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New Video

**DEFENDING DIVERSITY: NEW VIDEO
ON LGBT HUMAN RIGHTS
DEFENDERS**

LGBT rights defenders are working for a recognition of the inherent value of all human beings. We're fighting against arbitrarily treating human beings differently, and badly, less favourably in relation to other people...You are either for humanity or you are not for humanity. I don't think anybody can propose to be for

humanity and then be selective in the human beings who you choose to represent, who you choose to defend.

Richie Maitland, LGBT rights defender

It's an honour to present this new video by ISHR, sharing the voices of three human rights defenders with whom we've had the privilege of working. We are humbled to work with activists like Richie, Shakhawat and Shehrezade – who fight to bring about change in hostile environments and in the face of fierce opposition. They work against pervasive homophobia, criminalisation, violence and intimidation, and for equal rights for all people, irrespective of sexual orientation or gender identity. We hope this video will give you further insight to the challenges they face and the great potential they see for progress on these important issues.

If you too agree that it's critical to support LGBT human rights defenders in their work, consider [making a donation to ISHR's work](#). Donations made during May 2015 will be DOUBLED thanks to match-funding by our friends at [Freshfields Bruckhaus Deringer](#).

**Human Rights Defender
Training Program**

From 10 to 24 June ISHR trained 19 human rights defenders, include activists working on business and human rights, LGBT rights and women's rights. The defenders received

workshops on all of the United Nations mechanisms, interacted with diplomats, civil society and United Nations representatives, and were able to carry out individual and joint advocacy around the Human Rights Council. An album of photos from the training can be found on Facebook [here](#).

Opinion

THE POWER OF INFORMATION COMMUNICATION TECHNOLOGIES FOR HUMAN RIGHTS

By Christof Heyns, UN Special Rapporteur on extrajudicial, summary or arbitrary executions and Co-Director of the Institute for International & Comparative Law in Africa (University of Pretoria); and

Thomas Probert, from the Office of the High Commissioner for Human Rights and Research Associate at the Centre of Governance & Human Rights (University of Cambridge).

(Geneva, 7 July 2015) – It has become clear that information and communication technologies (ICTs) can play an increasing role in the protection of all human rights, [including the right to life](#). Information harnessed in this way can be used to assist investigations or secure accountability, but the technology can also ensure visibility or mobilize support for persons in immediate danger.

A dearth of information can contribute to impunity. Many human rights violations may be committed not because perpetrators believe they are justifiable, but because they believe they will not be called upon to justify themselves. This can place a premium on fact-finding and evidence.

The fact that so many people now carry around a video camera as part of their mobile phone has increased the potential for documentation of a human rights violation by civilian witnesses. While witness testimony has long been a cornerstone of human rights fact-finding, it has traditionally been gathered by professionals. ICTs, which enable people to share such information on their own via social media platforms such as Twitter or YouTube, thus have enormous potential to promote pluralism and accountability in human rights work.

A number of NGOs are already offering training to citizen witnesses on how to produce and transmit material with stronger evidentiary value, with practical information about the kind of detail to capture in witness videos (such as licence plates, uniform numbers or landmarks) and how to share them safely and in such a way that chain of custody is ensured.

The idea of our actions being recorded can influence our behaviour. The rather random chance of an event being recorded by a passer-by on their mobile phone is one thing, but it is also increasingly possible to use other recording in human rights investigations, from the highly technological (such as satellite imagery) to the more familiar (CCTV cameras) as well more recent and tailored innovations, such as body-worn cameras for police officers. Of course, all surveillance comes down to a balancing act between safety and privacy – there are more questions to ask about all of these mechanisms, but initial evidence for example suggests that body worn cameras can have a significant positive impact on levels of unlawful violence.

With respect to protection, the new digital age comes with new and evolving threats (including the covert surveillance of populations, and targeting of individuals based on their online communications) but it also offers certain opportunities to protect citizens and activists.

For example, various organisations are developing alert applications that defenders, journalists and others can use to send a signal that they are in danger. Amnesty International has developed a ‘panic button’ application — disguised as an ordinary utility — that allows users secretly to send an alert message to pre-selected contacts by rapidly pressing the phone’s power button. When activists or journalists are attacked or detained, their phones are often taken for the lists of contacts they store. The hidden application would continue to broadcast alerts, which are not only calls for help but also warnings to the contacts that they should take security precautions themselves. Such applications aim to broadcast information to the people who need it in the vital first few hours after a detention or intimidation.

In general, digital connectivity enhances the ability of people to participate in human rights monitoring. ICTs create opportunities for pluralism that can democratise the process of human rights fact-finding, as well as offering mechanisms of social accountability through which citizens can hold States and others to account.

This has far-reaching implications for the established power relations in human rights work, as well as opening up contexts that might otherwise be closed to scrutiny. In circumstances where the physical presence of human rights investigators can be a challenge, the sensitive use of ICTs can help to avoid the kind of information austerity that can impede effective responses.

Of course, while ICTs can provide a powerful resource, they are most effective when used in a complementary fashion with older techniques and mechanisms. ICTs cannot foster accountability on their own: they must be integrated into traditional forums for human rights (including the Human Rights Council). Moreover, we must avoid reinforcing the digital divide by permitting the assumption that ‘if it’s not on YouTube it didn’t happen’. The same caveats apply to the potential of ICTs to offer greater protection to human rights defenders – having alert apps or GPS bracelets will not, in isolation, make activists safer and sometimes having too great a digital footprint will expose activists to danger.

Nonetheless, it seems that the affordances of the digital age – allowing the greater connectivity of an individual defender with his or her local and international network – can be innovatively applied and, if supplied along with adequate training, might well save lives.

TURNING THE TIDE AGAINST THE WAVE OF CIVIL SOCIETY REPRESSION

*Julie Broome is Director of Programmes with the Sigrid Rausing Trust
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(Geneva, 5 June 2015) - Over the past year we have met with literally hundreds of our partners around the world. While the challenges of their work remain incrementally related to the context where they are operating - whether ensuring that Roma children go to school in most of Europe, working to prevent businesses from abusing rights in Southeast Asia, trying to effect democratic change in North Africa, holding ground for alternative voices to be heard in Eurasia or defending the rights of LGBTI communities in East Africa—a growing struggle for all of them is to prevent the united forces of governments—open, closed, in transition—to restrict civic space. In all regions around the globe, civil society is repressed and in most places restrictive provisions are enacted into law. The backlash against civil society has taken many forms: activists have been demonised as agents of foreign influence and interests; anti-money laundering, anti-terrorism and anti-extremism laws have been applied disproportionately to restrict space for alternative opinion; registration procedures

for NGOs have been made more cumbersome and foreign funding restricted; while new legal provisions have been put into place limiting expression, assembly and the right to information.

According to ICNL, since 2012 over 100 laws restricting registration, foreign funding, and freedom of assembly have been passed or proposed in every region, targeting not just democracy and human rights organizations, but humanitarian and other development NGOs as well. The pushback is taking place not only in authoritarian countries, but also in democracies such as India, Spain and Hungary. Each government has its own reasons for restricting civil society, but there are common threads. In countries like Russia and Azerbaijan, governments' fears of their own largely disenfranchised publics in the wake of the Arab Spring and the Euromaidan protests are clearly a major factor. In countries as disparate as India and Russia, suspicion of foreign governments has clearly been a driving force. In some developing countries, meanwhile, governments have cracked down on civil society, or allowed corporations to do so, in order to protect lucrative business deals from scrutiny by environmental, accountability, land or economic rights NGOs. Finally, governments are cracking down on civil society as they see other governments doing so successfully, copying laws and practices they see being implemented elsewhere (including in the western democracies as part of the so-called War on Terror), encouraged in many cases by the lack of domestic or international pushback these repressive measures have occasioned.

In many places around the world it is now easier to open a business than to start an NGO. While the private sector has increased its role in governance at both the national and global levels and foreign investment is considered to be beneficial, foreign aid is seen with a sceptical eye. States are happily outsourcing basic services to private interests, diluting accountability as a consequence, but at the same time they are suspicious of CSOs working on environmental issues in South East Asia or the Amazon, demanding accountability and providing support systems for mothers who have lost their sons in the Russian military, or working on women rights issues in Latin America. As donors, we are concerned about the threat to our grantees who represent alternative voices or are on the frontlines of the struggles for fair development and human rights. This challenge used to be limited to organizations working on the most controversial issues such as elections, accountability for grave abuses and torture and mistreatment in prison systems, but a wide variety of organizations are now affected. Environmental donors and activists, land rights activists, aid agencies and groups providing humanitarian relief have come under attack in countries such as Russia, Azerbaijan, Egypt and India. In fact, many of the worst acts of repression and intimidation have been against NGOs working on environmental issues and the protection of land rights.

Civil society remains an important check on state (and sometimes corporate) power and has an important role to play in a healthy democratic society. Though a certain level of regulation is both necessary and desirable, we are concerned about the excesses to which states have been driving. To date donors have largely been reactive to the specific challenges their own grantees are facing but have failed to address the broader trend towards restricting civil society. There is a growing need to develop stronger narratives about the important role of CSOs that go beyond traditional human rights rhetoric in order to address some of the legitimate concerns of aid receiving governments. Foundations and other private philanthropies should work together to publicly promote the right of civil society organizations to seek and receive funding including from international sources. We also need to take what Carothers calls a 'whole-of-government approach' when dealing with aid-providing governments. It is no longer enough to engage just foreign ministries. Government agencies dealing with trade, the banking sector, etc, should also be involved in the debates around space for civil society because in many cases restrictions to civil society are

enacted under the guise of compliance with standards set by global financial institutions. We need to speak across sectors and identify common interests and allies if we are to protect the space for civil society to function effectively.

Human Rights Defenders Profile

HUMAN RIGHTS DEFENDERS FROM CÔTE D'IVOIRE

Erik-Aimé Semien is a lawyer and human rights defender at Observatoire Ivoirien des Droits de l'Homme, a non governmental organisation that aims to achieve human rights progress through capacity building and constructive dialogue with the authorities.

'What we want', Eric explains, 'is to make them understand why human rights are important for the progress of our nation'.

Eric was first drawn to human rights when Cote d'Ivoire plunged into civil war in 1999, following a military led coup d'etat. What followed were ten years of violence and sectarian strife.

'We are a country coming out of ten years of civil war, but the main problems are not yet solved. It was widespread frustration and a lack of democratic institutions that caused the war; and it is for overcoming frustration and the creation of democratic institutions that we continue to struggle.'

Eric explains that frustration is caused when there is a lack of transparency in government work, when the president favours his regional or ethnic group over others, when there is impunity for war crimes, when voices critical of the government are excluded from debate.

'Take the national TV, a public service paid for by public taxes. If you watch TV in Cote d'Ivoire, you will receive the impression that the perspective of the president of the republic is the only perspective there is. It was the same for the former president. This means that if you disagree with government policy, National TV will no longer interest you, for you will find no expression of your opinion. This begs the question, if you disagree, where can you go? To whom can you speak? The result is frustration. The media outlets need to be open to everybody, to civil society, to the opposition, to everybody.'

In addition to advocating for more inclusive democratic institutions, Observatoire Ivoirien des Droits de l'Homme works to combat impunity. The war lasted ten years, but today, not only do many people on the winning side who committed human rights violations walk free, but they also enjoy appointments in the army and the administration.

'After the war I think we should have a fair and equitable justice. What a victim wants is to see those who committed human rights violations behind bars. We organise victims and take their cases to court. We say to the judge, find out who did this and send them to prison. If they do this, it will release tension. The government recently set up a trust fund that provides financial compensation for victims. This is a positive step. But it needs to be accompanied by a clear message: whoever you are, in whatever position, you are not above the rule of law.'

One of the challenges Eric faces is a lack of awareness in the government of what human rights defenders are and what they do.

'In Cote d'Ivoire certain authorities don't have a clear idea of the role of civil society. They think we are causing a disturbance when all we want is the progress of our nation. But I have to admit that the situation is

improving. Previously the authorities were closed but now they are much more open. They listen to us more and we are allowed to participate in meetings.'

One remarkable result of this increased openness on the government's part is the adoption in June 2014 of a law that protects human rights defenders.

'In the build up to the drafting of this law, we clearly explained why protecting human rights defenders was important. Many human rights NGOs were involved in the process. We had several meetings with parliament representatives and even at the national assembly. We had to explain who human rights defenders were and why protecting them is important. I am proud of Cote d'Ivoire that we have adopted this law, which is the only law of its kind on the African continent.'

The law, although still largely unknown, has already had a positive impact. In 2014 the leaders of a public assembly protesting the high costs of grocery goods were arrested. But the Observatoire Ivoirienne intervened and showed the prosecutor the law. The protesters were subsequently freed.

'Now, whenever we have a problem with authorities, we can show them this law, and they will see that we are protected. This will make our work much easier and less dangerous. In a democracy, in a rule of law state, the government should engage with civil society. The role of civil society is that of counter balance. We don't want to antagonise the authorities needlessly nor do we seek power. We would like to see change coming from the inside and genuinely inclusive democratic institutions and not just superficial engagement. I am proud of Cote d'Ivoire for the progress we have made, of which this new law is tangible proof, but we still have some way to go. The frustration that causes war needs to be eliminated for good.'

Council Wrap Up

ISHR REFLECTS ON THE 29TH SESSION OF THE HUMAN RIGHTS COUNCIL

(Geneva, 3 July 2015) - The Human Rights Council, the UN's top human rights body, today adopted key resolutions considering the role, situation and protection needs of human rights activists, including in the context of combating violence against women, countering terrorism, and promoting rights and accountability in South Sudan.

In a [statement delivered by ISHR](#), a group of human rights organisations - including Human Rights Watch, CIVICUS, International Federation for Human Rights, Article 19, Human Rights House Foundation, the International Lesbian, Gay, Bisexual, Trans and Intersex Association, and Allied Rainbow Community International - welcomed the focus early in the 29th session on human rights defenders in detention by both the High Commissioner and a large group of States, and encouraged the Office of the High Commissioner for Human Rights to swiftly create a publicly accessible database to monitor their cases.

Among the positive outcomes highlighted from the session was the attention to the human rights of migrants, including those in transit, as well as the advances reflected in a strong resolution condemning violence against women. The joint statement welcomed the recognition of the important role of women human rights defenders in this regard, and applauded the diverse group of States that took a stand against domestic violence and resisted attempts to justify human rights violations with reference to culture, tradition or religion.

During the 29th session, a group of States, led by Saudi Arabia, sought to undermine the violence against women resolution, by removing references to ‘intimate partner violence’ condemned in the resolution.

The statement also deeply regretted that a similarly principled approach was absent in relation to the ‘protection of the family resolution’, which was adopted earlier in the day. The resolution, presented by Bangladesh, Belarus, China, Cote d’Ivoire, Egypt, El Salvador, Mauritania, Morocco, Qatar, Russian Federation, Saudi Arabia and Tunisia, saw significant opposition from a number of States, who also introduced written amendments to insert more inclusive language in the text. Russia, on behalf of the sponsors, blocked consideration of some of these amendments using a procedural ‘no-action motion’.

‘The resolution on ‘protection of the family’ [remains fundamentally flawed](#),’ said Pooja Patel, of ISHR. ‘In particular, we oppose the use of “no action” motions to stifle debate on substantive amendments in the Council, and regret that States with otherwise more progressive human rights positions, such as Sierra Leone and Cote d’Ivoire, did not oppose such regressive procedural tactics,’ Ms Patel said.

The statement also welcomed the many States from all regions reaffirming the need to end violence and discrimination against individuals on the basis of their sexual orientation or gender identity, and urged the Council to heed civil society’s call to address this issue in a systematic and regular way.

