives for...' and instead calling on States to 'abolish', 'ratify', 'penalise', and so on. It would instil more transparency and closer accountability in the process.

## **Conclusion: Closing the implementation gap**

I would like to conclude my remarks by stressing the need to make the 10th anniversary of the Human Rights Council an anniversary with content and not just a celebration. It is with this opportunity in mind that I have touched upon some practical and important questions where concrete answers are required to bridge the gap between the resolutions we take and the human rights practice on the ground. Let us together maintain the focus on this challenge.

## **Human Rights Defender Profile**

### **PARK LAE-GOON (박래군) : SOUTH KOREAN HUMAN RIGHTS DEFENDER**

Lae-oon Park is a human rights defender fighting for victims of state violence by calling for an end to impunity.

*'As an activist, I cannot turn my back on victims seeking the truth. Human rights work is my life and destiny.'*

Mr Park's life-long career began as a student activist along with his younger brother during the Democratic Uprising in South Korea in the 1980s. His brother burned himself to death seeking an end to the impunity of the Gwangju massacre. This event galvanized Mr. Park to continue his career as a human rights defender fighting for the disadvantaged and marginalised people of South Korea that has lasted to this day.

*'When fighting against State violence, I want to see the perpetrators brought to justice by the Government but often the Government is the one protecting them.'*

Mr Park feels that it is difficult to end impunity in South Korea since it is very rare that investigations regarding violations are opened and even rarer that they progress to a courtroom. When he fights against such a 'great, big power' he often feels frustrated. However, this has not stopped him from continuing to call for an end to impunity.

Mr Park spoke to ISHR about some of his greatest achievements. Beginning in 1997, Mr Park worked toward opening an investigation and bringing to justice perpetrators of human rights violations committed in a facility for the deaf and hearing-impaired. In 2003, seven years later, the violators were convicted and removed from the centres. Mr. Park was also involved in seeking justice for Kang Ki-hoon in what some have called South Korea's version of the Dreyfus affair, in which the political scandal became a highly divisive issue for decades. In 1992, Kang was convicted and imprisoned for aiding and abetting the suicide of a fellow activist and allegedly forging his will. More than 20 years later, the Seoul High Court said Kang was not guilty, on the basis of there was a lack of credible forensic evidence.

In 2009, Mr. Park formed an organisation called the Justice for the Yongsan Evictees in response to the Yongsan Tragedy. Mr Park described the event as a 'stark violation of civil rights'<sup>[1]</sup> in which a redevelopment project led to forceful evictions and demolitions of a neighbourhood in Seoul. The appeal process by the evictees was stifled by private security forces. This evolved into an occupation on the rooftop of a Namyang building, ending in a clash between police and protesters resulting in the death of 5 tenants and a policeman. While all of the policemen were acquitted, nine of the protesters were convicted and jailed, including Mr Park.

*'The court's ruling was clearly biased and ignored the evictee's suffering. It was a political decision which violated the basis of law, justice and conscience.'*<sup>[2]</sup>

Mr Park talked to ISHR about what drives him:

*'My main goal is to emphasize the right to peaceful assembly. The criminalisation of protesters has a chilling and detrimental effect on society.'*

More recently, Mr Park found himself, once again, in a prison cell for 110 days for organising a protest for the victims of the Sewol Ferry capsizing. This marks the fifth occasion in which Mr Park has been detained for being involved in protests.

On April 16, 2014 a ferry capsized killing 304 of the 476 passengers aboard causing widespread social and political criticism of the Korean Government for its disaster response and cover-up. Mr Park is a standing committee member of Coalition 4.16, an alliance of victims' families, individual supporters, and South Korean NGOs calling for an independent and impartial investigation into the Sewol Ferry disaster. Mr Park organised a demonstration highlighting impunity exactly one year after the incident. During the demonstration, Mr Park was arrested and detained for the violence that occurred during the protest. However, Mr Park was not involved and did not incite the outburst. *'As a symbolic figure, I was intentionally targeted'*, he explains.

*'Freedom of assembly, association, and expression are shrinking in South Korea. I hope to stand in solidarity with other human right defenders to promote global action.'*

Mr Park's interaction with UN mechanisms has become more optimistic with Maina Kiai's recent visit in January 2016. Mr Kiai's visit was the first information-gathering mission to South Korea by an independent expert mandated by the UN to monitor and promote the realisation of the rights to freedom of peaceful assembly and of association worldwide. In Mr Kiai's statement, he mentions Mr Park's detention by highlighting that:

*'[t]hese actions deter active and would-be assembly organisers and participants. I am confident that authorities have the capacity to identify and isolate those engaged in criminal acts without resorting to investigation methods that weaken the right to peaceful assembly. Let me underline that organisers of peaceful assemblies should not be held liable, under any circumstances, for the criminal actions of others.'*<sup>[3]</sup>

In the past, Mr Park felt that the UN human rights mechanisms have a long response time for the domestic advocacy goals he is fighting to achieve. However, he believes that the compilations of cases and complaints by the UN will eventually be used to move forward to battle impunity and open space for freedom of assembly and expression.

Mr Park also acknowledged the support many South Korean activists receive from international groups which helps to raise global awareness of issues in South Korea and pressures the Government to provide a safe and enabling environment for defenders. He hopes that all of this along with political progression domestically will take human rights defenders out of the dark in South Korea.

*'Even though justice is slow, the fact that it is improving little by little helps me to maintain hope and continue to work hand in hand with victims.'*

[1] <http://www.humanrightskorea.org/wp-content/uploads/2010/10/hrm-newslette...>

[2] *Id.*

[3] <http://freeassembly.net/news/statement-republic-of-korea/>

## **Our Work to Support Human Rights Defenders**

### **CALL FOR A RESOLUTION TO PROTECT ECONOMIC, SOCIAL AND CULTURAL RIGHTS DEFENDERS**

(Geneva) – States should support the development and adoption of a strong and substantive resolution on the situation and protection of defenders of economic, social and cultural rights at the UN Human Rights Council. Norway has announced that it will lead the negotiation of such a resolution at the Council's current 31st session.

### **The positive relationship between the work of defenders and the promotion of ESC rights and sustainable development**

The work of human rights defenders is essential to the promotion, protection and realisation of economic, social and cultural rights, such as the rights to food, water, housing, health, work, and social security. Such defenders help to develop effective social policy, enhance service delivery, and advocate for access for marginalised and disadvantaged individuals and groups. They work to promote sustainable development and responsible business. Their work is vital to combat corruption, document and expose violations, pursue accountability, and secure access to justice for victims. Their work benefits entire communities.

### **Defending ESC rights: An increasingly dangerous activity**

Despite this invaluable work, there is overwhelming evidence that defending economic, social and cultural rights is an increasingly and '[extraordinarily dangerous activity](#)' in many regions and countries of the world. In his most recent [report to the UN General Assembly](#), which was based on first hand consultations with over 500 defenders from more than 110 countries, UN Special Rapporteur on Human Rights Defenders Michel Forst identified ESC rights defenders as among the most vulnerable and at risk in the world. Defenders working on issues of land and environment rights, pursuing corporate accountability, or protesting major development projects are at particular risk. The Special Rapporteur's report documents a proliferation of laws and policies which restrict the important and legitimate activities of ESC rights defenders, such as anti-protest laws which criminalise protests which target or interfere with business. It also documents an increase in the use of surveillance and the incidence of stigmatisation, vexatious prosecutions, threats, attacks, arbitrary detention, enforced disappearances and even killings of ESC rights defenders. Such violations are perpetrated by both State and non-State actors, including business enterprises and private security companies. In the overwhelming majority of cases, there is no adequate investigation, with perpetrators allowed to enjoy impunity and victims denied access to remedy or justice. The Special Rapporteur's findings are corroborated by recent reports from [the UN Working Group on Enforced and Involuntary Disappearances](#), the Inter-American Commission on Human Rights, and [leading non-governmental organisations](#), among others. The [Working Group's report](#) makes clear that attacks on defenders can lead to violations or lack of fulfillment of the rights for which they advocate, highlighting that a failure to protect ESC rights defenders may amount to a violation of ESC rights themselves.

