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## Opinion

### DEFENDERS OF ECONOMIC, SOCIAL AND CULTURAL RIGHTS SHOULD NOT BE ‘SECOND CLASS’

*By Miloon Kothari, President of UPR Info and UN Special Rapporteur on adequate housing (2000 – 2008)*

*“All human rights are universal, indivisible and interdependent and interrelated. The international community must treat human rights globally in a fair and equal manner, on the same footing, and with the same emphasis.” - Vienna Declaration and Programme of Action*

Equally important, equally legitimate and equally meriting promotion and protection: official human rights doctrine clearly forbids a human rights hierarchy and demands that human rights defenders, whatever the rights

they defend, be justly and equally protected.

But as governments and businesses increase efforts to repress the work of the human rights defenders of economic, social and cultural rights, and with the UN and international community often focusing their concerns on the protection of defenders of civil and political rights, a dangerously imbalanced terrain of human rights protection is emerging.

The work of human rights defenders promoting and protecting economic, social and cultural rights is critically important, while the threats, risks and challenges they face as a consequence of this work are cross-cutting – including restrictions not only on their rights to health, food, housing, social security and work, but also on their rights to freedom of expression, association and assembly and life itself.

As a result of a sharp increase in land-grabbing activities by governments worldwide – from the forced evictions of communities to make way for mega-development projects such as for dams and mineral extraction or urban renewal and sporting facilities, to the restriction on access of communities to natural resources – new groups of human rights defenders have emerged.

These defenders are those resisting land acquisition and forced evictions by States associated with development (including resistance on the basis of environmental concerns); those forced to occupy vacant land; those who seek restitution by returning to lands from which they have been displaced; or those using right to information laws to obtain information on the threats to their land and livelihood rights. These activists are exercising their rights to freedom of expression and freedom of assembly, as well as their right to an adequate standard of living, including adequate food, clothing and housing.[1]

That the rights they protect are largely economic, social and cultural in nature should not lessen the importance of this work. **The focus placed on defenders protecting the rights to freedom of expression and freedom of assembly must be extended to the significant number of defenders working for the protection of economic, social and cultural rights.**

The Declaration on Human Rights Defenders provides specific protections to human rights defenders. It recognises the universality, indivisibility and interdependence of all rights,[2] and reaffirms the right to advocate and to seek the protection and realisation of all human rights at the national and international levels.[3] Economic, social and cultural rights encompass the right to advocate for the promotion, protection and realisation of those rights and governments must respect this.

The International Covenant for Economic, Social and Cultural Rights (ICESCR) sets out the right to the enjoyment of the highest attainable standard of physical and mental health (Article 12); work (Article 6); and social security (Article 9). The General Comments of the UN Committee monitoring implementation of the ICESCR further explain the content of these rights and **provide that States should respect and protect the work of human rights advocates and other members of civil society** who work to promote and protect the right to health;[4] the right to work;[5] and the right to social security.[6]

It is urgent and essential that those working for the protection of economic, social and cultural rights are recognised as human rights defenders. Some recent examples illustrate the severity of the human rights violations facing these human rights defenders:

- The brutal demolition, on 30 June 2015, of the homes of 3000 people in Mandala, Mumbai, India who had reoccupied unused land from which they had been evicted in 2005. Hundreds of these residents were arrested under the Indian Penal code. The peaceful occupation was an expression of their housing and land rights under the organisation: 'Save our homes, make our homes'.
- Women leaders of the National Trade Union Initiative and the All India Union of Forest Working People were arrested on 30 June 2015 and placed under judicial custody for resisting the building of the Kanhar Dam that will destroy the lands and livelihoods of thousands of tribal and Dalit people in Uttar Pradesh, India. Those arrested were booked under false and fabricated cases and accused of 'waging war against the state'. One of the women land rights leaders had been arrested earlier under the National Security Act.
- Leaders of First Nations (Indigenous) Groups in Canada continue to face arrests and imprisonment for resisting projects such as Tar Sands, Fracking and Pipelines (for example the Keystone XL). These human rights defenders are labelled by officials as 'insurgents', 'eco-terrorists' and 'threats to national security'.

These defenders are exercising their rights in a peaceful manner, but the response by authorities is often forceful or violent. When not being silenced by brute-force, activists may be maliciously labelled by governments as ‘anti-development’ and ‘anti-national’ as a false-basis for restricting their human rights.

We need to be much more insistent on asking, and demanding answers to, fundamental questions such as: why is the notion of ‘national interest’ or ‘public welfare’ owned by States alone? These defenders are questioning the notion of the neo-liberal state and challenging national and global macro-economic policies that have led to hyper-land grabbing and to forcing people into different stages of poverty through reduced spending on social security and subsidies that enable low-income groups to access health services, housing and food, including through the imposition of austerity policies. Isn’t it in the ‘national interest’ that the rights to food, health and housing are protected? Is the State not fulfilling the cause of ‘public welfare’ if the economic, social and cultural rights of vulnerable people and communities are realised.

Not only should States be providing these human rights defenders with recognition and protection, but businesses too should cease repressing them. Repression by transnational corporations - either directly, through engagement of private security companies, or as a result of influence over police - is increasing in leaps and bounds, particularly in connection with the extractive industry. The excessive use of force by private security forces against activists challenging the extractive industry projects of the Jindal Corporation in India and Ethiopia are examples of this.

While I welcome the attention being placed on human rights defenders, in particular by the mandate of the Special Rapporteur on human rights defenders, much more can be done. Specifically, a more systemic approach, including simultaneous engagement with various UN mechanisms should be adopted. In this context, the ongoing work called for by a resolution of the UN Human Rights Council on ‘the promotion and protection of peaceful protests’ by the Special Rapporteur on freedom of peaceful assembly and association and the Special Rapporteur on extrajudicial, summary or arbitrary executions is very welcome. This important work needs to extend to the recognition of the human rights of those who ‘occupy’ land as they have no other choice to exercise their housing and land rights and meet their livelihood requirements. The scale and recent escalation of the assault on human rights defenders, however, requires collective action from all Special Rapporteurs whose mandates include the protection of people and communities whose rights are being curtailed. For example, cases of the renewed assault we see across the world on human rights defenders of economic, social and cultural rights, including increasing violence against women in this context could be more systematically raised as part of the Universal Periodic Review of the relevant country, reviews by treaty bodies, and with the Office of the High Commissioner for Human Rights.

There is today a distinct cognitive dissonance that exists in the priorities of the UN human rights system. On the one hand, the UN leads the charge in positioning human rights as universal, indivisible and interdependent and interrelated. On the other, the UN system as a whole is biased towards action on civil and political rights, including through the staffing patterns at OHCHR, and this bias is made evident when priority is given to defenders struggling for the protection of civil and political rights, over those struggling for economic, social and cultural rights.

Such an imbalance must no longer be tolerated and demands a concerted response. All human rights are equally important, equally legitimate and equally meriting promotion and protection – and so too are the courageous women and men who defend these rights.

[1] ICESCR, Article 11

[2] Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms, Preamble

[3] Ibid, Article 1

[4] ICESCR, General Comment No. 1, Article 12, (2000), paragraph 62

[5] ICESCR, General Comment No. 18, Article 6, (2005), paragraph 51

[6] ICESCR, General Comment No. 19, Article 9, (2007), paragraph 81

## Human Rights Defender Profile

### **SORAYA AZIZ SOULEYMANE: BUSINESS AND HUMAN RIGHTS DEFENDER FROM THE DRC**

The decision four years ago by a group of her peers to bestow upon Soraya Aziz Souleymane the title of ‘Miss Leadership 2011’ was in many ways prescient. Not only does Soraya now hold the role of Deputy Field Office Director in charge of The Carter Center’s Mining Governance Program in the Democratic Republic of Congo; she also sees herself at the upper edge of a new generation of young activists and NGO workers dedicated to seeing their country reach its potential.

Soraya started managing grants to affected communities at a large mining company’s foundation. She described her frustrations with the limitations of working within the foundation; she had discovered that many of the decisions about where and how to disburse the funds had already been made as part of the initial negotiations with affected communities. She soon decided to move into the corporate structure itself.

**‘[When I joined the corporation,] it was an exceptional time, because the company was just beginning work in a new area and there was a need for many people... so much so that I was able to create a whole community relations department from the ground up.’**

Despite the positive experience of getting the first community relations department off the ground, Soraya said she still wasn’t satisfied. She described the realisation of the limitations of working with projects, saying

**‘My impact was limited just to this one small community. I couldn’t take those impacts and apply them to others. Also, all the policies had to be linked to production, to the generation of profit for stakeholders and investors. That’s how companies have always worked, and this was no different.’**

She recounted the feeling of being sidelined after production began at the mine, of having to ‘fight to justify how [her] projects would contribute to production.’ The business case for responsible community engagement, as in many cases, extended only so far as necessary to avoid public confrontation or community demonstrations and the potential for resulting reputational risk and production delay. When taking a break, pursuing a Master’s degree, and changing companies didn’t change the root causes of the problem, she decided to make a more radical change. She joined The Carter Center’s office in 2014.

#### **Challenges of NGO Work and relations with the private sector**

UN SR Maina Kiai, ISHR and its partners have raised concerns about the excessive influence companies can have over some governments. This ‘corporate capture’ can lead to policies that neglect, or even have direct negative impacts, on defenders. At the same time, many governments and civil societies are maturing and looking at sustainability and governance in the extractives sector. Soraya described her transition from private sector to civil society, highlighting both challenges and opportunities:

**‘At the company, it was good – we had resources, support, the voice, we had almost immediate access to the ministries, no problem. A big challenge at The Carter Center is that we don’t have the same financial resources or the same**

**level of influence. But other things are better, at least for me. My primary goal now at work is to change the situation of communities – all communities – not simply to increase production or placate one group.'**

Soraya also uses her new role to engage in direct advocacy with the DRC government. As she said, the chance to influence the policies of the state is ultimately a great opportunity. She also emphasised the value of gaining perspective through exposure to different sectors, and dismissed the idea that working for a company was 'treason'. Instead, she noted that

**'...this kind of movement back and forth, especially within a sector, can lead to a lot of evolution and changing perspectives. It can also lead to more cooperation. We've seen many times when civil society and companies have joined forces against the government to say, "No, that will not fly." It's a strategic alliance.'**

### **Lessons learned and strategies**

In some cases, companies can be quite open to engagement, and as a result of their buy-in NGOs can have real effects on the ground. In her work, Soraya often finds herself raising questions to the company while doing the research, and working with them to find solutions. For some companies, this is a useful process of identifying problems, but also being able to improve their reputation for having taken proactive steps to address them. Soraya recommended against surprising companies with reports, instead noting the value of having company representatives stand with [them] at the podium and say, "We acknowledge this wasn't done well, and we've already taken actions to correct it." With this, you have gotten some concrete recommendations, and you've got buy-in"

Sometimes, though, that strategic alliance or trust can be hard to build. Sometimes companies don't even want to come to the table. But, Soraya says, for companies that do want to pay attention to these issues, it is important to know the interests and the levers.

**'For example, you can go to the embassies of the diplomatic missions where the company is headquartered – the job of commercial officers is to promote investment, sure, but if the company has a bad reputation, they can't do their job. They have an interest. You can also build relationships with civil society in home countries to increase pressure.'**

During conversations with a range of civil society organisations the week ISHR met Soraya, the challenges to human rights defenders working on extractives became clear. Harassment, intimidation, legal challenges, personal reputational risk. This is helped, though, because there is a growing solidarity between defenders and a sense of security in the fact that many organisations, including The Carter Center, are prepared to step in if they need support.