The NGO signatories were encouraged by calls on States contained in several of the adopted resolutions to ensure that national laws do not hinder, but instead support and protect the work of human rights defenders, such as in the resolutions on protecting human rights while countering-terrorism and on the renewal of the UN expert on Belarus.

However, the statement also regretted the failure of the resolution on the negative impact of corruption on the enjoyment of human rights to reflect the risks faced by defenders working to fight corruption or to acknowledge the vital role of civil society in promoting transparency, access to information and good government.

‘Around the world, activists working to promote transparency and expose corruption face daily restrictions, threats and attacks’, said ISHR’s Human Rights Council Advocacy Director Michael Ineichen. ‘For the top human rights body of the United Nations to disregard this fact is regrettable, and this glaring gap should be filled in further developing work on corruption and human rights,’ Mr Ineichen said.

The joint statement also welcomed the latest report by the Commission of Inquiry on the Gaza conflict and, supported the call for the Council to review implementation of these and previous recommendations with the aim of ending impunity for violations that have killed and injured so many civilians in both Palestine and Israel. The statement expressed dismay about the lack of consensus on the issue.

The NGOs welcomed the cross regional statement on Azerbaijan and the Council’s decision to renew the mandates on Eritrea and dispatch a mission to South Sudan. While regretting its lateness, the statement expressed hope that the mission to South Sudan would live up to the expectation of being a decisive step towards accountability.

‘The fact that the resolution does not establish a standing expert, and only comes many months after the serious nature of violations in South Sudan was clear to the world, is regrettable’, said ISHR’s

Head of Africa Advocacy, Clement Voulé. 'It illustrates that the Council still fails to swiftly address all situations of human rights violations, and to be the agile and impactful body its founders envisaged,' Mr Voulé said.

In concluding, the statement expressed concern about serious cases of reprisals during the session, including that of a physical attack on the Special Rapporteur on Eritrea (and ISHR Board member), Sheila Keetharuth, which is being investigated by Geneva police at the time of writing. 'The Council cannot accept such incidents, and must speak out against them with one voice', the statement said.

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[Watch the video of the statement](#)

HUMAN RIGHTS COUNCIL: 29TH SESSION ADOPTS 6 RESOLUTIONS OF SIGNIFICANCE TO HUMAN RIGHTS DEFENDERS

Resolution: On the Impact of Corruption on the Enjoyment of Human Rights

The resolution on the 'negative impact of corruption on the enjoyment of human rights', while representing a small step forward in the Human Rights Council's consideration of the issue, remains limited in its approach.

Despite the Human Rights Council Advisory Committee's [recognition of the protection needs](#) of human rights defenders, the resolution fails to acknowledge the threats, attacks and criminalisation faced by human rights defenders working to combat corruption.

Although some States proposed language to this effect, the core group (Morocco, Austria, Poland, Indonesia, Brazil and Ethiopia) was unwilling to include it.

This absence of the recognition of defenders and the risks they face is even more regrettable given that two members of the core group are EU members and as such should be guided by their obligations under the [EU guidelines on the protection of human rights defenders](#) to adopt an inclusive definition of defenders, and further their protection.

The status of some anti-corruption activists as human rights defenders was [explicitly recognised by the European Parliament](#) in 2013. Given Brazil's participation in the core group, as one of the few countries that have a [national protection mechanism](#) for human rights defenders, a more explicit focus could have been expected.

The resolution asks UN human rights experts to consider the issue of corruption in their mandates, and requests report on 'best practice' in fighting corruption compiled by the Office of the High Commissioner for Human Rights (OHCHR).

Resolution: Two resolutions on advancing the rights of women and girls at the HRC

The Human Rights Council adopted a number of resolutions relating to the human rights of women and girls, which took positive steps forwards in advancing gender equality. In particular, both resolutions discussed in this section urge States to support civil society initiatives aimed at promoting gender equality and addressing domestic violence, including those undertaken by women's organizations and women human rights defenders.

ISHR welcomes the resolution on Accelerating Efforts to eliminate all Forms of Violence against Women, an annual initiative by Canada, focused this year on eliminating domestic violence. The resolution was adopted by consensus and is co-sponsored by 87 States from all regions.

By adopting this resolution, States have expressed grave concern over the prevalence of domestic violence, including intimate partner violence. States have also committed to the elimination of harmful practices that women and girls are subjected to and cannot invoke custom, tradition, or religion to avoid doing so. The resolution also calls upon States to penalise acts of domestic violence, including marital rape and partner violence, as well as to review legislation and practices that discriminate against women and girls, ensure access to justice and remedies for domestic violence, train public officials, empower women's decision-making, and ensure equal access to education, decent work, social services, financial resources, property and inheritance. The resolution further calls for enhanced access of women to comprehensive sexuality education and sexual and reproductive health services.

While eventually adopted by consensus, those provisions of the draft text that were hotly contested during negotiations were subject to tabled amendments. Amendments to language on 'intimate partner violence and marital rape' as well as 'comprehensive sexuality education' were voted down, and proposals to omit these references were also rejected.

Meanwhile, the resolution on Elimination of discrimination against women, an annual resolution run by Colombia and Mexico, focused on discrimination against women in cultural and family life, drawing from the report of the [Working Group on discrimination against women in law and in practice](#). It was adopted by consensus, and co-sponsored by 60 States.

It is deeply regrettable that during negotiations on the resolution and during the Council's interactive dialogue, a number of States strongly criticised the report of the Working Group as well as the text of the resolution for allegedly representing tradition, culture and religion as problematic. The lead sponsors of the resolution took the view that both the report and the text of the resolution spoke rather to problems emanating from distortions in interpretation of such values.

The resolution calls upon States to guarantee gender equality in cultural and family life through national legal frameworks, to eliminate domestic violence, to combat multiple and intersecting forms of discrimination faced by many women and girls, and to provide gender equality training to public servants. It also calls upon States to ensure women's and girls' access to education, to financial and social services, to formal legal systems, to justice and to effective remedies.

Resolution: Protection of the Family

The adoption by the Council of the resolution on Protection of the family: The contribution of the family to the realization of the right to adequate standard of living for its members particularly through its role in poverty eradication and achieving sustainable development represents a backtracking to hard-won advances in establishing international human rights standards and principles.

It remains particularly problematic that the resolution elevates the family as an institution in need of protection, without acknowledging that human rights abuses may frequently occur within the family itself. Furthermore, it is regrettable that the core group of States introducing the resolution failed to incorporate language that notes the mere fact that in different societies various forms of the family exist.

The use of the ‘no action motion’, a procedural tactic that only serves to stifle genuine consideration of proposals that warrant debate, is further deplorable. The proposed amendment under consideration related to inclusive language on the diversity of families. Similarly, in 2014, the core group prevented voting on an amendment relating to various forms of the family through a ‘no action motion’, which was widely criticized.

Revisiting a resolution that remains so damaging and divisive, without engaging in any genuine efforts to build a common understanding and take on board helpful amendments to strengthen the text from a human rights perspective, remains in bad faith on the part of the lead sponsors of this initiative.

Resolution: Undertake a fact finding mission and comprehensive investigation into alleged serious violations and abuses of human rights in South Sudan and related crimes

In a resolution adopted on 2 July, the Human Rights Council has called OHCHR to urgently undertake a mission to South Sudan to make a comprehensive assessment of the human rights situations and engage the South Sudanese authorities. The Human Rights Council made special emphasis on the need for OHCHR to assess the “effectiveness of steps taken by the Government of South Sudan to: ensure accountability for human rights violations and abuses, which could include work to establish appropriate criminal justice mechanisms”.

While this resolution is the strongest yet adopted by the Human Rights Council to respond to the human rights crisis in South Sudan, it failed to call for an independent investigation of abuses or a monitoring mechanism such as a Special Rapporteur. Instead it called for OHCHR to work in complementarity with the African Union and its Commission of Inquiry, encouraging the African Union to publish the report of its Commission of Inquiry as soon as possible.

Resolution: Renewal of the mandate of the Independent Expert on the situation of human rights in Côte d'Ivoire

In a resolution adopted on 2nd July the Human Rights Council renewed its commitment to assist Côte d'Ivoire to improve the human rights situation through the renewal of the mandate of the Independent Expert on technical cooperation and capacity building with Côte d'Ivoire in the field of human rights.

Introducing the resolution on behalf of the African group, Algeria commended the effort made by Côte d'Ivoire to improve its human rights situation and its cooperation with United Nations. The resolution also acknowledged the progress made by Côte d'Ivoire in this respect.

However, the resolution fails to raise some concerns contained in the report of the Independent Expert such as instances of arbitrary arrest and detention, inhuman and degrading treatment, and the fight against impunity.

In fact, the resolution falls short as compared to the Security Council Resolution 2226 (2015) adopted on 25 June which renewed the UN peacekeeping mission in Côte d'Ivoire for one year. Resolution 2226 recognised the progress made by the country while strongly urging the Government to ensure in the shortest possible time frame that, irrespective of their status or political affiliation, all those responsible for serious violations and abuses of human rights and violations of international humanitarian law, including those committed during and after the post-electoral crisis, are brought to

justice in accordance with its international obligations. Further, that all detainees receive clarity about their status in a transparent manner.

APPOINTMENT AND RENEWAL OF MANDATES AT THE 29TH SESSION OF THE HUMAN RIGHTS COUNCIL

Renewed mandates

Four country-specific mandates were renewed:

- The mandate of the Special Rapporteur of the situation of human rights in the Belarus was extended for a period of one year.
- The mandate of the Independent Expert on capacity-building and technical cooperation with Côte d'Ivoire in the field of human rights was extended for a period of one year.
- The mandate of the Commission of Inquiry on the situation of human rights in Eritrea was extended for a period of one year.
- The mandate of the Special Rapporteur on the situation of human rights in Eritrea was extended for a period of one year.

New Mandate Holders

(Geneva, 9 July 2015) The President of the Human Rights Council's list of candidates (<http://www.ohchr.org/EN/HRBodies/SP/Pages/HRC29.aspx>) was approved by the Council on 1 July 2015 with the appointment of the following special procedure mandate holders:

- Ikponwosa ERO (Nigeria), as the Independent Expert on the enjoyment of human rights by persons with albinism.
- Mónica PINTO (Argentina), as the Special Rapporteur on the independence of judges and lawyers as the Special Rapporteur on the negative impact of unilateral coercive measures on the enjoyment of human rights.
- Joseph CANNATACI (Malta), as the Special Rapporteur on the right to privacy.
- Dubravka ŠIMONOVIC (Croatia), as the Special Rapporteur on violence against women, its causes and consequences.
- Leigh TOOMEY (Australia), as Member from the Western European and other States Group for the working group on arbitrary detention.
- Tae-Ung BAIK (Republic of Korea), as Member from Asia-Pacific States of the working group on enforced or involuntary disappearances.

CÔTE D'IVOIRE: ADOPT DECREE TO PROTECT DEFENDERS AND LAW TO STRENGTHEN NATIONAL HUMAN RIGHTS INSTITUTION

(Geneva, 3 July 2015) - Côte d'Ivoire has been called to adopt a decree to implement a new law on the protection of human rights defenders, in a statement to the United Nations Human Rights

Council ([French](#) and [English](#)) by the International Service for Human Rights (ISHR). View a video of the [statement here](#).

The statement also pushed for legal revisions to ensure the independence of Côte d'Ivoire's National Commission on Human Rights, action to address impunity in the country, and the public disclosure of the report on the Dialogue, Truth and Reconciliation Commission. It follows the latest report by the UN's Independent Expert on Côte d'Ivoire, discussed the Human Rights Council on Wednesday (1 July).

The decree by the government is a necessary step for the implementation of the June 2014 law on the promotion and protection of the rights of human rights defenders, the first such law in Africa. Human rights organisations have been calling for the government decree since the law's adoption.

ISHR has emphasised that such a decree must establish a mechanism to monitor and evaluate the implementation of the law, in consultation with human rights defenders.

The adoption of the decree and the creation of the monitoring mechanism would strengthen the protection of human rights defenders in Côte d'Ivoire, which is especially important for the upcoming election period,' says Clement N. Voulé, the head of ISHR's Africa Programme.

ISHR has also expressed strong support for the Independent Expert Mr. Mohammed Ayat's recommendation to revise the December 2012 Law establishing Côte d'Ivoire's National Human Rights Commission to ensure the Commission's independence.

'An independent national human rights institution is a strong guarantee for the respect of human rights,' said Mr Voulé. 'We therefore encourage the Independent Expert to provide the necessary support to the Ivorian authorities to adopt appropriate legislative measures to ensure the independence of the National Human Rights Commission and provide it with adequate resources for its proper functioning.'

Speaking on behalf of ISHR, Erik-Aimé Semien, chairperson of the Observatoire Ivoirien des Droits de l'Homme, said ISHR agreed with the Independent Expert's assessment that the fight against impunity is necessary to ensure reconciliation and peace in the country.

ISHR also supported the Independent Expert's call for the public disclosure of the report on the Dialogue, Truth and Reconciliation Commission.

Echoing the Independent Expert's claim that the report 'pertains to the victims and to all Ivorians who have the right to be informed about the nature and extent of the atrocities that were committed', ISHR said the government's failure to publish the report would deny human rights defenders of an important source of information for their work with victims of the post-election crisis.

During the interactive dialogue, the United States, Togo and Ghana called on Côte d'Ivoire to ensure that perpetrators of human violations from all sides are prosecuted. France, Ghana, Botswana and the United Kingdom, among others, endorsed the Independent Expert's call for Côte d'Ivoire to ensure the upcoming elections are fair and transparent, as they are necessary for the stability of the

country. France and Ghana reiterated the Expert's call to strengthen the National Human Rights Commission by revising the 2012 law that established this institution.

The delegation of Côte d'Ivoire, headed by Ambassador Adjoumani, thanked the Council for the constructive dialogue and recognised the Independent Expert Mohamed Ayat for his work in identifying the country's human rights needs. He reassured the Independent Expert of Côte d'Ivoire's intention to maintain collaboration with the mandate.

The delegation called the Council to adopt by consensus the draft resolution tabled by Algeria on behalf of African Group to renew the mandate of the Independent Expert for one year.

In his concluding remarks, the Independent Expert expressed gratitude to the Council for the appreciation of his work. He thanked Côte d'Ivoire for its collaboration and support to his mandate. Among other things, he reiterated his call to the State to adopt the executive decree needed for the full implementation of the human rights defenders protection law.

PROTECTION OF NGOS AND DEFENDERS IS KEY TO COUNTERING VIOLENT EXTREMISM

(Geneva, 30 June 2015) – The UN must continue to urge States to incorporate respect for human rights in efforts to counter terrorism, said ISHR today, and must enhance efforts to monitor and speak out against the use of anti-terrorism legislation to silence dissent, hinder the work of defenders, and undermine the rule of law.

The panel on 'The effect of terrorism on human rights' featured the Special Rapporteur on the Effects of Counterterrorism Measures on Human Rights, as well as senior officials from UNODC and the UN's Counter-Terrorism Centre. States raised concerns about negative impacts on the rights to freedom of expression, association, and peaceful assembly, and raised questions about best practices in protecting civil society space and ensuring respect for human rights in the context of counterterrorism. There was a clear consensus that taking a preventative approach to violent extremism would not be more effective than narrow national security strategies, but would also benefit, and benefit from, civil society engagement.

'The role of defenders and civil society in countering extremism was clearly recognised in past resolutions of this Council. Indeed, we hope to see States not only maintain, but indeed expand space and advance a safe, enabling environment for these organisations to continue their work', adds ISHR's Sarah M. Brooks in a recent [editorial](#).

Citing countries such as [China](#), [Egypt](#), Ethiopia, [Spain](#), the UK, and the US, civil society raised cases that illustrate the growing trend of using anti-terrorism policy to target civil society organizations, dissenters, and human rights defenders. NGOs called on the Human Rights Council to provide leadership in integrating full respect for human rights into counterterrorism measures and to speak out against abusive, ambiguous laws and the characterization of criticism as a national security threat.

