



Human Rights Council at 10: civil society outlines plan for HRC to become more protective, effective and accessible.....	1
Opinion.....	4
Human Rights Defender Profile.....	9
Our Work to Support Human Rights Defenders	11
Our Work to Strengthen Laws and Systems	14
Key Developments in the Promotion and Protection of Human Rights	25
Opportunities for NGO Engagement	26
Conferences and events	28
New Resources	29
Case notes on decisions from international human rights bodies - Merits Decisions	30

HUMAN RIGHTS COUNCIL AT 10: CIVIL SOCIETY OUTLINES PLAN FOR HRC TO BECOME MORE PROTECTIVE, EFFECTIVE AND ACCESSIBLE

(Geneva) - At 10 years, the UN's peak human rights body should move to become more accessible to rights holders, more protective for victims of human rights violations, and more effective in holding States and non-State actors to account.

In a [joint civil society paper](#) published on the occasion of the anniversary of the Human Rights Council, 20 leading national, regional and international human rights NGOs outline a series of concrete steps and proposals that would strengthen the impact of the Council's work.

'While the 10th anniversary is an opportunity to take stock of progress, it is first and foremost a critical moment for States to commit to a body that protects and promotes fundamental human rights more effectively,' said Michael Ineichen, ISHR's Human Rights Council Advocacy Director.

'This joint civil society paper provides concrete ideas and steps that States and UN officials can take today, to lay the foundations for a better Human Rights Council for all in the future,' Mr Ineichen said.

Key points

- 20 leading human rights groups set out steps towards a more [accessible, effective and protective](#) Human Rights Council.
- Membership in the Council must be tied to concrete contributions to protecting rights at home and internationally.
- Human Rights Council decisions must move from paper to implementation.
- Chronic and urgent situations of human rights violations must be addressed swiftly and robustly.
- Human rights defenders and civil society must be protected and supported in addressing the UN.
- Institutional tweaks to the Council could increase its impact, strengthen the role of the President, and raise the Status of human rights within the UN.

The civil society paper outlines a broad vision of a Council that directly guides the actions of State and non-state actors, addresses serious rights violations head on, provides space for civil society, and demands better adherence to basic membership standards.

The paper was coordinated by ISHR with the input of leading organisations from all regions, including the Asian Forum for Human Rights and Development (FORUM-ASIA), Conectas, CELS, the East and Horn of Africa Human Rights Defenders Project, and international groups such as Amnesty International and Human Rights Watch.

'The joint civil society paper provides important elements to begin a conversation towards a more effective Human Rights Council.' said R. Iniyan Ilango, UN Advocacy Programme Manager at [FORUM-ASIA](#).

'To succeed such conversations will have to genuinely focus on strengthening the human rights pillar of the UN and equally include voices of diverse actors from both the global South and North,' Mr Ilango said.

Putting a price on Council membership

Among the proposals to increase the body's effectiveness are a range of steps to enhance the membership of the Council, such as a pledge by electing States to genuinely consider factors such as a candidates State's progress in protecting human rights, decisively implementing international recommendations, and cooperating fully and in good faith with the Council and its expert mechanisms.

Recent elections to the Human Rights Council in 2015 were criticised by human rights groups on the basis that they were not sufficiently open and competitive and that political considerations trumped human rights concerns for many states in exercising their votes.

Enhancing civil society input and impact on the Council

Ending threats and attacks against human rights defenders in retaliation for their cooperation with the Council is among the key recommendations contained in the paper, as is increasing both physical space and remote participation opportunities for national level civil society.

'The distance between the Council and local societies in different countries is worrying, and is also a consequence of the limited dissemination of what States are discussing in Geneva,' said Camila Asano, Foreign Policy Coordinator of Conectas Human Rights in Brazil.

'Sadly, many national civil society groups struggle to find out their own country's position at the Council. States must commit themselves to increase the accountability on foreign policy and create mechanisms for access to information and social participation while building the positions to be taken in Geneva.' Ms Asano said.

Stepping up implementation of Council decisions

A weakness in the Council's work is the lack of implementation of its decisions by States, the paper says. An increase in financial resources for the Office of the High Commissioner for Human Rights and the Council's human rights experts, along with the consistent use of benchmarks in Human Rights Council resolutions to measure progress towards implementation, are highlighted in the paper as key steps to remedy weaknesses.

'The Council should serve as a catalyst for the struggles of local social actors,' said Gabriela Kletzel, Director of the International Team at the Centro de Estudios Legales y Sociales (CELS) in Argentina.

'Shortening the distance between on-the-ground realities and discussions in Geneva would not only strengthen implementation, but also enable the Council to address human rights violations in a more timely way,' Ms Kletzel said.