And despite the challenges, Soraya has a passion to do this work, and an optimism about civil society.

**'I think my background, the fact that I am Congolese and that I have worked in the sector means I have real interest in and capacity to influence what my country becomes – my children will grow up here.'**

**'I am very optimistic because there are many young people who are innovators, who are open to new ideas, who are willing to sit down with a range of stakeholders. They are also willing to say to the international community, "No, we don't need x, we need y".'**

And as for the government, the emphasis is also on frank discussion, even when there is a

disagreement. As Soraya says, 'we must work with them for change – and we must be clear that this is not the same as working for them, as accepting the problem'.

## Council Alert

### Alert to the Human Rights Council's 30th session - 14 September to 2 October

The Human Rights Council will hold its [30th regular session](#) at the United Nations in Geneva from 14 September to 2 October.

At this session the Council will have another opportunity to draw attention to serious violations of the rights of human rights defenders around the world and push back on increased encroachment of civil society space. This includes restrictions and attacks on human rights defenders under the guise of national security legislation in China or in the context of the 'war on drugs' in Latin America. Although there is not expected to be a resolution on civil society space at this session, strong expressions of support for civil society through statements and resolutions would assist civil society in defending its space at the international and national level, including by pushing for the review and repeal of increasing numbers of restrictive legislation, such as a new [restrictive NGO law](#) in **Cambodia**.

During the organisational meeting for the 30th session, the President of the Human Rights Council referred to the need for all delegations and organisations to contribute to a constructive working atmosphere. He stressed that **respect, transparency and accountability** are very important to **maintain a climate free of reprisals and intimidation** and that a constructive atmosphere is essential for the effective functioning of the Human Rights Council.

Significantly, during the session the Council will have the opportunity to reiterate its condemnation of reprisals as it reviews the report of the Secretary General, and possibly considers a resolution, on reprisals.

The [programme of work](#) for the session includes six panel discussions. As it did in previous sessions, the Council has limited the overall time for its interactive dialogues with Special Procedures to four hours, by reducing the individual speaking time for States. The overall time allocated to civil society was in general already limited to 30 minutes, and will remain unchanged.

The President also referred to other **procedural modalities** intended to bring more transparency to the process of negotiating resolutions, and avoid procedural tactics in the tabling of texts, including that:

- deadline extensions for the submission of draft resolutions will only be granted on exceptional bases and require justification;
- sponsors seeking to table resolution text after the deadline will need the support of the Council before the Secretariat will register the tabling,
- at least one informal consultation should be held prior to a resolution being proposed for consideration by the Council.

### **Informal meeting with the Chairperson elect of the Third Committee**

To strengthen the relationship between the Human Rights Council and the Third Committee, on Monday 7 September an informal meeting with the Chairperson elect of the Third Committee, Ambassador Omar Hilale, Permanent Representative of Morocco to the United Nations will be held at 9.30am. Ambassador Hilale will provide an informal briefing on the work of the Third Committee, its upcoming Programme of Work, discussions surrounding working methods and issues relating to the relationship between the Human Rights Council and the General Assembly.

### **Reprisals**

At this session of the Council the Secretary General will present his report on ‘Cooperation with the United Nations, its representatives and mechanisms in the field of human rights’, known as the ‘Reprisals Report’ (the report will be posted [here](#), but is not yet available). [ISHR’s submission to the Secretary General](#) in May 2015 contributed to this report, and demonstrated the need for the UN and States to prevent and ensure accountability for acts of intimidation and reprisals against those who cooperate with the UN, laying out a comprehensive roadmap for reform in that regard. In the face of continuing grave incidents of reprisals, the Council and states that profess to condemn reprisals cannot remain silent.

ISHR welcomes the creation of a cross-regional core group by Hungary to lead action at the Council on **cooperation with the UN, its representatives and mechanisms in human rights** as announced at the organisational meeting. The absence of progress in New York must not serve as an excuse for States to justify inaction, but on the contrary should prompt the Council to encourage follow up by relevant UN office holders to cases of reprisals and reinforce the call for a systematic and coordinated effort to end this scourge.

In this respect, ISHR welcomes the adoption of a [significant policy to combat intimidation and reprisals against those who provide information or contribute to the work](#) of treaty bodies to promote and protect human rights at their annual meeting in June 2015. ISHR encourages the appointment within each treaty body of a [rapporteur or focal point on intimidation or reprisals](#) as included in the Guidelines.

ISHR will also make a statement under Item 5 General Debate, calling on States to avoid acts constituting intimidation or reprisals, and to investigate and ensure that any allegations of reprisals, whether perpetrated by State or non-State actors, are subject to a full, independent and impartial investigation, with perpetrators held accountable and victims provided with effective remedy.

### **Drugs**

On 28 September Albania, Colombia, Uruguay, Greece, Paraguay and others will lead a panel on the impact of the world drug problem on the enjoyment of human rights. This panel provides a critical opportunity to examine and condemn the threats and risks faced by human rights defenders as a result of the currently dominant policy response to drugs. As highlighted in a Submission to the Office of the High Commissioner for Human Rights, co-written by ISHR and Peace Brigades International Mexico, Latin American human rights defenders have played a fundamental role in exposing abuses by State and non-State actors in the context of the ‘war on drugs’. In return, their

important role has puts activists at heightened risk of attacks, from both kinds of actors, ranging from public defamation to life-threatening violence. ISHR calls on all States to call on Latin American States to put an end to impunity for human rights violations and to guarantee that security forces and public officials tasked with combatting organised crime and drug trafficking are fully trained in international human rights obligations and the protection of activists.

## National Policies

During the 30th session the Council will consider the report of the OHCHR on the panel discussion on the issue of **national policies for human rights**. Further, Peru, Ecuador and others will lead a resolution on public policies and human rights, building on the [2014 resolution](#), which recognised the important role that civil society can play [in the process of drawing up and assessing the impact of national policies](#) on the promotion and protection and full realisation of human rights and fundamental freedoms. We encourage all States to call for the implementation of national laws and policies for the protection of human rights defenders. The Human Rights Council has previously recognised the [importance of laws that recognise and protect human rights defenders](#) in an effort to create a safe and enabling environment for their work.

Specifically those states with recent or pending legislations on human rights defenders, such as [Honduras](#), [Côte d'Ivoire](#), Burkina Faso, Colombia, Brazil and [Mexico](#), should use the opportunity to brief the Council on lessons learnt and challenges in the passing and implementation of these laws. The resolution should reflect that the enactment and implementation of such laws results in a more safe and enabling environment for human rights defenders. It should also state that the engagement of human rights defenders in the development and implementation of human rights laws and policies results in laws and policies that are more responsive, protective and effective.

ISHR will hold a side event from [25 September at 15.30 on National Policies and human rights](#). This event will discuss national laws and policies for the protection of civil society space, the necessity to fully implement such legislation, as well as to appeal legislation imposing restrictions on civil society. The discussion will explore existing laws and policies and civil society movements involved in their development.

## Equal participation

The Czech Republic will lead a **resolution on the full and equal participation in public and political affairs**. The [resolution adopted in October 2014](#) acknowledged the need to create a [safe and enabling environment for human rights defenders and civil society organisations](#) who, together with other actors, play a key role in the effective promotion and protection of all human rights. ISHR encourages States to ensure that language from the previous resolution is built upon to emphasise the critical role of defenders in the promotion and protection of human rights.

## Country-specific developments

ISHR joins other international, regional, and local organisations in expressing serious [concern about the adoption and implementation of a new restrictive NGO law](#) (the LANGO) in **Cambodia**. The Council resolution this September cannot be 'business as usual' - it needs to highlight clearly the backtracking on human rights obligations, and to renew the mandate of the Special Rapporteur. The monitoring and reporting of the Special Rapporteur, reinforced by the complementary role of the OHCHR country, will be critical to seeing concrete progress on human rights and rule of law in the country.

The [second anniversary of Cao Shunli's detention](#), en route to Geneva ahead of China's UPR, is a clear opportunity for States to speak out against ongoing abuses of human rights defenders in **China** at the 30th session of the Council. Further, China has indicated that it intends to lead a presidential statement on the promotion of the right to health through enhanced capacity-building against epidemics. This comes at a time when China continues its move to crack down on defenders and civil society, including those working on the provision of health services, such as in connection with AIDS and HIV. Conditions for lawyers in particular have gone from bad to worse since the last session. A sweeping National Security Law was adopted and amendments to the Criminal Law made, while over [250 lawyers were systematically targeted](#), and at least nine have been formally charged with crimes 'endangering national security'. ISHR and six other organisations called on States to make individual and joint statements highlighting some of the worst of these abuses and China's uneven record of cooperation with the Council's mechanisms despite its commitments upon becoming a Member State.

The deferral of the OHCHR report into alleged human rights violations during the [during the conflict in Sri Lanka](#) (A/HRC/30/61), and the delay of the resolution to September, followed the UN High Commissioner for Human Rights, Zeid Ra'ad Al Hussein's, recommendation for a deferral until the 30th session. He explained that a 6 month extension would facilitate vital discussions with a new Sri Lankan government which the previous government had refused. Some States seem to believe that the apparent consolidation of political power against former President Rajapaksa, including after the August 17 elections, indicates an important change in policy towards justice and accountability for crimes committed by the previous government. Nonetheless, the continued attention of the Council is critical to seeing meaningful reform and efforts to address impunity; deferral should not be misconstrued as dismissal.

ISHR signed a [joint letter](#) calling for a robust mechanism that incorporates the inputs of civil society and that will address the recommendations of the international community, including those in the forthcoming OHCHR report. The government must ensure full cooperation with the UN in a continued monitoring and support role to ensure its effective implementation.

Given the deplorable and deteriorating human rights situation in **Sudan**, including evidence of human rights violations by security forces, ISHR and other NGOs have called on States to [develop and adopt a strong and responsive resolution on Sudan](#) at this session of the Council. It is critical that the international community condemn these violent attacks and impunity for human rights violations are addressed.

During the Informal with the High Commissioner held prior to the 29th session, the High Commissioner referred to the alarming level of violence in **Burundi**. In response to the High Commissioner's concerns, ISHR made a statement calling for Burundi to [end attacks against human rights defenders, journalists and peaceful protesters](#) and restore respect for the rule of law. Since the informal discussion violence has escalated through physical attacks of prominent human rights defenders, including [leading Burundian human rights defender, Pierre Claver Mbonimpa](#), who was shot and injured on the evening of 3 August 2015 in Bujumbura. The situation has worsened, and the Council's capacity to swiftly respond to a serious human rights crisis will be tested once again.

Several **thematic reports** on the situation of human rights in specific countries or regions will be presented to the Council this session, including the reports of the experts on the situation of human rights in **Cambodia, Sudan, Central African Republic** and **Somalia**. The Council will also conduct **interactive dialogues** with the experts on these countries. These meetings provide an

opportunity for human rights defenders to highlight human rights violations in those countries. Each of these mandates are due to expire this year. In this respect, ISHR welcomes their renewal and the Council's continued attention to the human rights situation in these countries.