The [full text of the statement](#), delivered by Human Rights Watch with the support of ISHR and FIDH, read:

Panel on "The effect of terrorism on human rights": Impact on human rights defenders

Thank you, Mr. President.

Violent acts by non-state groups against the general population for political purposes are abhorrent crimes that, when widespread or systematic, can amount to crimes against humanity. We unequivocally condemn such acts, and extend our solidarity and support to the victims and their families. Governments have a responsibility to protect those within their jurisdiction from extremist attacks, but must ensure that all counterterrorism measures respect human rights.

Nonetheless, countries around the world frequently use counterterrorism measures to restrict rights to freedom of expression, association and peaceful assembly, target human rights defenders for arrest or even attack, and unfairly try critics of the government. For example:

- *Egypt – the sponsor of this panel – has labelled Human Rights Watch a so-called “supporter of terrorism.” The offense? Publishing a report documenting human rights violations committed under the rule of President al-Sisi. Over the last year, the Egyptian authorities have prosecuted alleged terrorism offenses in unfair mass trials, including by military tribunals, resulting in sentences of death and life imprisonment.*
- *In Kenya in April, the government deliberately misused counterterrorism laws to list two respected human rights NGOs as “terrorist organizations” and froze their bank accounts.*
- *In the US, mass surveillance, prolonged detention without charge or trial, and torture with impunity have all been perpetrated in the name of the so-called “war on terror.”*
- *Ethiopia has been among the world’s worst offenders in using counterterrorism legislation to prosecute those publicly critical of the government. At least 19 journalists and bloggers are in prison, many charged with terrorism-related offenses. Many others have fled the country to avoid being arrested for their political views.*
- *The Chinese government has presented a law that will establish a counterterrorism structure with enormous discretionary powers, define terrorism and terrorist activities so broadly as to easily include peaceful dissent or criticism of the government or the Communist Party’s ethnic and religious policies, and set up a digital surveillance architecture subject to no legal or legislative control.*

Rather than treating the work of human rights defenders as a threat, states should recognize the crucial role they play in upholding fundamental rights and liberties, promoting meaningful political participation, and pressing for government accountability and transparency.

This Council should take a strong stance against the misuse of counterterrorism laws, including those that define peaceful political expression as a criminal offense, and speak out against states that aim not only to suppress but also silence dissenting voices in the name of national security.

As the High Commissioner for Human Rights has underlined: “Terrorist attacks cannot destroy the values on which our societies are grounded – but laws and policies can.”

Our Work to Support Human Rights Defenders

CREATING AND MAINTAINING CIVIL SOCIETY SPACE: WHAT WORKS?

(Geneva, 30 June 2015) - States, corporations, investors and the UN all have an interest and a responsibility in ensuring that civil society organisations and human rights defenders are able to

undertake their vital work in a safe and enabling environment, according to a [major new report by ISHR](#).

The report, prepared for the UN Office of the High Commissioner for Human Rights pursuant to [UN Human Rights Council resolution 27/31](#), examines strategies and makes over 40 recommendations as to how to 'create and maintain civil society space'. The OHCHR report will be considered by the Council at its 32nd session in 2016.

The ISHR report emphasises that States have the primary responsibility to support human rights defenders and safeguard civil society space. Measures in this regard should include the enactment of specific laws and policies to protect human rights defenders and to enable their work, including laws and policies on access to information, the prevention of reprisals, and the right to advocate and associate freely. The report also emphasises the importance of States reviewing and amending laws and policies which operate to close civil society space or to unduly restrict and even criminalise the work of human rights defenders, including counter-terrorism laws, laws which restrict access to funding and resources, and laws limiting the right to peaceful assembly and protest.

'An enabling legal environment which facilitates the formation of associations, provides the ability to access and use resources, and recognises the right to advocate without restriction and without fear of reprisal, is essential to human rights, good government and the rule of law,' said ISHR Director Phil Lynch.

The report also emphasises the role and responsibility of corporations and investors in protecting civil society space, with human rights defenders having a vital role to play working alongside business to promote corporate respect for human rights and corporate accountability for violations.

'Responsible companies are increasingly seeing the legal, moral and business imperatives of speaking out against attacks on human rights defenders, with the [intervention of Tiffany & Co](#) in support of corporate accountability activist and journalist Rafael Marques in Angola being a good case in point. They are also increasingly seeing the importance of, and benefits associated with, standing up for the rights to freedom of expression, association, assembly and non-discrimination, with the literally hundreds of corporations lending their support to the cause of LGBT rights being a very positive sign,' Mr Lynch said.

The report recognises that funders and civil society organisations themselves also have a role to play in protecting civil society space, with coordination, collaboration and networks between human rights defenders and NGOs increasing their protection and amplifying the impact of their work.

'The work of coalitions such as the [West African Human Rights Defenders Network](#), the [East and Horn of Africa Human Rights Defenders Project](#) and the [Women Human Rights Defenders International Coalition](#) is essential both for the coordination of advocacy efforts at the international level and the protection of human rights defenders on the ground,' Mr Lynch said.

For its part, the UN also has a role and responsibility in safeguarding civil society space, ensuring that its mechanisms are accessible, effective and protective for human rights defenders and other civil society actors.

'The ongoing incidence and severity of [reprisals](#), together with the [denial of accreditation to many NGOs](#) working on issues such as women's rights, LGBT rights and minority rights, show that the UN

itself still has some way to go in ensuring effective civil society participation and protecting civil society space,' said Mr Lynch.

'It is essential that the UN and its Member States prioritise efforts to protect human rights defenders from acts of intimidation and reprisals, including by supporting the UN Secretary-General to designate a high-level focal point to combat reprisals. It is also imperative that UN processes for NGO accreditation and participation are reformed to respect the basic rights to freedom of expression, association and participation,' he said.

UN LEADERSHIP: CHINA MUST FULLY #FREETHEFIVE

(Geneva, 7 July 2015) - Ahead of the twentieth anniversary of the Beijing Declaration and Plan of Action this September, the UN and its Member States have the opportunity – and the obligation – to demand that China improve its human rights record, said ISHR and [CHRD](#) today.

This call follows the release of an open letter to UN Secretary General Ban Ki-moon and the Executive Director of UN Women by the 'Feminist Five', five women activists [detained](#) by Chinese authorities ahead of International Women's Day. Their crime? Organising efforts to raise awareness of sexual harassment on public transportation.

'The courageous letter from "the Five" shows the dramatic and broad-ranging impact of China's crackdown; these women are not just concerned about their own situation, which remains precarious', said Sarah M. Brooks, ISHR's programme manager for East Asia.

'This is not an isolated case. The plight of the "Feminist Five" is emblematic of the harassment, [abuse](#) and other risks, including government reprisals, faced by many women human rights defenders in China', added CHRD Director Renee Xia.

The 'Feminist Five' were released on bail, but remain criminal suspects and thus continue to be subject to surveillance and report periodic interrogations. Some have been able to make [light](#) of their time in detention, and some have [struggled](#) to keep their organisations viable.

'Four months later, there is still no investigation underway to hold authorities accountable for the arbitrary detention and traumatic experiences that these women endured', Ms Xia said.

As the letter also makes clear, the crackdown has had negative effects on the communities helped by the work of the Feminist Five and their allies – work that is further stymied by the antagonistic operating environment under Xi Jinping's administration and by the likelihood of new, restrictive legislation.

Numerous organisations, including both ISHR and CHRD, have noted that the impending '[foreign NGO management' law](#) is likely to put up significant barriers to NGO registration and to effectively block the vast majority of funding sources of independent Chinese civil society. This will further weaken organisations like the anti-discrimination NGO Yirenping, which is being [targeted](#) for its connections to a number of the detained women.

Finally, the letter shows an increasingly proactive Chinese civil society. Despite the serious risks, these brave women are calling on a range of international actors to put their influence behind a major human rights campaign, defined and actively promoted by Chinese defenders themselves.

'If the Chinese government is serious about gender equality, it must do more than pay lip service and co-host UN side events', said Ms. Brooks. 'Beijing must take real action on the recommendations of the UN's human rights mechanisms to address challenges faced by Chinese women, including employment discrimination, sexual harassment and domestic violence. And it must stop harassing and intimidating civil society and human rights defenders.

'The UN for its part must use its influence, including high-level advocacy, to make the expectations of the international community crystal clear. Member States must reinforce this message in their bilateral dialogues'.

In the run-up to the 'Beijing +20' Summit, the burden is on the Chinese government to prove that in the twenty years since 1995, it has not forgotten that 'human rights are women's rights and women's rights are human rights'.

See the original text [here](#), and the translated version below:

Open Letter to Secretary General Ban and Head of UN Women From the Chinese Feminist Five

Please help us to regain complete freedom because the Chinese government would listen to your suggestions

Dear Secretary General Ban Ki-Moon and
Under-Secretary-General, UN Women Executive Director Phumzile Mlambo-Ngcuka,

We are the five feminist activists from China, WEI Tingting, ZHENG Churan, WU Rongrong, LI Tingting, and WANG Man. Just before International Women's Day this year, we were detained for planning events to call for anti-sexual harassment on public transportation. Thanks to the national and international pressure on the Chinese government, in mid-April we were finally bailed out and returned home to our families.

After our release, we learnt from the media that the UN Women was deeply concerned about this case. As reported by the Reuter's, the UN Women "has been closely engaged with the developments throughout and welcomes the release of the five women from detention". We are deeply grateful for this.

However, for us this case is far from over. The police still refuse to drop our case, even without evidence of a criminal offense and even after the procuratorate had decided not to approve arrest. We are still considered suspects, continue to be subject to investigation and strict surveillance, as well as restrictions on travel and social activities. This means we have no way to get back to our work in NGOs. Some organizations that have supported us are being investigated, and their normal operations have been limited. Some have been threatened and even forced to shut down. Many supporters and volunteers have been newly listed as suspects, including two recently arrested on trumped-up charges.

Since March, the Chinese feminist movement has entered a historic low point, and civil society in China is unable to play its role as an effective partner with the Chinese government and the UN system. This is an unexpected and shameful setback as well as a historical mistake, on the 20th anniversary of the Fourth World Conference on Women in Beijing.

All these years, we have dedicated ourselves to ending gender-based violence and discrimination and to improving the situation of women, especially those affected by AIDS, disability and poverty, as

well as girls, lesbians, and other marginalized groups of women. We have earned recognition from the Chinese public for our efforts, and on several occasions contributed to progress on government policies through constructive dialogue.

Our activities not only resonate with the spirit of CEDAW, the Beijing Declaration and the Beijing Platform of Action, but also are beneficial for good governance and social stability. If we can't have our freedom, there will be no way to continue this work; this isn't just our own loss, but a loss for society and for the government.

Tomorrow, 7 July, will mark the fourth full month since our detention, and we still feel deeply disturbed looking back on it. So we are writing to you, Mr. Ban and Ms. Mlambo-Ngcuka, with the hope that you will continue to draw attention to our situation and to use your influence to help us. Of course this issue will have to go through the Chinese legal process before being resolved. But we believe that the Chinese government, as a UN Member State and a party to numerous human rights conventions, will listen to your valued opinions.

Please help us! With gratitude on behalf of our family and supporters,

China's 'Feminist Five'

Wei Tingting, Zheng Churan, Wu Rongrong, Li Tingting, and Wang Man

VENEZUELA: END STIGMATISATION AND REPRISALS AGAINST HUMAN RIGHTS DEFENDERS

Este artículo también se encuentra en [español aquí](#).

(Geneva, 2 July 2015) - Venezuela must discharge its obligations as member of the UN Human Rights Council and stop defaming and attacking human rights defenders who submit reports and give testimony to the UN, the International Service for Human Rights said today.

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

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

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

Mr Cabello read reports from anonymous informants regarding the movements and activities of the activists in question, accusing them of 'conspiracy' and 'attacks' against the State, whilst also

stigmatising respected defender Feliciano Reyna by recounting his recent migratory record and accusing him of owning a million dollar business in Panama.

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

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

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

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

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

UN HUMAN RIGHTS MONITORING BODIES ADOPT POLICY TO COMBAT REPRISALS

(Geneva, 1 July 2015) - A group of UN bodies responsible for monitoring human rights has adopted a [significant policy](#) to combat intimidation and reprisals against those who provide information or contribute to the treaty bodies' work to promote and protect human rights.

The UN treaty bodies are a group of ten international committees of independent experts that monitor State parties' implementation of the core international human rights treaties and their optional protocols. The Chairpersons of the treaty bodies adopted the Guidelines against intimidation or reprisals (known as the 'San José Guidelines') at their annual meeting from 22-26 June 2015, following sustained [advocacy and submissions by ISHR](#) and others, and in response to cases of intimidation and reprisals that continue to arise in the context of their work reviewing countries' human rights records.

'Human rights defenders and others who provide information and testimony to the treaty bodies continue to be subject to threats, attacks and reprisals, ranging from the defamation of activists in [Venezuela](#) to the arbitrary detention of women human rights defenders in [China](#). These Guidelines mark a potentially important contribution to ensuring that defenders can access and

communicate safely with the treaty bodies, free from attacks and reprisals, and to ensuring that States are held to account when such incidents occur,' said Madeleine Sinclair of ISHR.

The Guidelines emphasise the responsibility of States 'to avoid acts constituting intimidation or reprisals and to prevent, protect against, investigate and ensure accountability and to provide effective remedies to victims of such acts or omissions'. However, they also acknowledge that the treaty bodies 'possess a range of means to assist and protect individuals and groups alleging that they have been the object of intimidation or reprisals for seeking to cooperate or cooperating with them'.

The Guidelines provide for the appointment within each treaty body of a rapporteur or focal point on intimidation or reprisals, to coordinate proactive implementation of the policy, which includes receiving allegations of intimidation or reprisals, assessing allegations, and determining the appropriate course of action. Actions in turn can include reactive measures when allegations of intimidation or reprisals are received but also preventative measures to protect individuals or groups at risk. A range of reactive measures are envisioned by the Guidelines, including raising concerns with State officials and relevant UN and regional human rights mechanisms, security measures in case of imminent threats on UN grounds, and exposing instances of reprisals through the media.

'ISHR welcomes the adoption of these important Guidelines, which recognize the primary duty of the State to prevent and ensure accountability for reprisals but also the obligations of the UN to protect those who contribute to its important work,' said Ms Sinclair. The Guidelines themselves speak of the treaty bodies' 'uncompromising stance against reprisals and their increasing efforts and commitment to prevent them'.

The Guidelines complement and build on a number of policies devised by individual treaty bodies, such as the [Sub-Committee on the Prevention of Torture](#), the [Human Rights Committee](#) and the [Committee on Enforced Disappearances](#), as recommended by an [ISHR submission on the legal duty of treaty bodies](#) to take all such steps as are necessary to prevent and ensure accountability for reprisals.

'The Guidelines are an important step toward ensuring that defenders can engage and that protection measures do not differ from one treaty body to the next. We urge all treaty bodies to appoint focal points and begin implementing the Guidelines without delay', Ms Sinclair said.

STATES: ENSURE PARTICIPATION AND PROTECTION FOR ACTIVISTS IN BUSINESS AND HUMAN RIGHTS TREATY DISCUSSIONS

(Geneva, 29 June 2015) - A forthcoming UN process to develop binding norms in the field of business and human rights should provide protection and space to contribute for human rights activists, a [broad coalition of civil society groups](#) say in a major new report.

The report, submitted to the [first session](#) of the 'Intergovernmental Working Group on transnational corporations and other business enterprises with respect to human rights', makes concrete recommendations to the Chair of the Working Group and States to put human rights defenders at the centre of the process of elaboration, and the substantive content, of a treaty on business and human rights.

