



Opinion..... 1
 Human Rights Defender Profile.....3
 Director’s Update – April 2014.....5
 Our Work to Support Human Rights
 Defenders.....7
 Our Work to Strengthen Human Rights
 Systems 12
 Key Developments in the Promotion and
 Protection of Human Rights 16
 Opportunities for NGO Engagement 17
 Conferences and Events 20
 New Resources 21
 Case Notes on Decisions from International
 Human Rights Bodies 21

Opinion

**UGANDA’S LGBTI COMMUNITY
NEEDS THE UN NOW MORE THAN
EVER**

Adrian Jjuuko

On 24 February 2014, President Yoweri Museveni of Uganda signed the controversial Anti-Homosexuality Act 2014 into law. The law came into force on 10 March 2014. The law further criminalises same sex relations among adults, classifies houses occupied by LGBTI people as brothels, and criminalises ‘promotion of homosexuality’, which is so

vaguely defined as to include almost any association with homosexuals. The law in effect criminalises the entire existence of LGBTI persons since they cannot access the same services as everyone and cannot enjoy the same rights as everyone else.

The aftermath of the signing saw European governments announcing aid cuts to Uganda, and other countries beginning to review their relationship with Uganda. At the UN level, the Secretary-General condemned the development and the Office of the High Commissioner for Human Rights issued a statement raising concerns with the law. The human rights bodies and special procedures are however still largely silent. This article opines that the hopes of the Ugandan LGBTI community to have this law reversed lie with the UN. It calls upon the UN to act more actively, though respectfully, in order to make the Uganda government change its position on this law.

Situation of LGBTI persons at present

Right now, the situation of LGBTI persons is quite alarming. The passing of the law has forced many individuals and organisations to go ‘underground’ for fear of being arrested or their organisations closed. Since it is not clear what is meant in the law by ‘promotion’, many activities were postponed and many materials that discuss the rights of LGBTI persons were destroyed. The law has thus had an immediate

chilling effect on the work and lives of LGBTI persons.

The law is already being enforced, with over 16 cases of arrests recorded since the law was passed by Parliament. One organisation was stopped from working in particular areas, and the offices of a university research project – the Makerere University Walter Reed Research Project – were raided. The latter incident was especially worrying as this is a US-funded project, sending signal that even such projects are not safe. Since it was an HIV research project, the Government also broke its promise not to interfere with health service provision.

Private individuals are taking the law into their own hands. HRAPF has documented two cases of mob justice involving four victims who were beaten by private citizens. More than ten persons have been unlawfully evicted from their rented premises and over ten cases of threatening violence have been recorded.

Efforts to challenge the law in Uganda and in the region

Domestic efforts to challenge the law have already begun. On 11 March 2014, Constitutional Petition No. 008 of 2014, *Prof. J Oloka Onyango & 9 Others v Attorney General of Uganda*, was filed under the auspices of the Civil Society Coalition on Human Rights and Constitutional Law (CSCHRCL).

The case challenges the constitutionality of the Act on two major grounds: that the process through which it was passed violates the Constitution, because the requisite procedure for determining quorum was not followed; and that the substantive provisions of the Act are inconsistent with the Bill of Rights, which protects rights to equality and non-discrimination, freedom from inhuman and degrading punishment, and the right to privacy. The petition calls upon the Constitutional Court to declare the law unconstitutional, and to issue a permanent injunction against its enforcement.

The CSCHRCL is also pursuing a case at the East African Court of Justice, and undertaking advocacy and engagement with the Government and Parliament in order to have the law reviewed.

However these efforts need the support of the international community if they are to succeed.

How the UN can help to protect LGBTI rights in Uganda

Uganda is a member of the UN, and has ratified almost all the main human rights instruments within the UN system. As such it is bound to fulfil, protect and respect the rights enshrined in these instruments. The treaty bodies, which monitor the implementation of these instruments, need to strongly condemn Uganda's actions in passing this law and remind it of its obligations under international law. This will force the State to attempt to justify the law in the context of its international obligations and will increase the pressure on it.

OHCHR should closely monitor and report on the situation of LGBTI persons in Uganda, and Special Procedures should issue urgent action appeals to the Government.

The specialised UN agencies also have a role to play. They need to make clear their position on this law, and its implications for the rights of LGBTI persons. UNAIDS in particular could stress the impact of criminalisation of same-sex relations on the fight against HIV/AIDS, in which Uganda was seen as a role model a few years ago. The other agencies could show the interlinkages between human rights, non-discrimination and development.

Conclusion

The challenge to the law in the courts is not the end of the struggle, but the beginning of a new and acute phase. As the situation of LGBTI persons in Uganda continues to worsen, with arrests becoming commonplace and violations by non-State actors increasing, the international community's support and more especially that of the UN is needed now more than ever. The different UN bodies, organs and agencies have the power and capacity to engage the government of Uganda and to hold it accountable to its obligations under international instruments.

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Human Rights Defender Profile

THILAGA SULATHIREH: MALAYSIAN LGBTI DEFENDER

'I'm queer, and it just made sense to be part of the LGBTI movement.'

Thilaga Sulathireh initially joined the struggle for LGBTI rights in Malaysia in response to her own experience of discrimination and harassment on the grounds of sexual orientation and gender identity. She now devotes herself to promoting and protecting the rights of others. The violence and discrimination inflicted on the LGBTI community in Malaysia, particularly on trans people, strengthened Thilaga's determination to promote transgender rights, and challenge patriarchal norms and oppressive religious traditions and values.

As the founder of several LGBTI campaigns, such as Justice for Sisters, Thilaga and her colleagues aim at raising awareness about the violence experienced by the LGBTI community. Together with the trans community they organize workshops and performances, which aim to raise both awareness and funds.

Most often these events are conducted in private or semi-public spaces. Given the risk of violence the trans community faces, Thilaga describes it as an 'underground' movement, reaching out to possible allies in civil society rather than confronting those with entrenched anti-LGBTI attitudes, such as people with extreme religious views. Thilaga highlights the importance of awareness-raising amongst civil society, as many ignore LGBTI issues. She says that the responses to date from human and women's rights movements have been positive, citing as an example the inclusion of more LGBT people in panel discussions and events convened by 'mainstream' human rights organisations. At the civil society level, she says, the situation of trans people is moving 'in the right direction'.

'We see trans people coming out to speak on their issues on their own terms'

Thilaga sees her greatest achievement as an advocate as the fact that trans people are beginning to speak out on their issues for themselves. At the heart of the campaigns that she participates in is the goal of empowering the trans community; seeing them develop their own advocacy strategies and discourse instead of 'piggy-backing on LGBTI advocacy'. Unfortunately the number of violent acts against LGBTI people following the banning of the festival Seksualiti Merdeka in 2011 pushed the LGBTI community, and especially trans people, back into the shadows of invisibility.

The festival, that Thilaga helps to organise as an awareness-raising event, was banned by the Malaysian Government, which publicly described it as a 'free sex festival'. With Seksualiti Merdeka at

the centre of attention in Malaysia, the LGBTI community became a scapegoat for the Malaysian State and society. The Government extended the law forbidding the act of cross-dressing to the state of Pehang; ‘anti-free sex’ campaigns and rallies were organised in schools and universities; and groups released guidelines on how to ‘recognise’ homosexual men and women. The Ministry of Health and the Ministry of Religion established a ‘corrective’ programme for Muslim trans people, *Mukhayyam*, enticing them with microcredit they would acquire by the end of the programme.

Although a multi-ethnic State, Malaysia has a dual legal system of Sharia and civil law. The Malaysian government also especially targets Muslim LGBTI persons, depicting them as blasphemous. Similarly, it is especially Muslim LGBTI rights defenders that face the greatest risk in Malaysia, including harassment, intimidation and threats. Consequently very few LGBTI defenders are Muslims. According to Thilaga, the number of LGBTI defenders in Malaysia is very limited – she says she can ‘count them on two hands’.

These defenders, along with human rights defenders working on allied issues, experience great restrictions on freedom of expression and assembly. The [banning of the NGO coalition COMANGO](#), of which Thilaga is a member, and which engaged with the Universal Periodic Review of Malaysia, exemplifies the restrictions imposed by the Malaysian government on civil society. The Malaysian Home Ministry considered the activities of COMANGO as antagonistic to the Muslim faith, as they are supporting the LGBTI community. When the Human Rights Council urged Malaysia to embrace collaboration with COMANGO during the UPR instead of perceiving it as a threat, the country simply ignored this issue in its right to reply. The ban was later quietly reversed.

‘We need more progressive Asian countries in the Human Rights Council’

According to Thilaga, although a number of Asian countries are relatively open, tolerant and democratic at the national level, including Indonesia and the Philippines, this is not reflected in their positions at the regional or international levels, especially on LGBTI issues. She also regrets that Malaysia’s position as a co-founder of ASEAN, and with a strong economy which attracts migrants from across the region, tends to dissuade more progressive States from confronting Malaysia on issues of LGBTI rights and human rights more generally.

Another problem Thilaga sees is the selection of member States in the Human Rights Council. Given Malaysia’s problematic human rights record, Thilaga wonders how it is possible that her country was twice elected a member of the Council. She urges a better selection process of the members, as well as a basic education on human rights for the elected countries.

At a civil society level it is also difficult for progressive and critical voices to be heard. A major issue for civil society in Asia is a lack of resources. As Thilaga explains, the severe situation for LGBTI people in Africa understandably leads to resources being channelled that way, while the human rights situation of Asian countries is not perceived to be as worrisome. As a result Asia tends to fall off the radar, leading to a shortage in resources and support from outside.