The Council will adopt the UPR Reports of 14 countries. This will provide an opportunity for [Honduras](#), [Jamaica](#), [Liberia](#), [Libya](#), [Maldives](#) and the [USA](#) to accept recommendations made in relation to human rights defenders, as recommended by ISHR's [briefing papers](#) on these countries.

In the case of [Honduras](#), [Maldives](#) and the [USA](#), ISHR intends to make a statement during their UPR adoptions highlighting the recommendations made to each of these countries in respect of the protection of human rights defenders. In particular, in light of the Supreme Court decision in June 2015 preventing the country's independent national human rights institution from communicating with the UN without government authorisation, ISHR will call on the government of the Maldives to urgently and explicitly protect the right of the Commission to [explicitly protect the right of the Commission and all persons to safe and unhindered communications with the UN](#), and to absolutely prohibit any form of intimidation, retaliation or reprisal for exercising this right.

### **Appointment of Mandate Holders**

A new **Special Rapporteur in the field of cultural rights** will be appointed at this session, with candidates available [here](#).

The Council will also appoint a member of the [Working Group of Experts on People of African Descent](#) from the Latin American and Caribbean States, and a member of the [Working Group on Enforced or Involuntary Disappearances](#) from Eastern European States.

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

### **Panel discussions**

There are 6 panel discussions scheduled for this session:

- Chile will lead an annual panel discussion on the **integration of Gender Perspectives** on Tuesday 15 September at 15.00. This panel will discuss measures that can be adopted to achieve concrete goals and gender balance.
- Iran will lead a biannual panel discussion on **unilateral coercive measures and human rights** on 17 September at 12.00. In accordance with resolution 27/21, the OHCHR will prepare a report on the panel discussion.
- The European Union will lead a panel on the **situation of human rights in the Democratic People's Republic of Korea** on 21 September at 12.00, which should provide a critical opportunity for victims of the human rights abuses to testify before the international community.

- Mexico will lead an annual half day discussion on the **human rights of indigenous people** on 22 September at 12.00. The discussion will constitute a follow up to World Conference of Indigenous People, and will include representatives of indigenous groups.
- Australia, Chile, Poland and others will lead a panel discussion on a **human rights based approach to good governance in the public service** on 24 September at 12.00. A summary report will be prepared on the panel including concluding remarks and recommendations.
- Albania, Colombia, Uruguay, Greece, Paraguay and others will lead a panel on the **impact of the world drug problem on the enjoyment of human rights** on 28 September at 15.00.

**Resolutions to be presented to the Council's 30th session** (*as announced at the organisational meeting on 24 August*):

**Resolution on the use of mercenaries as a means of violating human rights and standing in the way of the ability to exercise the right to self-determination** (Cuba).

**Resolution on the promotion of a democratic and equitable world order** (Cuba).

**Resolution on the right to peace** (Cuba).

**Resolution on the death penalty** (Belgium, Switzerland, Benin, France, Mexico, Moldova and Mongolia). Building on the resolution passed during HRC26.

**Resolution on the regional arrangements for the promotion and protection of Human Rights** (Armenia, Belgium, Mexico, Thailand and Senegal). Following up on HRC24 resolution and 2014 OHCHR workshop.

**Resolution on the human rights situation in Syrian Arab Republic** (United Kingdom).

**Resolution on countering and preventing violent extremism** (Albania, Bangladesh, Cameroon, Morocco, France, Peru, Tunisia, Turkey and others).

**Resolution on promotion and protection of the human rights of peasants and other persons working in rural areas** (Bolivia, Cuba, Ecuador and South Africa). Follow up to the work of the Inter-Governmental Working Group on the Human Rights of Peasants.

**Resolution on the human rights and the administration of justice** (Austria). Building on previous resolution and OHCHR report to be presented during the session.

**Resolution on technical cooperation and capacity building in human rights to promote constructive dialogue in the HRC and enhance work on the ground** (Brazil, Honduras, Morocco, Malaysia, Singapore, Turkey, Thailand). Focus on the promotion and protection, of the human rights of migrants, especially during irregular migration.

**Resolution on public policies and human rights** (Peru, Ecuador and others).

**Resolution on the developments regarding the human rights situation in Yemen** (Netherlands and Yemen).

**Resolution on the human rights and indigenous peoples** (Guatemala).

**Resolution on the review of the expert mechanism of the human rights of indigenous peoples** (Guatemala and Mexico)

**Resolution on the full and equal participation in public and political affairs** (Czech Republic).

**Resolution on the human rights situation in Sri Lanka** (USA).

**Resolution on the human rights situation in Sudan** (USA)

**Presidential Statement on the promotion of rights of all peoples to highest attainable standards of health through enhanced capacity-building against epidemics** (China).

## Key Side Events

### ISHR Events

**National Policies and Human Rights Defenders**, Tuesday 15 September, presented by ISHR. This event is scheduled for 15.30 – 17.00 at Palais des Nations in Geneva in Room XXI.

**Human rights in Mexico**, organised by Comisión Mexicana de Defensa y Promoción de los Derechos Humanos, Asociación Civil, ISHR and others, on Tuesday 29 September. This event is scheduled for 15.30 – 17.30 at Palais des Nations, Room XXII.

### Other Key Events

- **Human Rights in Saudi Arabia**, organised by CIVICUS – World Alliance for Civil Participation, on 15 September. This event is scheduled for 14.00 – 15.30 at Palais des Nations, Room XXI.
- **Safety of journalists**, organised by Article 19 and the International Centre Against Censorship, on 15 September. This event is scheduled for 15.00 – 17.00 at Palais des Nations, Room XXVII.
- **Human rights in Azerbaijan**, organised by Human Rights House Foundation, on 16 September. This event is scheduled for 17.00 – 18.00 at Palais des Nations, Room XXIV.
- **Human rights in China**, organised by Society for Threatened Peoples, on 17 September. This event is scheduled for 13.00 at Palais des Nations.
- **Human rights in Maldives**, organised by Amnesty International, on 17 September. This event is scheduled for 14.00 – 15.30 at Palais des Nations, Room XXI.
- **Human rights in Sri Lanka**, organised by Amnesty International, on 17 September. This event is scheduled for 16.30 – 18.00 at Palais des Nations, Room XXIII.

- **Human rights in Cambodia**, organised by International Federation for Human Rights Leagues, on 17 September. This event is scheduled for 15.00 – 16.30 at Palais des Nations, Room XXIII.
- **Intersex human rights**, organised by International Lesbian and Gay Association, on 18 September. This event is scheduled for 09.00 – 10.00 at Palais des Nations, Room XXIV.
- **Human rights in Sudan**, organised by Human Rights Watch, on 18 September. This event is scheduled for 18 September, 13.00-14.30 in Room XXVII.
- **Human rights in Sri Lanka**, organised by Human Rights Watch, on 18 September. This event is scheduled for 15.30 at Palais des Nations.
- **Human rights in Burundi**, organised by Action internationale pour la paix et le développement dans la région des Grands Lacs, on 21 September. This event is scheduled for 14.00 – 16.00 at Palais des Nations, Room XXI.
- **Human rights in Democratic Republic People's Republic of Korea**, organised by Human Rights Watch, on 21 September. This event is scheduled for 16.00 – 18.00 at Palais des Nations, Room XXI.
- **Sexual rights: protective gaps**, organised by Action Canada for Population and Development, on 22 September. This event is scheduled for 14.30 – 16.00 at Palais des Nations, Room XXIII.
- **Transgender rights**, organised by Allied Rainbow Communities International, on 24 September. This event is scheduled for 15.00 – 16.30 at Palais des Nations, Room XXI.
- **Human rights in Honduras**, organised by Peace Brigades International Switzerland, on 24 September. This event is scheduled for 16.30 – 18.00 at Palais des Nations, Room XXI.
- **Human rights in Sudan**, organised by Society Studies Centre, on 28 September. This event is scheduled for 15.00 – 16.30 at Palais des Nations, Room XXIV.
- **Human rights in South Sudan**, organised by the East and Horn of Africa Human Rights Defenders Project, on 28 September. This event is scheduled for 15.30 – 17.00 at Palais des Nations, Room XXII.
- **Drug policies and human rights**, organised by Centro de Estudios Legales y Sociales (CELS) Asociación Civil, on 28 September. This event is scheduled for 10.00 – 12.00 at Palais des Nations, Room XXIV.

Please note – This is a selection of the events from the [draft full programme of NGO parallel events](#) (as at 28 August 2015).

## Our Work to Support Human Rights Defenders

### HUMAN RIGHTS COUNCIL: STATES SHOULD ACT TO END ENFORCED DISAPPEARANCES OF ESC RIGHTS DEFENDERS

Human rights defenders advocating in relation to land-grabbing, corporate accountability, indigenous rights, labour rights, and other economic, social and cultural rights issues are at increased risk of enforced disappearance, according to a new report.

The [report by the UN Working Group on Enforced or Involuntary Disappearances](#) will be discussed by the UN Human Rights Council when it convenes for its 30th session in Geneva in September and ISHR and the Global Initiative for Economic, Social and Cultural Rights are urging States to use the opportunity to highlight and press for accountability in cases of enforced disappearances of ESC rights defenders.

‘We are deeply concerned at the worsening incidence of enforced disappearances and other attacks against corporate accountability activists, trade unionists, and land and environment rights defenders, particularly those advocating or protesting against major business projects and investments,’ said ISHR’s Michael Ineichen.

‘Enforced disappearances, together with related violations such as arbitrary arrest, are increasingly used not only to punish protest and dissent, but also to intimidate and deter others from engaging in human rights advocacy,’ Mr Ineichen said.

‘By way of example, the enforced disappearance and ultimate death of Chinese human rights lawyer and housing rights activist Cao Shunli was intended both to silence her and send a chilling message to others,’ Mr Ineichen said. ‘So too the more recent enforced disappearance or arbitrary detention of Chinese economic, social and cultural rights defenders such as [Mi Chongbiao](#), Guo Yushan, [Su Changlan](#)’.

In addition to highlighting other cases of enforced disappearance of economic, social and cultural rights activists, such as [Sombath Somphone in Laos](#), the report highlights the increased labelling of such activists as ‘rebels, insurgents, terrorists or as being against development’; terms which are used to ‘justify, condone or minimise human rights violations committed against them’.

‘It is imperative that high-level government officials not only refrain from using and condemn such labels when used by others, but also publicly recognise the vital and legitimate role of human rights defenders in promoting economic, social and cultural rights and sustainable development,’ Mr Ineichen said.

Significantly, the report also found that ‘when an individual becomes a victim of enforced disappearance as a result of exercising or promoting economic, social and cultural rights, the enjoyment of those rights is also violated.’

‘Enforced disappearances of human rights defenders are grave human rights violations in and of themselves but also amount to violations of the rights for which they are advocating,’ said Lucy McKernan of the [Global Initiative for Economic, Social and Cultural Rights](#) (GI-ESCR), which participated in consultations for the report.

‘In many cases, the effective protection of economic, social and cultural rights relies upon the work of human rights defenders. The enforced disappearance of a housing rights lawyer, for example, may

leave a community who relies on that defender much more vulnerable to arbitrary eviction and deter other community members from claiming their housing rights' Ms McKernan said.

'Seen this way, enforced disappearances of human rights defenders violate not only the Declaration on Enforced Disappearance and the Declaration on Human Rights Defenders, but the International Covenant on Economic, Social and Cultural Rights itself'.