### **Elements of a strong and substantive resolution**

In this context, it is timely and important that the UN Human Rights Council adopts a substantive resolution which recognises the vital and legitimate work of ESC defenders, condemns restrictions and

attacks against them, and contains concrete calls and recommendations to States, business enterprises and other actors to ensure that defenders can work to promote and protect ESC rights, and contribute to sustainable development, without risk or fear. Without limitation, the resolution should:

- Reaffirm the indivisibility and interdependence of all human rights, highlighting the importance of access to information and exercise of the rights to freedom of expression, association, assembly, protest and public participation to the promotion, protection and fulfilment of all ESC rights.
- Call upon States to respect, protect and publicly support defenders of ESC rights, including by enacting specific laws for their protection and reviewing and repealing provisions which restrict or criminalise their work.
- Call upon States to facilitate the work of defenders, including by enacting freedom of information laws which provide for a right of access to information pertaining to human rights held by both State and non-State actors, including business enterprises.
- Call upon States to ensure that defenders are consulted and able to participate in and inform the development and implementation of laws, policies and programmes relevant to ESC rights.
- Call upon States to ensure that threats, attacks and reprisals against ESC rights defenders are promptly and thoroughly investigated, with perpetrators held accountable and victims provided with access to remedy.
- Call upon States to ensure the enforceability and justiciability of ESC rights, and to respect, protect and support defenders in their work to secure accountability for perpetrators, including business enterprises and other non-State actors, and to obtain access to justice and remedy for victims.
- Urge States to recognise the vital role of defenders in promoting and contributing to sustainable development, and to support and protect them through implementation of the Sustainable Development Goals.
- Urge non-State actors, including business enterprises, to properly consult and engage with human rights defenders in relation to the development and implementation of any policies, proposals or projects which may impact on human rights, including major development projects.
- Reaffirm the obligation of non-State actors, including business enterprises, to respect and not interfere with defenders' exercise of the rights to freedom of expression, association, assembly and protest, including expression or protest targeting the business enterprise or development project itself.

### **Contributing to the promotion, protection and realisation of ESC rights on the ground**

ISHR calls on all delegations at the UN Human Rights Council to support the negotiation and adoption of a strong and substantive resolution enshrining the elements above. Such a resolution would be a timely response to the situation and protection needs of ESC defenders, a reaffirmation of the interdependence and indivisibility of all human rights on the occasion of the 50th anniversary of the ICESCR and ICCPR, and, through its effective implementation at the national level, could contribute to the promotion, protection and realisation of ESC rights on the ground.

## **EGYPT: PRIORITISE ACCOUNTABILITY FOR SEXUAL VIOLENCE AND PARTICIPATION OF WOMEN DEFENDERS**

(4 /7, Geneva/Cairo) - A new [briefing paper produced by Nazra for Feminist Studies](#) last week, and submitted to the UN Working Group on Discrimination against Women and the Special Rapporteur on Violence against Women, highlights the failure of the Egyptian Government to adequately address sexual violence in the public sphere, although a National Strategy to eliminate violence against women was published last year.

ISHR joins Nazra's call for such 'National Strategies' - and indeed all policy initiatives to improve protection for women - to include substantive inputs from women human rights defenders and civil society organisations.

The submission welcomes the potential opportunity provided by the National Strategy. However, it also highlights challenges, including ongoing gaps in the penal code, failures to ensure privacy for victims seeking justice, and lack of accountability for past sexual violence (by both state and non-state actors). It also highlights the need to institutionalise the resourcing of, and participation by, civil society organisations in budgeting, implementing, and monitoring of the National Strategy.

Says Sarah M. Brooks, ISHR Focal Point on women human rights defenders, 'The Working Group on Discrimination against Women will launch a report in June that documents discrimination in law and practice with regard to women's health and safety. This submission makes clear that [restrictions in law and practice on women defenders' participation](#) in the public sphere to advocate for policy change can have deleterious effects on both the process and the outcomes of Government efforts to ensure health and safety, and to combat sexual violence.'

Nazra's submission goes on to highlight cases that illustrate how safety in the workplace and other public spaces is severely compromised for many women in Egypt, regardless of their occupation - activists, as well as teachers and students.

'For women human rights defenders in some countries, the pervasive threat of sexual violence, and the systemic shortcomings in its effective remedy, is a huge factor in both their mental health and their physical safety,' says Ms Brooks.

International organisations, the submission continues, must focus attention to these issues, in Egypt as well as many other countries around the world. They also have a role to play in sharing knowledge, strategies and tactics for seeking reform and accountability with local organisations working to promote and protect women's human rights.

## **CHINA: CLOSURE OF WOMEN'S LEGAL AID CENTRE A BLOW FOR WOMEN'S RIGHTS AND GENDER EQUALITY**

11.02.2016 - On 29 January, the Chinese Government targeted for closure a renowned women's legal aid center in Beijing. Not only does this action undermine the Government's own efforts to advance women's rights and gender equality, it runs in direct opposition to the Government's stated priorities and its international obligations. The [Women Human Rights Defenders International Coalition](#) (WHRDIC), of which ISHR is a member, denounces these efforts to curb space for civil society, and urges respect for those who do the critical work of defending human rights and accountability when they face reprisals.

The Beijing Zhongze Women's Legal Counseling and Service Centre (the Centre) was a widely acclaimed civil society organisation, both nationally and internationally, which made significant contributions to the promotion and advancement of women's rights. Its staff and researchers conducted important work to improve rural women's access to justice, to fight domestic violence and sexual harassment in the workplace, and remedy to women victims.

In 2007, the media outlet of the Chinese Ministry of Justice voted the Centre's director, Guo Jianmei, one of the 'top ten Annual Legal Persons of Note' and in 2011, popular press outlet Nanfang Daily called the Centre one of China's 'top public service organisations'. In 2014, it collaborated with Chinese Women's University and other established organizations to submit reports ahead of the periodic review of China by the UN Committee on the Elimination of Discrimination against Women (CEDAW).

The WHRDIC is concerned at escalating threats for women human rights defenders, and the wider civil society in China. The forced closure of the Centre comes at a time of unprecedented hardship for those calling for more respect for human rights in the country, whether lawyers, bloggers, NGO workers, religious practitioners, or even ordinary citizens.

The Centre – which is in its second iteration, after the shutdown of its predecessor at Peking University – is also a direct legacy of the 1995 UN World Conference on Women. Attacking that legacy seems a counter-narrative to the Chinese Government's celebrations in September 2015 of the 20th anniversary of the conference. Co-hosted by UN Women, these festivities included an opening statement by President Xi Jinping where he urged the international community to make 'greater efforts to promote gender equality' and pledged that China would 'enhance gender equality as basic state policy'.

By shutting down the Zhongze Centre the Chinese Government, rather than promoting the status of women, implementing the Beijing Platform of Action, or even meeting minimum obligations to implement recommendations from UN experts on women's rights, has acted in contradiction to its own laws and policies, and its international human rights obligations.

The recent national security law and the draft charity and foreign NGO management laws (under review) have deeply affected the way civil society operates because of the restrictions they impose, their vague definitions, and the questions linked to their implementation. This is concerning to the human rights movement (and other sectors) and is part of the Government's attempt to provide more obstacles to curtail activities among civil society actors.

The WHRDIC reiterates its call for the Government to halt its harassment of human rights defenders and to facilitate an enabling environment for women defenders and civil society. The WHRDIC also urges the Government of China to fully respect the right of individuals and organizations to engage with the UN mechanisms, and to refrain from and promptly investigate any reprisals against those who do. As the WHRDIC, we recognise the committed work of inspiring Chinese WHRDs, and are in solidarity with them at a time arbitrary restrictions are put forward by the Chinese Government to curb their legitimate human rights work.

## **PHILIPPINES: END KILLINGS OF DEFENDERS WORKING ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS**

While all human rights defenders in the Philippines are exposed to a wide range of obstacles and risks, those working on economic, social and cultural rights (with land and environmental rights defenders in

particular) are among the most vulnerable, shows a new [report on the situation of human rights defenders in the Philippines](#).

