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## Opinion

### CAN REGIONAL HUMAN RIGHTS BODIES BE MADE (MORE) EFFECTIVE?

*Dinah Shelton, The George Washington University Law School*

The number of regional and sub-regional organizations taking up human rights issues continues to increase. Within Europe, the Council of Europe, European Union and the Organization for Security and Cooperation in Europe all address human rights. In the Americas, the Organization of American States is facing a proliferation of sub-regional structures such as the Community of Latin American and Caribbean States (CELAC),

Mercosur, and the Bolivian Alliance for the Americas (ALBA). The African Union also has sub-regional economic associations such as SADC and ECOWAS whose courts have decided human rights cases. ASEAN created an inter-governmental committee on human rights (AICHR) and in 2012 adopted a Declaration of Human Rights. The South-Asian Association for Regional Cooperation and the Organization of Islamic Cooperation (OIC) extend the reach of human rights discussion into additional regions. It is legitimate to ask whether there is value-added in this on-going proliferation or whether the cause of human rights would be better served by genuinely strengthening existing institutions. In fact, the best approach should be to not view these as incompatible goals, but to proceed with extending coverage into areas currently lacking a regional system, while improving the functioning of those bodies that already exist. Not all of the regional organizations mentioned have established specific organs or bodies with a mandate to promote and protect human rights. Among those that have, there are some commonalities but also differences in the composition, functions and procedures of the commissions, committees and courts they have established. The commonalities stem from the fact that member states of the organization create them and ultimately decide whether or not they are willing to accept scrutiny of their human rights practices, including through allowing victims to bring petitions or complaints against them, or whether they

prefer to maintain maximum discretion and flexibility without accountability to or oversight from a strong regional body. Compliance is a concern in every human rights system; without the peer pressure of other states in the organization, human rights bodies have little ability to ensure that their recommendations and decisions are implemented. Member states must have the political will to support an effective human rights mechanism and demonstrate that will in several key areas, as follows:

1. **Composition of the human rights bodies.** The work of a human rights body is only as good as its members and if decisions must be taken by consensus it will only be as good as its weakest member. Human rights bodies depend on their reputation for integrity, impartiality, independence, and legitimacy to elevate the status of their decisions and create pressure for compliance. If states choose to nominate unqualified or biased candidates who are then elected to serve on the body, the system is undermined. The smaller the body the more important it is to ensure that all members meet the qualifications to serve.
2. **Support staff.** In most organizations, the secretariat is supplied by the parent organization. Few human rights bodies have the ability to select their lawyers, registrar, and other key personnel. Often in practice the head of the organization will take into account the views of the human rights body, but there is always a risk of political appointments or other interference with the work when the human rights body does not control the hiring, tenure, and other aspects of employment of its staff. The staff must be professional, competent, and dedicated. The problem of having only short-term contracts, a problem linked to budgetary shortfalls, undermines the ability to obtain and retain good staff.
3. **Time for meeting.** The only full time human rights body in the world is the European Court of Human Rights. All other commissions and courts are organized as part-time bodies whose members then must have regular employment outside of the meetings of the body. This makes it difficult to schedule on site visits and to take quick action outside the normal sessions. Members may be geographically quite distant one from another and have difficulty making contact. The sessions themselves are often too short and too infrequent to complete the necessary work.
4. **Budget.** The size of the staff and the time for meeting, as well as the ability to make on site visits, hold hearings, and fulfil the functions conferred on a human rights body depend entirely on the budget and financial contributions available to it. This is a matter of urgency and even crisis in some human rights systems. In the Inter-American system, less than half the budget is provided by the OAS and there is a constant search for funding to undertake necessary projects. Resources must also be administered properly and transparently.
5. **Adequate publicity is essential,** including a functioning and accessible website, regular publication of documents and decisions, a press office that can ensure press coverage, and regular meetings with the member states and civil society organizations.
6. **An adequate level of compliance must occur in a significant number of the state parties.** If the level of respect for human rights norms on the domestic level is low, and domestic institutions are not effective in implementing human rights norms or domestic law, the case load will become unmanageable without underlying problems being addressed.
7. **Issue linkage.** As the OSCE has shown, trade, communications, travel, security, and other links between state parties can help to elevate human rights and make possible the conditions to

impose sanctions in those cases where gross and systematic violations make them appropriate or necessary.

There are no doubt other aspects of the functioning of human rights bodies that deserves attention and inclusion on this list, but these are probably the ones that arise the most frequently. Genuine strengthening and effectiveness is possible, if the political will is present.