In line with recommendations made in the report and previously advocated by both ISHR and GI-ESCR, States should enact specific laws and policies, and establish dedicated protection mechanisms, to ensure that human rights defenders are able to operate freely and safely and without fear and restriction. States also have an obligation to prevent and eradicate enforced disappearances, whether perpetrated by State or non-State actors, and ensure that any enforced disappearance of a human rights defender is subject to prompt and thorough investigation, with perpetrators prosecuted and punished and victims and their families provided with adequate and effective remedy.

With the report to be considered by the Human Rights Council on 15 September during an 'Interactive Dialogue' with the UN Working Group on Enforced or Involuntary Disappearances, ISHR and the GI-ESCR call on States to use the opportunity to highlight and push for accountability in relation to cases of enforced disappearances of ESC rights defenders and to outline the steps and measures that they will take to prevent, punish and remedy any such acts.

This Sunday, 30 August marks the International Day of the Victims of Enforced Disappearances.

## **CHINA: FREE THE LAWYERS/解放律师**

As the ongoing fight against repression of human rights lawyers in China continues, the UN human rights mechanisms must demonstrate heightened concern and attention to potential cases of detention and disappearance, said ISHR today. According to a Chinese-language article, as of noon on 25 August 2015:

- **nine lawyers** have been accused of 'harming national security'
- **seven** of the nine are being held in conditions of 'surveillance in a residential location'
- the whereabouts of **only two** of the nine are known
- the families of **five** of the nine have received official notice of the detention
- **none of the detained human rights defenders have been permitted to see a lawyer**

The Chinese government has an obligation to ensure both that universal human rights are fully respected - including the prohibitions against enforced disappearance, incommunicado detention and arbitrary detention, together with the rights to access to legal counsel and a fair hearing - and that the actions of the public security apparatus comply with relevant domestic laws. When this is not the case, the State also has an obligation to fully and transparently investigate official abuses and to facilitate victims' access to justice.

China has utterly failed to meet these obligations. ISHR urges the Working Group on Arbitrary Detention and the Working Group on Enforced or Involuntary Disappearances to take note of these concerns in their dialogues with the Human Rights Council on at its 30<sup>th</sup> session in September. ISHR

also [urges States to intervene in these dialogues](#), together with the general debate on country situations of concern under Agenda Item 4, to call on China to immediately and unconditionally release human rights lawyers and defenders detained in connection with their exercise of the rights to freedom of expression, association and assembly.

The following article, translated by ISHR, highlights one particular case among those detained in the '710' crackdown.

### **Crackdown on Chinese Lawyers: 9 Accused of Harming National Security**

The website Canyu reports that since the Chinese authorities began mass arrests of human rights lawyers on 10 July, nine individuals have been accused of harming national security, including Wang Yu, Wang Quanzhang, Liu Sixin, Sui Muqing, Xie Yang, Xie Yuandong, Zhao Wei, Gao Yue, and Bao Longjun. Of these, all but Wang Quanzhang and Liu Sixin are under 'residential surveillance at a designated place' (地点监视居住); but there has been no notice to family members about the specific location. At minimum, it is known that Liu Sixin and Zhao Wei are being held in the Tianjin Hexi district detention facility. As of August 20, an estimated 275 lawyers and human rights defenders have faced harassment.

On August 24, the 44<sup>th</sup> day since Bao Longjun's disappearance, legal representatives Huang Hanzhong and Chen Yongfu went to visit the Hexi district public security bureau (PSB) branch office and met with Officer Zhao Xu. They learned that because Bao Longjun was suspected of the crimes of inciting subversion and causing a disturbance, he had been remanded to 'residential surveillance at a designated place'.

After the crackdown on human rights lawyers by the authorities, Xinhua already reported that public security bureaus from many provinces acted together, using coercive measures to detain lawyers associated with the Beijing Fengrui law firm and others, like Bao Longjun. However, Bao's family have not received notice of his whereabouts from the PSB. Legal representatives requested in late July to see the written permission for surveillance from the Tianjin procuratorate and demanded that they open a case to investigate the illegal behaviour of the PSB and the individual(s) responsible. However, 20 days later, they have not received a single response.

The afternoon of August 24, Huang and Chen were informed by the Procuratorate reception centre that the procuratorate had transferred the request for surveillance to the Tianjin PSB on August 19. The inspector from the procuratorate then showed them a formal letter of reply. The lawyers argued that the request was in violation of the law, but the inspector – after showing it to his supervisor, further explained that matters related to legal surveillance do not fall under the jurisdiction of the city level procuratorate. The inspector recommended that the lawyers go to the district level procuratorate to request the application.

Following this conversation, the lawyers went to officers of the Hexi district sub-bureau of the PSB to request information on Bao's whereabouts and demanded to see him. The same official, Zhao, received them out of uniform and explained that because Bao was suspected of the crimes of state subversion and causing disorder he had been put under 'residential surveillance at a designated place'. The person in charge was not the same as the person responsible for the case, whose information he could not reveal. He also refused to explain to the lawyers any of the facts of the 'crime'. While they were talking, the lawyers strongly

emphasised that the authorities handling the case had, in over forty days, failed to send notice to Bao Longjun's family, which is a serious violation of the law and regulations. Based on the response from other relevant bureaus, Zhao explained that Bao Xi had been sent notice. He refused to provide more details of the information in the notice.

Afterwards, the lawyers quickly went to visit Bao Longjun's parents, who also live in Tianjin. They confirmed that they had not received any formal notice from the authorities.

See original Chinese [here](#).

## Our Work to Strengthen Laws and Systems

### International

#### **SUDAN: HUMAN RIGHTS COUNCIL MUST NOT LET IMPUNITY PREVAIL**

(Geneva) - The UN Human Rights Council must not allow impunity for gross human rights violations and further deterioration in the human rights situation in Sudan to continue, a coalition of 16 leading international and African NGOs said today.

In an [open letter to governments](#), the NGOs cited evidence that Sudanese security forces have engaged in and continue to perpetrate war crimes - including indiscriminate killing of civilians, destruction of schools and health facilities, and sexual violence - in the conflict areas of Darfur, Southern Kordofan and Blue Nile. The letter calls on States to use the occasion of the 30th session of the UN Human Rights Council in September to adopt a strong resolution on Sudan which condemns the violations, strengthens monitoring of the human rights situation in the country, and pushes for investigations and accountability in relation to both past and ongoing violations.

'Where a government is involved in the perpetration of gross human rights violations, or is unwilling or unable to prevent or punish them, it is incumbent on the international community to act,' said ISHR's Head of Africa Advocacy, Clement Voule.

The letter also expresses grave concern at the arrest, arbitrary detention and ill-treatment of human rights defenders and other civil society actors seeking to monitor, expose and promote accountability for violations in Sudan. Recent attacks on defenders have ranged from the arbitrary detention of Amin Mekki Medani and Adil Bakheit, to raids on NGOs such as the Sudan Human Rights Monitor, to the censorship and closure of independent newspapers by the National Intelligence and Security Services.

'ISHR is deeply concerned at the arbitrary detention, ill-treatment and even enforced disappearance of human rights defenders in Sudan, together with the government's attempts to shut down international human rights monitoring and scrutiny. The pathway to peace and stability in Sudan lies not in repression, but in the building of a strong, pluralistic and civil society,' Mr Voule said.

The NGO coalition - which includes international organisations such as Amnesty International, Human Rights Watch and ISHR, together with African NGOs such as the Sudanese Human Rights Initiative, the Darfur Bar Association and the East and Horn of Africa Human Rights Defenders Project - says that in the face of widespread impunity and a complete lack of will and capacity on the part of the government of Sudan to prevent and prosecute gross human rights violations, it is time for the Human Rights Council to act decisively.

'It is time for the UN Human Rights Council to take stronger action in response to widespread and grave violations of human rights and humanitarian law in Sudan. We urge your delegation to support the development and adoption of a strong and responsive resolution on Sudan under Agenda Item 4 at the 30th session of the Human Rights Council in September,' the letter says.

## **LATIN AMERICA: WAR ON DRUGS SHOULD NOT INDUCE WAR ON DEFENDERS**

(Geneva) – States must consult human rights defenders when developing laws and policies to tackle organised crime and drugs problems, and should sanction authorities who defame activists through smear campaigns, ISHR has said in a major new report.

In a [submission to the Office of the High Commissioner for Human Rights](#) (OHCHR) co-written with Peace Brigades International Mexico (PBI), ISHR says Latin American human rights defenders have played a fundamental role in exposing abuses by State and non-State actors in the context of the 'war on drugs'. In return, their important role has put activists at heightened risk of attacks, from both kinds of actors, ranging from public defamation to life-threatening violence.

The report compiles the findings of interviews with 75 grassroots defenders across the Americas, in January 2015, and in-depth follow-up research on the issue.

'An ever-increasing number of international human rights mechanisms, experts and core documents have consistently reiterated the crucial role of human rights defenders in promoting and protecting human rights, exposing violations and seeking justice,' said ISHR's Ben Leather.

'Despite this, many defenders in Latin America still feel they are rarely formally consulted by States on drugs, crime and security strategies.

'The result is the proliferation of policies that lack a human rights perspective, and worse, have the capacity to facilitate or exacerbate human rights abuses.'

Militarisation, state corruption and collusion with organised crime groups

The report regrets that despite their well-known record of human rights abuse and violence, military forces in many countries of the region are still favoured over civil actors and proper legislation when it comes to tackling drugs problems.

In addition, cases of collusion between State authorities and non-State actors linked to organised crime and drug trafficking have been clearly established in several countries. These negatively impact how human rights defenders can operate, with defenders who expose this corruption being amongst the most vulnerable in the region.

'Human rights defenders allege that both State and business representatives use criminal actors to attack defenders with impunity in countries such as Chile, Colombia, Guatemala, Honduras, Mexico and Peru,' said Mr Leather.

Defamation of human rights defenders and impunity for criminals

'In most cases, attacks or murders of human rights defenders working on drugs issues are publicly presented by officials as a consequence of the so-called involvement of the victims in drugs trafficking,

casting a veil of suspicion on all human rights defenders active on the issue and leaving the actual perpetrators to run free,’ said Mr Leather.

One such example is the case of 43 students from Ayotzinapa Rural School, Mexico, whose abduction in September 2014 caught international attention. According to the State, the students belonged to an organised crime gang and were abducted by their rivals.

Despite a lack of evidence for such allegations and the students’ school’s ‘renowned history of human rights activism and social protest’, the State did not prioritise ‘the social activism of the students as a probable line of investigation’, said Mr Leather.

ISHR’s submission calls upon Latin American States to put an end to impunity for human rights violations and to guarantee that security forces and public officials tasked with combatting organised crime and drug trafficking are fully trained in international human rights obligations and the protection of activists.

ISHR’s submission to OHCHR: [‘The impact of the world drug problem on the enjoyment of the right to defend human rights in Latin America’](#).

## **LAW SHOULD HELP NOT HINDER DEFENCE OF HUMAN RIGHTS IN KAZAKHSTAN**

Overbearing State legislation and other limitations in Kazakhstan that severely restrict freedom of expression and assembly, human rights monitoring and advancement must be lifted, ISHR has said in a new report to the UN Human Rights Committee.

The [situation of human rights defenders in Kazakhstan](#) describes an environment in which activists, journalists and other civil society members face numerous official restrictions on their work, as well as threats, intimidation, judicial harassment and arbitrary detention.