Violence and pressure are used on a regular basis to impede their work and silence dissent, including through:

- Extrajudicial killings, kidnappings and death threats
- Forced evictions and evacuations
- Judicial harassment in the form of arbitrary detention and fraudulent charges
- Stigmatisation associating human rights defenders with guerrilla groups
- Restrictions on the rights to freedom of opinion and expression, association, and peaceful assembly
- Harassment, surveillance, and intimidation

Some of the most vulnerable groups include women human rights defenders, defenders of indigenous rights, trade unionists, and journalists. Land and environmental rights defenders are more prone to suffer vilification, particularly when their work brings them into opposition of businesses and developmental projects.

The most significant threat facing such defenders in the Philippines is homicide. Research shows that 67 killings of land and environmental defenders in the Philippines occurred between 2002-2013 while, in 2015 alone, the Philippines accounted for 60% of defenders killed in Asia.

‘The situation facing defenders working on economic social and cultural rights in the Philippines is just scary’, said ISHR’s Advocacy, Training and Communications Manager Ben Leather. ‘They currently have to put their lives on the line on a daily basis just to demand that the basic rights of communities and individuals are protected. It is high time for the Government to take this seriously: recognise how important these people are to the peaceful development of the country, and take strong steps to keep them safe’.

The 57<sup>th</sup> Pre-sessional Working Group of the UN Committee on Economic, Social and Cultural Rights, currently being held in Geneva (22 February to 4 March) will consider the joint submission in developing a list of issues to be posed to the Philippines at its next examination. The aim of the review will be to assess the Philippines’ progress towards compliance with the [International Covenant on Economic, Social and Cultural Rights](#).

‘The Committee should take this opportunity to ask the Philippines to detail the legal and practical steps it intends to take in order to guarantee the protection of defenders working on ESC rights defenders and combat impunity’, said Mr Leather.

## **HUNGARY: UPR SHOULD ENCOURAGE RE-OPENING OF CIVIL SOCIETY SPACE**

11.02.2016 - Download ISHR and TASZ’s new UPR briefing paper on Hungary [here!](#)

(Geneva) - Hungary is scheduled to be reviewed at the 25th session of the Universal Periodic Review in April 2016.

However, the reality for human rights defenders on the ground has worsened since the State's last review, as increasingly restrictive legislation has been enacted regarding freedom of the press, accreditation and funding of NGOs, and independence of the judiciary.

Human rights defenders have faced public stigmatization by authorities, whilst those working towards the rights of the LGBTI population face particular threats.

Key recommendations that should be made to Hungary at the UPR in 2016 include

Respect and protect the right of NGOs to access and utilise resources, including funding from foreign sources, and ensure that foreign-funded civil society organisations can operate freely and without discrimination or undue restriction.

- Continue to demonstrate international leadership at the UN Human Rights Council in Geneva and the UN General Assembly in New York to promote and protect the right of all persons to safe and unhindered communication with international organisations and to prevent and promote accountability for acts of intimidation or reprisal.
- Take specific steps to recognise and protect HRDs working on the rights of the LGBTI population, including through a review of the Constitution and the Family Protection Act.
- Reform Article IX of the Constitution on freedom of speech, in consultation with local civil society and international experts.

This [Briefing Paper](#) on the Situation of Human Rights Defenders in Hungary, developed by ISHR and Hungarian Civil Liberties Union (TASZ), is intended to assist States and other stakeholders to formulate questions and recommendations regarding the protection of human rights defenders during the UPR.

## Our Work to Strengthen Laws and Systems

### National

#### **AUSTRALIA: WITHDRAW PROPOSED LAW CRIMINALISING LAWFUL PROTEST**

13.02.2016 - *UN rights experts intervene over Western Australia's proposed anti-protest laws following request for urgent action from ISHR and the Human Rights Law Centre.*

(Update - 16 February 2016) - Following a request for action by ISHR and the Human Rights Law Centre, three UN human rights experts have 'urged the State Parliament of Western Australia not to adopt new legislation which would result in criminalising lawful protests and silencing environmentalists and human rights defenders.' According to the experts, 'If the Bill passes, it would go against Australia's international obligations under international human rights law, including the rights to freedom of opinion and expression as well as peaceful assembly and association.'

A full copy of the joint statement by the UN Special Rapporteurs on freedom of expression, David Kaye, on freedoms of peaceful assembly and association, Maina Kiai, and on human rights defenders, Michel Forst, is available [here](#).

(Melbourne / Geneva, 13 February 2016) - Proposed anti-protest laws in Western Australia are unfair and unnecessary and would violate basic democratic freedoms such as free speech and freedom of assembly, the Human Rights Law Centre and the International Service for Human Rights have told the

United Nations. In a [letter sent this week](#), the organisations called on three UN human rights experts to take action to stop the bill passing in its current form.

Emily Howie, the Human Rights Law Centre's director of advocacy and research, said the WA Government's Criminal Code Amendment (Prevention of Lawful Activity) Bill 2015 would criminalise legitimate protest and give police excessively broad and unnecessary powers. The Bill targets defenders of land and environment rights, privileging business interests over environmental interests and democratic freedoms.

'The proposed law is written in such vague and broad terms that it would turn innocent acts into matters worthy of arrest,' said Ms Howie. 'If passed, the new law would criminalise peaceful assembly and civil disobedience, as well as the possession of everyday items, such as bike locks. It would give police virtual carte blanche to arrest people.'

The WA Government says that the Criminal Code Amendment (Prevention of Lawful Activity) Bill 2015 aims to stop environmental protesters locking themselves onto equipment, trees and other objects in order to delay or frustrate fossil fuel development sites (see parliamentary speech [here](#)).

Phil Lynch, Executive Director of the Geneva-based International Service for Human Rights, said that the law reflects an alarming trend of governments around the world shutting down peaceful protest to protect powerful vested interests.

'Unfortunately Australia is not the only place where basic democratic rights are playing second fiddle to business interests,' said Mr Lynch. 'This Bill would severely infringe the basic rights of Western Australians to free speech and assembly and to have a say in matters of public interest. This should be a matter of deep concern to all Australians committed to the principles of democracy, public participation and the rule of law.'

The WA Government first introduced the [Criminal Code Amendment \(Prevention of Lawful Activity\) Bill 2015](#) in 2015 and it is due to be debated when parliament resumes in the week of 15 February 2016. The Bill would create two new criminal offences (1) physically preventing a lawful activity and (2) preparation for physically preventing a lawful activity or trespass, including possessing a 'thing' for the purpose of preventing lawful activity.

A broad sector of civil society opposes the Bill, including church leaders, conservation groups, the legal profession, farmers, community advocates and unions.

## **THAILAND: REMOVE LEGAL RESTRICTIONS ON THE RIGHT TO FREEDOM OF EXPRESSION AND ASSOCIATION**

26.02.2016 (Geneva/Bangkok) - ISHR launched today a [major briefing paper on the situation of human rights defenders in Thailand](#) to inform the upcoming review of Thailand at the 25<sup>th</sup> session of the Universal Periodic Review in May 2016. The paper was prepared in partnership with Togetherness for Equality and Action (TEA), a leading Thai LGBTI organisation.

The briefing paper highlights that many recommendations rejected by Thailand during its first cycle of the Universal Periodic Review addressed issues that contributed to the difficult environment for human

rights defenders. Such issues include limitations on the rights to freedom of expression and association, as well as the broad application of security laws.

The paper calls on the Thai Government to remove legal restrictions on the rights to freedom of expression, and freedom of association and peaceful assembly. Numerous restrictions currently exist, including in the Martial Law, the Emergency Decree, the Computer Crimes Act, the Internal Security Act, the Public Assembly Act and the lèse majesté provision of the Criminal Code.

'Human rights defenders in Thailand - particularly those expressing dissent - have faced significantly more risk since the military junta took power in May 2014. We urge the international community to call on Thailand to ensure that defenders can operate in a safe and enabling environment. Thailand needs to ensure that defenders are no longer subject to judicial and police harassment,' said Sarah Brooks, ISHR Programme Manager (East Asia) and Human Rights Advocate.