‘I see people becoming empowered. I see my friends standing up to police and asking “WHY are you arresting me?”’

Given the recent developments in Malaysia and the limited space for civil society, one might wonder, what gives Thilaga hope in continuing her work?

Thilaga's hope lies in the small steps, the small successes. Because the Government does not deliver any hope for change in the near future, her own hope for change is through a bottom-up approach, at the level of the people rather than at an institutional level. As much as there is a need to change the Government's view, there is also a great need to change public perception, she says.

Thilaga also has hope that Malaysia will not follow in the footsteps of States such as Uganda, Nigeria and Russia, in criminalising homosexuality. She points to Malaysia's will to become an economically developed nation by 2020 and suggests that Malaysia's desire for economic development will hold it back from ostracising itself from the international community through such a regressive step.

Lene Swetzer is an Intern with the International Service for Human Rights in Geneva.

For more information on the work of Thilaga see <http://justiceforsisters.wordpress.com/>

Director's Update – April 2014

Dear friends of ISHR,

Defending human rights remains a dangerous activity in many regions of the world.

Over the last few months I've been inspired by the courage of many human rights defenders with whom ISHR works in defying these dangers to protect the rights of others. I've also seen how international and regional human rights mechanisms are being used by these defenders to achieve human rights change and wanted to share some developments with you in this regard.

Preventing intimidation and reprisals

Like many of you, I was saddened and appalled by the death of Chinese human rights defender and former ISHR-trainee Cao Shunli. Cao was detained, denied adequate medical treatment and ultimately died in connection with her efforts to promote democracy and expose corruption in China through the UN Human Rights Council's Universal Periodic Review.

With the encouragement of activists on the ground, such as Hu Jia ISHR has sought to ensure that Cao's voice continues to be heard and that, while nothing will atone for her death, it serves as an imperative for both the UN and States to [strengthen the protection of human rights defenders against intimidation and reprisals](#).

Supporting freedom of expression

Shortly before Cao's death, while she was still in a coma, I had the privilege of meeting with a number of Chinese human rights defenders. With their colleague in a critical condition, I asked whether traveling to Geneva and advocating at the UN is worth the risk. Their answers were both illuminating and inspiring. Yes, they said, not only do recommendations from the Human Rights Council sometimes directly influence laws and policies on the ground, but being able to speak at the UN is a powerful exercise of the fundamental right to freedom of expression, especially where that right is flagrantly denied at the national level.

Perhaps nowhere are the rights to freedom of expression and association more systematically denied than in North Korea. In this context, ISHR was delighted to provide [Shin Dong Hyuk](#), the only known escapee of North Korea's notorious political prison Camp 14, with a speaking platform at the Human Rights Council in March.

[Shin's powerful testimony](#), in which he spoke witnessing the public execution of his mother and brother, was one of the many contributors to the Council adopting a groundbreaking resolution on North Korea and taking an important step towards accountability for gross human rights violations in that country. I'd also like to take the opportunity to acknowledge the phenomenal contributions of Commission of Inquiry Chair, Michael Kirby, and Human Rights Watch's [Julie de Rivero](#) to the development and adoption of this landmark resolution.

Protecting the right to assemble and protest

Closely related to the right to freedom of expression is the right to freedom of association and assembly. During the course of the 25th session of the Human Rights Council ISHR was therefore proud to be associated with successful advocacy efforts to address the severe and worsening [crackdown on activists and journalists in Egypt](#) and to secure an important [resolution on the promotion and protection of human rights in the context of peaceful protests](#).

More recently, we were pleased that, consistent with ISHR's recommendations, the UN Office for the High Commissioner for Human Rights identified the [need to 'widen democratic space'](#) as a key global priority. As my colleague Michael Ineichen said at the launch of OHCHR's new strategic plan, 'the trend to restrict civil society space is not limited to repressive governments alone. Increasingly we see democratic governments using excessive force against protesters and justifying disproportionate restrictions on the fundamental rights to freedom of expression, assembly and association by reference to economic or national security interests.'

Translating resolutions into actions

In addition to supporting grassroots human rights defenders to inform the development of resolutions at the UN and the African Commission on Human and Peoples' Rights, ISHR is increasingly working with those defenders to translate such resolutions into action on the ground.

In February, my colleagues Clement Voulé and Eleanor Openshaw completed a successful three year project with human rights defenders from Cote d'Ivoire, Guinea, Liberia and Sierra Leone. The project assisted activists to work with government and other key stakeholders to implement UN recommendations on women's rights and has already led to a range of [positive developments](#) in those countries, including the development of National Human Rights Action Plans by the Governments of Sierra Leone and Liberia.

In a similar vein, my colleagues Madeleine Sinclair and Michelle Evans are working with a coalition of organisations to ensure that a [landmark General Assembly resolution](#) adopted in December is used as a [roadmap by States to develop specific policies and programs](#) to protect women human rights defenders. Clement and Eleanor will be undertaking a similar process in Angola, working with African NGOs on a roadmap to implement the recommendations of a new African Commission report on WHRDs.

Looking ahead

The coming months are shaping as busy and exciting for the ISHR team.

Later this month Clement Voulé and Heather Collister will travel to Angola to advocate at the African Commission on issues such as the protection of women human rights defenders. At the same time our New York staff, fresh from the relative success of the [treaty body strengthening process](#),

will shift their attention to supporting a range of NGOs, especially those focused on LGBT and sexual and reproductive rights, to [access the UN](#).

Looking further ahead to June, we'll provide [intensive training and advocacy support](#) to twenty human rights defenders coming from all over the world to Geneva. We'll also lobby at the Council for a new resolution on business and human rights to better protect defenders who work on issues of corporate accountability.

Thank you for your support for ISHR and your commitment to human rights defenders. As always, I'd be delighted to hear from you about ways in which we could further support their courageous and invaluable work.

Yours sincerely

Phil Lynch

Director, International Service for Human Rights

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Our Work to Support Human Rights Defenders

HUMAN RIGHTS ORGANISATIONS HONOUR LEADING DEFENDERS FROM BANGLADESH, CHINA AND MEXICO

(Geneva, 23 April 2014) – Three prominent human rights defenders from China, Bangladesh and Mexico have been honoured for their courageous work in the face of great personal risk, with the announcement of the Final Nominees for the Martin Ennals Award 2014.

One of the nominees, Chinese human rights defender Cao Shunli, died in hospital a few days after the Martin Ennals Jury chose her as a finalist. In violation of international law, she was detained, denied access to adequate medical treatment, and ultimately died in connection with her efforts to hold China to account for its human rights obligations at the UN Human Rights Council.

'It is a grim, tragic irony that it was only in her death that Cao Shunli's voice was ultimately heard at and through the United Nations Human Rights Council' said Phil Lynch, Director of ISHR and one of the jury members responsible for the selection of nominees.

'Sadly, Cao Shunli's case is not isolated, but a paradigmatic example of the intimidation, harassment and reprisals that human rights defenders frequently face for their work to expose violations and ensure accountability,' Mr Lynch said.

The Martin Ennals Award is conferred annually by ten of the world's leading human rights organisations, including the International Service for Human Rights, to highlight the work of human rights defenders and provide protective publicity to defenders at risk.

'The Martin Ennals Award recognises the courageous work of human rights defenders and, through publicity, seeks to promote and provide protection for their vital work,' said Mr Lynch.

In 2014, the Final Nominees for the Award are:

- [Cao Shunli](#) (video) – a Chinese human rights activist who died in detention as a reprisal for her human rights work,
- [Alejandra Ancheita](#) (video) – a human rights defender from Mexico undertaking pioneering work to hold corporations to account for the human rights impact of their operations, and

- [Adilur Rahman Khan](#) (video) – a leading human rights activist from Bangladesh facing police harassment, detention and death threats in connection with his efforts to document and ensure accountability for attacks against peaceful protesters.

‘Around the world – from China, to Bangladesh, to Mexico – human rights defenders face threats, attacks and reprisals for their work. The work of these defenders is crucial to foster democracy, promote accountability and uphold the rule of law. It is for this very reason that anti-democratic, corrupt and repressive governments so frequently target and attack their work,’ said Mr Lynch.

‘ISHR calls on all governments to recognise, respect and protect human rights defenders and to provide a supportive and enabling environment for their important work,’ Mr Lynch said.

Further information about the Martin Ennals Awards, including biographical information and videos about the Final Nominees, is available at <http://www.martinennalsaward.org/>.

The Final Award will be announced at a ceremony in Geneva on 7 October 2014.

The Martin Ennals Award Jury comprises representatives from the following leading international human rights organisations:

- Amnesty International
- EWDE Germany
- Front Line Defenders
- Human Rights First
- Human Rights Watch
- HURIDOCS
- International Commission of Jurists
- International Federation for Human Rights (FIDH)
- International Service for Human Rights
- World Organisation Against Torture (OMCT)

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CIVIL SOCIETY LOSES AS REPRESSIVE STATES WIN ELECTION TO REGULATE NGO ACCESS TO UN

(New York, 23 April 2014) – Democratic States that value and respect a vibrant civil society should do more to support non-governmental organisations to have their voices heard at the UN.

The call comes after very few such States stood for election to an important UN committee that regulates civil society access to the UN, vacating the field for the election of a number of repressive States whose intolerance for civil society at home looks set to further restrict NGO access to the UN.

‘The membership of the Committee on NGOs, which already is dominated by member States that are not supportive of civil society, is set to get worse in 2015,’ said Michelle Evans of ISHR.

States newly elected to the 19-member Committee on Non-governmental Organizations include the repressive regimes of Iran, Mauritania, and Azerbaijan.