It cites a multitude of violations to the *International Covenant on Civil and Political Rights* (the ICCPR) within Kazakh laws, including:

- laws on defamation and insults
- regulations on the media
- the Online Communications Law
- a law banning the ‘propaganda of non-traditional sexual orientations’
- numerous articles of the Criminal Code
- the Peaceful Assembly Law
- proposed laws on NGO registration and funding
- the Law on Countering Extremism

These oppressive regulations have caused the muzzling of media opposition, a growing environment of fear and near silence on Kazakhstani streets, whilst threatening the existence of many non-governmental organisations.

### **Kazakhstan before the Human Rights Committee**

The Human Rights Committee (the Committee) will consider ISHR's report in developing a [list of questions to be posed to Kazakhstan](#) at its next examination. The aim of the review will be to assess the State's progress towards compliance with the ICCPR.

Kazakhstan has previously expressed interest in improving its human rights policies, consulting with civil society on reform and fulfilling Committee recommendations, says ISHR's Tess McEvoy. However, none of this seems to have translated into action.

'There has been no real improvement since Kazakhstan was reviewed by the Committee in 2011, with the rights of human rights defenders, journalists and other members of civil society in Kazakhstan continuing to be eroded, even while guaranteed under the ICCPR,' she says.

'Not only do human rights defenders consistently face physical and verbal threats, intimidation, and other forms of harassment, but legislation enshrined over the past year has entrenched and extended limits on freedom of expression, association, peaceful assembly and religion.

'For there to be any real progress in civil and political rights in Kazakhstan, one of the first steps must be legal reform.'

### **Kazakhstan must be called to:**

- enshrine the UN Declaration on Human Rights Defenders into national law and policies
- end criminalisation of the work of activists
- end intimidation and harassment of those participating in peaceful protests to guarantee the right to freedom of assembly
- repeal criminal defamation laws to ensure they cannot be arbitrarily applied to human rights defenders
- modify proposed legislation on the registration and operation of NGOs to guarantee their freedoms of association and expression

## **HUMAN RIGHTS COMMITTEE: DEMAND GUATEMALA PROTECT HUMAN RIGHTS ACTIVISTS**

**Guatemala must be called on to tackle violent attacks, repression and impunity for violations against corporate accountability activists, ISHR has told the UN Human Rights Committee in a report published today.**

The report findings on the [situation of human rights defenders working on business and human rights](#) show that the Guatemalan State is not protecting the civil and political rights of defenders, with those working on business issues facing especially severe risks and obstacles to their work.

It paints a dire picture of the context for human rights defence in Guatemala – where activists face:

- stigmatisation and defamation campaigns
- judicial harassment and imprisonment
- death threats, physical attacks and murder
- forced evictions of social protests
- legal restrictions that effectively prohibit or severely restrict legitimate human rights activism

The Human Rights Committee will consider the [report by ISHR and the International Platform against Impunity](#) in developing a [list of questions to be posed to Guatemala](#) at its next examination. The aim of the review will be to assess Guatemala's progress towards compliance with the [International Covenant on Civil and Political Rights](#).

### **No improvement so far for human rights defenders in Guatemala**

Including numerous case examples, the report outlines the tremendous challenges and violations human rights defenders encounter - especially those whose work brings them in direct conflict with business interests.

ISHR's Ben Leather says when the Human Rights Committee last reviewed Guatemala's performance in 2012, it cited high levels of violence and attacks against activists, insufficient mechanisms to protect them, and campaigns to undermine the initiatives of civil society organisations.

'Lamentably, the situation is no better today. The present administration has done little to prevent, mitigate and remedy violations against human rights defenders, and instead, has overseen a weakening of the very institutions designed to protect them, and increased the public stigmatisation of their work,' said Mr Leather.

'The Human Rights Committee must ask Guatemala to clearly outline how it will act to protect human rights defenders, particularly those whose work involves signalling abuses carried out in the context of business operations.'

The report includes findings and concrete recommendations from [consultations with human rights defenders in Guatemala](#), undertaken by ISHR earlier this year.

## **CAMBODIA: DETERIORATING SITUATION NEEDS STRONG COUNCIL ACTION, SAY NGOS**

In light of a worsening crackdown on civil society and backsliding on democratic progress, the attention to Cambodia at the UN Human Rights Council must continue, ISHR said today.

In a [joint letter to Ambassadors in Geneva](#), ISHR joined 11 other international, regional and national human rights organisations in urging States to pass a strong resolution at the Council's 30<sup>th</sup> session, beginning 14 September 2015.

[Defamation charges](#) have been used to undermine freedom of expression and create a threatening environment for defenders who want to speak out. The Law on Associations and NGOs, or LANGO, contains [provisions that undermine the independence](#) of Cambodia's vibrant civil society. It was adopted on 12 August, despite significant concern from [Cambodian human rights organisations](#) and the international community, including [independent UN human rights experts](#).

The LANGO, as well as drafts of a highly-contested Trade Union Law and cyber and telecommunications laws reinforce an increasing preoccupation with control and transfer of significant discretionary authority to governmental actors. They also are the result of ['opaque' and non-consultative drafting processes](#), highlighting failures to fully embrace [meaningful public participation](#).

International, regional, and local organisations [jointly call for this year's resolution on Cambodia](#) to highlight human rights violations and gaps in implementation of its international obligations. The resolution should extend and empower [the mandate of the Special Rapporteur](#), who has an important role in giving voice to the human rights challenges the country and its people face. Finally, the resolution should hold the Government of Cambodia responsible for its consistent inaction on UN recommendations and should outline a clear way forward, with strong support by the Special Rapporteur and the Country Office of the OHCHR, who play critical and complementary roles in monitoring, reporting on, and assisting in progress on human rights in Cambodia.

## **HUMAN RIGHTS DEFENDERS MUST BE AT CORE OF TREATY PROCESS AND OUTCOMES**

The first session of the intergovernmental working group (IGWG) on a legally binding instrument on transnational corporations and other business enterprises ended with both its Ecuadorian Chair and other States reiterating the importance of [civil society's input](#) to the process.

[NGO submissions](#) and interventions had enriched the debate in Geneva, with strategic proposals responding to ground-level realities. Nonetheless, more must be done by all States to ensure that their future participation is both easier and safer, as well as to guarantee that the protection of human rights defenders and the creation of an enabling environment for their work is at the core of any binding treaty.

### **Making human rights defenders central to the process: preparation, participation, protection**

The Human Rights Council [resolution 26/9](#) establishing the IGWG rightly recognises the important and legitimate role of civil society actors. Whether communities documenting and denouncing abuses

carried out in the name of business; individual victims demanding remedy for violations; or NGOs working to prevent abuses and mitigate their impact when they occur, human rights defenders are the motors for change on the ground and should provide the moral compass for IGWG negotiations.

Ecuador and the OHCHR secretariat made important efforts to facilitate the participation of human rights defenders at the first session, but more must be done to safeguard their contribution.

Firstly, better **preparation** of the IGWG will allow for broader and stronger civil society input. It is laudable that the Ecuadorian mission in Geneva repeatedly took the time to engage informally with civil society regarding plans for the session. Nonetheless, the fact that the proposed plan of work was circulated just a week before proceedings, with panellists confirmed only at the last minute, made it impossible for grassroots activists to arrange travel to Geneva and for NGOs to adequate submissions and interventions to specific panels. Next time, the draft plan of work should be subject to informal consultations months in advance and circulated well ahead of schedule.

Secondly, civil society **participation** can be enhanced and institutionalised by maintaining and adding to the good practises seen in July. Resolution 26/9 contemplated no budget for webcasting, something which must be rectified in any future resolutions on the treaty process. However, Ecuador responded to civil society requests and paid for the first session to be streamed, meaning that human rights defenders around the world could follow the debate live, ensuring an [audio-visual record](#) of proceedings. This important transparency mechanism must be maintained.

Of course, with business and human rights an issue of burning importance for grassroots activists and communities, there is an argument that participation in the IGWG should be opened to civil society organisations beyond those accredited with [ECOSOC consultative status](#) by the UN. The majority of NGO voices at the first session appeared happy with the compromise arranged by Ecuador of allowing non-ECOSOC accredited organisations to make written submissions prior to the IGWG, whilst limiting verbal interventions to those with accreditation. Nonetheless, the window for receiving submissions was narrow, leaving many defenders unable to deliver reports on time. In future, civil society should be given several weeks to send such contributions, which must then be fully integrated into the report of the session.

It is also important that Ecuador, with the secretariat, develop new modalities for the IGWG sessions in order to integrate civil society interventions into the debate and give them an equal footing to those of States. At the first session, civil society had to intervene towards the end of each panel, when they could be interspersed with States to ensure a more vibrant discussion, as happened during the Human Rights Council's institution-building process. Several diplomats commented in private that the interventions of civil society served to pull the discussion away from politics and towards practical needs and solutions. What better, then, than to integrate those interventions into the intergovernmental debate itself?

The Chair has the prerogative to define the modalities that she sees fit. However, all States which value civil society interventions should be active in encouraging this alteration, regardless of their political position towards other elements of the treaty process.

At this session, civil society space was [briefly under threat](#) as the Ecuadorian Ambassador announced that all NGO interventions from two panels would be merged and some postponed. In future, guarantees must be made that NGOs are able to speak to the panels they have signed up to and should not be subjected to pressure to keep to time limits where States are not.

Regarding **protection**: It is vital that human rights defenders can participate safely in the work of the IGWG, particularly given that those who work on violations related to business have been identified as [some of the most at-risk](#) in the world.

The Chair and secretariat must therefore put in place a clear process to prevent acts of intimidation or [reprisals](#) against individuals participating, or seeking to participate, in the IGWG. This process should include methods to address alleged cases of intimidation or reprisals directly with the concerned State or non-State actors, including business, in order to seek guarantees of no-repetition. Current practises by the President of the Human Rights Council may be illustrative in this regard. A channel for reporting reprisals should be made public on the IGWG website.

### **Guaranteeing an outcome that benefits defenders: State duty, business obligation**

One reason why the participation of human rights defenders in the IGWG is so crucial, is that a successful treaty process must serve to expand not only the protection of human rights by affected communities and individual rights holders on the ground, but also to enhance their capacity - and that of those defending them - to claim those rights safely. In other words, the protection of human rights defenders should be [at the core](#) of any binding treaty on business and human rights.

A prospective treaty should reaffirm the **State duties** to protect and support defenders working on corporate accountability, and to create a safe and enabling environment in which they can operate free from hindrance or fear. The obligation to investigate and provide accountability for crimes against defenders, victims and communities should also be reiterated.

The outcome of the IGWG also ought to reaffirm the **business obligations** to engage with defenders, to refrain from interfering with their work, and to act proactively to protect them if a failure to act would lead to avoidable harm. With over a year until the next round of talks, Ecuador, the OHCHR and other States have time to make the changes necessary to protect human rights defender participation in the IGWG. At ISHR we constantly hear testimony that the roots of human rights violations in the context of business are found in the lack of a free, prior, informed and safe consultation and consent of communities, civil society and human rights defenders.

If the IGWG's methods and outcome are to be emblematic of the hope and aspirations that exist for a future of greater respect for human rights in the context of business enterprises, then they must guarantee that this dynamic of the past is not replicated. Instead, civil society and human rights defenders must be central to both the working group's process and its outcome.