*Dinah Shelton is the Manatt/Ahn Professor of Law at the George Washington University Law School. In 2009 she was elected a Commissioner of the Inter-American Commission on Human Rights. She is coming to the end of the four-year term, during which she also served as President of the Commission.*

## Human Rights Defender Profile

### HUY LUONG, VIETNAMESE GAY RIGHTS ACTIVIST

Huy Luong began his career as a gay rights activist in 2008 when he began volunteering with [Information Connecting and Sharing \(ICS\)](#), while still a student. ICS was the first LGBT organisation in Vietnam.

Its primary mission at that time was to change the damaging and negative portrayal of LGBT persons in the media. ICS undertook an awareness raising campaign to address this challenge. Five years later, Huy recounts a dramatic turnaround in the attitude of the media, to a position of strong support for the LGBT community.

Inspired by the power and potential of public education, Huy today works with iSEE (Institute for Studies of Society, Economics and Environment) carrying out awareness and education campaigns with journalists, healthcare providers, trade unions and parents of LGBT persons.

***“The power of tradition in Vietnam is such that the source of most attacks on LGBT people is their own family.”***

Huy relates that iSEE still encounters initial discomfort from the people it tries to engage with. LGBT issues are seen as taboo, something not to be spoken about. The source of these attitudes is not religion, but culture and tradition. The power of tradition is such that the attacks and pressure LGBT people face in Vietnam do not come from the general population, but from people’s families, driven by an overriding concern that they should not be seen to be flouting ‘tradition’.

iSEE has hope that by continuing to engage the public a point will be reached at which these issues are ‘normalised’ and people feel comfortable discussing them and accepting them.

***“Five years ago LGBT people would insist on having their identities concealed in the media, today they are proud of their identities and want to claim them.”***

For Huy, the best result of the work being done by iSEE is the pride that LGBT persons now feel in their identities. Whereas five years ago LGBT people would insist on having their identities concealed in the media, today they will insist on being identified. While four or five years ago it was almost impossible to come out, now people are proud of their identities and want to claim them.

***“There is still a need to change knowledge and attitudes at the highest level.”***

In Vietnam while there are no laws that criminalise homosexual behaviour there are also no laws that protect the LGBT community from discrimination or harassment, and the community does not enjoy equal rights, in particular in the area of the family. iSEE takes every opportunity to engage on these issues. For example iSEE campaigned to have the new constitution framed in a gender neutral way, and for equal marriage rights.

Unfortunately attitudes within the Government remain resistant. While a ban on same-sex marriage was overturned in the [Marriage and Family Bill](#) adopted last week by the National Assembly, the bill does not legalise registered partnerships between people of the same sex. Likewise the new constitution adopted last week does not reference the right of everyone to marriage, and is framed within a male-female gender binary.

One upcoming issue on which iSEE will be working is the rights of trans people. Currently trans people cannot change their names and cannot undergo a sex change in Vietnam. While some leave the country to have surgery, once they return they cannot change their identity papers, making it impossible to find a job or get health insurance, amongst other things.

***“We can use the UPR to put pressure on the Government. We want to see a recommendation made to Vietnam on LGBT issues for the first time.”***

Recently Huy has been engaging on behalf of iSEE in the pre-sessions for the 18th Universal Periodic Review, which will take place in January 2014.

Huy points out that in the first cycle there were no recommendations made to Vietnam on LGBT issues. iSEE's goal is for governments to make such a recommendation to Vietnam for the first time.

Huy notes that many activists say that the UPR is very weak and question the difference it makes. They say that governments treat the recommendations coming from the international system as 'optional' and feel comfortable rejecting or not responding to those they do not agree with.

Huy however sees potential in the international system as a tool to promote the rights of LGBT people. First of all, it's important in itself that LGBT issues are raised in the context of Vietnam for the first time at the international level.

Secondly, once raised, such recommendations can play an important role in domestic advocacy. If Vietnam accepts a recommendation on LGBT issues, then there will be a great deal of work to do monitoring and assessing its implementation.

Even in the case where Vietnam chose to reject recommendations on LGBT issues, Huy still sees utility in working to uncover and understand the reasons behind the rejection. This can serve to focus advocacy on addressing the underlying hostility or reluctance to promote LGBT issues.

Huy plans to continue to engage internationally and especially as defenders again look to the Human Rights Council to adopt a follow-up resolution on sexual orientation and gender identity. He will be hoping to encourage Vietnam, a newly elected member of the Council, to play a positive role in such an initiative.

*For more information on the work of Huy Luong and iSEE see <http://www.isee.org.vn/en>*

## Our Work to Support Human Rights Defenders

### DEVELOPING A MODEL NATIONAL LAW TO PROTECT HUMAN RIGHTS DEFENDERS

The legal recognition and protection of human rights defenders is crucial to ensuring that they can work in a safe, supportive environment and be free from attacks, reprisals and unreasonable legal restrictions.