The briefing paper serves as a submission to the Universal Periodic Review and is intended to assist States and other stakeholders to formulate questions and recommendations regarding the protection of human rights defenders during the Universal Periodic Review.

In this respect, the briefing paper details key recommendations ISHR considers should be made to the Thai Government, including to:

- End impunity for crimes against human rights defenders, including through the development of legislation that explicitly acknowledges and protects their work and gives full force and effect to the UN Declaration on Human Rights Defenders.
- Ensure that official decisions regarding natural resource exploitation fully consider the inputs of human rights defenders; are made with the free, prior, and informed consent of affected communities; and include mechanisms for effective monitoring of projects and remedy for negative impacts.
- Include the voices of independent civil society in Thailand as central to the debate over how the country can move forward toward a democratic, inclusive political process and much-needed stability.
- Ensure that sexual orientation and gender identity are included as protected attributes in equal opportunity and anti-discrimination laws at the national and provincial levels.

## **TAJIKISTAN: COMBAT IMPUNITY AND ENSURE THE PROTECTION OF HUMAN RIGHTS DEFENDERS**

12.02.2016 - Today ISHR launched a briefing paper on the situation of human rights defenders in Tajikistan, which is scheduled to be reviewed at the 25<sup>th</sup> session of the Universal Periodic Review in May 2016.

The briefing paper highlights concerns about political activists and journalists being subject to violence, frequently threatened and harassed by officials, intimidated and arbitrary arrested; political prisoners being denied access to legal counsel before trial; and members of civil society organisations operating in a general climate of impunity and self-censorship, with the potential risk of unexpected closure.

The briefing paper also documents a clear disconnect between the State's commitments at its last Universal Periodic Review in October 2011 and the operating environment within which human rights defenders undertake their work on the ground.

This [Briefing Paper on the situation of human rights defenders in Tajikistan](#) serves as a submission to the Universal Periodic Review, which will scrutinise the situation of human rights in Tajikistan in January 2016, and is intended to assist States and other stakeholders to formulate questions and recommendations regarding the protection of human rights defenders during the review.

In this respect, the briefing paper details key recommendations ISHR considers should be made to the Tajik Government, including:

- Amend the Law on Public Association to ensure its compatibility with international human rights standards;
- Protect the work of human rights defenders; and
- Combat impunity and ensure prompt and transparent investigation of all violations against human rights defenders and other civil society actors.

## International

### **CHINA: INCREASED ENGAGEMENT AT HUMAN RIGHTS COUNCIL CALLS FOR INCREASED RESPONSIBILITY, SCRUTINY**

02.02.2016 - *In light of China's growing role at the UN Human Rights Council, ISHR began a new effort to document China's engagement at each of the sessions. You can see the first analysis from [the June 2015 Human Rights Council session here](#). It is hoped that, moving forward, this will provide both an overview of China's contributions to the UN human rights mechanisms, in particular the Council, as well as an independent perspective on the human rights situation in the country. ISHR welcomes feedback on this reporting, including areas for focus and examples of follow-up.*

### **Increased engagement but gap between international human rights rhetoric and national-level human rights reality remains**

China continued its trend of increased engagement at the Human Rights Council during its 30th session in September 2015. The country made 36 statements, tracking with the 35 it presented during the 29th session. Twenty of these statements were on country-specific topics, either during the UPR adoption or various Interactive Dialogues under Items 4 and 10. The delegation engaged actively in informal negotiation of resolutions, and worked to advance a Presidential Statement that was adopted by the Council.

Delegation statements articulated openness to constructive dialogue and cooperation in areas of technical assistance, and the promotion of economic, social and cultural rights and the right to development. Also unchanged was the consistent reminder in official statements that in the context of the protection of human rights the principles of 'non-interference in internal affairs' and 'territorial integrity' were essential. Of interest was the delegation's approach to counter-terrorism efforts, and the Special Rapporteur's subsequent offer of dialogue in that regard. The Government passed a controversial Anti-Terrorism Law in late December 2015 which made minimal concessions to concerns of civil society and risks [significant infringement on freedom of expression and religious belief](#).

While China's increased interaction at the Council could be perceived to demonstrate a more mature approach to the international human rights mechanisms, its contributions to country-specific debates often lack substance, are overly hortatory, or – on key thematic areas – directly contradict their actions in respect of the domestic human rights situation. A selection of these thematic issues are expanded upon in greater detail below.

### **Arbitrary detention**

High Commissioner for Human Rights Zeid Ra'ad al Hussein noted the widespread crackdown on, and arrest and detention of, Chinese human rights lawyers and defenders in his opening statement at the Human Rights Council, as did a number of international NGOs speaking during the General Debate, including ISHR.

The Chinese delegation requested time for a 'right of reply' which they used to refute these criticisms, deeming them 'unfounded accusations' and claiming that 'some people try to use the legal system as a platform to disrupt social order and even create social turmoil and bloodshed'. Regarding access to justice for those unjustly detained, the delegation said only that 'China's Public Security organ is investigating these cases'. The delegation concluded by stating that they had provided elaboration concerning the death of Cao Shunli and added that **'Cao Shunli is by no means a human rights defender' and that the case is 'by no means an issue of human rights, but rather an issue concerning rule of law and China's judicial sovereignty and independence'**. Cao Shunli's case is a major one of reprisal against a defender seeking to engage in the Council.

China further stated in their interactive dialogue with the Working Group on Arbitrary Detention that it opposed the illegal use of detention and the deprivation or limitation of personal liberties afforded under the Chinese Constitution. They highlighted the abolition of 're-education through labour'; noted the existence of 'specialised laws' that 'strictly regulate the scope of application of detention'; and emphasised its efforts in working towards the 'prevention of false charges and miscarriages of justice'.

In the months both before and after the Council session, the situation on the ground continues to be one of [astounding risks for defenders](#) and near-total impunity for Government actors. In January 2016, after [six months in 'residential surveillance in a designated location'](#), nineteen of those detained face formal criminal charges, many of them 'subversion of state power' or 'incitement to subversion' which carry excessive jail sentences.

**The number of delegations making Item 4 statements that noted the human rights situation in China increased over the previous session.** In certain cases, in particular the United States, the UK, Switzerland, and Germany, the timely substance of the statements also clearly reflected concerns with the recent crackdown on human rights lawyers and defenders, and with problematic draft legislation on counterterrorism and NGOs.

### **Public health and capacity building**

At the 30th session, the Council adopted a Presidential Statement promoting 'the right of everyone to the enjoyment of the highest attainable standard of physical and mental health by enhancing capacity building in public health against pandemics' (A/HRC/PRST/30/2). This statement was primarily drafted, and negotiations organised, by an active Chinese delegation. The statement emphasises the need for 'intensified efforts to ensure universal respect for and the promotion, protection and fulfilment of all human rights and fundamental freedoms' in countries' fight against epidemics. **It also explicitly recognises 'the values and principles of primary health care, including... community**

## **participation and empowerment’ and ‘the vital and complementary role of civil society in responding to pandemics’.**

Domestically, China has in recent years placed more pressure on civil society organisation who play a role in the fight against epidemics or who seek to fill gaps in public health policies and services. Severe funding limits and registration requirements have been placed on NGOs focusing on health issues, in particular ‘sensitive’ issues like HIV/AIDS, including NGOs such as Beijing Aizhixing or [the non-discrimination NGO Yirenping](#). This often results in their collapse due to lack of finances or undue pressure on staff, or their forced closure by Government authorities.

Outspoken HIV/AIDS activists have faced reprisals in the form of arbitrary detention and travel bans. Akbar Imin, a Uighur HIV/AIDS activist was detained last year for ‘endangering state security’ and has been kept in an unknown location ever since, while prominent HIV/AIDS activists Gao Yaojie and Wan Yanhai both fled China in recent years to escape persecution from the Government. A panel discussion during the Council’s 31st session on ‘the progress and challenges in addressing human rights issues in the context of efforts to end the HIV/AIDS epidemic’ will be a key time in which to judge China’s true commitment to acknowledging the role of civil society in the realisation of the right to health and other economic, social and cultural rights.