'The election of repressive States to the Committee means that human rights NGOs will face further obstacles in seeking to access and effectively participate in the Human Rights Council and other UN processes,' Ms Evans said.

The Committee on NGOs makes recommendations to the UN's Economic and Social Council about the accreditation of NGOs, which is a requirement for their participation in many UN meetings. This year the majority of candidates for election to the Committee have very poor track records in respecting and supporting civil society, non-governmental organisations and human rights defenders. Many of them, including China, Russia and Sudan, have also shown a disturbing pattern of attacks, intimidation and violence against NGOs who seek to cooperate with the UN human rights mechanisms.

'The UN depends heavily on the free and safe cooperation of human rights defenders for its effective functioning,' said Ms Evans. 'It is completely incoherent that the same States that seek to fracture this partnership should serve on a Committee that governs civil society access to and participation in the UN.'

'Member States that sit on the NGO Committee should be committed to a robust partnership between civil society, the UN and Member States, not only because the legal framework of the UN Charter and ECOSOC Resolution 1996/31 requires it, but because civil society has a crucial role to play in advising and enhancing the accountability of the UN and its member States,' Ms Evans said.

Disappointingly, only a few such member States – including Greece, Israel, South Africa, Uruguay and the US – stood for election or re-election to the Committee on NGOs.

The dismal showing of candidates occurred despite a [campaign by the International Service for Human Rights](#) and others to urge moderate, open and accountable democratic governments in all regions to run for a seat on the Committee.

'It is deeply troubling that more member States which profess support for civil society were not prepared to translate this rhetoric into action by standing for election,' said Ms Evans.

The membership composition also means that democratic new members – such as Greece, which is replacing Belgium – will need to be particularly active and vigilante on the Committee.

'We welcome the strong support that Belgium has given to civil society during its term on the Committee and urge Greece to play a similar leadership role. It is imperative that Greece continues Belgium's outstanding work in protecting the right to unhindered access for NGOs to the UN, and positively influencing the Committee to fulfil its mandate of giving a voice to civil society at the UN,' said Ms Evans.

It is crucial for public confidence in the NGO Committee, the ECOSOC, and the UN itself that the NGO Committee deal with applications for accreditation in a fair, transparent and timely way.

'It discredits the UN as a whole when the NGO Committee is seen to reject or unduly delay NGO applications for accreditation just because some States oppose their views or disagree with the content of their work,' Ms Evans said.

'Human rights defenders want to and have the right to participate in the policy debates on issues that affect them and the communities they represent. The more their human rights concerns are marginalised or ignored, the more vital it is that those NGO voices are heard.'

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INDIA: APPLICATION OF YOGYAKARTA PRINCIPLES UNDER NATIONAL LAW A MAJOR STEP FOR TRANSGENDER RIGHTS

(Geneva, 17 April 2014) – In a [landmark judgment](#) the Supreme Court of India has held that transgender persons are entitled to be recognised as a ‘third gender’ rather than being forced to identify as either male or female. The Court also held that discrimination based on gender identity violates constitutionally guaranteed rights to equality, freedom of expression, privacy, autonomy and dignity.

Significantly, in reaching its decision, the Court stated that the ‘[Yogyakarta Principles on the Application of International Law in Relation to Issues of Sexual Orientation and Gender Identity](#)’ should be applied as a part of Indian law.

‘Equality and non-discrimination on the ground of gender identity or expression is increasing and gaining acceptance in international law and, therefore, should be applied in India as well,’ the Court said.

‘Due to the absence of suitable legislation protecting the rights of the members of the transgender community...International Conventions, including the Yogyakarta Principles, which we have found not inconsistent with the various fundamental rights guaranteed under the Indian Constitution, must be recognized and followed,’ the judges said.

The Yogyakarta Principles were developed by a coalition coordinated by the International Service for Human Rights and the International Commission of Jurists and were formally adopted by a panel of leading international law experts in November 2006. They provide authoritative guidance on the human rights of gay, lesbian, bisexual, transgender and intersex persons and the obligations of States to promote and protect these rights, ensure full equality and address discrimination.

‘ISHR welcomes the decision of the Supreme Court of India affirming the right to non-discrimination on the grounds of gender identity and recognising the relevance and applicability of international human rights norms, such as the Yogyakarta Principles,’ said ISHR Director Phil Lynch.

‘The right to non-discrimination on the grounds of sexual orientation and gender identity is both fundamental and universal and we call on all States to comply with the Yogyakarta Principles in developing and implementing laws, policies and practices in this regard,’ Mr Lynch said.

‘In the case of India, in particular, we call on the Government to act consistently with the Yogyakarta Principles by repealing section 377 of the Indian Penal Code, which effectively criminalises same-sex relations. We also call on India to comply with the spirit and intent of this judgment by supporting efforts at the UN Human Rights Council to adopt a resolution condemning violence and discrimination on the grounds of sexual orientation and gender identity.’

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RUSSIA: REPRISALS AGAINST NGOS BREACH INTERNATIONAL LAW AND OBLIGATIONS AS HUMAN RIGHTS COUNCIL MEMBER

(Geneva, 9 April 2014) – The prosecution of a leading Russian NGO for submitting information to a United Nations human rights body is a flagrant breach of international law and manifestly incompatible with Russia’s membership of the UN Human Rights Council, ISHR said today.

On 8 April 2014, the St Petersburg City Court upheld an earlier ruling that Anti-Discrimination Centre Memorial, an NGO focused on upholding minority rights and combating discrimination in Russia, was engaged in ‘political activity’ and should be registered as a ‘foreign agent’. The ruling came

on the same day as [Russia's supreme court upheld the constitutionality of the so-called 'foreign agents law'](#), which requires NGOs that seek to 'influence public opinion or policy' and that receive funding from abroad to register as 'foreign agents', effectively stigmatising them as 'traitors' or 'spies'.

The prosecution of ADC Memorial relied on the fact that, in 2012, the organisation submitted a report on police brutality against Roma and other minorities in Russia to the UN Committee against Torture. The Convention against Torture strictly prohibits intimidation or reprisals against any person for submitting information or a complaint alleging ill-treatment to relevant authorities.

'The right to submit information and complaints to UN human rights bodies and to be protected from prosecution, intimidation or reprisals for doing so is a well-established principle of international human rights law,' said ISHR Director Phil Lynch.

'Reprisals such as those against ADC Memorial breach rights set out in the Convention against Torture, the International Covenant on Civil and Political Rights and the UN Declaration on Human Rights Defenders,' Mr Lynch said.

'Not only do such reprisals have a chilling effect on freedom of expression and association, but they amount to an attack on the integrity of the UN bodies which rely on NGO reports and information to carry out their important work.'

In a [statement issued after the initial prosecution of ADC Memorial](#),* the UN Committee against Torture noted 'Russia is a State Party to the Convention against Torture and as such should ensure that no group faces prosecution for communicating with or providing information to the Committee.'

The prohibition against reprisals is also well recognised by the UN Human Rights Council, of which Russia is a member, with a [September 2013 resolution](#) specifically calling on States to 'prevent and refrain from all acts of intimidation or reprisal against those who submit communications under procedures established by human rights instruments'.

'Members of the UN Human Rights Council pledge to uphold the highest standards in the promotion and protection of human rights. Reprisals against human rights defenders and contemptuous attacks on UN human rights bodies themselves are plainly incompatible with this obligation and with membership of the Council itself,' Mr Lynch said.

In 2011, the UN suspended Libya's membership of the Human Rights Council, with the then President of the General Assembly, Joseph Deiss, emphasising 'the importance of a strong Human Rights Council whose members are committed to strengthening the protection and promotion of fundamental rights'.

*In addition to its December 2013, statement, the Committee Against Torture also wrote to the Russian Federation expressing its grave concern about the prosecution of ADC Memorial and the persecution of human rights defenders and NGOs on [17 May](#) and [28 May 2013](#).

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Our Work to Strengthen Human Rights Systems

AFRICAN COMMISSION: ESTABLISH A MECHANISM TO PREVENT AND REDRESS REPRISALS

(Luanda, Angola) - The African Commission must take concrete and effective action to prevent and remedy reprisals against civil society activists, ISHR has told the 55th session of the African Commission on Human and Peoples' Rights currently underway in Luanda, Angola.

'It is vital that the Commission acts decisively to protect human rights defenders in their all-important role engaging with this Commission', said Mr Clement Voule, Head of ISHR's Africa Programme.

'This requires taking concrete steps to prevent and ensure redress for reprisals by creating an institutional mechanism to receive information, and to investigate, monitor and follow up on alleged cases.'

The Chair of the African Commission, Mme Kayitesi Zainabo Sylvie, emphasised this point in her own remarks to the Commission during its opening session, condemning reprisals and calling for implementation of Commission resolution 196(L) on reprisals adopted in November 2011.

This session of the Commission marks an important point in the global efforts to address reprisals perpetrated by both State and non-State actors for the purpose of deterring or punishing people in relation to their cooperation with human rights mechanisms. At the UN Human Rights Council, in March, Botswana led a group of 56 States - including Benin, Congo, Cote d'Ivoire, Sierra Leone, Tunisia and Togo - in a statement condemning reprisals and calling for a more effective and unified UN response.

'As we look to the UN General Assembly to approve the Human Rights Council adoption of a resolution appointing a UN-wide focal point on reprisals, action from the African Commission would be an important signal that it takes reprisals seriously and intends to act effectively against them,' said Mr Voule.

ISHR's statement to the Commission also drew attention to the increasing trend across Africa as to the misuse and abuse of laws, malicious prosecutions, unfair trials and judicial harassment to criminalise the legitimate and important work of human rights defenders, including journalists.