Despite this, and almost 15 years after its adoption, very few States have acted to incorporate the [international Declaration on Human Rights Defenders](#) into national law. Worse still, governments in all regions are increasingly enacting laws which restrict and even criminalise the work of human rights defenders and NGOs.

In response to these gaps and trends, ISHR is working in partnership with key regional, sub-regional and national human rights defender groups from around the world to develop a model national law on human rights defenders and to advocate for its adoption at the international level and its enactment locally.

‘Enacting the rights of human rights defenders in national law would be a significant step towards transforming the international promise of the Declaration on Human Rights Defenders into a national-level reality.’ – Gustavo Gallon, Director of the Colombian Commission of Jurists

The model law will assist States to develop laws, policies and institutions at the national level to support the work of human rights defenders and to protect them from reprisals and attacks. The model law will also serve as a valuable tool for human rights defenders advocating for stronger legal recognition and protection of their important work.

ISHR has already mobilised significant support for this ambitious project from human rights defenders working at national regional and international levels, with the concept being strongly endorsed by human rights defenders attending the [African Commission](#) in October 2013, defenders who work on issues of corporate accountability at the November [Peoples’ Forum on Business and Human Rights in Bangkok](#), and by a meeting of [international law experts in Vienna](#) earlier in the year. The project has also harnessed support from progressive States, with Ireland and Liechtenstein pledging financial support.

The UN Human Rights Council itself has also spoken on the issue, adopting a [landmark resolution in March 2013 calling on States to amend national laws](#) which target or criminalise human rights defenders, including laws which restrict NGO access to foreign sources of funding, which criminalise ‘homosexual propaganda’, or which limit freedom of expression, assembly or association on discriminatory grounds. The Council went further again in September 2013 when it adopted a [resolution calling on States to enact specific laws and policies](#) to protect human rights defenders from reprisals.

The model law project is proceeding through a number of key stages over three years (2014-2016):

- I. Comparative research across more than 50 States on the existence of – and best practice in relation to – laws, policies and institutions which recognise, protect and support the work of human rights defenders and NGOs. The research will also identify and document laws and policies which unduly restrict, hamper or interfere with human rights defenders’ work. This

legal research, which is being undertaken on a pro bono basis by leading international law firms, is already under way.

2. Regional consultations organised by ISHR, in partnership with regional and sub-regional NGOs, to obtain input from national human rights defenders on the scope and content of a model law, together with identification of the types of laws and policies that restrict or hamper their work. These consultations are planned for 2014.
3. Drafting of a model law by ISHR and pro bono legal experts based on the comparative research and regional consultations, and development of a comprehensive audit of the types of laws and policies requiring review or amendment to ensure that defenders are not unduly hampered or restricted in their work. This stage is planned for 2015.
4. Refinement and ‘adoption’ of the model law by a meeting of international human rights experts. This stage is planned for 2015.
5. Advocacy efforts at the international level for the UN Human Rights Council to endorse the model law and at the regional level for relevant human rights bodies (such as the African Commission on Human and Peoples’ Rights) to do likewise. This stage is planned for 2016.
6. Advocacy efforts at the national level in two or three strategically selected States with a view to enacting the model law in legislation or implementing it in policy. This stage is planned for 2016.

For further information about this project, please contact:

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## **UN ADOPTS SIGNIFICANT RESOLUTION ON THE PROTECTION OF WOMEN HUMAN RIGHTS DEFENDERS**

(New York, 20 November 2013) – The adoption of the first-ever resolution on women human rights defenders by the United Nations General Assembly’s Third Committee is a step forward in protecting those who face risks and attacks for their work to promote human rights, including women’s rights, Amnesty International (AI), the Association for Women’s Rights in Development (AWID), the International Service for Human Rights (ISHR), and JASS (Just Associates) said today.

However, it is deeply regrettable that this last minute consensus came at the expense of a crucial paragraph containing language calling on States to condemn all forms of violence against women and women human rights defenders, and to refrain from invoking any customs, tradition or religious consideration to avoid obligations related to the elimination of violence against women. Such language had previously been agreed to by the General Assembly in Resolution 67/144 on the Intensification of Efforts to Eliminate All Forms of Violence Against Women. It is ironic that such language could not be included in the very week of the International Day for the Elimination of Violence against Women, marked on 25 November.

‘The protection of women human rights defenders is essential for peace, security, development and the respect of all our human rights,’ said Eleanor Openshaw from ISHR’s Women Human Rights Defender Program.