### **Torture/ the death penalty**

Amendments to China’s Criminal Law adopted in August 2015 scaled back the scope of the death penalty, removing nine crimes - including some related to prostitution, smuggling, and ‘spreading rumours and disinformation during wartime’ - from being subject to capital punishment. **UN experts noted these positive changes in a press release, but [cautioned that China should ‘take further steps’](#); China has not responded to the most recent request by the Special Rapporteur on torture to visit the country, made on 2 November 2015.**

The resolution ‘The question of the death penalty’ (A/HRC/30/5) passed during the 30th Council session, recalling the human rights issues surrounding capital punishment and urging States to take steps towards abolishing the death penalty. This resolution was staunchly opposed by China, among several other States still supporting the death penalty – including the United States and Japan. China put forth an amendment to remove the paragraph stating that ‘The use of the death penalty leads to violations of the human rights of the persons facing the death penalty and of other affected persons’. Although China eventually withdrew this amendment and the resolution passed as written, this constituted a clear attempt to limit the so-called ‘interference’ of the Council with national laws.

Concern for the death penalty was echoed in China’s review by the UN Committee against Torture in November 2015, when the death penalty was raised along with a host of other concerns including forced conversion therapy, infringements on the rights of lawyers, refoulement of refugees, and ongoing absence of data regarding convictions of officials for the use of torture to extract confessions.

The Chinese delegation used their speaking time before the Committee against Torture to repeat information and legislation already provided, or categorically denied the allegations presented by the Committee. As with their approach to questions about the crackdown on defenders raised during the Council, substantive responses to alleged violations and individual cases were markedly absent.

The [Concluding Observations of the Committee, released on December 9](#), called for the Chinese Government to provide a written update on implementation of key recommendations, including those

related to the crackdown on human rights lawyers and defenders; abuse of State Secrets legislation; and violations of due process and access to counsel.

### **Engagement on human rights issues at the UN in New York**

China's influence is also being felt at the General Assembly where, along with Russia, it attempted to block, for the first time, the [consensus adoption of the biannual resolution on human rights defenders](#). Certain members of the Africa Group, with the support of other countries, proposed numerous amendments that would have seriously undermined the efficacy of the resolution. Although these amendments were ultimately dropped, a number of compromises were made in the text. China and Russia called for a vote anyway. The resolution was ultimately adopted by the General Assembly's Third Committee with over 100 'yes' votes and just 14 'no' votes, with China, Russia, Iran, Saudi Arabia and North Korea among the few States opposing the resolution. Although the resolution was again voted in the UNGA plenary, and China again voted no, the number of States supporting the resolution increased and the resolution was adopted.

Ahead of the vote, China explained that it had 'no choice' but to vote against it as 'certain western countries' use the protection of defenders as an excuse to 'interfere in the internal affairs of developing countries and disrupt their social stability'.

While China's engagement with the Human Rights Council and other UN mechanisms has undoubtedly increased dramatically, its interactions are rarely substantive and often in contradiction to the policies it undertakes on the ground. China must be held accountable to its commitments at the Human Rights Council, in particular as it is a Council Member, and the international community should keep a wary eye on the gap between human rights rhetoric and reality.

### **MYANMAR: AT HISTORIC MOMENT, COUNCIL MUST SUSTAIN MOMENTUM**

11.02.2016 - (Geneva) - Historic elections that brought Aung San Suu Kyi's party to power have set a positive tone on Myanmar in the international sphere, and opened up new spaces for civil society voices from inside the country to be heard. Nonetheless, underlying structural issues, including restrictive laws still on the books and a Constitution that entrenches the interests of the military, mean that the work of advancing human rights in the country is far from over.

In this context, ISHR joins global, regional, and local civil society organisations in [calling on the Human Rights Council to pass a strong resolution on Myanmar](#) that recognises these challenges and lays the groundwork for solutions. The resolution should maintain the crucial monitoring and reporting functions of the Special Rapporteur and seek to advance the long-standing negotiations to open an OHCHR office – with a full mandate - in the country.

'The resolutions passed by the Human Rights Council last March, and by the General Assembly as recently as December, both recognise the continued challenges faced by human rights defenders in Myanmar,' said Sarah M. Brooks, ISHR Asia programme manager and advocate.

'Given the conditions on the ground, the Human Rights Council must ensure that the Special Rapporteur and UN experts continue to have a central role in monitoring, documenting and reporting on the human rights situation in Myanmar, while also supporting and advising authorities in the country on ways to improve the promotion, protection and realisation of rights on the ground.'

As the letter outlines, and organisations like [Burma Partnership](#) have noted, the change in power at the top in Myanmar have, as yet, had little impact on the situation on the ground. Political prisoners

remain in prison long after assurances from President Thein Sein regarding their release; an estimated 23 activists and defenders have been arrested since the election on 8 November. Tensions between religious and ethnic communities continue to tear at the threads of social cohesion, and military conflict, including [cases of sexual violence](#), has revived in border areas.

Land rights abuses are rampant, and exacerbated by 'open for business' policies and a problematic Foreign Investment Law. Defenders working in the area of business and human rights, including those seeking corporate accountability, or promoting land, labour and environment rights, still face a harsh reception when conducting their legitimate human rights work.

'As the new Government comes into office in late March,' said Ms Brooks, 'this resolution should signal that the international community has hopes, indeed expectations, that reforms will continue. These reforms can take advantage of the recommendations from international experts and the UPR, as well as the voices of defenders themselves. The Council should seek to provide the tools, through the Rapporteur and the Office, that help bring all these elements together.'

### **URGENT NEED FOR A SPECIAL RAPPORTEUR ON SOUTH SUDAN**

*25.02.2016 - UN Human Rights Council should appoint a Special Rapporteur to investigate, promote accountability for, and contribute to prevention of grave human rights violations in South Sudan, say leading African and international human rights organisations.*

The UN Human Rights Council should appoint an independent expert to investigate, publicly report on, and promote accountability for 'severe, widespread and ongoing violations and abuses of international human rights and humanitarian law committed in South Sudan', a coalition of leading South Sudanese, African and international human rights organisations said today.

With the 31st session of the Council due to commence in Geneva on Monday, the organisations - including the East and Horn of Africa Human Rights Defenders Project, the South Sudan Law Society, Human Rights Watch and ISHR - published an [open letter to States demanding action to prevent and ensure accountability for acts in South Sudan](#) which 'amount to war crimes and possibly crimes against humanity'.

Since the beginning of South Sudan's civil war in mid-December 2013, tens of thousands of civilians have been killed in horrific attacks, often targeted because of their ethnicity or perceived allegiances. Large parts of towns and cities, including civilian infrastructure such as clinics, hospitals, and schools, have been looted and destroyed. As of February 2016, there were over 2.3 million civilians displaced internally or in neighbouring countries.

According to the letter, since the beginning of the conflict, 'the space for civil society and independent media to express themselves has significantly narrowed'. In this regard, the letter expresses grave concern at 'the harassment of independent civil society actors and the introduction of restrictive legislation restricting the rights to freedom of association, expression and assembly severely undermine ongoing efforts to effectively monitor and report on the human rights crisis in the country.'

'Journalists have been repeatedly targeted for their coverage of the conflict, with at least seven killed last year alone and dozens more arbitrarily detained, physically assaulted and intimidated. Human rights defenders and activists seeking to cooperate with the Human Rights Council have been the subject of escalating threats, attacks and reprisals,' the letter says.

With serious human rights violations in the country continuing, and impunity prevailing in relation to past grave and serious violations, it is imperative that States at the 31st session of the Council support the adoption of a strong resolution appointing a Special Rapporteur and promoting peace, justice and accountability in the country.

The NGOs submitting the open letter include:

- Amnesty International
- Assistance Mission for Africa
- CIVICUS: World Alliance for Citizen Participation
- Community Empowerment for Progress Organisation
- Dialogue and Research Initiative
- East and Horn of Africa Human Rights Defenders Project
- Human Rights Watch
- International Commission of Jurists
- International Federation for Human Rights (FIDH)
- International Service for Human Rights (ISHR)
- South Sudan Law Society
- Soweto Children's Organization
- West African Human Rights Defenders Network

## **IRELAND: KEEP TAKING THE LEAD ON PROTECTION OF HUMAN RIGHTS DEFENDERS**

16.02.2016 - ISHR launched today a major [briefing paper on the situation of human rights defenders in Ireland](#) to inform the upcoming review of Ireland at the 25th session of the Universal Periodic Review.