'The adoption of laws that restrict and shrink the space of civil society is increasingly used by some States to silence human rights defenders,' Mr Voule said.

ISHR referenced the passage of anti-homosexuality legislation in Uganda and Nigeria, noting that both laws target human rights defenders who take a stand for equality and against discrimination, effectively criminalising their work.

During the three-day NGO Forum, which preceded the opening of the African Commission, NGOs called for the Commission to urge States to implement at the domestic level protections for human rights defenders that exist in international law.

'We urge States to develop, enact and ensure the effective enforcement of specific national laws and policies which recognise and protect the work of human rights defenders in accordance with the International Declaration on Human Rights Defenders', Mr Voule said in his address to Commissioners.

'States have an obligation to ensure that human rights defenders can undertake their important work in a safe and enabling environment', said Mr Voule. 'We urge the Commission and States to ensure that relevant protections are put in place.'

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UN COMMITTEE ON ENFORCED DISAPPEARANCES APPOINTS FOCAL POINT ON REPRISALS

(Geneva, 22 April 2014) – The UN's Committee on Enforced Disappearances has recognised and responded to the issue of intimidation and attacks against human rights defenders by creating a rapporteur on reprisals, responding to a submission made by ISHR and other NGOs.

'ISHR welcomes this development, which sends a clear signal that the Committee takes the danger of reprisals seriously and understands the need to address this threat,' said ISHR's Dr Heather Collister.

The creation of the role comes after ISHR, together with Child Rights Connect, the Center for Legal and Social Studies, FIACAT, the International Movement Against all forms of Discrimination and Racism and Al-Karama, made a joint [submission](#) to the Committee identifying ways in which the Committee could better facilitate access and engagement by NGOs. Among the key recommendations made by the NGOs was that the Committee should appoint a focal point or rapporteur on reprisals.

'Reprisals are a critical threat to NGO engagement with the UN human rights system', said Dr Collister. 'Threats, harassment, and attacks serve to silence the voices of NGOs and deprive human rights bodies of vital sources of information. Unfortunately cases of reprisal will continue to occur as long as there is no means of holding States accountable for the safety of the defenders who engage with regional or international human rights systems.'

'While a rapporteur cannot by any means guarantee the safety of the defenders who engage with the Committee, it does provide a systematised means of following-up with State delegations in cases where defenders have suffered reprisals. It sends a message that States will be held to account for the safety of their nationals who attempt to engage with the Committee,' Dr Collister said.

The appointment of a rapporteur on reprisals comes after [other UN treaty bodies, including the Human Rights Committee, the Committee against Torture and the Sub-Committee on the Prevention of Torture also took concrete steps](#) to better protect human rights defenders who contribute to their work.

Despite this progress, however, there is still much work to be done.

'We look forward to working with the Committee on Enforced Disappearances to ensure that the rapporteur fills his or her role as effectively as possible,' said Dr Collister. 'As an initial step the details of the rapporteur should be clearly posted on the Committee's website, as should the process that the rapporteur will follow when cases of reprisal are reported. The Committee should ensure that any follow-up, including with delegations, does not place the defender in further danger.'

The Committee also responded to other recommendations made by ISHR, including a call for it to clearly set out that the reason behind its current good practice of holding meetings with NGOs in private is to protect against reprisals.

'We welcome this statement of principle which makes it clear that the Committee understands the importance of continuing to hold these meetings in private, and in turn gives some security that the practice will continue,' said Dr Collister. 'In addition we are pleased to see that based on this principle, the Committee has now extended the practice of closed meetings with NGOs to its work at country level.'

Furthermore the Committee has explicitly set out that defenders who submit information to it at any point may choose to do so confidentially in order to protect them from reprisal.

Other important points on accessibility made in the submission include the need for the Committee to ensure that the methods it develops for participating in and accessing its work, whether in person or remotely, are accessible to everyone including persons with disabilities. The Committee has committed to doing this ‘within its power’.

The steps taken by the Committee on Enforced Disappearances in response to the submission are set out in its [revised document](#) on engagement with NGOs. They show a readiness to take NGO concerns seriously, particularly in the crucial area of the safety of those defenders who engage with it. While much work remains to be done, ISHR looks forward to continuing to engage with the Committee to address the safety and accessibility of NGO engagement.

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GENERAL ASSEMBLY TAKES MODEST BUT IMPORTANT STEP TO STRENGTHEN TREATY BODIES

(New York, 10 April 2014) – After a long and difficult negotiation process the General Assembly has finally approved a resolution ([A/RES/68/L.37](#)) that will strengthen the UN system for reviewing States’ implementation of international human rights treaties to which they are party.

‘We welcome the adoption of this modest but important resolution to strengthen the UN treaty bodies. The effective implementation of this resolution should equip States to better fulfil their human rights obligations and enable the treaty bodies themselves to work more effectively and sustainably,’ said Madeleine Sinclair, Legal Counsel with the International Service for Human Rights.

The so called ‘treaty body strengthening process’ was initiated to improve the efficiency and effectiveness of the work of the treaty bodies, which are mandated to review and promote States’ compliance with the international human rights treaties.

‘The treaty bodies are at the heart of the international human rights protection system. Their work often sounds early warnings about human rights problems in particular states. They also offer real guidance for improvement in all countries and a substantive basis for the work of other human rights experts’, said UN High Commissioner for Human Rights, Navi Pillay

In recent years, however, the treaty body system has come under increasing pressure.

‘New conventions and the growing number of ratifications, while very welcome, have stretched the system to breaking point’, said Ms Pillay. ‘The steps now approved can provide a real way forward to make the treaty body system even more effective’.

These positive steps include an extra 20 weeks meeting time across all treaty bodies, and capacity building for States to assist them in submitting their reports on time. These steps should enable the system to start to become more efficient, which is crucial to achieving the goal of improving the promotion and protection of human rights on the ground.

The difficult negotiations successfully avoided serious attempts by some States to undermine the work of the treaty bodies.

‘Despite the fact that the treaty body system is facing real and grave challenges, the process was marked at times by the efforts of some States to attack and weaken these important bodies’, Ms Sinclair said.

‘In that context, NGOs are pleased that the final text affirmed the independence of treaty bodies and did not incorporate suggestions that would infringe on such independence, including by imposing a ‘code of conduct’ or establishing an ‘accountability mechanism’, Ms Sinclair said.

Despite the relatively positive steps, serious challenges remain to the effective operation of the treaty bodies and their accessibility to human rights defenders and victims of human rights violations.

In this regard, ISHR is disappointed that the resolution adopted by the General Assembly did not contain stronger and clearer language condemning reprisals and intimidation against those cooperating or seeking to cooperate with the treaty bodies and reaffirming the legal obligation of States both to ensure unhindered access to those bodies and to fully investigate and ensure accountability for any reprisals associated with the exercise or attempted exercise of this right.

The [meeting of Chairpersons of the treaty bodies](#) will take place from 23-27 June this year in Geneva, and will provide a vital opportunity to take stock of the outcome of the General Assembly process and identify areas where the treaty bodies themselves can take steps to strengthen their working methods and effectiveness. The numerous ideas included in the [High Commissioner’s report](#) on treaty body strengthening, as well as [recommendations made by NGOs](#) throughout the process in the General Assembly, should provide ample food for thought.

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UN TO STRENGTHEN FOCUS ON ‘WIDENING DEMOCRATIC SPACE’

(Geneva, 14 April 2014) – The UN human rights office has identified the need to ‘widen democratic space’ and support the work of human rights defenders as a global priority.

The UN’s human rights chief, Navi Pillay, has launched a [major new report](#) to guide the work of the Office of the High Commissioner for Human Rights over the next four years.

‘Trends to restrict public liberties and curtail the role of civil society actors have been identified around the world,’ the report says.

‘In a number of countries, governments continue to use security policies, including counter-terrorism strategies, as a pretext to restrict public freedoms and the role of civil society. In such contexts, human rights defenders are often the primary targets of threats and attacks by authorities and increasingly, by the private sector.’

The report expresses particular concern about attacks against women human rights defenders and peaceful protestors.

‘Rather than engaging in dialogue to address the root concerns of protestors, some governments are adopting measures to restrict public freedoms and resorting to violent repression of any forms of protest or criticism,’ the report says.

Welcoming the report, ISHR's Director of Human Rights Council Advocacy, Michael Ineichen, said, 'Human rights defenders and other civil society actors have a critical role to play in fostering democracy, promoting accountability and upholding the rule of law. It is for this very reason that anti-democratic, corrupt and repressive governments so frequently target and attack their work.'

'However, the trend to restrict civil society space is not limited to these governments alone. Increasingly we see democratic governments using excessive force against protesters and justifying disproportionate restrictions on the fundamental rights to freedom of expression, assembly and association by reference to economic or national security interests,' Mr Ineichen said.

'In this context ISHR strongly welcomes the strengthened focus within the new [OHCHR Management Plan for 2014-2017 on widening democratic space](#) in all regions of the world.'

ISHR, which made a submission informing the development and content of the Management Plan, is particularly pleased that it will see a stronger OHCHR focus in key areas of ISHR concern, including:

- Protecting human rights defenders from [intimidation and reprisals](#);
- Supporting [women human rights defenders](#); and
- Developing [laws, policies and mechanisms](#) to more effectively support civil society actors and protect human rights defenders at-risk.

Contact: Michael Ineichen, Director – UN Human Rights Council Advocacy, International Service for Human Rights, on m.ineichen@ishr.ch or + 41 78 827 77 86.