‘Women human rights defenders challenge gender inequality and stereotypes, advance sexual and reproductive rights and promote women’s empowerment and participation. They often also challenge religious and cultural interpretations which subordinate, stigmatise or restrict women,’ Ms Openshaw said.

‘The Norwegian-led resolution recognises that, because of who they are and the nature of their work, women human rights defenders in all regions of the world face significant violations and abuses, from smear campaigns to sexual and gender-based violence.’ said Nicole Bjerler of Amnesty International’s UN Office in New York.

‘The resolution urges States to put in place gender-specific laws and policies for the protection of women human rights defenders and to ensure that defenders themselves are involved in the design and implementation of these measures,’ Ms Bjerler said, adding that ‘Effective implementation of such measures by States will be key to enabling women human rights defenders to carry out their important and legitimate work.’

The resolution also calls on States to protect women human rights defenders from reprisals for cooperating with the UN and to ensure their unhindered access to and communication with international human rights bodies and mechanisms.

Several aspects of the resolution were fiercely debated during negotiations, with African and several Asian States arguing that the text should focus more on the duties and responsibilities of those who defend rights and should not create special rights or privileges for certain groups of defenders.

Countering this, Marisa Viana, Manager of Young Feminist Activism at AWID, said, ‘Protecting human rights defenders is not a matter of creating new rights. It is about States’ commitments to enable defenders to do their legitimate and vital work in our communities without fear of reprisals or attack.’

Also contentious were important references in the [initial draft](#) acknowledging the risks faced by those working on issues of sexual and reproductive health, reproductive rights and matters related to sexuality. These references were excluded in later drafts of the resolution as a result of opposition voiced by a number of States from Africa, Asia and the Holy See. It is regrettable and disappointing that the main sponsors and others were not able to secure specific language related to women human rights defenders working on these critical issues in the final text of the resolution.

‘Women human rights defenders working on sexual and reproductive rights and matters related to sexuality are often targeted for attack due to the continued legalised discrimination in many countries across the globe,’ said Cristina Hardaga of Jass.

‘Regrettably, the exclusion of specific recognition for the struggle that women human rights defenders face, does not do justice to their important, courageous and often dangerous work,’ Ms Hardaga said. “States must recognize that women human rights defenders are diverse. They work in different contexts around the world and face extraordinary risks. This is particularly so for those working on women’s rights or gender issues, and for those challenging gender stereotypes and perceptions about the status of women in society. This resolution is an important step in attaining this recognition.”

The difficult negotiations led to a ground swell of support from civil society around the world, who mobilized to urge their State representatives to support the resolution. Over 70 civil society

organisations and human rights defender networks from across Africa signed an [open letter to their State representatives](#) urging them to sponsor the text. In addition, eminent individuals including [Women Nobel Peace Prize winners](#) and members of [The Elders](#) called for States in every part of the world to support a strong resolution.

‘The mobilisation of civil society from all regions is a testament to the seriousness of violations experienced by women human rights defenders around the world and the need for States to take stronger measures to protect and support their work,’ said Ms Marisa Viana of AWID.

While the resolution as adopted does not comprehensively address all risks and protection needs of women human rights defenders, it remains an important and historic resolution. States have committed themselves to taking concrete steps to protecting women human rights defenders. AI, AWID, ISHR and JASS call on all States to ensure that the measures outlined in the resolution are now implemented at the national level. International Day on Women Human Rights Defenders, held this week on November 29<sup>th</sup>, provides a perfect opportunity to start implementing the commitments in this resolution, so that women human rights defenders around the world are able to work safely and effectively, free from intimidation and reprisals.

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## **NEW REPORT DOCUMENTS VIOLATIONS AGAINST HUMAN RIGHTS DEFENDERS WORKING ON LAND AND ENVIRONMENTAL ISSUES**

A new report highlights the significant risks and dangers faced by human rights defenders working on land and environmental issues.

The report, [Land and environmental rights defenders in danger: An overview of recent cases \(December 2013\)](#), has been compiled by a group of 11 leading NGOs, including the International Service for Human Rights, the International Federation for Human Rights (FIDH) and the World Organisation against Torture (OMCT).

The report demonstrates that the work of land and environmental defenders often bring them into conflict with powerful interests as they protest against extractive industries, and other companies exploiting natural resources, as part of their efforts to protect the human rights of the local population. Women human rights defenders and indigenous rights defenders are particularly vulnerable to attack.

The report presents a compilation of cases in which these defenders have been targeted for their work. The high level of vulnerability of this group is illustrated by the fact that one-third of these cases involve the killing of one or more defenders. Other violations suffered include judicial harassment, intimidation, death threats, arbitrary arrest, detention and imprisonment, enforced disappearance, and torture.