The briefing paper highlights the sound commitment Ireland has demonstrated at the national level to ensuring a safe and enabling environment for human rights defenders, including by being open to improving its legal framework through reforms. The paper calls on Ireland to strengthen this commitment by enacting national legislation which enshrines the right to access and communicate with international human rights bodies and prohibits any form of intimidation or reprisal in association with such communication.

The paper congratulates Ireland on its move to establish a national plan on business and human rights (NAP).

'Ireland should adopt and implement recommendations made in [ISHR's submission on Ireland's NAP](#), including consulting closely with defenders in the development of the NAP and ensuring it contains

specific measures supporting and protecting the vital work of defenders in promoting corporate respect for human rights and corporate accountability for violations’, said ISHR’s Tess McEvoy.

The briefing paper serves as a submission to the Universal Periodic Review and is intended to assist States and other stakeholders to formulate questions and recommendations regarding the protection of human rights defenders during the Universal Periodic Review.

In this respect, the briefing paper details key recommendations ISHR considers should be made to the Irish Government, including to:

- Demonstrate international leadership by leading the drafting and negotiation of Human Rights Council resolutions and joint statements in respect of country situations where human rights defenders and other civil society actors are seriously restricted or at risk.
- Continue and strengthen support, including financial and diplomatic support, to a diverse range of national, regional and international NGOs providing advice, protection and support to HRDs.
- Continue to ensure that embassy staff implement the Guidelines for Irish Embassies and Missions for the protection of HRDs in a proactive, consistent and principled manner.
- Ensure that the IHREC complies with the Paris Principles, including in respect of the adequacy of its resourcing and its financial independence.

## **Key Developments in the Promotion and Protection of Human Rights**

### **GOOD PRACTICES IN THE PROTECTION OF HUMAN RIGHTS DEFENDERS: MAJOR NEW REPORT**

A [major new report](#) by the UN expert on human rights defenders, Michel Forst, documents good practices and policies in the protection of defenders. It also makes concrete recommendations to States, business enterprises, national human rights institutions, donors, civil society organisations and other stakeholders to ensure a safe and enabling environment for defenders' work... [more](#)

### **UZBEKISTAN: STOP HARASSING UKTAM PARDAEV**

The Association for Human Rights in Central Asia, International Partnership for Human Rights, the Norwegian Helsinki Committee, and Human Rights Watch called on the Uzbek authorities to immediately stop harassing human rights defender Uktam Pardaev and lift the unlawful restrictions on his fundamental rights imposed by police... [more](#)

### **THAILAND: JUDICIAL HARASSMENT AGAINST SIRIKAN CHAROENSIRI CONTINUES**

The Observatory for the Protection of Human Rights Defenders and the International Federation for Human Rights highlight the continued judicial harassment of human rights lawyer Ms Sirikan Charoensiri and express their concern for her physical and psychological integrity... [more](#)

### **TRAVEL BANS SYSTEMATICALLY USED TO SILENCE HUMAN RIGHTS DEFENDERS IN EGYPT**

A joint statement by 9 NGOs highlights an extensive list of travel bans placed on numerous human rights defenders in Egypt. The report urges both domestic and international communities to take action against this continued institutional harassment of defenders... [more](#)

## **YOUTH ACTIVISTS ROUNDED UP AT STRIKE IN DEMOCRATIC REPUBLIC OF THE CONGO**

Human Rights Watch reports on the arbitrary detention of youth activists and at least 30 political opposition supporters in connection with a national strike to protest delays in organising presidential elections... [more](#)

## **BAHRAINI OPPOSITION LEADER SENTENCED TO ONE YEAR IN JAIL**

In response to the Bahraini opposition leader, Ibrahim Sharif, being sentenced to one year in jail, Human Rights First urged the US to renew the call for his release. The sentencing reveals a human rights crisis in Bahrain with the rights to freedom of association, assembly, and expression being restricted... [more](#)

## **BURUNDI: ABDUCTIONS AND KILLINGS, SPREAD FEAR**

Human Rights Watch has documented an alarming new pattern of abductions and possible disappearances in Burundi. Armed opposition groups have also increased their attacks, and cases of recruitment and military training of Burundian refugees in Rwanda have been reported... [more](#)

## **ANGOLA: SENTENCING AND ARBITRARY DETENTION OF MANUEL NITO ALVES**

Pro-democracy activists were arrested last year while participating in a book club meeting to discuss human rights violations in Angola. Recently, their house arrest was extended while one of them, Mr Manuel Nito Alves has been sentenced and arbitrarily detained for his objections to their trial, FIDH reports... [more](#)

## **'GHOST PROTEST' IN SEOUL TO DENOUNCE DEMONSTRATION BAN**

A 'ghost protest' was organised by Amnesty International in Korea after a demonstration was not approved by officials on the grounds it would 'disrupt traffic'. The hologram protest was in response to recent police suppression of freedom of assembly... [more](#)

## **ISRAEL: BILL TARGETING INTERNATIONAL FUNDING FOR NGOS PASSES THE FIRST READING IN PARLIAMENT**

The Israeli Parliament has approved a controversial bill that would require NGOs that receive 50 percent or more of their funding from foreign governments to publicly detail those sources... [more](#)

## **Opportunities for NGO Engagement**

### **HUMAN RIGHTS COUNCIL**

The 31<sup>st</sup> regular session of the Human Rights Council will be held in the Palais des Nations from [29 February to 24 March 2016](#). Information and updates will be published [here](#).

The Council's 32<sup>nd</sup> regular session will be held in Palais des Nations from [13 June to 1 July 2016](#). Information and updates will be published [here](#).

## UNIVERSAL PERIODIC REVIEW

The 25<sup>th</sup> UPR session will take place from [2 to 13 May 2016](#). The following States will be reviewed: 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, Ireland. The pre-session will take place from [29 March to 1 April 2016](#).

The following States will be reviewed at the 26<sup>th</sup> session of the UPR which will be held in [October/November 2016](#): Togo, Syrian Arab Republic, Venezuela (Bolivarian Republic of), Iceland, Zimbabwe, Lithuania, Uganda, Timor Leste, Republic of Moldova, Haiti and South Sudan. Guidelines for submissions are found [here](#) and are [due on 24 March](#). Information about the UPR mechanism can be found [here](#).

## TREATY BODIES

The 116<sup>th</sup> session of the Human Rights Committee will be held from [7 to 31 March 2016](#) and will consider the following State reports: Costa Rica, Namibia, New Zealand, Rwanda, Slovenia, South Africa and Sweden. The Committee will consider the list of issues for: Azerbaijan, Bangladesh, Colombia, Jamaica, Morocco, Slovakia. The Committee will also consider the list of issues prior to reporting for Estonia. The programme of work and other information is found [here](#).

The 57<sup>th</sup> session of the Committee on Economic, Social and Cultural Rights will be held from [22 February to 4 March 2016](#). The Committee will analyse the following State reports: Canada, Kenya and Namibia. The Committee will also consider the list of issues prior to reporting for: Bulgaria, New Zealand and Spain. The programme of work can be found [here](#) and the accreditation form [here](#). The 57<sup>th</sup> Pre-sessional Working Group will be held from [7 to 11 March 2016](#), in which the following State reports will be considered: Costa Rica, Cyprus, Dominican Republic, Lebanon, Philippines, Poland, Tunisia and Yemen. NGO submissions for each will be accepted until three weeks before the [57th session](#) and the [Pre-sessional Working Group](#) respectively.

The 63<sup>rd</sup> session of the Committee on the Elimination of Discrimination against Women will take place from [15 February to 4 March 2016](#). The reports of the following States are scheduled to be considered: Czech Republic, Haiti, Iceland, Japan, Mongolia, Sweden, United Republic of Tanzania and Vanuatu. More information can be accessed [here](#). The 65<sup>th</sup> Pre-sessional working group will take place from [7 to 11 March 2016](#). The Pre-Sessional Working Group will review the following State reports: Antigua and Barbuda, Argentina, Armenia, Bangladesh, Bhutan, Burundi, Canada, Estonia, Honduras, Netherlands, and Switzerland. The Working Group will also consider the list of issues prior to reporting for Romania. More information can be accessed [here](#).