*This piece was first published as part of the Business and Human Rights Resource Centre's ['Debate the Treaty'](#) blog series.*

## **CHINA: JOINT NGO LETTER CALLS ON STATES TO SPEAK OUT AT THE HUMAN RIGHTS COUNCIL**

In light of significant backsliding on human rights in China, the international community must call on the Chinese government to ensure that serious failures to meet its human rights obligations are promptly addressed.

'According to local groups, the ongoing [harassment of rights defence lawyers](#) has impacted over 230 individuals since it began on 9 July with the [disappearance of lawyer Wang Yu](#),' says ISHR East Asia

Programme Manager Sarah M. Brooks. ‘When China takes its seat in the UN’s Human Rights Council next month, [this blatant disregard for human rights](#) domestically must be of fundamental concern for the Council and its members.’

In [a joint letter sent yesterday](#) to diplomatic missions in Geneva, ISHR and six other non-governmental organisations called for Member States to address the deteriorating human rights situation in China through action at the 30<sup>th</sup> session of the Human Rights Council, which will open on 14 September.

This includes not only the so-called ‘Black Friday’ or ‘710’ crackdown on lawyers and other defenders, but also ongoing suppression of religious freedom; draft legislation, including [amendments to the Criminal Law](#), that threatens [freedoms of association](#), assembly, and expression; continued harassment of human rights defenders seeking to engage with UN human rights mechanisms; and [lack of accountability for official abuses](#), including in detention.

‘Many of those affected by the crackdown have long adopted a number of approaches to encourage reform on the part of the Chinese government, from local and national-level advocacy and strategic litigation, to participation in the preparation of NGO reports and global advocacy at the UN,’ says Ms. Brooks.

‘The UN has an obligation to ensure that anyone, anywhere, can participate freely in its work – and to ensure that those who do are protected from, and can seek justice for, retaliation and reprisals.’

The UN Treaty Body chairs recently announced [a set of guidelines](#) that aim to protect defenders and civil society from reprisals for engaging with the treaty bodies. But the UN as a whole has not sufficiently responded to cases of reprisals. The General Assembly has yet to confirm the focal point on reprisals created by the Human Rights Council nearly two years ago.

‘The need for a more effective and coordinated response from the UN is demonstrated compellingly and disturbingly by cases such as that of [Chinese human rights defender Cao Shunli](#),’ added Ms. Brooks.

The opening day of the Council marks the two year anniversary of Ms. Cao’s disappearance from Beijing International Airport, en route to Geneva to engage in advocacy ahead of the October 2013 Universal Periodic Review of China.

## National

### NGOS CALL ON CÔTE D’IVOIRE TO STRENGTHEN ITS FOREIGN POLICY ON HUMAN RIGHTS

Côte d’Ivoire is currently candidate for a second consecutive term as member of the UN Human Rights Council

[Cet article existe également en français.](#)

An NGO advocacy mission to Côte d’Ivoire is aiming to encourage the Government to strengthen and advance human rights through its foreign policy.

The mission, on 27 and 28 August, is being led by the Ivorian Coalition of Human Rights Defenders, West African Human Rights Defenders Network, International Service for Human Rights and Human Rights Watch.

Côte d'Ivoire is currently completing its first term as a member of the Human Rights Council (the Council) (2013 – 2015) and is standing for election to its second term.

Côte d'Ivoire's engagement with the Council since its membership began in 2013 has been generally positive. However, there is opportunity for the State to further enhance its contribution to the protection of human rights around the world in its role as a Council member.

'At the end of its first term, Côte d'Ivoire has achieved a relatively good record on country resolutions at the Council and has also supported most resolutions on human rights defenders and civil society,' said Clement Voulé, Manager of ISHR's Africa Programme. 'But with human rights crises and restrictions against human rights defenders increasing in many countries, it is essential that Côte d'Ivoire lead even more strongly at the Council,' added Mr Voulé.

The Human Rights Council is composed of 47 member States from all regional groups. It is the UN's main political body in charge of examining gross and systematic human rights violations and for responding promptly to such emergencies. Of particular note, since its creation in 2006, it has established mechanisms for investigation or documentation of the situations in North Korea, Sri Lanka, Iran and Syria. It has also established mechanisms to facilitate technical cooperation, such as the mandate of the UN Independent Expert on the enhancement of capacity-building and technical cooperation with Côte d'Ivoire in the field of human rights. It also adopts important thematic resolutions, including on the protection of human rights defenders and of civil society space.

During its first term as member of the Council, Côte d'Ivoire has supported the majority of resolutions denouncing the most serious human rights violations, such as those pertaining to Syria, Sri Lanka, North Korea, the Ukraine and Palestine. However, it abstained from voting on resolutions on Iran, despite ongoing repression in the country and the widespread use of the death penalty.

NGOs have documented 743 cases in which the death penalty has been applied in Iran in 2014, with 570 executions taking place in first six months of 2015 alone. Furthermore, Côte d'Ivoire itself abolished the death penalty in its Constitution in 2000, and made a permanent amendment to its Penal Code in this regard in 2015.

An important facet of the Human Rights Council's programme of work is to address the protection of human rights defenders and civil society. Côte d'Ivoire has supported most of the resolutions addressing this fundamental issue.

'In 2014, Côte d'Ivoire adopted a law on the protection of human rights defenders, which was hailed by national and international NGOs,' said Marthe Pedan Coulibaly, National Coordinator of the Ivorian Coalition of Human Rights Defenders. 'But Côte d'Ivoire could be more vocal at the Human Rights Council in expressing its support for human rights defenders in other countries when they face attacks and severe restrictions on their work.'

'The most disturbing trend at the Human Rights Council is that too few States are willing to show leadership in confronting those responsible for serious human rights violations and in defending human rights defenders when they are oppressed,' said Philippe Dam, Human Rights Watch's Deputy Director of Advocacy to the Human Rights Council. 'Côte d'Ivoire can still take further action to

ensure the Council fully satisfies its mandate of addressing serious and systematic human rights violations and responding to the needs of victims around the world.’

[Human Rights Watch's research on Côte d'Ivoire](#)

## **IS THE U.S. GETTING DOWN TO BUSINESS ON BUSINESS AND HUMAN RIGHTS?**

The U.S. National Action Plan on Responsible Business Conduct should be an opportunity to take on new and meaningful initiatives to protect human rights defenders and defend civil society’s role in ensuring corporate accountability.

Abuses and violations committed against communities and defenders working on [environmental](#) and business and human rights issues have become ever more common. Corporate accountability defenders from [Africa](#), [Latin America](#), and Asia face threats and intimidation, ranging from attacks on their reputations to attacks on their lives. National Action Plans (NAPs) in line with the [UN Guiding Principles](#) are a key tool for protecting these defenders and ensuring accountability.

ISHR today [submitted a paper on how the NAP can advance protection](#) and empowerment of human rights defenders working on business and human rights, with recommendations on both process and substance. In the past, ISHR has offered similar [submissions to the governments of Ireland](#) and the UK.

U.S. officials have [talked about the NAP publicly](#) as an opportunity to be ‘responsive to the international community’s call for implementation of these standards’, to ‘demonstrate leadership’, and to help U.S. businesses consolidate a reputation for being ‘responsible partners in development’. The U.S. NAP could, indeed, be a model for other countries; but even those who have explicitly addressed defenders [can and should do more](#).

‘We appreciate the historic efforts that the U.S. has put into [supporting civil society](#) globally, including at the highest levels, and their desire to consult broadly in the development of the NAP,’ says ISHR Programme Manager Michael Ineichen. ‘We know putting pen to paper, and turning paper into policy, will require a significant amount of political will. But a NAP will also only work if it is informed by those who have the most at stake.

‘Human rights defenders must play a central role in the development of the NAP, and NAP outcomes must reflect defenders’ needs, including in terms of facilitation of their work and protection against reprisals, both official and corporate.’

The recommendations touch on many issues that were [raised in the U.S. NAP consultations](#) and [other stakeholder submissions](#). These include the need to adopt a broad scope for the NAP to cover both domestic and overseas operations; to improve transparency and inclusiveness of consultations; to facilitate access to information about business and human rights, including violations by businesses and host governments; and ensure policy coherence across U.S. government agencies and functions (see full list of recommendations below).

‘We are at a stage in the global debate on business and human rights, when simply “doing no harm” might not be enough,’ Mr. Ineichen added. ‘The U.S. NAP should include strong, clear

expectations for both government - through public procurement, investment schemes, and economic statecraft - and corporations with regard to preventing and remedying human rights abuses.

‘Whether at the UN or the OECD, the shareholders’ meeting or the boardroom, the field or the factory floor, the mitigating human rights impacts of businesses should be a priority. States and corporations need to get down to business to ensure that defenders and affected communities can exercise their rights and seek justice.’

Read the full submission to the U.S. government, titled [Getting Down to Business: Using the NAP to Support Human Rights Defenders and Advance Corporate Accountability](#).

### **Recommendations**

- Expand the scope of consultations on the NAP process to reach human rights defenders, grassroots activists, and marginalised communities both domestically and internationally.
- Facilitate civil society participation in the NAP process by improving transparency, accountability, and timeliness of communications.
- Outline clear roles and protections for human rights defenders at all points in the NAP process.
- Recognise the essential role of, and the risks faced by, human rights defenders and civil society specifically in the area of responsible business conduct, and ensure coherence with related policy agendas.
- Protect and promote the work of human rights defenders through policies, including public procurement, and provision of adequate funding support by the government to defenders and civil society working on business and human rights.
- Improve access to information for both civil society and the private sector on human rights risks in host countries.
- Address recommendations made by relevant UN experts in relation to business and human rights and human rights defenders in this context.
- Put in place expectations for proactive U.S. business engagement to promote human rights and protect human rights defenders and civil society space.

### **HONDURAN GOVERNMENT AGREES TO CONSULT ACTIVISTS IN IMPLEMENTATION OF LAW**

**Fears the Honduran Government would pass critical regulations on the protection of activists and journalists without input by its key stakeholders may have eased, following decisive action by civil society.**

In April, Honduras enacted the 'Law for the Protection of Human Rights Defenders, Journalists, Social Communicators and Legal Practitioners'. Whilst broadly welcomed, the law left many important details and civil society concerns to be addressed by enabling regulations and protocols (reglamentos y protocolos).

The Government looked ready to hastily pass these essential regulations last week, without consulting key stakeholders, raising concerns that critical issues would remain ignored and render the law effectively useless.

However, [a joint letter by more than 20 national and international non-governmental organisations](#) including ISHR seems to have changed this, with the Government now expressing interest in opening the process of developing the regulations to civil society.

### **The letter**

Addressed to Rigoberto Chang Castillo, Honduras' Secretary for Human Rights, Justice, Interior and Decentralisation, the letter highlighted the many weaknesses of the law that remain to be addressed by the regulations. It also raised concerns that the regulations set to pass had not been developed through a transparent, participatory and inclusive process.

The letter said it would be difficult to successfully address the many challenges of the law and ensure the regulations meet their objectives under such time constraints. A postponement of the adoption of the regulations for a few months was requested, to enable better civil society collaboration on the proposed texts.

### **Next steps**

ISHR's Ben Leather says the new law and ensuing regulations have the potential to hugely bolster the protection of human rights defenders and journalists in Honduras, providing they are effectively implemented.

'It was always expected the State should consult with activists and journalists and it's therefore a relief to hear the process of passing the regulations has been slowed down to allow for this,' he says.