Government forces, non-State actors, and members of organised crimes or terrorist groups have all been identified as perpetrators of the attacks faced by defenders engaged in ensuring accountability for business-related human rights violations.

“Human rights defenders working on behalf of communities affected by large-scale development projects are increasingly being branded ‘anti-government’, ‘against development’ or even ‘enemies of the State’”, UN Special Rapporteur Margaret Sekaggya warned in her last report to the UN General Assembly.

In contrast to the powerful interests ranged against them, the defenders themselves are often under-resourced, have weak organisational capacity, and lack knowledge about their own rights.

Human rights defenders working in the area of business and human rights play a critical role in exposing and ensuring accountability for the human rights violations committed by businesses. As the report makes clear, there is an urgent need to ensure that these defenders can carry out their work safely and securely.

It is the responsibility of States to provide that protection. Furthermore, businesses must carry out appropriate consultation with human rights defenders and conduct human rights impact assessments in connection with large-scale projects.

The report will be formally launched at a [side-event](#) held in parallel with the 2013 UN Forum on Business and Human Rights in Geneva on 3 December.

## **GROUP OF STATES CALLS FOR UN TO EXPAND ACCESS AND PARTICIPATION RIGHTS FOR NGOS**

(New York, 28 November 2013) - Civil society plays a necessary role at the UN and space for it to engage effectively must be expanded and protected, said a [group of four States](#) (Austria, Liechtenstein, Slovenia, and Switzerland) at the UN General Assembly this week.

The group of States expressed strong support for the participation of civil society in the work of the UN, arguing that their suggestions and expertise “are a necessary part of a constructive and meaningful dialogue aimed at improving the implementation of international human rights obligations”.

However, all too often civil society representatives, including human rights defenders, face legal and practical restrictions to their work, as well as repression, intimidation, and threat to loss of life and limb, in an effort to stifle progress towards human rights, democracy, good governance and the rule of law.

Furthermore, an increasing number of these attacks occur against human rights defenders cooperating with the United Nations human rights system. The High Commissioner has pointed to the ‘alarming’ trend of intimidation and harassment of civil society actors and human rights defenders in reprisal for cooperating with the UN.

The statement also expresses ‘concern and disappointment’ at attempts to undermine the participation of civil society from within the UN itself, and in particular a worrying development [highlighted by ISHR last year](#) - the use of the ‘no-objection’ procedure to undermine NGO participation in UN meetings. Under this procedure, an NGO can only participate in a meeting at the UN if no State objects. There is no obligation for a State which objects to give any reasons or justification for the objection.

As ISHR’s Madeleine Sinclair has stated, “the ‘no-objection’ procedure is severely flawed. Its arbitrary and ad-hoc nature not only risks excluding relevant and valuable voices, but can also lead to censorship and politically motivated exclusion of critical voices.”

“Despite rhetoric supporting the vital role that civil society plays within the UN, the procedure flouts basic principles of accountability, transparency and due process,” Ms Sinclair said.

As Austria, Liechtenstein, Slovenia and Switzerland point out, it is up to member States to act on their responsibility to create and protect an enabling environment for civil society and allow for their meaningful and unhindered participation in States’ work, be it nationally or at the UN.

ISHR calls on all States to follow suit in reaffirming the valuable role that civil society plays in UN processes, and rejecting the no objection procedure in future resolutions dealing with modalities for General Assembly processes.

## **ADOPTION OF STRONG RESOLUTION ON REPRISALS AGAINST HUMAN RIGHTS DEFENDERS WHO EXPOSE TORTURE**

(New York, 13 November 2013) – All 193 States in the UN General Assembly have joined in condemning intimidation and reprisals against human rights defenders and others who work to expose and combat torture and ill-treatment.

In a [significant resolution proposed by Denmark](#) and sponsored by over 60 other States from all regions, the General Assembly recognised the absolute prohibition against torture in all circumstances whatsoever and the absolute imperative of protecting those who work to prevent it.

‘In recent years human rights defenders around the world have played a crucial role in exposing instances of torture and ill-treatment. Unfortunately, many such brave persons have faced reprisals and retaliation for this important work,’ said Madeleine Sinclair, Legal Counsel with the International Service for Human Rights.

In 2013 alone, the UN Committee against Torture expressed concern about retaliation against non-governmental organisations from Russia for their cooperation with the UN, while the [Secretary-General highlighted cases of reprisals](#) against human rights defenders and others who work to combat torture in Iran, Morocco, Saudi Arabia, Syria, Tajikistan and the United Arab Emirates.