'It is critical that human rights defender are transparently informed about, and effectively consulted on the program and content of each session of the Working Group,' the submission says.

Currently, less than one week before the commencement of the Working Group's first session, next to no information is available to civil society on how the discussion will be structured, or which States will actually participate in the discussion.

'The clear call from human rights defenders from around the world is that governments must ensure that the process towards an international treaty on business and human rights is transparent, informed by consultative processes at the national level, and does not take place in a bubble in Geneva, far from the realities on the ground', said Michael Ineichen, Program Manager at the International Service for Human Rights, which coordinated the submission.

'Moreover, there needs to be a clear signal from States, businesses, and the United Nations that activists can feel safe to express their opinions and views on the treaty, and will be protected in doing so,' Mr Ineichen said.

The submission - made on behalf of more than 20 international, regional and national level NGOs - also calls for the treaty process to be complementary to on-going efforts in the area of business and human rights, including the implementation of the [Guiding Principles](#), and urges that it take place in a constructive atmosphere. The debates around the creation of the treaty process, at the Human Rights Council in June 2014, where characterised by a sharp political divide between the proponents of the treaty - led by Ecuador and South Africa - and States opposed to additional binding regulations at the international level, including the EU, the US and other European countries.

'We recognise that both home- and host-States of businesses have critical, if differentiated, obligations to protect and promote human rights, and protect human rights defenders,' the submission says. 'Therefore, good faith efforts are needed by all States to ensure the success of the Working Group process, and its ability to enhance protection for rights-holders around the world.'

In terms of content for the future treaty, the documents highlights five key areas of focus, namely:

- the need for the treaty to ensure victims of human rights violations are not discriminated against on the basis of the type of business involved in the violation;
- a comprehensive focus on the all human rights, taking into account their universal and indivisible nature;
- the need to provide for appropriate monitoring and review mechanisms to ensure both State and corporate compliance;
- the imperative of providing effective access to justice for victims; and
- steps to ensure a safe and enabling environment for human rights defenders to carry out their critical work in the area of business and human rights, including by reaffirming the obligations of State and business in that regard.

Download the submission [here](#).

BRAZIL: PROTECT HUMAN RIGHTS DEFENDERS WORKING ON CORPORATE ACCOUNTABILITY

(Geneva, 12 June 2015) - The Brazilian government must take urgent measures to guarantee the security of members of the Forum Suape Social Environmental Space, as well as community members

denouncing human rights abuses linked to the [Industrial and Harbor Complex of Suape](#) (CIPS) megaproject, the International Service for Human Rights said today.

The Organisation called for a thorough investigation into the private security harassment of Forum Suape member Dr Conceição Lacerda, as well as wide-reaching measures to guarantee the security of activists working on corporate accountability in the country in general.

Dr Lacerda reported that she had suffered harassment, and her house put under surveillance, by members of the private security guards from the CIPS. Their agents had parked during the day in front of her house and filmed the interior, in an apparent attempt to intimidate Dr Lacerda. The individuals were using a vehicle from the CIPS. Dr Lacerda has recently documented and denounced corruption and human rights abuses related to the CIPS megaproject on a popular [blog](#).

‘It is imperative that the Brazilian authorities take strong and urgent measures to guarantee the safety of Dr Lacerda and other human rights defenders working on issues associated to the CIPS,’ said ISHR’s Ben Leather. ‘It is also vital that they take measures to address the root causes of these human rights abuses and put into place precautionary measures to protect the community and activists from abuses whilst these causes are being addressed’. ISHR has previously given training and advocacy support to Forum Suape members.

[Residents](#) have complained the project has been imposed upon the community and will have drastically negative impacts upon their lifestyle and human rights, as well as the local environment. Meanwhile, Forum Suape has documented [harassment and intimidation](#) by private security companies associated with the business, against the community and those who oppose the megaproject. In May, Forum Suape denounced incidents of [criminalisation and threats](#) against trade unionists.

‘Unfortunately, these recent incidents of surveillance and harassment of Dr Lacerda are not isolated,’ said Mr Leather, ‘Brazil has previously taken important steps towards the protection of human rights defenders. However, it is now crucial that they be consolidated and their efficacy guaranteed, particularly for those most vulnerable activists’.

Last year, a Global Witness [report](#) showed Brazil to be the deadliest place to be an environmental defender, accounting for 448 (nearly half) of total deaths between 2002 and 2013. Meanwhile, at the biannual [Human Rights Colloquium](#) held by NGO Conectas in São Paulo last month, activists from across Brazil denounced abuses by the Brazilian police and security forces against those who protest for human rights protection.

Brazil has a National Programme for the Protection of Human Rights Defenders, but it [has been criticised](#) for failing to protect those most at risk in an effective and consistent manner. The Programme lacks resources; there is debate about whether the most adequate government bodies are currently charged with implementing protective measures, whilst critics argue that it has particularly failed those working on land and environmental rights.

EGYPT: CEASE HARASSMENT OF CAIRO INSTITUTE AND OTHER HUMAN RIGHTS NGOS

(Geneva, 9 June 2015) - The Government of Egypt should immediately cease and desist from harassing the Cairo Institute for Human Rights Studies and other independent non-governmental organisations in the country, the International Service for Human Rights said today.

The call came as employees of the Government's Ministry of Social Solidarity attended the offices of the Cairo Institute in Egypt and demanded that staff provide documentation as to its funding sources, membership and activities, in accordance with [Egypt's notorious NGO Law 84/2002](#). Law 84 provides for extensive governmental interference in the work of NGOs, limits access to foreign funds, restricts various forms of human rights advocacy, and provides harsh criminal penalties for non-compliance. Cairo Institute is one of the country's and region's most well-established, credible and respected human rights organisations.

Meanwhile, on the following day, Egypt's foreign ministry issued an [extraordinary statement](#) accusing leading international human rights NGO, Human Rights Watch, of 'promoting', 'supporting' and 'endorsing' terrorism and terrorist operations.

'Egyptian authorities must end their harassment and persecution of the Cairo Institute and other independent human rights organisations, the work of whom is vital to human rights, democracy and the rule of law in the country,' said ISHR Director Phil Lynch.

'NGOs like the Cairo Institute make an invaluable contribution to accountable government, inclusive development and national security. They should be respected and protected, not subject to persecution and harassment,' Mr Lynch said.

In a [statement](#) the Cairo Institute linked the investigation to their work at the national, regional and international levels to combat restrictions on exercise of the fundamental rights to freedom of expression, association, assembly and peaceful protest. They also expressed alarm that the Egyptian Government appears to be further escalating its efforts to close down independent civil society, with a number of other NGOs also being raided or investigated, including the Egyptian Centre for Economic and Social Rights and the Hisham Mubarak Law Centre.

'With the UN Human Rights Council commencing in Geneva next week, it is incumbent on States from all regions that profess support for independent civil society and basic democratic freedoms to speak out firmly in support and solidarity with the Cairo Institute and independent civil society in Egypt,' Mr Lynch said.

'The time has come for States to set aside their perceived interest in appeasing an influential regional actor and hold Egypt to account for its obligations under the Universal Declaration on Human Rights and the UN Declaration on Human Rights Defenders. A strong civil society is an essential precondition to Egypt being a reliable and stable partner in the region,' Mr Lynch said.

RESPECT FOR FREEDOM OF ASSOCIATION, ASSEMBLY ESSENTIAL TO PROTECT DEFENDERS WORKING ON CORPORATE ACCOUNTABILITY

(Geneva, 8 June 2015) - Governments and corporations must ensure due attention to the protection of human rights, in particular the rights to freedom of assembly, expression, and association, across the full range of their activities and investments in the extractives sector. Further, human rights defenders must be allowed, and indeed supported, in their role to ensure that the benefits of natural

resource development are broadly shared among affected communities and that all actors are held accountable for respecting human rights, ISHR said today.

This message, central to ISHR's [strategy](#) in supporting corporate accountability activists, is reinforced by a major new [report](#) on assembly and association rights in the context of natural resource exploitation, released last week by the UN Special Rapporteur on freedom of peaceful assembly and association, Maina Kiai. The report, which provides recommendations to governments, businesses, civil society and other stakeholders, provides a timely and in-depth summary that highlights the impact of policies and practices adopted by States and extractive companies on the enjoyment of those critical enabling rights. The report also cites cases of concern and good practices related to State and corporate engagement with human rights defenders and civil society.

'Governments, corporations and the UN should take action to address the disturbing global pattern of attacks against and repression of defenders who protest against business operations and major development projects,' said Michael Ineichen, ISHR's corporate accountability programme manager.

Examples highlighted in ISHR's [submission](#) to the Special Rapporteur, many of which are also addressed in the report, give a human face to these defenders and activists, who face harassment, detention, and increasing constraints on their operations because their work.

The Special Rapporteur's report highlights the range of actors that engage on natural resource development, from home and host countries of major corporations, to corporations themselves, their boards, and shareholders. It notes that, despite the clear evidence that community engagement and a 'social licence' are central to a successful project and to inclusive and sustainable development, civil society occupies a marginal position in decision-making processes. The most marginalised groups - indigenous peoples, rural communities, and women (including women human rights defenders) - are precisely those communities and civil society organisations that are most vulnerable to attacks and abuse.

All too often, when these communities seek to protect and defend their livelihoods, or to ensure redress for past abuses, their legitimate concerns are reframed as attempts to 'undermine' development efforts or 'incite' resistance. Some States, in an effort to attract and retain foreign investment, have passed repressive legislation limiting rights to freedom of association and assembly specifically for organisations working on 'sensitive' development issues. Worse, the Special Rapporteur notes that other States reinforce the message that attacks and intimidation are acceptable by themselves vilifying and stigmatising these activists, as well as targeting individual activists, as documented by [ISHR](#) and [partner organisations](#).

It is important to note that these practices, and the responsibility for addressing them, are not limited to emerging economies or States in the global South. Developed countries equally have obligations, both domestically and extraterritorially where their corporations operate, to ensure that human rights are respected and that the voices of local communities and defenders can be heard. [National Action Plans](#) on Business and Human Rights are critical tools for achieving this.

'National Action Plans should include concrete steps and measures to ensure that human rights defenders and others who advocate or protest in relation to corporate accountability issues, particularly in relation to the extractive sector, are protected and supported,' Mr Ineichen said.

When a country is in transition, or developing, additional measures must be taken to ensure that human rights are respected and civil society can participate fully in decisions on natural resource

exploitation. Low levels of governance characteristic of the majority of resource-rich countries goes hand in hand with a lack of an independent judiciary and non-judicial means of redress for local communities, or the defenders who may advocate on their behalf. As this report makes clear, the numerous and egregious violations of the rights of human rights defenders in the context of natural resource exploitation – including by national authorities and by private military and security contractors – demand accountability.

In following the recommendations of the report, which are in line with previous statements by ISHR, States must immediately cease statements and actions that vilify or stigmatise activists and human rights defenders; instead, they must act to protect and support them, including through the creation of an enabling environment for civil society participation and prompt responses to human rights violations. Corporations, for their part, must both adhere to the principle of 'do no harm', and adopt a proactive stance in insisting on the obligation of States to guarantee peaceful assembly and association rights.

WEST AFRICAN STATES: ENACT LAWS AND ESTABLISH MECHANISMS TO PROTECT HUMAN RIGHTS DEFENDERS

(Abidjan, Cote d'Ivoire, 4 June 2015) - West African States should develop and enact national laws on the protection of human rights defenders, establish and resource independent national human rights institutions, and end impunity for attacks against human rights defenders, ISHR, the Coalition Ivoirienne des Défenseurs des Droits Humains (CIDDDH) and the Réseau Ouest Africain des Défenseurs des Droits Humains (ROADDH) said today.

The call came following a regional consultation convened by ISHR, CIDDDH and ROADDH with over 20 human rights defenders from 13 jurisdictions from across Francophone Africa. The consultation also benefited from the attendance and expert input of the UN Special Rapporteur on Human Rights Defenders, Michel Forst, and the African Commission Special Rapporteur on Human Rights Defenders, Reine Alapini Gansou.

'The work of human rights defenders is essential to promoting good government, combating corruption and ensuring inclusive development,' said ISHR's Africa Programme Manager, Clement Voulé.

'In turn, the development and effective implementation of a national human rights defender law and protection mechanism is vital to enabling human rights defenders to undertake this essential work, free from attacks and insecurity,' Mr Voulé said.

'Building on the good practice of Cote d'Ivoire, we encourage all West African States to enact a human rights defender law,' said Pédan Marthe Coulibaly, National Coordinator of CIDDDH.

'Such a law should operate to promote and protect human rights defenders, respond to the particular protection needs of vulnerable groups such as women human rights defenders and defenders of LGBT rights, and penalise and end impunity for attacks against defenders,' Ms Coulibaly said.

In addition to calling for the enactment of enabling laws, including as to freedom of association and peaceful assembly and as to access to information, participants at the consultation emphasised the importance of repealing or amending laws and policies which operate to restrict the work of human rights defenders. Such laws include those laws criminalising 'homosexuality', laws which impose

significant restrictions on the conduct of protest, and laws which severely fetter the right to freedom of expression and association by reference to broad concepts such as 'public order' and 'national security'.

'Access to information, the repeal of restrictive laws, and the challenging of so-called "traditional values" that are often used to justify violations of women's rights and LGBT rights, are all essential to ensuring a safe environment for human rights defenders and a healthy and inclusive community,' said Abdoul Gadiry Diallo of ROADDH.

Defenders at the consultation came from 15 States - including Benin, Burkina Faso, Cameroon, Congo, Cote d'Ivoire, Democratic Republic of Congo, Gabon, Guinea, Mali, Mauritania, Niger, Senegal and Togo - and working on diverse issues - including women's rights, LGBT rights, good government, corruption, impunity, freedom of expression, corporate accountability, transitional justice, and the rule of law.

Following the consultation, the UN and African Commission Special Rapporteurs on Human Rights Defenders issued a [joint communiqué](#).

INDIA: END LEGAL RESTRICTIONS AGAINST CIVIL SOCIETY

(Geneva, 26 May 2015) - The de-registration of almost 9,000 NGOs in India amounts to a systematic attack on civil society and democratic freedoms in the country, the International Service for Human Rights said today.

Civil society groups in India have for a number of years under several governments faced increasing judicial harassment, arbitrary arrests and intimidation, which has intensified in light of recent crackdowns.

Last month, India's Ministry of Home Affairs cancelled the registration of 8,975 NGOs working in India, on the basis of violating reporting requirements under the draconian Foreign Contributions (Regulation) Act (FCRA). The FCRA has been time and again criticised by NGOs in India and abroad for its unfair interference in the internal management of organisations. The Act prohibits foreign funding for 'political' activities.

'NGOs, much like private enterprise, are legal entities subject to a number of existing laws such as the Income Tax Act and India's labour laws. If companies can do business abroad, then so too should NGOs be able to develop partnerships across borders and receive funds from abroad. There is nothing inherently wrong in receiving foreign funding that justifies the overregulation that NGOs in India face,' said Ms Pooja Patel of ISHR.

As stated by Mr Maina Kiai, the UN Special Rapporteur on the right to freedom of peaceful assembly and of association, 'the right to freedom of association not only includes the ability of individuals or legal entities to form and join an association but also to seek, receive and use resources – human, material and financial – from domestic, foreign, and international sources'.

Many organisations targeted by the FCRA have been deemed as 'anti-national'. 'It remains a shame when a country that prides itself on its pluralism chooses to suppress legitimate voices of dissent under accusations of being anti-national or anti-development,' said Ms Patel.