The 10<sup>th</sup> session on the Committee of Enforced Disappearances will be held from [7 to 18 March 2016](#), in which the following State reports will be considered: Burkina Faso, Kazakhstan and Tunisia. The Committee will also consider the list of issues prior to reporting for: Bosnia and Herzegovina and Colombia. The programme of work can be found [here](#).

The 57<sup>th</sup> session of the Committee Against Torture will be held from [18 April to 13 May 2016](#). The Committee will consider the following State reports: France, Israel, Philippines, Saudi Arabia, Tunisia and Turkey. More information is available [here](#).

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](#).

## ASK THE UN SG CANDIDATES

In 2016, the UN will appoint a new Secretary-General. The current list of official candidates can be found on the President of the UN General Assembly's [website](#).

Informal dialogues will be held between UN Member States and candidates starting in April 2016. Civil society has the opportunity to provide questions that can be asked to the candidates during these discussions.

[Submit your questions in writing, video or audio](#) before **20 March!**

## COUNTRY VISITS BY SPECIAL PROCEDURES

Chile	Special Rapporteur on the right to education 28 March 2016 to 4 April 2016
Turkey	Working Group on Enforced or Involuntary Disappearances 14 March to 18 March 2016
India	Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context 11 April 2016 to 22 April 2016
Zambia	Special Rapporteur on the rights of persons with disabilities 18 April 2016 to 28 April 2016

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

### HUMAN RIGHTS CRISIS IN BURUNDI

ISHR will co-sponsor an event on the human rights crisis in Burundi with CIVICUS, Amnesty International, FIDH, Human Rights Watch, the International Commission of Jurists, Protection International, the World Organization against Torture (OMCT), the Global Initiative for Economic, Social and Cultural Rights, and the East and Horn of Africa Human Rights Defenders Project. The [event](#) will reflect on the implementation of sustainable solutions to the crisis and will take place on 4 March in Room XXIV, Palais des Nations.

### PROTECTION NEEDS OF HUMAN RIGHTS DEFENDERS WORKING ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS

ISHR - together with FIDH, CIVICUS, FORUM-ASIA, Peace Brigades International, the Global Initiative for Economic, Social and Cultural Rights, Protection International and the East and Horn of Africa Human Rights Defenders Project – will facilitate a side event to shed light on the risks faced by economic, social and cultural rights defenders, and draw on the report of the Special Rapporteur on human rights defenders to be presented to the 31st session of the Human Rights Council to present good practices in furthering their protection. The [event](#) will take place on 7 March in Room XVIII, Palais de Nations. Live webcasting [here](#).

## **CHINA'S SECOND-CYCLE UNIVERSAL PERIODIC REVIEW MID-TERM: A TECHNICAL ASSESSMENT FROM CIVIL SOCIETY**

ISHR, the Tibet Advocacy Coalition, The World Uyghur Congress and others are organising a side event which will consider the role of civil society in China's UPR. The event will particularly focus on pressing for and assisting with the implementation of recommendations and the value of transparent benchmarks of progress and areas for continued effort at the mid-point of China's second cycle of UPR. The [event](#) will take place on 14 March in Room XVIII, Palais des Nations.

## **ASIA REGIONAL FORUM ON BUSINESS AND HUMAN RIGHTS**

The Working Group on Business and Human Rights is holding a forum with the objective of bringing awareness and implementation of the [Guiding Principles on Business and Human Rights](#) in Asia. [Registration](#) is currently open and [submissions](#) are being accepted by stakeholders. The [event](#) will take place on 19-20 April 2016 in Qatar at the Sheraton Doha Resort & Convention Hotel.

## **THE ROLE OF WOMEN HUMAN RIGHTS DEFENDERS IN THE SUSTAINABILITY OF DEVELOPMENT GOALS**

The event will particularly focus on women human rights defenders working in areas of economic, social and cultural rights. Sponsors include Norway, Tunisia, ISHR and other members of the Women Human Rights Defenders International Coalition. The event will be held on 16 March 2016 in Conference Room 12 at the UN Building in New York.

## **WORKSHOP ON DOCUMENTING VIOLATIONS AGAINST WOMEN HUMAN RIGHTS DEFENDERS**

The workshop will focus on documentation of violations against women human rights defenders and will also include the launch of the WHRD International Coalition manual "[Gendering Documentation](#)." The event will take place on 18 March at the Thai Cultural Center (TCC) – 310 44<sup>th</sup> St. New York.

## **New Resources**

### **ISHR TREATY BODY BRIEFING PAPERS**

#### **Philippines: End killings of defenders working on economic, social and cultural rights**

The specific and increasingly heightened risks facing defenders of economic, social and cultural rights in the Philippines should be a priority issue during the country's forthcoming examination by the UN Committee on Economic, Social and Cultural Rights, according to a [joint submission by ISHR and seven other NGOs](#).

### **ISHR UNIVERSAL PERIODIC REVIEW BRIEFING PAPERS**

ISHR has launched [briefing papers on the situation of human rights defenders](#) to assist States and other stakeholders to formulate questions and recommendations in the upcoming 25th session of the Universal Periodic Review, including in the:

- [Ireland](#): the Government should demonstrate leadership by leading the drafting of Human Rights Council resolutions and statements on country situations where defenders and other civil society actors are restricted or at risk.

- [Hungary](#): the Government should promote and protect the right to safe and unhindered communication with international organisations and prevent and promote accountability for acts of intimidation or reprisal.
- [Thailand](#): the Government should remove legal restrictions on the rights to freedom of expression, and freedom of association and peaceful assembly.
- [Tajikistan](#): the Government should protect defenders and journalists from being subject to violence, being threatened and harassed by officials, and being intimidated and arbitrarily arrested.

## **REVOLUTIONARY NEW TOOL TO SEARCH AND DISCOVER HUMAN RIGHTS COUNCIL RESOLUTIONS**

Searching and utilising Human Rights Council documents has previously required costly resources to the exclusion of many defenders. This month HURIDOCS will launch [RightDocs](#); a revolutionary new search tool that makes Council related documents accessible to all, faster and more efficient than ever. Information can be accessed dynamically – users can filter by topic, State, agenda item, session, and date. New features will be added based on user feedback. Sign up for early access, get results, and inform innovation at [right-docs.org](#).

## **AMNESTY INTERNATIONAL REPORT 2015/16: THE STATE OF THE WORLD'S HUMAN RIGHTS**

Amnesty International has published its [annual report on the human rights situation in the world](#). The report discusses the events of 2015 and contains a foreword by the UN High Commissioner for Refugees, António Guterres.

### **“I JUST SIT AND WAIT TO DIE”**

Human Rights Watch has released [a report on reparations to victims of sexual violence in the post-election period of 2007-2008 in Kenya](#). The report documents grave human rights abuses conducted against women and girls, as well as men and boys, with many survivors still in need of medical care. The International Criminal Court’ proceedings in connection to the violence are also discussed.

## **BRIEFING: BUSINESS & HUMAN RIGHTS CHALLENGES IN EASTERN EUROPE & CENTRAL ASIA**

The Business and Human Rights Resource Centre has released a [briefing on business and human rights challenges in Eastern Europe and Central Asia](#). The report discusses how a shrinking civil society space threatens corporate accountability activists. The findings are based on documentation from May 2014 to December 2015, highlighting concerns, progress, and legal and regulatory developments.

## **FRONTLINE DEFENDERS ANNUAL REPORT: STOP KILLING HUMAN RIGHTS DEFENDERS**

Frontline Defenders has released [its yearly report](#) highlighting global and regional trends in attacks against human rights defenders. The report demonstrates heightened dangers and increased challenges for defenders in carrying out their legitimate work.