‘All persons have the right to unhindered access to UN human rights bodies to expose and seek accountability for human rights violations. Protection and exercise of this right is especially important in order to shine an international light on the dark practice of torture,’ Ms Sinclair said.

‘Reprisals and intimidation against human rights defenders who expose cases of torture are committed with the intent of shielding torturers and others who perpetrate or acquiesce in ill-treatment. In this context, we welcome the commitment of States through the resolution to

thoroughly investigate and ensure accountability for reprisals, and to provide redress to human rights defenders and others who are victims of such attacks,' Ms Sinclair said.

Speaking after the unanimous adoption of the resolution, the Danish Minister of Development Cooperation, Mr Christian Friis Bach, said: 'Regretfully, the use of torture is still widespread, even though an absolute prohibition of torture exists within international law. With this resolution Denmark now put the fights against torture even higher on the agenda and we are focusing on key areas such as torture victims' right to redress and the importance of individuals' ability to freely contact the institutions working to prevent and combat torture.'

The International Service for Human Rights congratulates and thanks Denmark for its important leadership on this General Assembly resolution, which builds on a [landmark resolution specifically addressing reprisals against those who cooperate with the UN adopted by the UN Human Rights Council in September](#).

'It is very pleasing to see the emerging international consensus condemning reprisals against those who cooperate with the UN. The next step is for States to translate this consensus into concrete action by enacting [specific laws and policies at the national level](#) to protect human rights defenders and others who seek accountability for human rights violations through the UN,' Ms Sinclair said.

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## **Our Work to Strengthen Human Rights Systems**

### **UN TO CONSIDER OPENING DOOR TO NATIONAL HUMAN RIGHTS INSTITUTIONS**

(New York, 22 November 2013) – National human rights institutions may soon be able to participate in UN deliberations following a decision by a committee of the UN General Assembly.

UN meetings have traditionally been dominated by governments, despite pressure from civil society on the UN to take greater account of the views of non-governmental organisations and national human rights institutions.

'We strongly welcome the resolution adopted by the Third Committee of the General Assembly today. It is a major step forward in affirming the essential and unique role that national human rights institutions play in the international community, and the increasing acknowledgment within the UN of the expert and independent advice these bodies can provide,' said Michelle Evans of the International Service for Human Rights.

The German-led resolution, 'National Institutions for the Promotion and Protection of Human Rights', was adopted by consensus in the General Assembly's Social, Humanitarian and Cultural Affairs Committee (Third Committee). The General Assembly itself is expected to adopt the resolution before the end of the year. The resolution requests the UN Secretary General to prepare a report on the feasibility of enabling 'Paris Principles-compliant NHRIs' – that is, NHRIs that comply with international standards relating to composition, independence and expertise – to participate independently in UN mechanisms and processes.

'We look forward to the report of the Secretary General, and see it as a concrete step towards strengthening opportunities for NHRIs to participate in important UN meetings, including in the General Assembly,' Ms Evans said.

'The Secretary General's report should lay the foundation for Paris Principles-compliant NHRIs to participate in other parts of the UN system on the same basis that they do at the Human Rights Council in Geneva, which is the model for NHRI participation.'

Several other important issues were addressed by the resolution, including recognition of the role that NHRIs can play in preventing and addressing cases of reprisals and intimidations against persons who cooperate with the UN. The text also underlines the value of NHRIs in providing information to governments about the specific impact of legislation on the activities of human rights defenders.

'The International Service for Human Rights is committed to strengthening NHRI participation system-wide and will continue to work with States, international NGOs and the International Coordinating Committee of NHRIs (ICC) to achieve this goal,' Ms Evans said.

'ISHR also appreciates Germany's leadership in bringing the negotiations on this ground-breaking resolution to a successful conclusion,' she said.

The resolution is available [here](#).

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## **STATES MUST ACT TO PROTECT UN HUMAN RIGHTS PROGRAMME FROM FUNDING DEFICIT**

(New York, 19 November 2013) – Governments must act to prevent substantial budget cuts to the Office of the High Commissioner for Human Rights (OHCHR) and to ensure the Office has adequate funding to fulfil its critical mandate, the International Service for Human Rights together with 27 other NGOs said today.

The [joint letter](#) comes as States gather in New York to negotiate the UN's budget for 2014-2015 at the General Assembly. It is proposed that core funding to the OHCHR - the UN's lead human rights agency - be slashed by around 5 percent.

'The proposed budget cuts are untenable, coming at a time of increased need for the UN's human rights programme and worsening global attacks and restrictions on the work of human rights defenders and non-governmental organisations,' said Michelle Evans of the International Service for Human Rights.