'The Government now needs to sit down with civil society to define the process through which human rights defenders can feed into drafting the regulations.'

## **NEW REPORT SHOWS MEXICAN LAW IS FAILING TO PROTECT ACTIVISTS AND JOURNALISTS**

**A damning new report shows that three years since a protection law was created in Mexico, there has been no improvement in the protection of activists and journalists.**

The 130-page analysis, published by a coalition of more than 20 human rights organisations (the Espacio OSC), highlights the many [flaws in implementation of the Mexican Federal Protection Mechanism](#) for Human Rights Defenders and Journalists.<sup>1</sup> The report also demands urgent action by the Mexican State to improve the security of defenders and journalists.

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<sup>1</sup> The Mexican Federal Protection Mechanism was mandated by the 2012 Law for the Protection of Journalists and Human Rights Defenders. - See more at: <http://www.ishr.ch/news/new-report-shows-mexican-law-failing-protect-activists-and-journalists#sthash.9bIIRN06.dpuf>

## Why has implementation failed?

The following problems with current implementation of the protection law are cited in the report:

- Lack of political support for the law;
- Lack of financial and human resources for its implementation;
- Lack of proper recognition of the work of human rights defenders and journalists;
- Lack of coordination and of political will from the relevant authorities at all levels of government, regardless of the fact that most states have signed cooperation agreements with the mechanism;
- Limited investigations into crimes against defenders;
- Lack of interest in activating the tools defined by the protection mechanism for preventing abuses and attacks against human rights defenders and journalists.

## How should the Mexican State respond?

Mexico should take urgent action to pursue the proper and effective implementation of the law, the report says, including by:

- Guaranteeing a response to the fundamental flaws in implementation outlined by the civil society analysis;
- Providing more information to the public regarding the actions taken through the protection mechanism and what the results have been/are;
- Complying with the response times established by law;
- Ensuring there is a better specialised team in charge of carrying out risk analysis and determine adequate protection measures which respond to the gender, ethnicity, whether the subject is an individual or a collective, and other particularities of the beneficiary;
- Ensuring the relevant authorities, and particularly the analysts, are better trained and more sensitive in their attention to the beneficiaries;
- Establishing mechanisms to protect the identity and privacy of the beneficiaries.

ISHR's Ben Leather says this is not the first time the [failed implementation of the protection law has been heavily criticised](#).

'The report is damning, but sadly, not surprising,' said Mr Leather. 'It is apparent that implementing this important law has not been a priority for the Peña Nieto government thus far. That must change.'

'Human rights defenders and journalists play a crucial role in upholding a functioning democratic society and it is the State's job to ensure their protection and to visibly and publicly support their legitimate activity.'

Human Rights defenders and journalists in Mexico face grave risks. During the first nine months of 2014 the Mexican chapter of the international organisation Article 19 documented 222 attacks

against members of the media; meanwhile, between January 2011 and December 2013, the National Human Rights Network “All Rights for All” documented 27 cases of human rights defenders who were killed as a result of their human rights work.

This September, the UN Office of the High Commissioner for Human Rights is set to present a report on national human rights policies to the Human Rights Council. A representative of the Espacio OSC will visit Geneva, working with ISHR to advocate for better implementation of the Mexican law.

The September Council session will also see the launch of the report of an international [civil society observation mission to Mexico](#), of which ISHR was a part, which aimed to better understand the risks faced by defenders in the country.

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

### **BAHRAIN: STOP JUDICIAL HARASSMENT AGAINST ACTIVISTS**

FIDH calls on the Bahraini authorities to stop harassing and restricting the freedom of association of defenders, including Maytham Al Salman. Mr Salman, known for promoting freedom of expression and association, was arrested when returning from a UN conference on hate speech... [more](#)

### **SUDAN: STOP DETAINING ARBITRARILY OPPOSITION VOICES**

Human Rights Watch called on the Sudanese government to stop detaining members of the opposition party, following the arrest and interrogation of at least 17 people affiliated with the Sudanese Congress Party in August... [more](#)

### **DEFENDER CONVICTED FOR OVER FIVE YEARS IN AZERBAIJANI PRISON**

Front Line Defenders condemns the Supreme Court’s decision to sentence Anar Mammadli, chairman of the Baku-based Election Monitoring and Democracy Studies Centre, to five and a half years in prison in connection with his legitimate human rights work as an election monitor... [more](#)

### **KAZAKHSTANI HUMAN RIGHTS LAWYER ARBITRARILY ARRESTED**

Front Line Defenders expressed concern over the arbitrary arrest and detention of human rights lawyer, Ermek Narymbaev, known for his involvement in exposing financial fraud in Kazakhstan. Mr Narymbaev was arrested for demonstrations that never took place... [more](#)

### **PEACEFUL PROTESTORS FACE AGGRESSION IN LEBANON**

On August 22 in Beirut, protestors calling for a ‘sustainable solution to Lebanon’s waste disposal problem’ were subject to disproportionate violence from security forces... [more](#)

### **BANGLADESH: TWO JOURNALISTS IN PRISON**

FIDH calls on Bangladeshi authorities to immediately cease harassment of journalists, including Probir Sikdar and Shaukat Mahmud who were arbitrarily arrested in connection with articles critical of the Government... [more](#)

## SYRIA FINALLY RELEASES PROMINENT HUMAN RIGHTS DEFENDER

Following over three years in prison and being subject to acts of torture, prominent Syrian human rights defender, Mazen Darwish director of the Syrian Centre for Media and Freedom of Expression, has been released... [more](#)

## Opportunities for NGO Engagement

### HUMAN RIGHTS COUNCIL

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

The [Council will consider the Universal Periodic Review outcomes](#) of 15 States, including Honduras, Jamaica, Liberia, Libya, the Maldives and the United States of America, among others.

ISHR prepared [briefing papers on the situation of human rights defenders](#) in these countries to assist States and other stakeholders to formulate questions and recommendations for the reviews.

- [briefing paper on Honduras](#): the Government should refrain from criminalising the legitimate activities of HRDs
- [briefing paper on Jamaica](#): the Government should make necessary legislative changes to legalise the defence of the rights of the LGBTI population
- [briefing paper on Liberia](#): the Government should repeal outdated defamation and libel laws and develop and enact specific laws and policies to recognise and protect the work of human rights defenders
- [briefing paper on Libya](#): the Government should reform restrictive laws on freedom of expression and peaceful assembly, which unduly limit the rights and activities of journalists
- [briefing paper on the Maldives](#): the Government should stop threatening journalists, and investigate all threats and intimidation against them;
- [briefing paper on the United States](#): the Government should reform national security legislation to guarantee respect for civil liberties.

### BUSINESS AND HUMAN RIGHTS

The [UN Forum on Business and Human Rights](#) will be held from [16 to 18 November](#). The draft programme outline can be accessed [here](#). More information is available [here](#). [Registration](#) is now open.

### UNIVERSAL PERIODIC REVIEW

The 23<sup>rd</sup> UPR session will take place from [2 to 13 November 2015](#). The following States will be reviewed (with those in relation to which ISHR has prepared a briefing paper in bold and hyperlinked): Micronesia, Lebanon, Mauritania, **[Nauru](#)**, **[Rwanda](#)**, Nepal, Saint Lucia, **[Oman](#)**, Austria, **[Myanmar](#)**, **[Australia](#)**, Georgia, Saint Kitts and Nevis, and Sao Tome and Principe.

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

## TREATY BODIES

The 115<sup>th</sup> session of the Human Rights Committee will be held from [19 October to 6 November](#) and will consider the following State reports: Austria, Benin, Greece, Iraq, the Republic of Korea, San Marino and Suriname. The programme of work and other information is found [here](#).

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

The OPCAT Special Fund accepts [project applications](#) regarding recommendations made by the Sub-Committee on prevention of Torture due to 16 October.

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

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

The 62<sup>nd</sup> session of the Committee on the Elimination of Discrimination against Women will take place from [26 October to 20 November](#). The reports of the following States parties are scheduled to be considered: Lebanon, Liberia, Madagascar, Malawi, Portugal, the Russian Federation, Slovakia, Slovenia, Timor-Leste, the United Arab Emirates and Uzbekistan. The Provisional Agenda can be accessed [here](#) and the Programme of Work [here](#).

The 88<sup>th</sup> session of the Committee on the Elimination of all Forms of Racial Discrimination will take place from [23 November to 11 December 2015](#). The Committee will analyse the following State reports: Egypt, Holy See, Lithuania, Mongolia, Slovenia and Turkey. [More information](#) and the [information note for NGOs](#) are now available.

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

## **WORKING GROUPS**

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

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

## **COUNTRY VISITS BY SPECIAL PROCEDURES**

Hungary	Working Group on the issue of discrimination against women in law and practice, 1 - 12 September 2015.
Japan	Special Rapporteur on the sale of children, child prostitution and child pornography, 2 - 8 September 2015
Chile	Special Rapporteur on the rights to freedom of peaceful assembly and of association, 21 - 30 September 2015
Australia	Special Rapporteur on the human rights of migrants, 27 September - 10 October 2015
Belgium	Working Group on the use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination, 12 - 16 October 2015
Turkey	Working Group on Enforced or Involuntary Disappearances, 16 - 20 November 2015
United States	Working Group on the issue of discrimination against women in law and practice, 30 November - 11 December 2015
Republic of Korea	Special Rapporteur on the rights to freedom of peaceful assembly and of association, 18 – 28 January 2016.

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

## **Conferences and events**

### **ISHR SIDE EVENT ON NATIONAL LAWS AND POLICIES**

Tuesday, 15 September 2015

3.30pm – 5.00pm

Palais des Nations, Room XXI, Geneva  
[Event details here](#)

### **HUMAN RIGHTS IN MEXICO**

Tuesday, 29 September 2015  
3.30pm – 5.30pm  
Palais des Nations, Room XXII  
[Event details here](#)

### **MARTIN ENNALS AWARD CEREMONY**

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

### **GENEVA PEACE TALKS 2015**

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

## **New Resources**

### **SUBMISSION ON THE WORLD DRUG PROBLEM AND DEFENDERS’ RIGHTS IN LATIN AMERICA**

A submission to the Office of the High Commissioner for Human Rights co-written by ISHR and Peace Brigades International Mexico, demonstrates that changes must be made to drugs policy and human rights defender protection policy to adequately protect defenders. The report focuses on the situation in Mexico and includes specific examples from Colombia, El Salvador, Guatemala, Haiti and Honduras, as well as general conclusions taken from ISHR’s Latin America consultations... [more](#)

### **SUBMISSION TO THE U.S. ON ITS BUSINESS AND HUMAN RIGHTS NATIONAL ACTION PLAN**

ISHR submitted [Getting Down to Business: Using the NAP to Support Human Rights Defenders and Advance Corporate Accountability](#) - A Submission to the United States government on the development of a National Action Plan on Responsible Business Conduct (NAP). The paper details how the NAP can advance protection and empowerment of human rights defenders working on business and human rights, with recommendations on process and substance.

## **HUMAN RIGHTS COMMITTEE: PAPERS ON THE SITUATION OF HUMAN RIGHTS DEFENDERS**

ISHR and the International Platform against Impunity launched a [briefing paper on the situation of human rights defenders in Guatemala](#), ISHR also launched a [briefing paper on the situation of human rights defenders in Kazakhstan](#). The Human Rights Committee will consider the briefing papers in developing a list of questions to be posed to the countries at their next review by the Committee. The reviews aim to assess progress towards compliance with the International Covenant on Civil and Political Rights. The briefing paper on Guatemala includes findings and recommendations from consultations with defenders in Guatemala, undertaken by ISHR earlier this year.