Addressing urgent human rights situations and preventing human rights crises

Among the longstanding critiques of the Human Rights Council is the lack of swift and decisive responses in situations of chronic or emerging human rights violations.

'The Council must act to address human rights situations, including gross and systematic violations, impartially, objectively and without selectivity. While the Council has brought global attention to a number of significant human rights violations, and put in place mechanisms to ensure continued scrutiny, challenges remain, many situations are unaddressed, and all too often politics trump human rights,' said John Fisher, Geneva Director with Human Rights Watch.

To this end, the civil society paper calls on principled States to come together to develop and implement a joint pledge to request a special session of the Council, or to commence work on a situation- or country-specific initiative, in situations that meet a certain threshold, or are referred to the Council by independent actors. Such triggers could include, for example:

- the High Commissioner for Human Rights suggesting Council action;
- a group of four or more Special Procedures mandate holders suggesting Council action;
- relevant regional mechanisms flagging a situation as requiring the Council's attention;
- the General Assembly or the Security Council flagging a situation as requiring the Council's attention; or
- a group comprising a State's A-status NHRI, together with three or more ECOSOC-accredited NGOs, suggesting Council action.

Implemented effectively, such an initiative could substantially strengthen the Council's ability and track record when it comes to fulfilling its own mandate to contribute to the 'prevention of human rights violations and respond promptly to human rights emergencies,' Mr Ineichen said.

The civil society paper will be formally launched at forthcoming high-level events in Geneva and New York.

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Opinion

WOMEN HUMAN RIGHTS DEFENDERS AND THE PARALLEL WORLDS OF THE UN

By Mari Claire Price, Interim Coordinator for the [Women Human Rights Defenders International Coalition](#), a local network that supports and protects women human rights defenders worldwide in their defence of human rights.

In recent years the world has witnessed a significant escalation in attacks against human rights defenders (HRDs), by both state and non-state actors, in particular attacks against Women Human Rights Defenders (WHRDs), who are at increased risk of gender-based threats, violence, imprisonment and killings.

On 3 March 2016, prominent WHRD and General Coordinator of the [Civic Council of Popular and Indigenous Organisations of Honduras](#) (COPINH) Berta Cáceres [was murdered](#), following years of death threats and harassment for her work on the rights of the Lenca indigenous peoples and against the construction of a hydroelectric project, Agua Zarca, by the Honduran company Desarrollos Energéticos S.A. (DESA).

A few weeks later, whilst the 60th session of the Commission on the Status of Women was taking place, prominent WHRD [Zainab AlKhawaja](#), a Bahraini human rights activist, was arrested on charges related to tearing up a picture of the King and was detained with her 15-month-old baby.

In Egypt, as part of a rise in the targeting of civil society organisations by the Government, including smear campaigns, travel bans and the freezing of organization's assets and closure orders, on 29 March 2016, Mozn Hassan, Founder and Executive Director of [Nazra for Feminist Studies](#), was officially summoned to an interrogation before the investigative judge of the NGO Foreign Funding Case (Case 173), and the interrogation was postponed. Mozn is the first person from those active in civil society to be interrogated and have official charges directed at her in relation to this, and the first feminist in decades to be interrogated about her feminist activism in Egypt.

In recent years, some great progress has been made within the UN system regarding the recognition, protection and rights of WHRDs, including the adoption of the [first-ever resolution on WHRDs](#) by the UNGA Third Committee in 2013, the work of the [Special Rapporteur on the situation of human rights defenders](#) since 2000, and the outcome of the 57th session of the Commission on the Status of Women in 2013, [which saw for the first time](#) in the Commission's history, the recognition of WHRDs.

The lack of consistency throughout the UN system on the recognition and protection of WHRDs, and the unwillingness of some member states to build on these historic achievements and previous agreements adopted through consensus, that we have so far witnessed in 2016, is shocking. Worse, it is endangering the lives of thousands of WHRDs around the world.

At the recent 60th CSW that took place in New York from 14 to 24 March 2016, various member states and civil society organisations called for the recognition of WHRDs as agents of change and to highlight the important role they carry out in exposing violations. In addition, they called for a renewed commitment to their protection and participation in decision making, and the creation of safe and enabling environments that allow them to carry out their work free from harassment, violence, legal targeting and systemic persecution from the state. Civil society organisations also called for increased, flexible and timely funding and resources for WHRDs and to recognise and address the shrinking spaces for them and their activism. This included a [call from Bertha Zúñiga Cáceres](#), daughter of Berta Cáceres, who delivered an oral intervention during the CSW plenary.