The latest round of cancelled registrations appear to unfairly target a number of environmental NGOs, particularly those working on accountability in the context of mining, dams and nuclear

projects, including Greenpeace-India. This is despite the Delhi High Court on 21 January 2015 striking down a government order to block overseas funds to the organisation, citing a lack of proof to justify the restrictions. 'NGOs are entitled to have their viewpoints', said the court, adding that an NGO cannot be accused of acting against national interest 'merely because its views do not match the government's viewpoint'.

In a confidential leaked report prepared for the Prime Minister's Office last year, India's Intelligence Bureau accused 109 NGOs and individuals of 'subversive links', 'retarding development' and of 'serving the strategic foreign policy interests of Western Governments'. The list focused on groups opposing coal mines, nuclear power projects and genetically modified crops, often under the 'garb' of protecting human rights.

'The assumption the government makes is that all those who expose human rights abuses associated with development projects are instrumentalised by foreign agents who seek to undermine Indian economic growth,' said Ms Patel. 'This is a wholly flawed assumption is then used to justify suppression of the legitimate activities of human rights defenders and environmental activists, whose work to monitor, document and seek accountability and redress for abuses helps protect communities, ensure justice for victims, and contribute to democracy and development,' she added.

Meanwhile, ISHR points out that India's rejuvenated economic policy opens its doors to an unprecedented amount of foreign investment by multinational corporations. A large number of projects by foreign companies in recent years have sparked major environmental concerns, communal violence and forced displacement. 'There is little evidence of any safeguards and benchmarks being adopted to ensure full respect for human rights and the environment, neither by the companies nor by the government. The UN Guiding Principles on Business and Human Rights must at the very minimum form the basis of such policies, and a national action plan must be urgently developed in this regard,' stressed Ms Patel.

LATIN AMERICAN STATES: REFRAIN FROM SILENCING JOURNALISTS AND HUMAN RIGHTS DEFENDERS

Este artículo se encuentra también en español [here](#).

(Geneva, 6 May 2015) – Latin American States must stop using penal laws to criminalise criticism, dissent and other manifestations of the right to freedom of expression by journalists and human rights defenders, ISHR has said.

The statement, made in the context of World Press Freedom Day, echoed a [press release](#) issued on 4 May by the Office of the Special Rapporteur for Freedom of Expression of the Inter-American Commission on Human Rights (IACHR), urging States to refrain from using the criminal law to silence criticism.

ISHR welcomed the IACHR statement and highlights its own [statement](#) made in March this year, responding to reports by the High Commissioner on [Colombia](#) and [Guatemala](#), calling for the protection of human rights defenders. The exercise of freedom of expression and assembly in the Americas face severe challenges, such as violence, harassment and reprisals against journalists, human rights defenders, NGOs and civil society in general, especially during peaceful demonstrations.

The IACHR press release highlighted three recent cases that have been similarly highlighted by ISHR. The first occurred in Venezuela, where the President of the National Assembly, Diosdado Cabello, filed criminal charges against journalists for reproducing information that involved him. The journalists were [intimidated and threatened](#), exposed to human rights abuses and publically harassed, including suffering unsubstantiated allegations that they were seeking to undermine Venezuelan democracy on national television, in advance of attending the IACHR Commission's 154th Session in March.

The second [case](#) occurred in Honduras. Women rights defender Gladys Lanza, was sentenced to one and a half years in prison for making public statements about a case of alleged sexual harassment at the workplace. Furthermore, Honduras unleashed a [wave of stigmatisation and reprisals](#) against HRDs who exercised their right to interact with the UN Human Rights Council's Universal Periodic Review (UPR) process recently. This was immediately condemned by ISHR and many national and international human rights organisations.

In the third case, [activists in Guatemala testified](#) that judicial harassment and physical attacks by public security forces are tools frequently used to silence and criminalise those advocating in relation to large-scale development projects. The threats affecting these defenders have an even greater impact on indigenous communities and women human rights defenders.

In the context of these cases and the IACHR's Special Rapporteur on Freedom of Expression statement, ISHR urges States to repeal laws that unduly restrict criticism or dissent or that criminalise defamation, slander or libel. In particular,

- States should remove any restrictions on the right of individuals and NGOs to engage in advocacy or public debate, particularly in relation to human rights issues, or to critique existing or proposed laws, policies or practices.
- States should decriminalise the offences of defamation, libel, slander, blasphemy and similar offences, including offences relating to criticism of the government, head of State, or State. States should also ensure that civil defamation laws do not provide for excessive fines or damages that may be incompatible with the right to freedom of expression.
- States should decriminalise activities, or the publication of materials, that are prohibited on grounds that are broad, vague or do not comply with international human rights standards, such as being 'insulting', 'dangerous' or 'prejudicial to the national interest'.

ISHR further calls on all States to enact positive legislation to protect the right to freedom of expression, and to protect the vital and legitimate work of human rights defenders and journalists, in line with international human rights standards.

COLOMBIA: PROTECT CORPORATE ACCOUNTABILITY ACTIVISTS FROM CRIMINALISATION AND HARASSMENT

(Geneva, 6 May 2015) - Human rights defenders working on issues of business and human rights in Colombia must be free to undertake their vital work without stigmatisation, criminalisation or legal harassment, ISHR and 48 other NGOs said in a [joint statement](#) issued today.

The call came as US-based mining company Drummond filed legal proceedings in the United States suing lawyers and others who represent Colombian nationals who were allegedly victims of human

rights violations connected with Drummond's coal mining activities in Cesar, Colombia. Drummond alleges that these lawyers are seeking to extort money from Drummond.

The Drummond law suit also accuses Dutch NGO, PAX, of 'maliciously' and 'fraudulently' seeking to pressure Drummond to pay compensation to the victims through the publication of a report, '[The Dark Side of Coal: Paramilitary Violence in the Mining Region of Cesar, Colombia](#)'. The report contains testimony from victims and others alleging that multinational mining companies [financed or otherwise supported paramilitary operations](#) or 'death squads' in the region.

'Human rights defenders and corporate accountability activists must be able to undertake their work free from violence and intimidation, and NGOs must be able to report on allegations of such attacks free from vexatious proceedings and other forms of legal harassment,' said ISHR Director Phil Lynch.

The joint statement expresses disapproval at the 'hard-line, antagonistic approach of attempting to criminalise civil society organisations' working in support of the local population and insists on a reconciliation process between mining companies and the victims of violence in the Cesar mining region.

The declaration urges:

1. **European policymakers** to publicly defend the importance of respect for the work and political space of independent civil society groups and critical voices in bilateral meetings with Colombian government officials and representatives of mining companies;
2. **Energy companies** which purchase coal from the mining companies operating in the region to call upon those companies to refrain from taking legal steps and, instead, to engage in a dialogue aimed at reconciliation, and to respect the work of civil society organisations on economic, social and human rights issues; and
3. **The Colombian Government** to protect the integrity and liberty of NGOs and human rights defenders.

The call comes just weeks after leading [human rights organisations and prominent companies joined forces to call for Angola to drop charges](#) against award-winning journalist, corporate accountability activist and human rights defender Rafael Marques. Marques has been charged with criminal defamation in connection with his book *Blood Diamonds: Torture and Corruption in Angola*.

'The use by some companies and governments of vexatious legal proceedings to seek to stifle and silence NGOs and activists who are vocal on issues of business and human rights is manifestly incompatible with the right to freedom of expression. It is also inconsistent with the obligation of corporations and States under the UN Guiding Principles on Business and Human Rights to respect and protect human rights defenders and not to interfere with their exercise of the rights to freedom of expression, association or peaceful protest,' Mr Lynch said.

Our Work to Support Human Rights Systems

National

ECUADOR: ENSURE CENTRAL ROLE FOR CIVIL SOCIETY IN TREATY PROCESS

(Geneva, 9 July 2015) - Civil society must play a central role in the process to develop a binding treaty on business and human rights, the International Service for Human Rights (ISHR) has told [the Intergovernmental Working Group \(IGWG\)](#) in charge of the issue. The call came as, on the second day of the IGWG's first working week, civil society interventions were temporarily suspended.

'Effective participation by civil society in the treaty process is not optional, but it is a right for NGOs that the chair of the IGWG is obliged to uphold', said ISHR's Ben Leather of ISHR delivering a statement to the IGWG

ISHR also called on the Chair of the Working Group to circulate future programmes of work ahead of time, to allow global civil society to prepare its participation, but commended inclusive initiatives such as the webcasting of the session and the openness to consider submissions from non-ECOSOC NGOs. Mr Leather also called for the Chair to work with OHCHR to prepare a clear process to prevent and react to reprisals against human rights defenders seeking to interact with the IGWG.

The agenda of the IGWG was well behind schedule by the end of Monday's opening day, given negotiations regarding the adoption this session's Plan of Work, the addition of an extra panel on the UN Guiding Principles, and the lack of time limits on interventions. NGOs were finally able to intervene at the end of the second morning.

However the Ambassador of Ecuador, who is chairing the process, announced that NGO interventions should be brief and would be cut short – with the remaining NGOs on the speakers list postponed to another session – in order to help recover the agenda. ISHR, together with NGOs and States spoke with the Chair to reiterate the importance that other solutions be sought for the recovery of the agenda, without impinging upon civil society space. Ultimately, the Chair agreed to accommodate the remaining civil society interventions at that afternoon's session.

'Whilst it is to be commended that ultimately the Chair ensured that civil society could be heard, Ecuador must make efforts to ensure that in the future, that space is never under threat. Rather, steps should be taken to guarantee that civil society are at the heart of the process', said Mr Leather.

The format of this session of the IGWG is a series of panels, within which States can react first, followed by NGOs. Each panel is structured around a topic related to the treaty process.

'It is imperative that civil society representatives can dialogue with the panel which they have prepared a statement for; something which has not always happened this week', said ISHR's Corporate Accountability Programme Manager Michael Ineichen. 'NGO interventions should form a core part of the debate and therefore be interspersed with those of States and other actors, rather than occurring towards the end of the panels. The Chair should ensure this at future sessions', Mr Ineichen said.

ISHR's statement on the [core principles for a treaty](#) focused on the importance that any outcome strengthen the capacity of civil society to claim rights in the context of business related abuses, as well as tackling those abuses per se. A successful treaty would reaffirm the State obligation to protect and support human rights defenders, and to investigate aggressions against them. It would also reaffirm the obligations of companies to engage with defenders and take proactive action to protect defenders where a failure to act would lead to avoidable harm, the statement said.

On day three of the session, yesterday, panels were held on 'Obligations of States to guarantee the Respect of Human Rights by TNCs and other business enterprises, including extraterritorial

obligations' and on 'Enhancing the responsibility of TNCs and other business enterprises to respect human rights, including prevention, mitigation and remediation'. Civil society participation in both was strong, and ISHR made a [statement](#) in the former, urging that the treaty enshrine the obligation of States to ensure that business, both at home and abroad, do not threaten a safe and enabling environment for human rights defenders, but rather contribute to and protect it.

The first session of the IGWG runs until 10 July and can be followed via the online [webcast](#). More information about business and human rights at the UN can be found in ISHR's [Business and Human Rights Monitor](#).

TREATY BODY CHAIRS: FOCUS ON MAKING TREATY BODIES MORE ACCESSIBLE AND PROTECTIVE FOR CIVIL SOCIETY

(Geneva, 21 June 2015) – An upcoming high-level meeting of UN human rights experts should focus on strengthening the functioning and accessibility of the human rights treaty bodies and protecting human rights defenders who submit information and complaints, the International Service for Human Rights said today.

The [annual meeting of Chairpersons](#) of the treaty bodies, which will convene in San José, Costa Rica from 22 to 26 June 2015, is the second since the UN General Assembly adopted a [significant resolution on treaty body strengthening](#) in April 2014.

'This meeting presents a crucial opportunity for the treaty body chairs to take stock of the implementation of this resolution one year later, and assess progress towards ensuring that they become more accessible to human rights defenders and more effective in influencing human rights change on the ground,' said ISHR Programme Manager Madeleine Sinclair.

In advance of the meeting, ISHR joined 31 other NGOs in making a [submission and recommendations to the Chairpersons](#) as how the accessibility and effectiveness of the treaty bodies can be improved, including in relation to fostering synergies between treaty bodies and other UN human rights mechanisms, improving implementation of treaty body recommendations and views, dealing with non-reporting by States, and addressing threats and reprisals against persons engaging with the treaty body system.

Reprisals and threats against persons engaging with the treaty bodies continues to be a significant issue facing the treaty bodies. Despite positive developments, including the creation of rapporteurs on reprisals in half of the treaty bodies, more could still be done to ensure that human rights defenders can engage safely.

'The treaty bodies must do more to ensure that defenders can engage safely with each and every body. It is imperative that all treaty bodies develop comprehensive and effective policies and establish a focal point or rapporteur so that protection measures do not differ from one treaty body to the next,' Ms Sinclair said.

The joint statement also calls for the creation of a common database of cases of reprisals, and publication by each treaty body of information regarding cases received and communications with the States concerned.

Harmonisation of working methods across the different committees also continues to be a critical challenge facing the treaty bodies. The joint statement notes that reform in this area has been too

slow and calls on treaty bodies to show flexibility in coordinating their working methods and procedures. 'It is time for the treaty bodies to look beyond their particularities and focus on the accessibility of the system to rights holders, which would be enhanced by greater harmonisation,' said Ms Sinclair.

'The meeting of Chairpersons represents a key venue for bringing together the critical experience and perspectives of the entire treaty body system. The Chairpersons should seize this crucial opportunity to further strengthen the treaty bodies' vital work.'

The treaty body chairpersons will meet in [San José, Costa Rica from 22 to 26 June 2015](#).

GENERAL ASSEMBLY: GRANT PARTICIPATION RIGHTS TO NATIONAL HUMAN RIGHTS INSTITUTIONS

(New York, 13 June 2015) - The UN General Assembly should provide national human rights institutions (NHRIs) that are fully compliant with the Paris Principles (A-status NHRIs) with rights to participate in UN bodies and processes, says ISHR in a major new report launched in New York this week.

The report, '[Promoting Participation: Why and how national human rights institutions should be allowed to contribute at the United Nations](#)', details the ways in which NHRIs can ensure that UN human rights debates are informed by independent, expert advice about the human rights situation in Member States, and also better enable the implementation of UN-mandated human rights standards at the national level.

The General Assembly requested the Secretary General ([A/Res/68/171](#)) to focus his upcoming report on NHRIs on the current practice of NHRI participation at the UN, and the feasibility of extending those rights. This report will be discussed in the upcoming 70th session of the General Assembly in September.

'National human rights institutions are legally-instituted independent bodies established by States for the promotion and protection of human rights. Their mandate and status is unique and they are key players in the furtherance of the principles of the UN Charter,' said ISHR Board member and former Australian Human Rights Commissioner, Chris Sidoti ahead of the report launch at the Third Annual Seminar series for NHRIs, co-hosted by OHCHR, ICC, UNDP and the Permanent Mission of Germany to the UN in New York.

National human rights institutions should comply with the Paris Principles, a set of minimum standards endorsed by the UN. These Principles speak to the independence, effectiveness and credibility of NHRIs. These A-status NHRIs are national human rights experts mandated to provide independent advice to States on their compliance with international human rights obligations, as well as produce their own opinions and reports on human rights questions. They can provide UN bodies and mechanisms with information from the ground and provide an independent assessment of implementation of human rights obligations.

The UN already benefits from their expertise in several bodies, most notably at the Human Rights Council in Geneva. At the Human Rights Council NHRIs can submit information to the Council and its-mechanisms, make oral statements and organise side events. In acknowledgement of their unique status and contribution, A-status NHRI's participation rights were enhanced further in 2011. Their participation at the Council has been repeatedly welcomed by consensus by Member States and

described as ‘increasingly important’. With this acknowledgement of the value of NHRI contribution, States in Geneva have encouraged NHRIs in their efforts to seek to participate in other UN processes.