Key Developments in the Promotion and Protection of Human Rights

JAILING OF PROMINENT EGYPTIAN ACTIVISTS UPHELD UNDER REPRESSIVE NEW PROTEST LAW

On 7 April 2014, an Egyptian appeals court upheld the jailing of Ahmed Maher, Ahmed Douma, and Mohamed Adel, three leading activists with the 6 April Youth Movement. The three were jailed for protesting without permission and assaulting the police last December.

The verdict was the first under a new law that requires police permission for demonstrations. The European Union and the United States has urged Egypt to reconsider the verdict... [more](#)

VIETNAM ACTIVIST DINH DANG DINH DIES AFTER SIX YEARS OF IMPRISONMENT

On 3 April 2014, Dinh Dang Dinh, Vietnamese environmental activist, blogger, and former prisoner of conscience died of stomach cancer. Dinh was jailed after starting a petition against a mining project and was diagnosed with cancer while in prison. He was denied his right to liberty during the trial proceedings. On leaving the appeals court, he was manhandled into a truck and security officials beat him over the head with clubs.

'It is a tragedy that the Vietnamese authorities stole the last years of Dinh Dang Dinh's life, locking him up away from his loved ones', said Rupert Abbott, Amnesty International's Deputy Asia-Pacific Director... [more](#)

CAMBODIA DENIED BAIL TO ACTIVISTS DETAINED IN GARMENT STRIKE CRACKDOWN

The Phnom Penh Municipal Court refused to grant bail to two activists detained in connection with the deadly crackdown by security forces during the garment worker protest this January. Over 100 protesters gathered outside the hearing to call for the activists' release. However, neither of the activists was present at their court hearing.

Vorn Pao, president of the Independent and Democracy of Information Economic Association, and worker rights activists Sokun Sambathpisth were jailed under the charge of 'provoking social unrest'. The Court denied pleas for Vorn Pao to receive medical care despite hospital documents showing that he needed treatment for cancer... [more](#)

ACTIVIST LOBBYING AGAINST MASS DEATH SENTENCES DEPORTED FROM EGYPT

Egyptian authorities deported Wissam Tarif, an activist from international group Avaaz, hours after he flew in to Cairo to deliver a petition against mass sentencing of the 529 supporters of ousted Islamist president Mohammed Morsi. According to Avaaz, its petition 'Egypt: Stop the Mass Execution' boasts over 1.1 million people's signatures.

'In Egypt today, peacefully delivering a massive petition to a religious leader is deemed a threat to national security' said Tarif. 'They tried to silence 1 million voices with my deportation, but our campaign will now intensify.'... [more](#)

INDIA AND SOUTH AFRICA DISAPPOINT AT HUMAN RIGHTS COUNCIL

In a Human Rights Council discussion on the creation of a safe and enabling environment for civil society last month, both India and South Africa sought to unsuccessfully thwart the contribution of human rights defenders. Most alarming were both states' attempts to obstruct the right to peaceful protests. As both India and South Africa have upcoming general elections this year, hopefully their anti-civil society actions at the Council is not a forecast of how they will deal with assemblies during their elections... [more](#)

Opportunities for NGO Engagement

GENERAL ASSEMBLY HIGH LEVEL EVENT

The General Assembly will hold a high level event entitled 'Contributions of Human Rights and the Rule of Law in the Post-2015 Development Agenda' from [9 to 10 June](#). Representatives of United Nations agencies, civil society and other relevant stakeholders are invited to attend. Invitations to this event, as well as the programme and the details on the issues to be addressed during the plenary and the panel discussions, [will be sent at a later stage](#).

COMMITTEE ON THE RIGHTS OF CHILD

The Committee on the Rights of Child will meet in Geneva from 26 May to 13 June. The deadline for submission of the NGO information will be posted [as soon as it is available](#). The Committee will review the reports of the following countries: India, Indonesia, Jordan, Kyrgyzstan, and Saint Lucia. India, Jordan, and the United-Kingdom will be reviewed under the Optional Protocol on the sale of children, child prostitution and child pornography. India and Jordan will also be reviewed under the Optional Protocol on the involvement of children in armed conflict. The pre-sessional working group of 68th session of the Committee will be held from [16 – 20 June](#). It will consider the following State

reports: Colombia, Dominican Republic, Gambia, Jamaica, Mauritius, Sweden, Switzerland, Turkmenistan, United Republic of Tanzania, and Uruguay.

COMMITTEE ON THE ELIMINATION OF DISCRIMINATION AGAINST WOMEN

The Committee on the Elimination of Discrimination Against Women will meet in Geneva from 30 June to 18 July for its 58th session. The schedule of country examinations will be posted [as soon as it is available](#). The Committee will review the reports of the following countries: Central African Republic, Georgia, India, Lithuania, Mauritania, Peru, Swaziland, and Syrian Arab Republic. The pre-session working group of the 60th session of the Committee on the Elimination of Discrimination Against Women will take place from [21 – 25 July](#). It will consider the following State reports: Azerbaijan, Denmark, Ecuador, Eritrea, Gabon, Kyrgyzstan, Maldives, and Tuvalu.

111TH SESSION OF THE HUMAN RIGHTS COMMITTEE

The Human Rights Council will hold its next session in Geneva on [7 – 25 July](#). The Committee will review the reports of Chile, Georgia, Ireland, Japan, Malawi, and Sudan. The Committee's Country Task Forces will also adopt a list of issues for Cambodia, Côte d'Ivoire, Cyprus, France, Russian Federation and a list of issues prior to reporting for Mexico and Poland.

The [deadline for submission](#) of the NGO information with respect to States upon which List of issues and List of issues prior to reporting will be adopted is 25 April 2014 (electronic form) and 13 June (hardcopy). The deadline for information on States to be examined by the Committee electronically and in hardcopy is 13 June 2014. The deadline for registration is 27 June.

WEBCASTS OF THE TREATY BODY MEETINGS

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 at www.treatybodywebcast.org.

19TH SESSION OF THE UNIVERSAL PERIODIC REVIEW

The 19th session of the UPR will take place in Geneva from 28 April until 9 May. The following countries will be reviewed: Norway, Albania, Democratic Republic of the Congo, Côte d'Ivoire, Portugal, Bhutan, Dominica, Democratic People's Republic of Korea, Brunei Darussalam, Costa Rica, Equatorial Guinea, Ethiopia, Qatar, and Nicaragua.

Click [here](#) for the reports submitted by each country, and a live webcast. An analysis of the session will be included in the next edition of the Human Rights Monitor.

EXTENSION OF DEADLINE FOR SUBMISSION TO 21ST AND 22ND UPR SESSIONS

The deadlines for OHCHR to receive written contributions from all stakeholders for the UPR documentation of countries to be reviewed during the 21st and 22nd sessions of the UPR Working Group announced earlier, have been extended.

For the 21st session the deadline is now 15 June 2014. List of States under review: Kyrgyzstan, Kiribati, Guinea, Lao People's Democratic Republic, Spain, Lesotho, Kenya, Armenia, Guinea-Bissau, Sweden, Grenada, Turkey, Guyana, Kuwait.

For the 22nd session the deadline is now 15 September 2014. List of States under review: Belarus, Liberia, Malawi, Mongolia, Panama, Maldives, Andorra, Bulgaria, Honduras, United States of America, Marshall Islands, Croatia, Jamaica, Libya.

Stakeholders' submissions should be sent using the new 'On-line UPR submissions system'.

WORKING GROUP ON DISCRIMINATION AGAINST WOMEN

The Working Group on discrimination against women in law and practice [accepts information](#) on allegations of discrimination against women in law and practice throughout the year. The next session of the Working Group will be held in Geneva from 5 to 9 May.

WORKING GROUP ON TRANSNATIONAL CORPORATIONS

The 8th session of the Working Group on the Issue of Human Rights and Transnational Corporations and other Business Enterprises will take place in Geneva on [5 – 9 May](#). [Submissions](#) in relation to the Working Group's mandate are accepted throughout the year.

HUMAN RIGHTS COUNCIL ORGANISATIONAL MEETING

An organisational meeting of the Council will be held on [8 May](#), at 10am in Room XX at the Palais des Nations. The meeting is for the purpose of appointing 19 special procedures mandate holders, who were due to be appointed at the 25th session.

A further organisational meeting for [the Council's 26th session](#), where States will announce planned initiatives for the session, will take place on 26 May.

HUMAN RIGHTS COUNCIL'S 26TH SESSION

The Council's [26th session](#) is scheduled for 10 to 27 June. ISHR will provide weekly updates through its [Human Rights Council Monitor](#). [The submission deadline](#) for NGO written statements to the Council is 26 May, and for requests for NGO parallel-event rooms is 12 May.

MEETING OF SPECIAL RAPPORTEURS/REPRESENTATIVES, INDEPENDENT EXPERTS AND CHAIRPERSONS OF WORKING GROUPS OF THE HUMAN RIGHTS COUNCIL

Annual meeting of special rapporteurs/representatives, independent experts and chairs of working groups of the Human Rights Council will take place from [2 to 6 June](#).

MEETING OF PERSONS CHAIRING HUMAN RIGHTS TREATY BODIES

The 26th session of Meeting of Chairpersons of the Human Rights Treaty Bodies will take place in Geneva from [23 – 27 June](#). It provides a forum for members of the ten human rights treaty bodies to discuss their work and consider ways to enhance the effectiveness of the treaty body system as a whole.

EXPERT MECHANISM ON THE RIGHTS OF INDIGENOUS PEOPLES

The [Expert Mechanism on the Rights of Indigenous Peoples](#) (EMRIP) will hold its 7th session from 7 – 11 July in Geneva. Information on accreditation will be available [here](#).