ISHR says the possible decrease is even more distressing given OHCHR's already disproportionately small allocation of the UN's overall budget.

'Despite being the lead agency for one of the three main pillars of the UN, alongside security and development, the UN's human rights office currently receives less than 3 percent of the UN budget,' said Ms Evans.

The proposed decrease, which is mainly made up of staff cuts, comes at a time when the Office is experiencing overwhelming financial challenges and an ever-increasing workload.

‘The contributions to OHCHR from the UN regular budget are not keeping up with the numerous new and expanded mandates established by the Human Rights Council, the activities associated with the Universal Periodic Review and its follow up, and the establishment of new international human rights treaties as well as the increasing accession of States to those treaties,’ Ms Evans said.

‘It’s critical that governments prevent a reduction to the OHCHR budget, and commit to increasing the relative proportion of the UN regular budget for human rights activities from the present 3 percent share,’ she said.

The letter to governments also outlines the alarming proposed removal of UN regular budget funding for a high-level post tasked with strengthening collaboration between civil society and the UN human rights programme.

‘Government support for retention of the post with funds from the UN regular budget is what’s needed to demonstrate States are sincere about the crucial role of civil society in promoting and protecting human rights,’ Ms Evans said.

An opinion piece on the need to increase funding to the UN’s human rights program by leading international human rights expert and head of the Northern Ireland Human Rights Commission, Professor Michael O’Flaherty, is available [here](#).

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## **COMMITTEE AGAINST TORTURE CONDEMNS REPRISALS AGAINST THOSE WHO COOPERATE WITH THE UN**

(Geneva, 24 November 2013) – The UN Committee against Torture has condemned reprisals against those who cooperate with the United Nations as a violation of human rights and appointed two experts to prevent and ensure accountability for reprisals.

In a [formal statement](#) issued at the close of its 51st session in Geneva, the Committee affirmed that persons have a right to complain to the UN about torture and ill-treatment and that States have a legal obligation to ‘ensure that the complainant and witnesses are protected against all ill-treatment or intimidation as a consequence of any complaint or any evidence given’.

In its statement the Committee also highlighted the crucial contribution of non-governmental organisations and human rights defenders to the work of UN treaty bodies ‘through submissions, inputs, hearings or briefings.’ Such contributions are fundamental ‘to the effective functioning of the Committee and the implementation of the entire Convention [Against Torture],’ they said.

The Committee has appointed two independent international human rights experts to coordinate its response to alleged reprisals, including by undertaking fact-finding missions to the State concerned and by requesting further action from the High Commissioner for Human Rights and the UN Secretary-General where appropriate to ensure the cessation of reprisals.

Welcoming the Committee’s statement, Legal Counsel for the International Service for Human Rights, Madeleine Sinclair, said ‘All persons have the right to unhindered access to UN human rights bodies to expose and seek accountability for human rights violations. Protection and exercise of this right is especially important in order to shine an international light on the dark practice of torture.’

The Committee's statement comes just days after the [UN General Assembly adopted a significant resolution condemning intimidation and reprisals](#) against human rights defenders and others who work to expose and combat torture and ill-treatment.

It also comes soon after the adoption of a [landmark resolution specifically addressing reprisals against those who cooperate with the UN by the UN Human Rights Council in September](#).

'It is very pleasing to see the emerging international consensus condemning reprisals against those who cooperate with the UN. The next step is for States to translate this consensus into concrete action by enacting [specific laws and policies at the national level](#) to protect human rights defenders and others who seek accountability for human rights violations through the UN,' Ms Sinclair said.

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## **NEW MEMBERS MUST COOPERATE FULLY WITH HUMAN RIGHTS COUNCIL AND PROTECT HUMAN RIGHTS DEFENDERS**

(Geneva, 12 November 2013) – States newly elected to the UN Human Rights Council by the General Assembly in New York should commit to protecting human rights defenders and cooperating fully with the Council, according to the International Service for Human Rights.

The Human Rights Council, which is comprised of 47 States, is the UN's top human rights body. Fourteen new members of the Council were elected today, representing all regions of the world.\*

By becoming members of the Council, States commit to 'uphold the highest human rights standards', and to cooperate fully with the Human Rights Council and its independent experts (or 'special procedures').

'Members of the UN Human Rights Council have an obligation to respect and support the work of non-governmental organisations and human rights defenders,' said ISHR Director Phil Lynch.

'Both at home and on the international stage, Members of the Council should ensure that human rights defenders can undertake their important work in a safe and enabling environment, free from attacks, harassment and reprisals.'