NHRI participation has also been welcomed and facilitated in some General Assembly processes, such as the elaboration of the Convention on the Rights of Peoples with Disabilities. However, such participation has typically been ad hoc rather than systematised.

‘The Paris Principles require national institutions to cooperate with international human rights mechanisms. It is logical that the General Assembly should seek to assist A-status NHRIs to fulfil their mandate and cooperate fully and effectively with the UN, through the provision of participation rights in all relevant UN bodies and fora,’ Mr Sidoti said.

The General Assembly biennial resolution on NHRIs, led by traditional sponsor Germany, will provide an opportunity to reflect on the Secretary General’s recommendations, as well as the input of NHRIs, and civil society.

‘The Secretary General’s forthcoming report on the feasibility of NHRI participation in UN bodies and fora provides a unique opportunity for further discussion regarding the value of NHRI expertise to standard setting and global policy concerned with human rights. We urge States to acknowledge this contribution and take steps to formalise it,’ said ISHR’s Eleanor Openshaw.

WITHDRAWAL OF UN CONSULTATIVE STATUS FOR TWO NGOS COULD HAVE ‘CHILLING EFFECT’ ON CIVIL SOCIETY

(New York, 4 June 2015) - The withdrawal of UN consultative status from two NGOs in retaliation for statements they made at the UN Human Rights Council lacked procedural safeguards and could have a chilling effect on civil society, ISHR said today.

The United Nations shut the door on two African NGOs when they were stripped of their UN ‘consultative status’. The development followed a vote to withdraw the ‘roster status’ for the African Technology Development Link and the African Technical Association by the UN’s Committee on Non-Governmental Organisations, which recommends Economic and Social Council (ECOSOC) consultative status to NGOs and reviews their UN activities.

These withdrawals mean that the two NGOs will no longer be able to directly engage at the UN Human Rights Council. With roster consultative status, NGOs have the right to make written and oral statements at the Human Rights Council and organise side events, in their own name.

The two NGOs were only made aware of the request (by Pakistan, a Committee member) to withdraw their status in writing a few days before their case was actually considered in the NGO Committee. As a result, these NGOs lacked enough time and information to prepare and to defend themselves properly.

‘We are deeply disturbed by the draft decisions of the Committee concerning the withdrawal of the status of these two NGOs. The process used was hurried and failed to fully respect the procedural safeguards required by ECOSOC Resolution 1996/31,’ said Michelle Evans of the International Service for Human Rights.

'In particular, the process did not allow the NGOs a reasonable opportunity to respond to the allegations against them. The decision to withdraw their status was taken despite requests from some Committee members for more time to reach out to the NGOs and ask for clarifying information,' she said.

Earlier in the Committee session, Pakistan had lodged a complaint that the NGOs had violated ECOSOC Resolution 1996/31 by engaging in 'politically motivated' acts against member States. The NGOs were accused of making statements at a recent Human Rights Council session on the situation in Baluchistan province and other areas in Pakistan which used 'language not authorised in UN' and which made 'unsubstantiated allegations at Pakistan in violation of their mandate'.

The withdrawal of the status of African Technology Development Link was a result of a vote of 12-5. Greece, India, Israel, United States, Uruguay voted against the withdrawal, while Azerbaijan, China, Cuba, Guinea, Iran, Mauritania, Nicaragua, Pakistan, Russia, South Africa, Turkey, Venezuela voted in favour. Burundi and Sudan were absent.

The decision to withdraw the status of African Technical Association was by a vote of 13 in favour (Azerbaijan, China, Cuba, Guinea, Iran, Mauritania, Nicaragua, Pakistan, Russia, South Africa, Sudan, Turkey, Venezuela) to 5 against (Greece, India, Israel, United States, Uruguay). Burundi was absent. Both votes were requested by Pakistan.

Following the votes, the US criticised the lack of transparency in the process and called the decision a rush to judgement: 'The loss here is for civil society. It will have a chilling effect on civil society as a whole and how they engage with the United Nations,' the representative of the US said. India also urged that the NGOs be given a fair chance to respond to the Committee's question and criticised the hasty and presumptuous manner in which the decisions were taken.

ISHR is concerned that the procedure to suspend and withdraw status has been misused more and more in recent years to mute unwanted criticism. It is a means by which Member States in the NGO Committee retaliate for the statements and participation of NGOs at the Human Rights Council. Such harsh measures are unwarranted and inconsistent with NGOs' right to freedom of expression and opinion.

'Ironically, these cases were handled by the Committee in complete opposition to the way the application process works,' said Ms Evans. 'Many NGOs seeking accreditation have to wait years before obtaining status or are denied status. However in the case of a withdrawal or suspension of consultative status, the decision is usually pushed through quickly, which makes it extremely challenging for a targeted NGO to defend itself.'

This contradiction indicates that some Committee members have little interest in protecting and promoting civil society's right to access and communicate with the UN, and are clearly not acting in accordance with the spirit and principles of Resolution 1996/31. In the cases of the two Africa-based NGOs, their roster status -- which they had held for decades -- was stripped away in a matter of minutes.

'ISHR calls on member States that are friends of civil society to speak out about the flawed process leading up to the decisions to recommend withdrawal of the UN accreditation of these two NGOs.'

The Committee should be urged to take the time necessary to receive and to carefully consider and weigh the evidence presented by all parties regarding the complaint, including the NGO. The objective of reaching a fair, balanced, and proportionate response outweighs the goal of acting expeditiously. The decision to suspend or withdraw the status of an NGO should only be taken as a last resort,' Ms Evans said.

Background

The Committee on NGOs is tasked with considering the applications of NGOs for consultative status with the UN as well as the quadrennial reports submitted by NGOs already in consultative status. Consultative status provides NGOs with access to a range of fora at the UN, including the Human Rights Council, ECOSOC and its subsidiary bodies, and UN special events and conferences. The Committee makes recommendations to the Economic and Social Council (ECOSOC), which can either accept or overturn a decision.

At the recent resumed session in New York, from 26 May to 3 June and 12 June, the Committee approved 159 NGOs for consultative status to the UN, but deferred a further 229 applications to be reviewed again during the next session held in January 2016. Of the new applications that were reviewed this session, 57% were recommended for status, while a mere 22% of applications that were deferred during previous sessions were recommended for status. Although these numbers have increased since the regular session of these year, they are still low.

Of these repeatedly deferred applications, a majority are NGOs that work on sexual orientation and gender identity issues, women's rights, reproductive and sexual rights, minority rights, caste, and human rights more generally. For example, in order to defer the application of the UK based NGO Population Matters, the South African delegation posed a question suggesting that 'there is no such thing as sexual and reproductive rights'.

The dysfunction of the Committee is rooted in the State membership. Repressive States such as Azerbaijan, Iran and Mauritania recently took seats earlier this year alongside long-standing members China, India, Pakistan, Nicaragua, Russia and Venezuela for the period of 2015-2019. With this new composition, human rights NGOs will face greater challenges in obtaining consultative status for years to come.

Some of the organizations whose applications were once again blocked by the Committee were: Collectif des Families de Disparu(e) en Algerie (CFDA), the Geneva Institute for Human Rights (GIHR), International Dalit Solidarity Network (IDSN), Iran Human Rights Documentation Center (IHRDC), Institute for Human Rights and Business Limited, Asia Center for Human Rights (ACHR), Freedom Now, The Center for Constitutional Rights, Access Now, the Youth Coalition for Sexual and Reproductive Rights and Bureau International pour le Respect des Droits de l'Homme au Sahara Occidental.

Several applications were voted on. The United States called for a vote on Friday on the application for the US-based NGO Freedom Now, which works to free prisoners of conscience. Greece, Israel, the United States and Uruguay voted in favour of recommending status, while Azerbaijan, Burundi, China, Cuba, Iran, Nicaragua, Pakistan, Russia, South Africa, Sudan and Venezuela voted in

opposition. Guinea, Mauritania and Turkey were absent during the voting procedure, while India abstained from voting.

Following a call to vote by Sudan, the Committee voted to recommend status to the Palestinian Return Centre, an NGO based in the UK working with Palestinian refugees. Only three Member States (Israel, the United States and Uruguay) opposed the recommendation of status, while Azerbaijan, China, Cuba, Guinea, Iran, Mauritania, Nicaragua, Pakistan, South Africa, Sudan, Turkey and Venezuela voted in favour. Greece, India and the Russian Federation abstained, while Burundi was absent.

During the explanation of vote, Israel called the recommendation of status a mistake, accusing the NGO of having terrorist affiliations. The Russian delegate explained the abstention from voting was due to the need for further investigation into the claims that the Palestinian Return Centre has ties to terrorist organisations. Delegations voting in favour of the recommendation of status stated their support for the Palestinian right to self-determination and for the work of the NGO in helping advance the process of establishing an independent, autonomous Palestinian state.

HONDURAS: IMPLEMENT UPR RECOMMENDATIONS TO INVESTIGATE AND END IMPUNITY FOR ATTACKS AGAINST HUMAN RIGHTS DEFENDERS

Honduras' second Universal Periodic Review (UPR) took place on Friday 8th May during the 22nd session of the UPR. Notwithstanding that a draft law for the protection of human rights defenders (HRDs) was recently passed - an initiative coming out of Honduras' first UPR in 2010, civil society actors and HRDs expressed concern that the situation for human rights defenders and journalists in Honduras has worsened since its first UPR. The Government's failure to date to make public this law puts into question the extent of the Government's genuine commitment to protect HRDs.

ISHR prepared a [Briefing Paper on the Situation of Human Rights Defenders](#) in Honduras to assist States to formulate recommendations for the protection of HRDs. In the briefing paper, ISHR called on Honduras to pass the law for the protection of HRDs, to refrain from criminalising the legitimate activities of HRDs, and to strengthen the role and independence of Office of the National Commission for Human Rights.

A number of States made recommendations in respect of the law for the protection of human rights defenders and the judiciary, calling on Honduras to:

- Implement the law for the protection of human rights defenders, including in consultation with civil society, and allocate sufficient resources for that purpose. This recommendation echoes a demand recently made by [ISHR and other civil society organisations](#) to the Honduran Congress to incorporate civil society feedback into the draft law.
- Guarantee the autonomy, independence and impartiality of the judiciary, including by adopting safeguards to prevent irregular dismissals and appointments of judges. A similar concern was shared by Tirza Flores, a Honduran defender of human rights and judicial independence, in an ISHR [human rights defender profile](#) published last week.

ISHR welcomes the following recommendations made to Honduras in respect of HRDs that are consistent with recommendations set out in its briefing paper, including:

- Australia's and Estonia's call for Honduras to ensure that the right to freedom of expression is protected and steps are taken to end threats and attacks against journalists and HRDs, including defenders of LGBTI rights;
- Chile's call for Honduras to establish effective mechanisms to guarantee the safety of HRDs, judges, prosecutors and journalists, and to end impunity by ensuring acts of violence against these groups do not remain unpunished;
- the recommendation made by a number of States (including Italy, Argentina, Timor-Leste, Austria, Colombia, Slovenia, Netherlands, Spain, Sweden and Estonia) for Honduras to improve the effectiveness of its investigation and prosecution of perpetrators of attacks against HRDs;
- the Netherlands' recommendation for Honduras to develop a National Action Plan to implement the UN Guiding Principles on the Business and Human Rights; and
- Guatemala's recommendation to strengthen the Office of the National Commission for Human Rights, in line with the Paris Principles on NHRIs.

During its review Honduras received 152 recommendations in total, including several which as outlined above, reflected issues of human rights defenders, journalists and civil society. Honduras indicated its support for all of the recommendations set out above, noting in respect of some that it considers they are already being implemented or are in the process of being implemented. While ISHR welcomes Honduras' support for these recommendations, ISHR encourages the Honduran Government to remain committed to these recommendations over the next four years and consult with civil society in the follow up of each of these recommendations to ensure they are effectively implemented.

JAMAICA: IMPLEMENT UPR RECOMMENDATIONS TO ESTABLISH NATIONAL HUMAN RIGHTS INSTITUTION AND PROTECT LGBTI DEFENDERS

Jamaica's second Universal Periodic Review (UPR) took place on Wednesday, 13 May during the 22nd session of the UPR.

ISHR prepared a [Briefing Paper on the Situation of Human Rights Defenders](#) in Jamaica to assist States and other stakeholders to formulate questions and recommendations regarding the protection of human rights defenders during Jamaica's second UPR. In the briefing paper, ISHR called on Jamaica to enact and implement specific laws, policies and measures to recognise and protect human rights defenders and make necessary legislative changes to legalise the defence of the rights of the lesbian, gay, bisexual, transgender and intersex (LGBTI) population and criminalise discrimination on the basis of sexual orientation and gender identity.

In this respect, ISHR welcomes Germany's recommendation that Jamaica implement measures to recognise and protect human rights defenders, including those defenders of the LGBTI population; as well as Botswana's recommendation that Jamaica enact and implement laws and policies that recognise and protect human rights defenders, and ensure prompt, thorough and impartial investigations of attacks against them. However ISHR regrets Jamaica's response to both of these recommendations that 'there is no basis to conclude that human rights defenders are at risk', in

particular in light of ISHR's briefing paper which recorded several sources reporting an increase in attacks, harassment and threats against human rights defenders working to protect the rights of the LGBTI community. Disappointingly Jamaica's rejection of these recommendations is consistent with its rejection of the one recommendation concerning human rights defenders in its first UPR in November 2010, emphasising the view that human rights defenders who defend the rights of the LGBTI community do not require special protections under the law.

A number of States (including Indonesia, Mauritius, Niger, Nigeria, the Philippines, Rwanda, Senegal, Costa Rica, Honduras, Ireland and Portugal) made recommendations calling on Jamaica to establish a National Human Rights Institution in line with the Paris Principles, a recommendation which was set out in ISHR's briefing paper. Jamaica supported these recommendations, and in respect of some, also noted that it considers it has already implemented or is in the process of implementing them. This response indicates a step forward, in light of Jamaica's failure to make their position clear regarding five recommendations in its first UPR calling for the establishment of an independent national human rights institution in conformity with the Paris Principles.

ISHR supports Turkey and Guatemala's call for Jamaica to extend a standing invitation to Special Procedures, a recommendation that was set out in ISHR's briefing paper. However, ISHR regrets Jamaica's response that it does not support these recommendations. Again, Jamaica's response is consistent with its rejection of the two recommendations regarding access to the Special Procedures made in its first UPR, signalling a continuation of Jamaica's attempt to limit human rights defenders' access to international protection mechanisms.

While ISHR welcomes Jamaica's support of the recommendations calling for the establishment of a National Human Rights Institution, it regrets Jamaica's position on the recommendations in relation to the protection of human rights defenders and a standing invitation to Special Procedures. The situation remains dire on the ground for human rights defenders, in particular those defending the rights of the LGBTI community. The Jamaican Government must take concrete steps to ensure the protection of human rights defenders, establishing accountability for reprisals and combating impunity to solidify Jamaica as a State that respects human rights and the rule of law.

UNITED STATES: IMPLEMENT UPR RECOMMENDATIONS TO ESTABLISH NATIONAL HUMAN RIGHTS INSTITUTION AND REVIEW NATIONAL SECURITY LAWS

The United States of America (US) was reviewed last week on Monday, 11 May for the second time, as part of the 22nd session of the Universal Periodic Review (UPR).

Late last year, ISHR prepared a [Briefing Paper on the Situation of Human Rights Defenders in the US](#) to assist States and other stakeholders to formulate questions and recommendations regarding the protection of human rights defenders (HRDs) during the US' second UPR. In the briefing paper, ISHR called on the US Congress to reform national security legislation and ensure accountability surrounding the unwarranted surveillance of human rights defenders and journalists; enact specific legislation that protects HRDs from reprisals and intimidation; and to build and endorse human rights mechanisms necessary for consistent and effective oversight of human rights in the US. Encouragingly, many of these recommendations were taken up by States in last week's review.