THE INDEPENDENT EXPERT ON HUMAN RIGHTS AND THE ENVIRONMENT CALLS FOR CONTRIBUTION

The Independent Expert on human rights and the environment, Mr. John Knox, is calling civil society for [contribution](#) in preparation for his upcoming Council report. The deadline for submission is 30 June.

WORKSHOP ON THE IMPACT OF UNILATERAL COERCIVE MEASURES ON THE ENJOYMENT OF HUMAN RIGHTS

OHCHR organises a workshop on the impact of the application of unilateral coercive measures on the enjoyment of human rights by the affected populations, in particular their socioeconomic impact on women and children, in the States targeted. This workshop will be held on [23 May 2014](#) in Room XX, Palais des Nations, Geneva. The report on the proceedings of the workshop will be submitted to the Human Rights Council at its twenty-seventh session.

CONSULTATION ON THE DRAFT PLAN OF ACTION

The Office of the United Nations High Commissioner for Human Rights invites comments on the [draft Plan of Action](#) for the third phase (2015-2019) of the [World Programme for Human Rights Education](#). The deadline for comments is 16 May.

FORTHCOMING COUNTRY VISITS BY SPECIAL PROCEDURES

Azerbaijan	Special Rapporteur on the human rights of internally displaced persons, 18-24 May
Sri Lanka	Special Rapporteur on migrants, 19-26 May
Netherlands	Working Group on people of African descent, 30 June – 4 July
Comoros	Working Group on Mercenaries, 8 – 16 May

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

POSSIBILITY OF SHELTER FOR HUMAN RIGHTS DEFENDERS IN DISTRESS

Justice and Peace Netherlands offers the possibility of temporary shelter in the Netherlands for three months for human rights defenders in distress. The Shelter City programme provides housing, insurance, travel, training, a daily allowance and an opportunity to spread the story of the human rights defender. The defender has to be willing to come to the Netherlands around July 1st and be able to return to their country of origin after three months. The defender has to be willing to speak in front of an audience. The closing date for enrolment is 8 May. Forms and additional information can be requested at sheltercity@justitiaetpax.nl.

New Resources

KUMULIKA: REPORT ON THE AFRICAN COMMISSION'S 54TH ORDINARY SESSION

(Geneva, 21 April 2014) – The 54th session of the African Commission on Human and Peoples' Rights was held from 22 October to 5 November 2013 in Banjul, The Gambia.

ISHR's new [issue of Kumulika](#) – our analytical publication on the ACHPR – covers key developments at the 54th session and the [NGO Forum which preceded it](#), including in relation to

- the human rights situations in Gabon and Cameroon
- the situation and protection of [women human rights defenders](#) and defenders working on issues of sexual orientation and gender identity
- the participation of NGOs and national human rights institutions in the work of the Commission
- reports of the Commission's Special Rapporteurs and Working Groups
- particular human rights issues and situations of concern, including in the areas of migrant rights, the rights of persons with disability, business and human rights, and accountability for violations of international criminal law.

LATEST HUMAN RIGHTS AND DEMOCRACY REPORT FROM UK FOREIGN AND COMMONWEALTH OFFICE

Human rights defenders, women's rights, LGBTI rights, and business and human rights are four of the areas of activity highlighted by the United Kingdom's Foreign and Commonwealth Office in its [2013 report](#). The UK has developed an [action plan on business and human rights](#), supported the development of [LGBTI guidelines](#) which will be used by EU delegations globally to promote LGBTI rights, and produced a [national action plan on women, peace and security](#).

GRAVE INCREASE IN KILLING OF PEOPLE DEFENDING LAND AND ENVIRONMENTAL RIGHTS

At least 908 people are known to have died between 2002 and 2013 while defending environmental and land rights, according to a new report released by Global Witness. The report, [Deadly Environment](#), also finds that there has been a clear rise in the frequency of deaths over the period.

Case Notes on Decisions from International Human Rights Bodies

Merits Decisions

BELARUS: DENIAL OF PERMISSION TO CONVENE PUBLIC MEETING VIOLATES RIGHT TO FREEDOM OF EXPRESSION AND ASSEMBLY.

Youbko v. Belarus (1903/2009)

Summary

In March 2014, the Human Rights Committee was asked to consider whether Belarus had violated its obligations under the International Covenant on Civil and Political Rights in denying an individual permission to organise a peaceful meeting.

The communication was submitted by a Belarusian national under the Optional Protocol to the Covenant.

Background

On 19 January 2007, the author of the communication, Ms Galina Youbko, filed an application with the Minsk City Executive Committee requesting to hold a picket from 10 to 13 February 2007. The picket was to be conducted by 50 women whose husbands, sons or other relatives had allegedly been wrongly convicted, with the purpose of drawing public attention to the need for courts to respect the Constitution and international treaties when adjudicating civil or criminal cases.

On 2 February 2007, the Minsk City Executive Committee refused to authorise the picket on the grounds that its purpose was to question court decisions and influence the courts in their adjudication process, in violation of the Constitution.

On 27 February 2007, the author appealed this refusal to the Moscow District Court of Minsk, explaining that the picket would only concern final court decisions that had already been enforced. The appeal was rejected, as was the author's subsequent appeal to the Minsk City Court. The author then filed three applications for a supervisory review of these decisions, including with the Supreme Court, but all of her requests were rejected. She also unsuccessfully tried to bring a complaint to the Constitutional Court.

On 18 February 2009, the author filed this communication with the Committee under the Optional Protocol to the Covenant. The author claimed that by refusing her application to hold a picket with other women to express their opinion on the administration of justice, Belarus had violated her right to impart information and her right of peaceful assembly under articles 19 and 21 of the Covenant.

The Committee's decision

The Committee first noted Belarus's assertion that the author's communication was registered in violation of the Optional Protocol, and that therefore Belarusian authorities would consider any decision taken by the Committee on such communication as 'invalid'. By failing to recognise the competence of the Committee and declaring that it would not accept the Committee's determination on the admissibility or on the merits of the communication, the Committee considered that Belarus was in breach of its obligations under article 1 of the Optional Protocol.

Regarding the admissibility of the claims, the Committee rejected Belarus's argument that the author had not exhausted domestic remedies. The Committee noted that the author had not requested the Prosecutor General to initiate supervisory review proceedings. However, there was no evidence that such proceedings would be successfully applied in cases concerning freedom of expression and right to peaceful assembly. In any event, the Committee recalled its jurisprudence according to which supervisory review proceedings that allow for review of court decisions that have already taken effect do not constitute a remedy which must be exhausted for the purposes of the Optional Protocol. The Committee therefore concluded that nothing barred the admissibility of the claims.

On the merits, the Committee recalled its General Comment No. 34, in which it found that freedom of opinion and freedom of expression are indispensable conditions for the full development of the person and constitute the foundation stone for every free and democratic society. As such, restrictions on the exercise of these freedoms must conform to strict tests of necessity and proportionality.

The Committee held that the refusal to permit the author's picket amounted to a restriction on the exercise of the author's right to impart information and her right to freedom of assembly. The main

issue was therefore whether such restrictions were justified under any of the legitimate aims set out in articles 19(3) or 21 of the Covenant, namely to respect the rights or reputation of others, to protect national security or public order, or to protect public health and morals.

Recalling that it is for State parties to demonstrate that restrictions on Covenant rights are justified in the case in question, the Committee noted that Belarus had not submitted any observations on the merits of the communication. It then observed that the local authorities' refusal to allow the picket was based on grounds that they viewed such picket as an attempt to question court decisions and influence court rulings in specific civil and criminal cases. However, the authorities failed to explain how criticism of a general nature regarding the administration of justice would jeopardise the court rulings at issue. Belarus also failed to explain why it was necessary to restrict the author's rights in accordance with any of the legitimate aims set out in articles 19(3) or 21 of the Covenant.

In light of the above, the Committee found that Belarus had breached articles 19(2) and 21 of the Covenant. In accordance with article 2(3) of the Covenant, Belarus was under the obligation to provide the author with an effective remedy, including adequate compensation. The Committee also held that Belarus must take steps to prevent similar violations in the future.

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

Pauline Dépinay is an international lawyer, based in Paris.

KAZAKHSTAN: EXTRADITION TO KYRGYZSTAN BREACHES PROHIBITION AGAINST REFOULEMENT

Valetov v. Kazakhstan (2104/2011)

Summary

In March 2014, the Human Rights Committee was asked to consider whether Kazakhstan had violated its obligations under the International Covenant on Civil and Political Rights with respect to the extradition of an individual to a country where he believed he would be subject to a risk of being tortured.

The communication was submitted by a national of the Russian Federation under the Optional Protocol to the Covenant.

Background

In 2001, the author, Nikolai Valetov, was arrested and accused of murder. While in detention, he was subjected to severe torture resulting in serious injury to his genitalia and him becoming an invalid. He was refused medical attention despite having requested a doctor on several occasions.

In August 2001, the author escaped from detention and crossed the border into Kazakhstan, where his passport was taken and he was arrested and sentenced to prison for crimes allegedly committed in Kazakhstan.

In April 2004, the author escaped from his detention in Kazakhstan and returned to Kyrgyzstan. He was subsequently arrested for theft and imprisoned, before being released under an amnesty, and finally returned to Kazakhstan in January 2006. Upon his return to Kazakhstan, he was again arrested and imprisoned.

In July 2011, the Kostanay prosecutor in Kazakhstan placed the author under extradition arrest in response to a request from the Office of the General Prosecutor in Kyrgyzstan.

On 23 August 2011, the General Prosecutor approved the extradition request. The Kostanay District Court rejected both of the author's appeals.