## **DISPATCHES 2015**

[A report](#) has been released by Frontline Defenders that evaluates the organisation's work in 2015. It highlights the troubles the organisation faces in its work to protect human rights defenders, especially when it comes to achieving fast and efficient support for defenders at risk.

## **LIVING IN A TIME OF DECEPTION**

The historical memoir of Dr Poh Soo Kai, a man of medicine and a founding member of the People's Action Party, has been released. It is said to be a powerful, well-researched history of Singapore that will be invaluable to scholars, ordinary citizens and aspiring activists, hoping for a more democratic and just Singapore... [more](#)

## **Case Notes on Decisions from International Human Rights Bodies - Merits Decisions**

### **COLOMBIA: ENFORCED DISAPPEARANCES BY PARAMILITARY GROUPS IN CONTRAVENTION OF INTERNATIONAL COVENANT**

*Serna and others v. Colombia (2134/2012)*

#### **Summary**

In July 2015, the Human Rights Committee was asked to consider whether Colombia had violated its obligations under the International Covenant on Civil and Political Rights in connection with the enforced disappearance of two individuals.

The communication was submitted under the Optional Protocol to the Covenant by nine Colombian nationals in their own name and on behalf of two disappeared relatives and a deceased family member.

#### **Background**

On 8 March 1995, Guillermo Anzola Grajales and Julio Eduardo Molina Arias travelled to Puerto Triunfo, a municipality in Antioquia in the Middle Magdalena region of Colombia.

On 10 March 1995, two of the authors, Luz Elena Usuga Usuga and Rosa María Serna, the wives of Mr Anzola and Mr Molina respectively, travelled to Puerto Triunfo after their husbands failed to return.

On 11 March 1995, Ms Usuga reported Mr Anzola and Mr Molina missing to the police in Doradal, Puerto Perales and Puerto Boyacá.

On 17 March 1995, the car in which Mr Anzola and Mr Molina had been travelling was found abandoned in San Francisco, also in the municipality of Antioquia.

On 18 March 1995, Ms Usuga lodged a criminal complaint with the Puerto Triunfo public prosecutor's office.

On 25 October 1996, the case was formally dropped by the prosecutor on the basis that there were insufficient grounds to initiate a criminal investigation, as it was not possible to identify the perpetrators of the act.

While making inquiries in the Middle Magdalena region, the authors were warned by a police officer that paramilitary groups were stopping people to check their identity and disappearing those who were from outside the region.

On 11 March 1995, the Association of Relatives of Detainees and Disappeared Persons (**ASFADDES**) filed complaints on behalf of the authors with the police in Doradal and subsequently with nine other authorities, including the Attorney General's office.

In July 1995, the authors exercised their right of petition, requesting through ASFADDES information on the status of investigations from the armed forces, the Provincial Office of the Attorney General, and seven other public bodies.

On 3 June 1996, ASFADDES submitted a petition to the armed forces regarding a stone quarry that was allegedly being operated to fund the paramilitary group Autodefensas Campesinas del Magdalena Medio and where approximately 300 persons were being made to work against their will and without their families' knowledge. On 24 June 1996, the armed forces responded to the petition, stating that they were unaware of the existence of any paramilitary groups and that no such quarry had been found when carrying out intelligence work in the area.

On 18 September 2001, Ms Molina filed the disappeared persons search request form used by the Attorney General's Office.

Under Act No. 975 of 2005, several members of Autodefensas Campesinas del Magdalena Medio were demobilized and availed themselves of the special amnesty procedure established pursuant to the Act. However, none of demobilized members acknowledged the disappearance of Mr Anzola or Mr Molina.

Between September 2010 and January 2011, the Colombian Commission of Jurists submitted petitions on behalf of the authors, requesting information about the enforced disappearance of Mr Anzola and Mr Molina. The petitions were addressed to the Justice and Peace Unit of the Attorney General's Office, the Executive Directorate of the Military Criminal Justice System, the Counsel General, the Attorney General's Office and the Puerto Triunfo District Office of the Attorney General.

On 11 October 2010, the Ministry of Defence replied that the offence fell outside the jurisdiction of the military criminal courts as it had not been committed in the line of duty.

On 30 September 2010, the Counsel General's Office stated that there was no disciplinary investigation into the enforced disappearance of Mr Anzola and Mr Molina.

On 17 November 2010, the army replied that information had been sought from the commander of Infantry Battalion No. 3, which had been operating in the area where the enforced disappearances took place, but no details had been forthcoming and no disciplinary investigation had been conducted.

On 1 September 2011, the authors filed this communication with the Committee under the Optional Protocol to the Covenant.

The authors claimed that the enforced disappearances violated Mr Anzola and Mr Molina's rights to: (i) life, (ii) freedom from cruel and inhuman treatment, (iii) liberty and security of the person, (iv) humane treatment in detention, (v) recognition as a person before the law, (vi) freedom from arbitrary or unlawful interference with private life, and (vii) protection of the family (under articles 6, 7, 9, 10, 16, 17 and 23 of the Covenant respectively).

The authors also alleged that they themselves were victims of violations of articles 7, 17 and 23 of the Covenant.

### **The Committee's decision**

On admissibility, the Committee considered Colombia's objection to the admissibility of the complaint on the ground that the communication was submitted 16 years after the dismissal order had been issued by the Puerto Triunfo prosecutor's office, on the basis that this amounted to an abuse of the right to submit communications. The Committee noted that the Optional Protocol does not establish time limits within which a communications must be submitted and that an abuse of the right to submit a communication is found only where an exceptionally long period of time has elapsed before the submission without sufficient justification. The Committee concluded that the violation alleged still persisted due to an absence of truth, justice and redress for the disappearances in question and therefore declared the communication admissible.

On the merits, the Committee decided to give due weight to the authors' allegations in the absence of any comments from Colombia regarding the substance of the authors' complaints.

The Committee observed that, according to the information provided by the authors and available from bodies of the United Nations human rights system, Colombia had encouraged the formation of paramilitary "self-defence" groups. It noted that enforced disappearance was a widespread practice used by paramilitary groups with the complicity of the Colombian armed forces, according to a broad range of national and international sources. The Committee noted that while "enforced disappearance" was not a term explicitly used in the Covenant, enforced disappearances constitute a unique and integrated series of acts that represent continuing violation of various rights recognized in the Covenant. The Committee observed that Colombia had failed to make progress in investigating the fate and whereabouts of the disappeared in the last 21 years, despite the reports and appeals that had been presented by the authors. The Committee observed that Colombia had also intentionally placed the disappeared outside the protection of the law.

The Committee noted that, in accordance with its General Comment No. 31, a failure to investigate allegations of violations could constitute a separate breach of the Covenant. The Committee observed that there had been an absolute lack of investigation of paramilitary groups operating in the area. The authors had received no information despite having submitted numerous reports and requests to the various authorities and Colombia had failed to provide any justification for the delay in completing the investigation.

Finally, the Committee also noted the authors' allegation that they themselves and their families had suffered severe stress due to the disappearance of the family members and the uncertainty of their whereabouts.

In view of the above, the Committee found Colombia to have violated articles 6, 7, 9 and 16 in respect of Mr Anzola and Mr Molina. The Committee also found a violation of article 7 in respect of the

authors. Having found a violation of these articles, the Committee considered that it was not necessary to make a finding with respect to the authors' allegations under articles 10, 17 and 23.

In accordance with article 2(3)(a) of the Covenant, the Committee observed that Colombia was under an obligation to provide the authors with an effective remedy, including: (a) the performance of an independent, thorough and effective investigation of the disappearances and the prosecution and punishment of those responsible; (b) the release of Mr Anzola and Mr Molina should they still be alive; (c) if they are dead, the handing over of their remains to their family; and (d) effective reparation for the violations suffered by the authors, including adequate compensation, medical and psychological rehabilitation.

The Committee also held that Colombia was under an obligation to prevent similar violations from occurring in the future and to ensure that any enforced disappearances give rise to prompt, impartial and effective investigation.

Colombia 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 Committee's decision is published widely.

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



# ISHR | SUPPORTING HUMAN RIGHTS DEFENDERS FOR 30 YEARS

For more information about our work, or any of the issues covered in this publication, please visit our website:

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