While no specific mention of HRD protection was made during the review, a number of recommendations addressed the institutional frameworks within which HRDs operate.

States consistently urged the US to review national security laws to better protect the privacy rights of citizens and foreign nationals, particularly when intercepting and storing digital communications. Switzerland specifically called on the US to ensure oversight of all branches of government engaged in national surveillance to ensure the responsible application of security legislation. Laws that lead to self-censorship, from fear of indiscriminate surveillance for example, are a hindrance to the legitimate work of HRDs in the US and elsewhere, and therefore ISHR strongly supports these recommendations.

ISHR also supports the recommendations of a diverse group of more than 15 countries, including Morocco, Panama, Poland, the Republic of Korea and Senegal, that the US establish a National Human Rights Institution (NHRI) in accordance with the [Paris Principles](#). An effective and credible NHRI would better ensure the consistent application of international human rights standards across the country, protecting civil society space. A robust NHRI would be especially useful to monitor and address the alleged excessive use of force by police officers in the US, particularly toward black citizens – during protests or daily activity – a concern shared by many States during the review.

ISHR also supports recommendations:

- for the US to issue a standing invitation to all Special Procedures, which would help the close monitoring, improvement, and strengthening of human rights defender freedoms (recommendation by Czech Republic, Germany, Latvia and Ghana);
- that the US ratify optional protocols to international treaties to allow civil society to make individual complaints for alleged human rights violations (recommendation by Germany).

348 recommendations were made to the US in total, all of which were deferred for consideration until, at the latest, the 29th Human Rights Council regular session in September/October 2015.

ISHR encourages the US to continue to consult closely with civil society on the effective implementation of UPR recommendations relating to HRDs and civil society, as it committed to do in its first UPR cycle.

LIBERIA: IMPLEMENT UPR RECOMMENDATIONS TO REPEAL LAWS RESTRICTING FREEDOM OF EXPRESSION AND ASSOCIATION

The Republic of Liberia's second Universal Periodic Review (UPR) took place on Monday, 4 May during the 22nd session of the UPR.

ISHR prepared a [Briefing Paper on the Situation of Human Rights Defenders](#) in Liberia to assist States and other stakeholders to formulate questions and recommendations regarding the protection of human rights defenders during Liberia's second UPR. In the briefing paper, ISHR called on Liberia to refrain from criminalising the legitimate activities of human rights defenders and repeal all laws and policies that restrict their activities and rights. Specifically, ISHR called on Liberia to repeal out-dated defamation and libel laws and develop and enact specific laws and policies to recognise and protect the work of human rights defenders.

A number of recommendations made by States during Liberia's second UPR focused on the need for Liberia to strengthen its National Action Plan on Human Rights adopted in 2009. While only a handful of States made recommendations in relation to the protection of human rights defenders or civil society space, this indicates a positive shift as compared to Liberia's first Universal Periodic

Review in 2010, in which it did not receive any specific recommendations on human rights defenders and accepted only three recommendations to protect civil society space.

ISHR welcomes a number of the recommendations made to Liberia, including:

- Australia's recommendation that Liberia repeal laws that discriminate against human rights defenders;
- Costa Rica's call for Liberia to strengthen the Independent National Commission on Human Rights established in 2011, in particular to increase its budget to enable it to effectively work to protect human rights defenders, and for the immediate release of arbitrarily imprisoned individuals;
- The Netherlands' recommendation for Liberia to bring its legal and policy framework in line with its international obligations, including the UN Declaration on Human Rights Defenders, and to repeal all laws and policies that restrict the rights and activities of human rights defenders, including defamation and Libel laws end defamation, harassment and stigmatisation of civil society; and
- France's recommendation that Liberia amend laws to protect peaceful demonstrations and civil society space.

In Liberia's review 136 recommendations were made in total, four of which, as outlined above, reflected issues of human rights defenders and civil society. Liberia will officially respond to each of these recommendations during the UPR adoption in the September 2015 session of the Human Rights Council. ISHR encourages Liberia to consult with civil society in considering these recommendations and accept all four recommendations in relation to human rights defenders and civil society.

LIBYA: IMPLEMENT UPR RECOMMENDATIONS TO REPEAL RESTRICTIONS ON FREEDOM OF EXPRESSION, ASSOCIATION AND ASSEMBLY

Libya's second Universal Periodic Review (UPR) took place on Wednesday, 13 May during the 22nd session of the UPR.

ISHR prepared a [Briefing Paper on the Situation of Human Rights Defenders](#) in Libya to assist States and other stakeholders to formulate questions and recommendations regarding the protection of human rights defenders during Libya's second UPR. In the briefing paper, ISHR called on Libya to reform restrictive laws on freedom of expression and peaceful assembly which unduly limit the rights and activities of human rights defenders and journalists, as well as take steps to tackle attacks by non-State armed groups.

Given the vague and restrictive legislation that continues to stifle the work of human rights defenders in Libya, ISHR welcomes Denmark's call for Libya to ensure that the constitutional framework duly protects journalists, media and civil society against intimidation, threats and assaults and review the penal code accordingly.

Five States made recommendations directly relating to the protection of human rights defenders and civil society: Ireland, Germany and Sweden called on Libya to protect human rights defenders from

attacks; the Netherlands called on Libya to ensure the safety of vulnerable groups, women, journalists and human rights defenders; and Spain called on Libya to take legal action and practical measures to ensure the safety of human rights defenders. Six States (Austria, Ireland, Latvia, Greece, Germany and Sweden) made recommendations calling for the investigation and prosecution of perpetrators of human rights violations, including attacks against and harassment of, human rights defenders and journalists. ISHR strongly supports these recommendations, especially in the current circumstances in Libya where ongoing insecurity, armed militia activity and challenges to the rule of law imply elevated risks for activists, journalists and legal professionals.

Further a number of States (including the State of Palestine, Madagascar, Kenya, Honduras, Nepal and Colombia) made recommendations calling on Libya to establish a National Human Rights Institution in line with the Paris Principles, a recommendation which was set out in ISHR's briefing paper. NHRIs are critical in ensuring that domestic human rights abuses are reported to international human rights mechanisms and in assisting to ensure effective implementation of international human rights standards at the national level.

ISHR welcomes the call made by six States for Libya to review the Penal Code to repeal all provisions to ensure the effective exercise of freedom of opinion, expression, assembly and association. In its recommendation, France specifically referred to the protection of the right of human rights defenders to enjoy these rights. ISHR's briefing paper similarly called upon Libya to remove restrictions in the penal code on freedom of expression and peaceful assembly.

In Libya's review 202 recommendations were made in total, 22 of which, as outlined above, reflected issues of human rights defenders and civil society. Libya will officially respond to each of these recommendations during the UPR adoption in the September 2015 session of the Human Rights Council. ISHR encourages Libya to consult with civil society in considering these recommendations and accept and implement all recommendations in relation to the protection of human rights defenders and civil society.

National

CAMBODIA: WITHDRAW LANGO AND ENSURE GENUINE CIVIL SOCIETY PARTICIPATION

(Geneva, 8 July 2015) - The [draft Law on Associations and Non-Governmental Organisations \(LANGO\)](#) before Cambodia's National Assembly serves only to unnecessarily restrict the work of civil society in the country, said the International Service for Human Rights. ISHR joined a global civil society calls for the immediate withdrawal of the draft law, which is likely to be scheduled for a vote at the National Assembly on 10 July.

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

'The restrictions on the right to association contained in LANGO go beyond the permissible limitations allowed by international human rights law and are unnecessary for any legitimate purpose. Legislation already in force in Cambodia is fully sufficient to appropriately regulate the activities of NGOs and other associations and to allow prosecution where criminal acts have been committed'

expressed the group, in the letter. ‘A law affecting fundamental rights should not be given so cursory consideration’ they stated.

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

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

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

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

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

MALDIVES: RESTORE INDEPENDENCE AND REMEDY REPRISAL AGAINST NATIONAL HUMAN RIGHTS COMMISSION

(Geneva, 18 June 2015) – A decision of the Supreme Court of the Maldives preventing the country’s independent national human rights institution from communicating with the UN without government authorisation is a clear breach of international law and flagrantly incompatible with the Maldives’ membership of the UN Human Rights Council, the International Service for Human Rights has said. That view has since been reiterated in strong statements by the [UN High Commissioner for Human Rights](#) and the [Special Rapporteurs on Human Rights Defenders and the Independence of Judges and Lawyers](#).

The Supreme Court decision, issued on 16 June 2015, arose from a court-initiated prosecution of the Human Rights Commission of the Maldives on charges of treason following the

Commission's [submission of a report to the UN](#) on the politicisation and lack of independence of the judiciary in the Maldives, together with other human rights challenges in the country.

While the written judgment is not yet available, it is understood that the [Supreme Court gave oral orders](#) that the Human Rights Commission refrain from communicating with international bodies other than through the government and that it 'uphold the Maldives' reputation'.

'The right to communicate freely with international organisations and to be free from retaliation and reprisals in connection with such communications is a fundamental principle of international law. Indeed, the Paris Principles on National Human Rights Institutions, together with consensus resolutions of the UN General Assembly and the UN Human Rights Council, encourage national human rights commissions to submit information and reports to the UN,' said Eleanor Openshaw of ISHR.

In September 2014, the Council adopted a [consensus resolution](#) which explicitly 'welcomes the important role played by national human rights institutions in the Human Rights Council' and 'commends in particular the increasing engagement of national human rights institutions at all stages of the universal periodic review'. The resolution further specifies that 'national human rights institutions and their members and staff should not face any form of reprisal or intimidation' and 'emphasises that any cases of alleged reprisal or intimidation against national human rights institutions and their members and staff or against individuals who cooperate or seek to cooperate with national human rights institutions should be promptly and thoroughly investigated, with the perpetrators brought to justice'.

'For a member State of the UN Human Rights Council to retaliate against a national human rights institution for providing a report to the Council is tantamount to contempt and is plainly incompatible with membership of that body,' Ms Openshaw said.

ISHR calls on the government of the Maldives to urgently bring forward such legal and constitutional amendments as are necessary to fully safeguard the independence and effectiveness of the National Human Rights Commission, to explicitly enshrine 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.

ISHR further calls on the President and members of the UN Human Rights Council to speak out strongly and unambiguously condemning this reprisal and denouncing the incompatibility of judgment with the Maldives' membership of the Council.

Background

Further information on the human rights situation in the Maldives is set out in ISHR's recent [Briefing Paper on the situation of human rights defenders in the Maldives to the UPR](#).

During the course of the UPR, which took place in May 2015, States including Norway, Switzerland, Niger, Mauritius, Tunisia and Canada made recommendations on strengthening and ensuring the independence and impartiality of the NHRI. Switzerland specifically recommended that the HRCM be allowed to carry out its work, including engaging with the international mechanisms, free from reprisals.

On 18 June 2015, ISHR sent a [formal communication to the President of the UN Human Rights Council](#) requesting that he ensure that this case of reprisal is fully and promptly investigated and effectively remedied in line with Council resolutions 24/24 and 27/18.

NAURU: RESTORE INTERNET FREEDOM AND RESPECT FREEDOM OF EXPRESSION AND THE RULE OF LAW

(Geneva, 26 May 2015) - The Pacific Island state of Nauru should immediately restore access to internet sites such as Facebook, repeal recently enacted criminal law provisions which restrict the rights to freedom of expression and association, and respect the rule of law, the International Service for Human Rights said today.

In a [joint letter to the President of Nauru](#) - signed by Access, Human Rights Watch and others - ISHR expressed grave concern at a recently imposed block on certain internet sites in Nauru, including Facebook, which amounts to censorship. Facebook is one of the key sites used by people in Nauru for communication and to receive and impart information, including in relation to the situation of asylum seekers held in an Australian-run detention facility on the island.

The civil society coalition also expressed grave concern at recently enacted criminal provisions, most particularly section 244A of the criminal code. Section 244A makes it an offence punishable by imprisonment to issue a statement that is 'likely to threaten national defence, public safety, public order, public morality or public health.' According to the letter, 'in penalising such a wide variety of expression, the statute confers overbroad authority to impose jail sentences for speech without notice, chilling reporting by journalists or the media and public protest.'

The civil society letter was published as the UN expert on freedom of expression, Professor David Kaye, issued a [public statement on Nauru](#) saying, 'These new laws could be used to muzzle dissenting opinions and deter human rights defenders, academics, journalists, students, politicians and civil society members.'

Professor Kaye said further that it appears that the restrictions are 'designed to prevent asylum seekers and refugees in the country from sharing information on their situation.'

'Nauru should allow free space for expression without fear of criminal prosecution. It should lift all restrictions to access internet and social media, and facilitate access to the media in the country,' Professor Kaye said.

According to ISHR Director Phil Lynch, 'In recent years a veil of secrecy has descended on government in Nauru, with significant restrictions imposed on journalists wanting to travel to the country, including through the imposition of an extraordinary, non-refundable \$6,500 visa application fee. The Government has also routinely denied requests to visit by both UN human rights experts and leading non-governmental organisations such as Amnesty International.'

Over the same period Nauru has removed both its Chief Magistrate and its Chief Justice, severely undermining the rule of law in the country.

'Access to information, the right to freedom of expression and association, and respect for human rights and the rule of law are all vital ingredients for democracy and development,' Mr Lynch said.

'It behoves the Government of Nauru, together with key partners such as the Government of Australia, to ensure that the rights to freedom of expression, association and assembly are not

subject to arbitrary and excessive restrictions, and that laws are made and power exercised in the country in accordance with principles of international human rights and the rule of law.'

Earlier this year, ISHR published a [joint briefing paper with the Human Rights Law Centre](#), designed to assist States to formulate questions and recommendations for the forthcoming Universal Periodic Review of Nauru in Geneva.

CHINA: AMEND DRAFT LAW ON 'FOREIGN NGO MANAGEMENT' AND ENSURE SPACE FOR INDEPENDENT CIVIL SOCIETY

(Geneva/Washington DC, 11 May 2015) – A draft Chinese law would further restrict the independence of non-governmental organisations in the country and significantly impede their ability to provide critical social services and undertake activities to promote human rights and the rule of law, ISHR said today.

An [amended draft of the Foreign NGO Management Law](#), released publicly on 5 May, retains the most problematic provisions of an earlier version of the law and fails to adequately take into account serious concerns raised by both domestic and international civil society and by major governments.

Civil society organisations play a key role in China, complementing efforts by government and mass organisations and extending access to public goods like education and healthcare. They also play a key role in providing disaster relief to vulnerable communities, particularly those deep in China's hinterland. In recent years, NGOs have collaborated effectively, including with all levels of government, to respond to displacement following natural disasters or to improve educational outcomes for the children of internal migrants. In light of the nascent Chinese philanthropic community, and the ongoing evolution and capacity-building of domestic grassroots organisations, external partners have become lifelines for many local and even national NGOs. The draft law would fundamentally undermine these relationships, and in so doing call into question the very survival of independent civil society.

According to some international NGOs, this may be exactly the point. [Human Rights Watch notes](#) that, 'this law is clearly part and parcel of a larger effort to limit, not facilitate, the work of independent organizations'.

The new draft contains a range of problematic provisions that would constrain the independence of civil society organisations: from arduous and opaque approval processes for registration and project activities; to incursions on private property and information under the guise of 'supervision' by public security authorities; to extensive sanctions ranging from fines, to deregistration, to detention.

ISHR is particularly concerned with the vagueness and breadth of provisions which can give rise to the imposition of sanctions, including 'political' or 'religious' activities, 'subversion of state power' and 'spreading rumours'. Similarly vague provisions have long been used to stifle and criminalise the work and activities of human rights defenders in the country and there is little reason to believe that the Chinese government will exercise more restraint in levying these ambiguous provisions against foreign NGOs.