On 13 September 2011, the author filed this communication with the Committee under the Optional Protocol to the Covenant. The author alleged that his extradition to Kyrgyzstan would violate the prohibition on torture under article 7 of the Covenant on the basis that the Kazakh authorities were aware of his previous torture in Kyrgyzstan and that such torture was applied routinely there. He also alleged a violation of article 14(3) of the Covenant for having been denied access to a lawyer while in detention.

On 14 October 2011, the author was extradited to Kyrgyzstan despite the Committee's interim measures request that it refrain from doing so pending the Committee's determination of the author's complaint.

The Committee's decision

Regarding the complaint's admissibility, the Committee noted that the author had not brought the issue of access to legal counsel before the domestic courts. Accordingly, the Committee found that the author's claims with respect to violations of article 14(3) of the Covenant were inadmissible pursuant to article 5(2)(b) of the Optional Protocol. The Committee considered that the author had sufficiently substantiated his claims under article 7 of the Covenant for the purposes of admissibility, having already raised these before the Kazakh domestic courts on multiple occasions.

On the merits, the Committee noted that article 7 of the Covenant prohibits States from exposing individuals to the risk of torture through expulsion or extradition, regardless of the type of criminal conduct that the individual may be accused of. This prohibition imposes an obligation on the State to conduct a thorough assessment of relevant information that was known, or should have been known, to the State's authorities. A State may therefore be acting in violation of the Covenant when it removes an individual to a jurisdiction where there are substantial grounds for believing that the extradited individual will face such risks. The Committee observed that at the time of the author's extradition, there were credible public reports of widespread use of torture against detainees in Kyrgyzstan.

The Committee noted that Kazakhstan had received assurances from the General Prosecutor's Office in Kyrgyzstan that the author's rights would be respected. It considered, however, that such assurances would have to contain a monitoring mechanism and be safeguarded by practical arrangements sufficient to ensure the implementation of such assurances. That representatives of the Kazakh embassy were not able to gain permission to visit the author in Kyrgyz detention demonstrated the lack of such practical arrangements. In such circumstances, the Committee concluded that the assurances from the Kyrgyz General Prosecutor could not be considered an effective mechanism for protecting the author from the risk of torture. The Committee therefore found that Kazakhstan had failed to consider important risk factors related to the extradition and that the author's extradition constituted a violation of article 7 of the Covenant.

In light of the above, the Committee concluded that Kazakhstan was under an obligation to provide the author with an effective remedy, including adequate compensation. Kazakhstan was invited to put into place an effective mechanism for monitoring the author's situation in cooperation with Kyrgyzstan and to provide the Committee with updated information on a regular basis regarding the author's situation.

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

Kevin Clement is an international lawyer, based in Paris.

SOUTH KOREA: DEPORTATION OF CHRISTIAN CONVERT TO IRAN WOULD BREACH RIGHT TO LIFE AND PROHIBITION AGAINST TORTURE.

Ostavari v. Republic of Korea (1908/2009)

Summary

In March 2014, the Human Rights Committee was asked to consider whether the Republic of Korea (Korea) would violate its obligations under the International Covenant on Civil and Political Rights if it deported an Iranian national that had converted to Christianity to Iran.

The communication was submitted under the Optional Protocol to the Covenant.

Background

The author was born a Muslim in Iran. He developed an interest in Christianity after listening to an international Christian radio program. On 30 May 2005, he travelled to Korea on a three-month business visa, where he attended church, studied the Bible and converted to Christianity. On 4 November 2005, the author was charged, convicted and sentenced for cannabis consumption. Subsequent to his sentence, a deportation order was made and the author was placed in administrative detention pending removal.

On 28 December 2005, while detained, the author unsuccessfully applied for refugee status. On 23 June 2006, the Ministry of Justice rejected his appeal. The author did not appeal this decision within the statutory deadline as he claimed that the Ministry of Justice failed to notify him of his right to do so.

The author continued to practise his Christian faith while in detention and on 10 July 2006, formally converted to Christianity by being baptised. On 13 October 2006, the Immigration Office invited an official of the Iranian Embassy to visit the author and to issue a new passport to facilitate his repatriation. The author informed the official from the Iranian Embassy that he had converted to Christianity.

On 20 February 2007, the author submitted a new application for refugee status, which was rejected on 20 April 2007. His appeal was rejected on 25 May 2007 and a further administrative appeal was rejected on 22 January 2008. The author appealed to the High Court but his claim was rejected on 11 November 2008. He lodged a further appeal before the Supreme Court which was rejected on 26 February 2009. The recurring grounds for the rejection of his asylum applications and appeals were principally that the author did not establish a 'well-founded fear of being persecuted'.

On 19 October 2009, the author submitted his complaint to the Committee. He alleged that his deportation to Iran would violate article 7 of the Covenant, as he would be subjected to torture or even death because the Iranian Penal Code imposes the death penalty on any Iranian male who abandons the Islamic faith. The author also claimed that his detention would be indefinite so long as the deportation order was neither revoked nor withdrawn, and that his detention had not been subject to regular judicial review. Accordingly, he argued that Korea had also breached article 9 of the Covenant.

The Special Rapporteur on New Communications and Interim Measure successfully requested that the Korea refrain from deporting the author while his case was being considered by the Committee and guarantee the regular judicial review of the author's detention.

The Committee's decision

In considering the complaint's admissibility, the Committee noted that the same matter was not being examined under another procedure of international investigation or settlement. In respect of exhaustion of local remedies, the Committee observed that despite being detained since 12 December 2005, the author did not challenge his detention until 18 August 2009 and did not appeal an adverse administrative decision of 3 November 2009. The Committee concluded that the author had not exhausted domestic remedies in respect of the legality of his detention. Consequently, his claim concerning arbitrary detention pursuant to article 9 of the Covenant was inadmissible. In respect of his potential deportation to Iran, the Committee acknowledged that the author had filed several consecutive appeals and that he had no further means of effectively challenging the deportation order. The Committee also noted that although consultations were ongoing regarding the author's resettlement to a third country, such negotiations were discretionary, lacked legal force, and did not formally operate to stay his removal. The Committee concluded that consultations regarding the author's resettlement to a third country did not constitute a remedy that the author was required to exhaust under the Optional Protocol. The Committee therefore declared the author's claims with respect to articles 6 and 7 of the Covenant to be admissible.

On the merits, the Committee recalled its General Comment No. 31 in which it referred to States parties' obligation not to extradite or otherwise remove a person from their territory where there are substantial grounds for believing that there is a risk of irreparable harm. The Committee noted Korea's contention that the author's applications were rejected on the ground that the author lacked credibility and that a certain amount of deference should be granted to States in reviewing or evaluating evidence in determining the existence of such a risk.

In considering whether the author's removal to Iran would expose him to a real risk of irreparable harm, the Committee noted the author's conversion to Christianity, the fact he was visited in detention by Iranian officials whom he informed of his conversion, and reports indicating that although apostasy is not codified as a crime under Iranian law, prosecutors and judges can charge religious converts with apostasy. According to reports, those charged with apostasy have been imprisoned in solitary confinement, tortured, and even executed in some cases. The Committee also observed that the author had obtained a Bachelor in theology from an institution established 'to spread the Gospel effectively to unreached people groups' and that Christians engaged in proselytising in Iran are exposed to serious risks of persecution, as well as penal consequences. The Committee noted that Korea had failed to give due consideration to these facts during the course of the deportation proceedings. The Committee was of the view that the author, as a theologian with a conspicuous evangelist profile, would be exposed to a real risk of irreparable harm if he were forcibly returned to Iran. Thus, the Committee found that his removal to Iran by Korea would violate articles 6(1) and article 7 of the Covenant.

The Committee recalled that under article 2(3) of the Covenant, Korea was under an obligation to provide the author with an effective remedy, including a full reconsideration of his claim and the risk of his suffering treatment contrary to the Covenant should he be returned to Iran. Furthermore, the Committee stated that Korea should not deport the author to any third country likely to deport him to Iran. Korea was also under an obligation to prevent similar violations in the future.

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

Catherine Drummond is an international lawyer, based in Paris.

GHANA: DEATH PENALTY LAW BREACHES THE RIGHT TO LIFE.

Johnson v. Ghana (2177/2012)

Summary

In March 2014, the Human Rights Committee was asked to consider whether Ghana had violated its obligations under the International Covenant on Civil and Political Rights through the mandatory imposition of the death penalty with respect to a person convicted of murder.

The communication was submitted by a dual Ghanaian-UK national under the Optional Protocol to the Covenant.

Background

On 27 May 2004, an American national was murdered in Ghana. The author of the communication, Mr Dexter Eddie Johnson, was accused of the murder. On 18 June 2008, following a trial, the author was convicted and sentenced to death. The author alleged that the death penalty was the only sentence available for the offence of murder under Ghanaian law.

Section 46 of Ghana's Criminal and Other Offences Act (1960) provided that 'a person who commits murder is liable to suffer death'. Article 13(1) of Ghana's Constitution (1993) states that "no person shall be deprived of his life intentionally except in the exercise of the execution of a sentence of a court in respect of a criminal offence under the laws of Ghana of which he has been convicted".

Ghana has not incorporated the Covenant into domestic law.

The author appealed his conviction and sentence to the Court of Appeal, arguing that while the death penalty *per se* is authorised by article 13(1) of the Constitution, the mandatory imposition of the death sentence was unconstitutional and violated his human rights. On 16 July 2009, the Court of Appeal dismissed his conviction appeal on the merits, and held in respect of his sentence appeal that it had no jurisdiction to deliberate on a challenge to the constitutionality of the mandatory imposition of the death penalty as the issue had not been raised before the lower court.