## **HOW TO FOLLOW UP UNITED NATIONS HUMAN RIGHTS RECOMMENDATIONS**

The Office of the High Commissioner for Human Rights has issued a practical guide on [How to follow up United Nations Human Rights Recommendations](#). The guide is also available in [Chinese](#), [Arabic](#), [French](#), [Russian](#), [Spanish](#), [Swedish](#), [Finnish](#), and [Georgian](#).

## **PROTECTING YOUR RIGHTS**

The Office of the High Commissioner for Human Rights has released a guide [Protecting your rights](#), explaining how the treaty bodies work. The guide is available in [Arabic](#), [Chinese](#), [French](#), [Russian](#) and [Spanish](#).

## **VIDEO ON RISKS FACING HUMAN RIGHTS DEFENDERS IN LATIN AMERICA**

Peace Brigades International has produced a [new documentary video](#) that exposes the risks facing human rights defenders in the context of housing and land rights in Latin America.

## **BALKANS: IMPUNITY IN THE CONTEXT OF SEXUAL VIOLENCE**

Organisation for Security and Co-operation in Europe has issued [Combating Impunity for Conflict-Related Sexual Violence in Bosnia and Herzegovina: Progress and Challenges \(2004-2014\)](#) report, which analyses the effectiveness of criminal proceedings before these countries' courts.

## **CRIMES COMMITTED WITHIN THE DEMOCRATIC REPUBLIC OF THE CONGO**

[‘The Accountability Landscape in Eastern DRC’](#) was recently published by the International Center for Transitional Justice. The report analyses the response of Congolese judicial authorities to international crimes committed in the territory of the Democratic Republic of the Congo from 2009 to 2014. It points out that several atrocities committed remain without investigation and prosecution.

## **SOUTH SUDAN: REPORT ON THE HARM CAUSED DURING ARMED CONFLICTS**

Human Rights Watch has published ['They Burned it All: Destruction of Villages, Killings, and Sexual Violence in Unity State South Sudan'](#). The report is based on interviews with survivors and witnesses of attacks by government troops or allied militia.

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

### **RESTRICTIONS BY BELARUS ON THE HOLDING OF PUBLIC MEETINGS BREACHED RIGHTS TO PEACEFUL ASSEMBLY AND POLITICAL PARTICIPATION**

#### **Sudalenko v. Belarus (1992/2010)**

##### **Summary**

In March 2015, the Human Rights Committee was asked to consider whether Belarus had violated its obligations under the International Covenant on Civil and Political Rights in connection with restrictions placed on the holding of public meetings and the right to be elected to public office.

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

##### **Background**

The author, Leonid Sudalenko, ran as a candidate for the opposition in the Gomel Region Council elections held on 14 January 2007.

The author requested that his representative be included as a member of the Elections Commission for the electoral district. The Elections Commission, however, refused. The author also alleged that the official tallies of voters were exaggerated.

On 28 December 2006, the author asked the two State-owned newspapers to publish his election-related articles and speeches. Both newspapers refused to do so.

During the election campaign the author requested permission to meet with potential voters in a specific location in his district. On 30 December 2006, the city authorities rejected his request and informed him that there was only one designated location for conducting public meetings, which was outside the city centre.

On 15 January 2007, the author and his representatives filed complaints with the Gomel Region Elections Commission, calling for the results of the 14 January 2007 election to be declared invalid.

On 17 January 2007, the Elections Commission informed the author that his complaints would be examined promptly. Despite that assurance, the Elections Commission published the results of the elections on 18 January.

On 22 January 2007, the Elections Commission rejected the author's complaints, stating that his grievances had no basis in the election laws of Belarus, and refused to invalidate the result of the elections.

On 25 January 2007, the author filed an appeal against the decision of the Elections Commission before the Gomel Regional Court, requesting that the elections in his district be declared invalid. He also argued that the city authorities had unreasonably restricted his right to meet with potential voters on 30 December 2006.

On 29 January 2007, the Gomel Regional court refused to hear the case and stated that it did not have jurisdiction over such complaints.

On 2 February 2007, the author appealed before the Supreme Court of Belarus, which rejected his complaint on 5 March 2007, upholding the decision of the Gomel Regional Court. The author also filed a request for supervisory review with the Presidium of the Supreme Court, which was rejected on 26 March 2007.

On 17 April 2010, the author filed this communication with the Human Rights Committee under the Optional Protocol to the Covenant. The author claimed Belarus had violated his right to: (i) effective protection of his Covenant rights, (ii) a fair hearing, (iii) freedom of expression, (iv) peaceful assembly, and (v) participate in the conduct of public affairs, as well as violating voters' rights to the free expression of their will (in violation of articles 2, 14, 19, 21 and 25 of the Covenant respectively).

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

Regarding the admissibility of the author's complaint, the Committee declared that the parts of the author's complaint concerning article 2 were inadmissible as it had not been invoked in conjunction with another article of the Covenant. The Committee also declared that the parts of the claim concerning articles 14 and 19 were inadmissible for lack of substantiation. The Committee considered that the author had sufficiently substantiated his claims regarding articles 21 and 25 and declared this part of the author's complaint admissible.

On the merits, the Committee first recalled that article 21 states that no restrictions may be placed on the exercise of the right of peaceful assembly other than those imposed: (i) in conformity with the law; (ii) proportionately; (iii) as a necessity in a democratic society, and (iv) in the interests of national security, public safety, public order, the protection of public health or morals or the protection of the rights of others.

The Committee noted that whilst the Gomel City authorities had restricted the holding of public meetings to only one location outside of the city centre, the State had not explained why it had been necessary under domestic law and for any of the reasons set out in article 21. In addition, Belarus had not explained how the author's meeting at an open square in the centre of the city would have violated the rights and freedoms of others or posed a threat to public safety or public order.

Secondly, the Committee considered whether the author's rights under article 25 of the Covenant had been violated by Belarus' refusal to allow him to hold a public meeting with potential voters. The Committee considered the possibility of meeting with potential voters as integral to the rights guaranteed under article 25 of the Covenant, which included the right to be elected to public office. Although a State party may establish rules and regulations governing political campaigns, those rules

and regulations must not disproportionately restrict the rights guaranteed under the Covenant. Belarus had not provided any justification for the restrictions in question.

The Committee also found Belarus to be in breach of article 1 of the Optional Protocol to the Covenant due to its lack of cooperation in the proceedings. In particular, the Committee referred to Belarus' failure to accept the Committee's competence and its declaration that it would not accept the Committee's findings.

In light of the above, the Committee concluded that Belarus was in violation of articles 21 and 25 (read in conjunction with article 21) of the Covenant, as well as article 1 of the Optional Protocol.

In accordance with article 2(3) of the Covenant, the Committee found that Belarus was under obligation to provide the author with an effective remedy, including financial compensation. The Committee also requested Belarus to review the application of its domestic legislation to ensure full compliance with article 21 of the Covenant.

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 decision is published widely.

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

## **TURKMENISTAN IN BREACH OF COVENANT FOR ILL-TREATMENT OF POLITICAL ACTIVIST IN DETENTION**

### **Khadzhiiev v. Turkmenistan (2079/2011)**

#### **Summary**

In April 2015, the Human Rights Committee was asked to consider whether Turkmenistan had violated its obligations under the International Covenant on Civil and Political Rights in connection with the detention of a political activist.

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

#### **Background**

The author, Sapardurdy Khadzhiiev, is a human rights defender and activist in Turkmenistan.

On 16 June 2006, the author was apprehended by officials of the Investigations Unit of the Ministry of National Security of Turkmenistan and taken to the Ministry detention centre. The author was tortured and mistreated while in detention. His arrest was recorded three days later. During the first five days of his detention, his family were not informed of his whereabouts.

On 21 June 2006, the author was charged with firearms conspiracy offences, whereupon he was allowed to meet with his lawyer for the first time.

Before the author was charged, the author had been accused of espionage in the local news media. The investigator in charge of his case ordered him to confess his guilt on television and publically denounce his brother (an opposition leader) and sister (a journalist).

Ahead of the author's trial, the defence witnesses were not informed of the date and time of the court hearings and were not questioned during the pre-trial investigation. During his trial, the author's family and representatives of diplomatic missions were refused access to the court.

The author claimed that he had not committed any crime and had been arrested due to his active participation in the work of non-governmental organisations and his activities as a human rights defender.

On 25 August 2006, the author was sentenced to seven years' imprisonment. While in prison, the author's torture and mistreatment continued. He was denied food, water and medical assistance and given psychotropic drugs against his will. For the first two years of the author's imprisonment his family did not know his whereabouts and he was denied any contact with them. During this period, the author submitted numerous complaints to different State institutions but all were ignored.

While in prison, the author was unable to obtain documents relating to the pre-trial investigation and subsequent court hearing. His correspondence was also intercepted and censored by the prison administration.

On 27 May 2009, the author filed this communication with the Committee under the Optional Protocol to the Covenant. The author claimed that he was the victim of violations by Turkmenistan of his rights to: (i) freedom from cruel and inhuman treatment, (ii) freedom from arbitrary detention, (iii) respect for the inherent dignity of the human person while in detention, (iv) a fair trial, (v) examination of the prosecution's witnesses, (vi) freedom from duress aimed at forcing him to confess, and (vii) freedom from unlawful interference with the family (under articles 7, 9(1), 10(1), 14(1), 14(3)(e) and (g) and 17(1) of the Covenant respectively).

On 15 February 2013, the President of Turkmenistan issued a pardon with respect to the author and he was subsequently released from prison.

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

Regarding the admissibility of the author's claims, the Committee found that the parts of the claim concerning articles 14(1) and 14(3)(e) were inadmissible for lack of substantiation under article 2 of the Optional Protocol. The Committee considered, however, that the author had sufficiently substantiated his claims regarding articles 7, 9(1), 10(1), 14(3)(g) and 17(1) of the Covenant.

On the merits, the Committee noted the author's claims of torture and ill-treatment following his arrest and his claim that both the author and his lawyer had been pressured to confess the author's guilt. The Committee noted the author's claim that he had been detained for three days while being unable to initiate any form of legal process to challenge the lawfulness of his detention. The Committee also noted the author's allegations that he had been prevented from seeing his family and relatives while in prison and from exchanging correspondence with them. With respect to the latter, the Committee recalled its jurisprudence whereby it had stated that prisoners should be allowed, under necessary supervision, to correspond with their families and reputable friends on a regular basis without interference, as stipulated in the United Nations Standard Minimum Rules for the Treatment of Prisoners.

In light of the above, the Committee concluded that Turkmenistan had violated the author's rights under articles 7, 9(1), 14(3)(g) and 17(1) of the Covenant on Civil and Political Rights. Having found a violation of article 7, the Committee did not find it necessary to examine the author's claims arising under article 10(1).

In accordance with article 2(3) of the Covenant, the Committee found that Turkmenistan was under an obligation to provide the author with an effective remedy, including financial compensation. The Committee also requested that Turkmenistan conduct an investigation into the author's pre-trial detention and subsequent imprisonment, provide him with detailed information on the investigation and seek to punish those responsible for the violations committed.

Turkmenistan 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 decision is published widely.

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