'At home, Member States should enact specific laws and policies to protect human rights defenders and refrain from interfering with the exercise of their rights to freedom of expression, association, assembly and peaceful protest,' Mr Lynch said.

'Member States should also guarantee to all persons the right of unhindered access to the UN Human Rights Council and other UN mechanisms in order to vindicate their rights and to seek accountability for violations on the international stage,' said Mr Lynch.

ISHR further called on newly elected Member States to fully cooperate with the Human Rights Council's independent experts, including by accepting their requests to undertake country visits and by acting in good faith to implement human rights recommendations made by those experts.

'Election to the Human Rights Council provides an opportunity and imperative for States to commit to ending attacks and intimidation against human rights defenders, to support a strong and vibrant

civil society, and to pledge meaningful cooperation with the Council's mechanisms and experts. We look forward to working constructively with all members of the Council to this end,' said Mr Lynch.

Earlier this week, ISHR wrote a [letter on behalf of 40 leading NGOs to all States regarding elections to and cooperation with the UN Human Rights Council](#).

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\* The fourteen States elected were:

- Africa: South Africa, Algeria, Morocco, Namibia,
- Asia: Vietnam, China, Maldives, Saudi Arabia
- Eastern Europe: Former Yugoslav Republic of Macedonia, Russia
- Latin America and Caribbean: Cuba, Mexico
- Western Europe and Other States: France, United Kingdom

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

### *In Brief*

#### **THE PARIS PRINCIPLES AFTER 20 YEARS**

International human rights expert and ISHR Board member, Chris Sidoti outlines how the Paris Principles on national human rights institutions were established and the key developments since... [more](#)

#### **AFRICAN STATES TURN THEIR BACK ON HUMAN RIGHTS DEFENDERS AT THE UN**

In an unprecedented move, a group of African States has sought to undermine the authority of the UN Human Rights Council – the world's top human rights body – by opposing a decision of the Council to strengthen the protection of human rights defenders from attacks and reprisals... [more](#)

#### **NEW LAW ADOPTED IN EGYPT VIOLATES INTERNATIONAL STANDARDS**

The UN's human rights chief has [called](#) on Egypt to amend a highly restrictive law on demonstrations. The law was issued on 24 November, and gives wide-ranging and vague powers to authorities to ban demonstrations, in what constitutes a violation of international standards... [more](#)

#### **RUSSIA: 'FOREIGN AGENTS' LAW HITS HUNDREDS OF NGOS**

Following Russia's adoption of the so-called 'foreign agents' law, NGOs have faced a campaign of inspection aimed at identifying whether they are 'foreign agents' and if so forcing them to register as such. Human Rights Watch has been tracking the effect of this law on NGOs, including ADC Memorial... [more](#)



Peru	Special Rapporteur on indigenous peoples 6 – 13 December
Morocco	Working Group on arbitrary detention 9 – 18 December
Malaysia	Special Rapporteur on food 9 – 18 December
Papua New Guinea	Special Rapporteur on summary executions 13 – 20 December

To find out how you can support the visits, please contact the respective mandate-holder at their email, found in the [directory](#).

## New Resources

### **PRACTICAL GUIDE FOR CIVIL SOCIETY ON FOLLOW-UP TO UN RECOMMENDATIONS**

The Office of the High Commissioner for Human Rights (OHCHR) has launched a [guide](#) that examines methods and activities that civil society actors can use to promote the implementation of human rights recommendations. The guide also includes an overview of existing follow-up procedures and practices of UN human rights mechanisms, and outlines how best civil society can participate. The OHCHR guide complements and draws on a [guide for NGOs](#) published jointly by ISHR and the Human Rights Law Centre.

### **SPECIAL JOURNAL ON THE PROTECTION OF HUMAN RIGHTS DEFENDERS**

The Oxford Journal of Human Rights Practice has recently published a [special issue on the protection of human rights defenders](#), drawing on contributions from practitioners, academics and human rights defenders worldwide.

## Case Notes on Decisions from International Human Rights Bodies

The Human Rights Committee considered several cases on the right to peaceful assembly from Russia and Belarus, calling on Belarus to review its legislation governing peaceful protest. Belarus was also found to have executed an individual in defiance of the Committee's request that the death penalty not be imposed while it was considering allegations that the trial had been unfair.

In Bosnia and Herzegovina an asylum claimant succeeded in challenging a ruling that he must be deported back to Iraq. The Committee found that the deportation would violate his right to freedom from interference in his family life. Australian refugee law was also considered by the Committee, which ruled that the indefinite mandatory detention of refugees violated human rights, and also, through the 'serious psychological harm' that it causes, amounts to cruel, inhuman and degrading treatment.

Read the case summaries in full [here](#).

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