The author appealed to the Supreme Court. On 16 March 2011, the Supreme Court dismissed the appeal against conviction. As to the author's sentence, it rejected the Court of Appeal's decision on the lack of jurisdiction as matters of law could be raised at any time. However, it rejected the merits of the author's challenge to the constitutionality of the mandatory imposition of the death penalty, holding that the mandatory imposition of the death penalty for murder was consistent with Ghana's Constitution.

On 18 July 2012, the author submitted the complaint to the Committee, alleging that:

- (a) the mandatory imposition of the death penalty prevented trial courts from considering whether this exceptional form of punishment was appropriate in the circumstances of the case and such an indiscriminate position violated his right to life under article 6(1) of the Covenant;

- (b) the mandatory imposition of the death penalty precluded judicial discretion to impose a lesser sentence in violation of the prohibition on inhuman and degrading treatment or punishment under article 7 of the Covenant;
- (c) the mandatory imposition of the death penalty violated his right to a fair trial under article 14 of the Covenant as it prevented courts from determining and reviewing sentences; and
- (d) Ghana had failed to provide him with an effective remedy for the aforementioned violations as required by article 2(3) of the Covenant.

In accordance with rule 92 of the Committee's rules of procedure, the Special Rapporteur on New Communications and Interim Measures requested that Ghana ensure that the death sentence against the author was not carried out while the communication was being examined by the Committee.

The Committee's decision

In considering the complaint's admissibility, the Committee noted that the author had exhausted all available domestic remedies and had sufficiently substantiated his claims. As the same matter was not being examined under another procedure of international investigation or settlement, the Committee declared the author's communication to be admissible.

On the merits, the Committee noted that Ghana had failed to respond directly to the author's claims that Ghanaian law requires that the death penalty be imposed in relation to the offence of murder. While recognising that Ghana is a de facto abolitionist State, the Committee acknowledged the author's view that a de facto moratorium did not guarantee that the death penalty would not be carried out at a later point, particularly in light of the fact that Ghana had not voted in favour of the UN moratorium on the death penalty.

The Committee further noted that while the State party's legislation excludes the imposition of death penalty with respect to certain categories of persons, the mandatory imposition of the death penalty to any other offender is based solely upon the category of crime for which the offender is found guilty, without providing the judge with any margin to evaluate the circumstances of the particular offence. The Committee referred to its earlier jurisprudence that such automatic and mandatory imposition of the death penalty constitutes an arbitrary deprivation of life, in violation of article 6(1) of the Covenant. The Committee found that the existence of a de facto moratorium and the right to seek the exercise of the discretionary Presidential power of pardon or commutation were insufficient to render the mandatory imposition of the death penalty consistent with article 6(1) of the Covenant.

Having found a breach of article 6 of the Covenant, the Committee found it unnecessary to deal with the author's remaining claims under articles 7 and 14 of the Covenant.

The Committee reminded Ghana that by becoming a party to the Covenant, it undertook to adopt legislative measures in order to fulfil its obligations. By virtue of article 2(3) of the Covenant, Ghana was under an obligation to provide an effective remedy, including commutation of the author's death sentence, and to avoid similar violations in the future, including by adjusting its legislation to conform with the Covenant.

Ghana must now submit its written response within six months of the Committee's decision, including information about the measures undertaken to give effect to the Committee's recommendations, and ensure that the Committee's decisions is published widely.

Catherine Drummond is an international lawyer, based in Paris.

DEMOCRATIC REPUBLIC OF CONGO: DETENTION AND TORTURE OF SUSPECTED SPY BREACHED ICCPR.

Kitenge v. Democratic Republic of Congo (1890/2009)

Summary

In March 2014, the Human Rights Committee was asked to consider whether the Democratic Republic of Congo (the DRC) had violated its obligations under articles 7, 9 and 17 of the International Covenant on Civil and Political Rights in detaining an individual accused of espionage incommunicado and under conditions of physical torture.

This communication was submitted by a Congolese national under the Optional Protocol to the Covenant.

Background

The author of the communication, Mr Franck Kitenge, is a national of the DRC where he used to live prior to August 2007. The author alleged that he was captured and detained for several months in 1998 by the Congolese Rally for Democracy, a group of rebels forcefully recruiting men to overthrow the President. The author managed to escape the group and moved to another province of the country, fearing for his life.

In April 2002, the author was arrested by the Presidential Special Police Department who accused him of being a Rwandan spy and assisting to stage a coup against the President.

The author was subsequently taken to the premises of the national intelligence service, where he was mistreated and tortured by officials demanding that he confess that he had planned to kill the President and take power in the capital, Kinshasa. As well as being deprived of food and water, the author also feared that he would be killed at any moment. During his detention, the author was not allowed any contact with his wife and new-born daughter, who he feared were also in danger.

In July 2002, without prior notice, the author was taken to the Court of State Security, accused of being a Rwandan intelligence officer. Although no evidence was presented against him and the Court did not convict him of any crime, the Court ordered that he be moved to Makala Civilian Prison.

In October 2002, as a result of growing public pressure by human rights organizations, the author was released from Malaka Civilian Prison. Although the author had not been convicted of any crime, the release document from the prison stated that he had been imprisoned for an attempt on the security of the State. Seven days later, the author left for the Republic of Congo.

In August 2007, the author moved to Australia with his family having obtained a humanitarian visa.

According to his trauma counsellor, the author now suffers from long-term problems resulting from his detention and torture, including sleep and appetite problems, as well as physical pain.

On 9 June 2009, the author filed the communication with the Committee under the Optional Protocol to the Covenant. The author claimed that the DRC had violated his rights to freedom from torture and cruel and degrading treatment and from arbitrary detention, and had unlawfully

interfered with his privacy and family life in breach of articles 7, 9 and 17 of the Covenant respectively.

On five occasions from 2009 to 2013, the DRC was requested to submit to the Committee information on the admissibility and merits of the author's communication, but never did so.

The Committee's decision

Regarding the complaint's admissibility, the Committee noted that the author had exhausted all available domestic remedies and had sufficiently substantiated his claims. The Committee also observed that the matter was not being examined under another procedure of international investigation or settlement and therefore declared the communication to be admissible.

On the merits, the Committee noted that in the absence of any explanations from the State party due weight should be given to the author's allegations. On the basis of the author's allegations, the Committee observed that:

- (a) from 23 to 25 April 2002, the author was ill-treated by DRC intelligence officials while in detention;
- (b) from April to July 2002, he was tortured, deprived of food and water, and was not permitted any contact with his family; and
- (c) the author continues to suffer from long-term health problems resulting from his detention and torture.

The Committee concluded that such treatment constituted a violation of the prohibition against torture under article 7 of the Covenant.

The Committee then turned to consider whether the DRC had violated article 9 of the Covenant. In the absence of any explanation from the DRC regarding the reasonableness and necessity of the author's detention, the Committee found that the DRC had violated the prohibition against arbitrary detention under article 9(1). The Committee found that the absence of any formal charges, information on the grounds and legal basis of the author's arrest and detention constituted a violation of article 9(2). The Committee recalled its recommendation that the period of police custody before a detained person is brought before a judge should not exceed 48 hours, and concluded that the delay of 3 months in the present case was therefore incompatible with article 9(3). The Committee also noted that no evidence had been presented to the author regarding the accusations against him, and that the author had been prohibited from having any contact with his family and access to a lawyer. The Committee therefore concluded that the State party had prevented the author from challenging the legality of his detention before a court in breach of article 9(4).

Having determined that the DRC had breached articles 7 and 9 of the Covenant, the Committee considered that it was not necessary to examine the author's claims relating to article 17.

In accordance with article 2(3), the DRC was under an obligation to provide the author with an effective remedy, specifically by conducting a thorough and effective investigation into the author's allegations, prosecuting those responsible for the violations committed, and providing the author with adequate compensation.

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

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Admissibility Decisions

HUMAN RIGHTS COMMITTEE DISMISSES COMPLAINTS AGAINST SLOVAKIA, NEW ZEALAND, AND LITHUANIA

T.W. and G.M. v. Slovak Republic (1963/2010)

In March 2014, the Committee was asked to consider whether Slovakia had violated its obligations under articles 2 and 26 of the International Covenant on Civil and Political Rights in failing to uphold the right to an effective remedy and non-discrimination before the law. The communication was submitted by two Slovakian nationals, T.W. and G.M. The Committee considered that the authors' claims were inadmissible under articles 2 and 3 of the Optional Protocol for lack of substantiation and for incompatibility with the provisions of the Covenant respectively.

X.G.H. v. New Zealand (2197/2012)

In March 2014, the Committee was asked to consider whether New Zealand had violated its obligations under articles 2, 14, 17, 23 and 24 of the International Covenant on Civil and Political Rights in failing to uphold the right to an effective remedy, non-discrimination before the law, freedom from unlawful interference with family life, and protection as a minor child. The author of the communication was Ms X.G.H., a Chinese citizen. The Committee considered that the author's claims were inadmissible under article 1 and 2 of the Optional Protocol for failing to demonstrate any impairment of the author's or her son's personal rights and for lack of substantiation respectively.

G.J. v. Lithuania (1894/2009)

In March 2014, the Committee was asked to consider whether Lithuania had violated its obligations under articles 7, 9, 10 and 14 of the International Covenant on Civil and Political Rights in failing to uphold the right to freedom from cruel or inhuman treatment, to liberty and security of the person, respect for the inherent dignity of the human person, and the procedural guarantees under the Covenant in defending criminal charges. The author of the communication was Mr G.J., a Lithuanian national. The Committee considered that the author's claims were inadmissible under articles 2 and 3 of the Optional Protocol for lack of substantiation and for incompatibility with the provisions of the Covenant respectively.

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