One change to the second draft, touted as a positive move by Chinese media, enhances the ability of foreign NGOs to establish branch offices. In the initial draft, a foreign NGO was only allowed to

establish one representative office, or to conduct 'temporary activities' in partnership with a limited set of (government-approved) Chinese partners in lieu of representation. The second draft allows for some exceptions to this rule, at the discretion of the State Council. The China Daily reports that this change came in response to concerns by some localities with a stake in facilitating the continued work of foreign NGOs in high-priority areas – namely, science and technology.

However, other concerns raised publicly and privately by Chinese experts and human rights organisations, as well as foreign governments, appear to have gone unheeded.

According to the [US State Department](#): 'We consistently emphasize [that] respect for rule of law, independent judiciary, free flow of information, and robust civil society are really critical... that's a message we give [the Chinese government] constantly.' Similarly, UN Special Rapporteur on Freedom of Association and Assembly, Maina Kiai, as early as 2011, noted significant concerns with the ability of Chinese defenders and organisations to engage in peaceful demonstrations or to associate freely without facing harassment or intimidation.

The Chinese government must meet its obligations under international law to protect and promote human rights. As regards the role of civil society, it has further commitments, particularly as a member of the Human Rights Council, which adopted a [resolution on protecting civil society space](#) by consensus in September 2014. That resolution specifically applauded the role of civil society in contributing positively to economic, social and cultural development, reaffirmed the importance of respecting the right of civil society organisations to access resources, and emphasised the need more broadly for an enabling environment free from hindrance and insecurity.

Rather than seeing civil society as an enabling partner in this endeavour, however, China consistently acts to undermine the independence of civil society organisations. The restrictions on foreign NGO engagement in China have the potential to eviscerate the increasingly diverse and impactful local NGO community. They also contribute to a worrying global narrative that vilifies the influence of 'foreign agents' and seeks to narrow the role of civil society to furthering vaguely defined national interests.

The international community must support the calls from within and outside China for a substantive revision of this law that would be in line with international human rights norms. All stakeholders, including governments, civil society, religious organisations – and even multinational corporations who conduct charitable work and community outreach in China – must make clear that onerous and restrictive regulations contained in the draft law have no place in a country that seeks to be a credible partner in social and economic development on the global stage.

Key Developments in the Promotion and Protection of Human Rights

HUMAN RIGHTS DEFENDER CONVICTED IN ANGOLA

Amnesty International expresses concern at the conviction of Rafael Marques de Morais, human rights defender and investigative journalist, of slanderous denunciation ... [more](#)

TRAGEDY: MURDER OF 9 HUMAN RIGHTS DEFENDERS OF ‘PEOPLE IN NEED’ ORGANIZATION

The European Union and other organisations have expressed their condolences at the murder of human rights defenders from People in Need in Afghanistan... [more](#)

IACHR COMMISSIONERS ELECTED BY OAS GENERAL ASSEMBLY

On June 16 2015 the General Assembly of the Organisation of American States elected the Commissioners of the Inter-American Commission on Human Rights for a four-year term... [more](#)

WORLD BANK: FAILURE TO PREVENT AND RESPOND TO REPRISALS AGAINST HUMAN RIGHTS DEFENDERS

Human Rights Watch’ report ‘At your own risk’ details instances of threats, intimidation and incarceration by governments and powerful companies against outspoken community members harmed by projects financed by the World Bank... [more](#)

ANGOLAN ACTIVISTS ARRESTED FOR OPPOSITION

Amnesty International condemns the arrest of activists attending a meeting to discuss human rights violations on 20 June for allegedly ‘disrupting public order’. Amnesty says the arrests were a ploy to suppress freedom of expression and peaceful assembly... [more](#)

ACTIVIST ARRESTED IN CHAD FOLLOWING A RADIO INTERVIEW

On 15 June Djeralar Miankeol was arrested after a radio interview in which he referred to judicial officials. Miankeol was charged the next day with ‘contempt of court’... [more](#)

MOZAMBIQUE LGBT ACTIVISTS CELEBRATE THE WITHDRAW OF THE ANTI-GAY LAW

Gay rights activists welcome the decriminalisation of homosexuality in Mozambique, but say there is still a long struggle for full equality... [more](#)

ACTIVISTS WORLDWIDE CALL ACTION FOR TORTURE SURVIVORS

All over the world, activists take action on the anniversary of the Convention against Torture to demand that governments stop torturing their citizens and ensure that survivors get justice... [more](#)

14 ACTIVISTIS ARRESTED IN THAILAND

Human Rights Watch demands the release of 14 student activists arrested on 27 June for peacefully expressing opposition to military rule. The students are being awaiting trial in a military court... [more](#)

PROTESTERS SUFFER POLICE VIOLENCE IN ARMENIA

Armenian police used violence against people protesting against recent rises in electricity in Yerevan on June 23. Human Rights Watch call for an impartial investigation into the use of force and to ensure accountability for those responsible... [more](#)

CHINESE ACTIVISTS FACE 5 YEARS IN PRISON FOR PUBLISHING BOOKS ON DEMOCRACY

Amnesty International calls on the Chinese government to release and drop all charges against three human rights campaigners about to be tried on state security charges for publishing books on democracy and activism... [more](#)

Opportunities for NGO Engagement

Human Rights Council

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

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

The Human Rights Council organizational meeting on the 30th session will take place on [24 August 2015](#) at Palais des Nations in Room XX.

Universal Periodic Review

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

Treaty Bodies

The Committee on the Elimination of Discrimination Against Women will meet in Geneva from [6 July to 24 July](#) for its 61st session. The Committee will review the reports of the following countries: Bolivia, Croatia, Gambia, Namibia, Saint Vincent and the Grenadines, Senegal, Spain and Vietnam.

The pre-sessional working group of the 63rd session of the Committee on the Elimination of Discrimination Against Women will take place from [27 to 31 July](#). It will consider the following State reports: Czech Republic, Haiti, Iceland, Japan, Mongolia, Sweden, United Republic of Tanzania and Vanuatu.

The 114th session of the Human Rights Committee will be held on [29 June to 24 July](#) and will consider the following State reports: Canada, France, Spain, The former Yugoslav Republic of Macedonia, United Kingdom of Great Britain and Northern Island, Crown Dependencies of the United Kingdom and Northern Island, Overseas Territory of the United Kingdom and Northern

Island, Uzbekistan, Venezuela (the Bolivarian Republic of). The programme of work and other information is found [here](#). NGO submissions should be made well in advance of the relevant session.

The 115th session of the Human Rights Committee will be held on [19 October to 6 November](#) and will consider the following State reports: Austria, Benin, Greece, Iraq, the Republic of Korea, San Marino and Suriname. The programme of work and other information is found [here](#). NGO submissions should be made by [7 August 2015](#).

The 55th session of the Committee Against Torture will take place on [27 July to 14 August 2015](#). The Committee will consider the following States during the session: Iraq, Slovakia and Switzerland. The programme of work and other information is available [here](#).

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

COUNTRY VISITS BY SPECIAL PROCEDURES

Sri Lanka	Working Group on Enforced or Involuntary Disappearances, 3 - 12 August 2015
Japan	Special Rapporteur on the sale of children, child prostitution and child pornography, 1 - 10 September 2015
Hungary	Working Group on the issue of discrimination against women in law and in practice, 1 - 11 September 2015
Chile	Special Rapporteur on the rights to freedom of peaceful assembly and of association, 21 - 30 September 2015
Australia	Special Rapporteur on the human rights of <u>migrants</u> , 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

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

BUSINESS AND THE PROTECTION OF HUMAN RIGHTS DEFENDERS

ISHR and the Business & Human Rights Resource Centre are co-hosting an event on the relationship between business and human rights. The discussion will focus on threats and risks faced by defenders and the responsibility of States and corporations in supporting and protecting their work. The event will take place on the 14th of July, between 12:30 and 2:30pm, at DLA Piper- 3 Noble Street, London... [more](#)

MARTIN ENNALS AWARD CEREMONY

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

GENEVA PEACE TALKS 2015

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

New Resources

ONLINE TOOL TO MONITOR HUMAN RIGHTS IN NEW ZEALAND LAUNCHED

As part of the country’s National Plan of Action, the Human rights commission of New Zealand has launched a free online tool that monitors the government’s human rights record... [more](#)

GUIDELINES ON THE PROTECTION OF HUMAN RIGHTS DEFENDERS

The Organization for Security and Co-operation in Europe has launched a booklet containing guidelines for the protection of human rights defenders, which examines conditions for a safe and enabling environment conducive to human rights work... [more](#)

EYEWITNESS TO ATROCITIES: NEW ICT RESOURCE LAUNCHED

The International Bar Association has launched a mobile phone Application that enables human rights defenders to document and store photographs and films of alleged atrocities that can be shown in court... [more](#)

HRD PROTECTION PLATFORM: TOWARDS STRONGER & VIBRANT HRD NETWORKS IN ASIA

FORUM-ASIA has published the proceedings of the 6th Asian regional human rights defenders forum 2014. The forum provides an opportunity for Asian human rights defenders to meet, share their experiences and discuss the challenges they face in the course of their work... [more](#)

IMPROVING THE MEASUREMENT OF CIVIC SPACE

Transparency and Accountability Initiative has launched a report on the measurement of ‘civic space’ in light of the recent trend of shrinking civil society space and enhanced restrictions on individuals and civil society organisations, across the world... [more](#)

CIVIL SOCIETY SPACE AND THE UNITED NATIONS HUMAN RIGHTS SYSTEM

As part of its current thematic priority, ‘widening the democratic space’, the OHCHR issued its 6th practical guide for civil society on civil society space and the UN human rights system... [more](#)

HOW TO FOLLOW UP ON UNITED NATIONS HUMAN RIGHTS RECOMMENDATIONS

The OHCHR has issued a practical guide on how civil society can follow up on recommendations coming from UN human rights mechanisms, mandates or bodies... [more](#)

THE HUMAN RIGHTS TREATY BODIES- PROTECTING YOUR RIGHTS

The OHCHR has released a booklet on the human rights treaty bodies which provides information about different committees, review cycles and review processes... [more](#)

MAKING THE MEDIA WORK FOR YOU

The European Journalism Centre has produced a guide for civil society organisations, which focuses on different tools and strategies that can be used to make efficient use of the media... [more](#)

MYANMAR: CAUGHT BETWEEN STATE-CENSORSHIP AND SELF-CENSORSHIP

Amnesty International has released a report on the prosecution and intimidation of media workers in Myanmar which explores how media workers' professional activities are hampered... [more](#)

AZERBAIJAN: THE REPRESSION GAMES

A report released by Amnesty International examines the routine and increasing repression faced by those critical of the authorities, in Azerbaijan... [more](#)

Case Notes on Decisions from International Human Rights Bodies

Merits Decisions

Leghaei and others v. Australia (1937/2010)

Expulsion by Australia for reasons of national security violated the right to protection of the family

Summary

In March 2015, the Human Rights Committee was asked to consider whether Australia had violated its obligations under the International Covenant on Civil and Political Rights in connection with its decision to deny an individual permanent resident rights.

The communication was submitted by an Iranian national on behalf of himself and his family under the Optional Protocol to the Covenant.

Background

The author, Mansour Leghaei, first came to Australia in 1994 on a short-stay business visa. In 1995, he was granted a religious worker visa that allowed him to work as a Muslim religious leader. On 1 November 1996, the author applied for a permanent visa. The author's wife and children were included in the application as his dependents. Three of his four children are Australian citizens.

On 25 August 1997, the Ministry of Immigration refused to grant the author's visa application on the basis that he had been assessed by the Australian Security Intelligence Organisation (**ASIO**) as a

threat to national security. On 17 October 1997, the Ministry's decision was affirmed by the Migration Internal Review Office. Neither decision provided specific reasons for the refusal.

On 7 November 1997, the author applied to the Migration Review Tribunal for a review of the Ministry's decision. On 13 March 2002, the ASIO restated its view that the author was a direct risk to national security. On 14 March 2002, the Minister for Immigration issued a "conclusive certificate" under the Migration Act, which the Minister is entitled to issue where it is contrary to the national interest to undertake a review or change the decision. On 17 April 2002, the Migration Review Tribunal ceased its review. On 29 April 2002, the Minister issued a further conclusive certificate.

On 10 May 2002, the author commenced proceedings in the Federal Court against the Minister for Immigration and the ASIO, seeking to set aside the conclusive certificates and the ASIO security assessment for lack of procedural fairness. In these proceedings, the ASIO relied on two documents allegedly obtained from the author's suitcase without his knowledge at Sydney Airport. The first document was a handwritten notebook in the Persian language which "discussed how to fight a jihad". The second document was an e-mail from the author to the Organization of Culture and Islamic Relations regarding reimbursement of a sum of 4,000 Australian dollars to the organization. The ASIO could not provide a copy of the original email and relied only on its own English language translation of the email.

On 21 July 2004, the author commenced new proceedings in the Federal Court. In 2005, the Federal Court dismissed the proceedings by written decision. In 2007, the Federal Court dismissed the appeal and the High Court refused special leave to appeal.

On 19 February 2010, the Migration Review Tribunal affirmed the original decision not to grant a visa to the author and his two dependents.

Finally, the author petitioned the Minister for Immigration to exercise his discretionary power.

On 16 April 2010, the author filed this communication with the Committee under the Optional Protocol to the Covenant. The author claimed that his deportation to Iran would constitute a violation of his and his family's rights to: (i) freedom from discrimination, (ii) procedural fairness during expulsion proceedings, (iii) freedom from arbitrary interference with the family, (iv) protection of the family, (v) special measures of protection with respect to minor children, and (vi) equality before the law (under articles 2, 13, 17, 23, 24 and 26 of the Covenant respectively).

On 17 May 2010, the Minister for Immigration decided to grant the author's wife and son visas for permanent residency but not to grant a visa to the author. The Minister's decision was not subject to appeal.

The Committee's decision

The Committee first considered Australia's objection to the admissibility of the author's complaint on the ground that author had not exhausted local remedies. The Committee disagreed with Australia's arguments that the author could have brought a complaint under section 10 of the Racial Discrimination Act as the author would not have recourse to such remedy after his expulsion to Iran. The Committee concluded that it was precluded from considering the author's allegations under article 2 read in conjunction with article 13 and under article 26, as the author had failed to exhaust domestic remedies for the purposes of article 5(2)(b) of the Optional Protocol. However, the Committee declared the communication admissible to the extent that it raised issues under articles 13, 17, 23 and 24 of the Covenant.

On the merits, the Committee noted the author's allegation that Australia's refusal to grant the author a visa constituted arbitrary interference with his family life under articles 17 and 23 by obliging him to leave the country. With respect to whether such interference with his family life was arbitrary or unlawful pursuant to article 17(1) of the Covenant, the Committee recalled that the notion of arbitrariness included inappropriateness, injustice and a lack of predictability or of due process of law. The Committee noted that author was never formally provided with the reasons for the refusal to grant him the visa, except for the general explanation that he was a threat to national security. The procedure had therefore lacked due process of law.

In view of the above, the Committee concluded that Australia had violated the author's rights under article 17 of the Covenant, read in conjunction with article 23 of the Covenant and had also violated the rights of his family under those provisions. Having reached this conclusion, the Committee decided not to examine separately the remaining grounds invoked by the author under articles 13 and 24 of the Covenant.

In accordance with article 2(3) of the Covenant, the Committee observed that Australia was under an obligation to provide the author with an effective remedy, including compensation and a meaningful opportunity to challenge the refusal to grant him a permanent visa. The Committee also held that Australia should take steps to prevent similar violations in the future.

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

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