Despite this call to build on previous commitments, the single, watered-down reference to WHRDs in the 60th CSW [agreed conclusions](#) merely welcomes the 'major contributions' of WHRDs. Given the Commission's mandate as the intergovernmental body dedicated to the promotion of gender equality and the empowerment of women, as well as the theme of the 60th session being 'Women's Empowerment and its link to Sustainable Development', this grossly inadequate reference undermines the progress made in recent years through the Commission. Following the outcome, a number of organisations [have called for urgent progress](#) to be made on recognizing WHRDs in the Commission on the Status of Women.

During the week that the CSW text was being negotiated, across the Atlantic in Geneva the UN Human Rights Council adopted, not by consensus, but by a vote of 33 Member States to 6 against (with 8 abstaining), [a landmark resolution](#) on the protection of HRDs working to promote economic, social and cultural rights, that identifies them as agents of change and mandates their protection. The adoption of the resolution, led by Norway and sponsored by 60 states from all regions, was strongly supported

by a number of civil society organisations globally, and a number of [attempts to weaken](#) the resolution were thwarted.

Despite the building momentum and commitment to their recognition and protection over the past few years, WHRDs were not recognized in the UN Agenda 2030 and Sustainable Development Goals, [despite calls](#) from many civil society actors, including the UN Women's Major Group, to recognise the particular risks and situations faced by WHRDs, and to develop effective and gender-sensitive responses to violence against them.

It is illogical and dangerous to assume that either sustainable development or women's empowerment can even begin to happen without the recognition, protection and continued work of those at the center of these efforts, such as WHRDs working on environmental justice, economic justice, sexual and reproductive rights, LGBTQI rights, the human rights of women and girls, and various economic, social and cultural rights.

Furthermore, the unconscionable threats and mortal risks WHRDs face and the consistent impunity their human rights violators enjoy, must change. Women Human Rights Defenders, civil society organisations, feminist movements, many member states and parts of the UN system are committed to WHRDs. We will continue to support, advocate for and speak up, until member states and others opposed to the recognition and protection of WHRDs, catch up.

WOMEN'S RIGHTS ARE HUMAN RIGHTS: ENHANCING THE PARTICIPATION OF NATIONAL HUMAN RIGHTS INSTITUTIONS IN THE COMMISSION ON THE STATUS OF WOMEN

By Penny Morton, First Secretary, Australian Permanent Mission to the UN in New York

(New York) - Australia warmly welcomes a significant step forward in the promotion of human rights by UN institutions. In March this year, the Commission on the Status of Women (CSW) became the first UN mechanism to implement a [landmark General Assembly resolution](#) on 'National institutions for the promotion and protection of human rights' (A/RES/70/163). This resolution calls on the UN to enhance the participation of national human rights institutions (NHRI) in relevant UN mechanisms and processes.

Currently, NHRIs can only participate in CSW as members of their government delegation, as the [Australian Human Rights Commission](#) (AHRC) has done since 2001, or participate as NGOs. This limits the participation of NHRIs before CSW, introduces inconsistencies between Geneva and New York, and misses the point that women's rights are human rights.

The promotion and protection of human rights is fundamental to the realisation of the Beijing Declaration and Platform for Action, which forms the basis for the CSW's work on gender equality and women's empowerment.

The result of the work at CSW this year was therefore extremely positive, with a standalone reference to NHRIs secured in the Agreed Conclusions. States decided to encourage the CSW Secretariat to consider how it could enhance the participation of NHRIs, including at its next session in 2017.

While Australia and other Member States have supported a number of General Assembly resolutions on NHRI participation at the UN, the General Assembly's November 2015 resolution (A/RES/70/163) went further.

The GA resolution was adopted by consensus and co-sponsored by almost 100 States. It not only welcomed the increasingly important role NHRIs play in the promotion and protection of human rights, but required specific UN mechanisms to take action. These mechanisms include: the CSW; the Conference of States Parties to the Convention on the Rights of Persons with Disabilities; the Open-ended Working Group on Ageing; and the 2030 Agenda for Sustainable Development, including its high-level political forum.

At CSW, Australia, with the support of a number of states, took the lead in presenting the case for enhanced participation of NHRIs. In our country statement, we highlighted specific contributions made by NHRIs to improving gender equality and the empowerment of women and girls and called on CSW to enhance the role of NHRIs. Australia also co-hosted a side event with Morocco, Chile and Germany, the Australian Human Rights Commission, and Asia Pacific Forum of National Human Rights Institutions (itself a coalition of 22 NHRIs from all corners of the Asia Pacific region). The side event demonstrated that NHRIs provide an independent and invaluable voice to national dialogues aimed at the implementation of international standards and commitments to human rights. Representatives from a range of NHRIs, including Australia, the Philippines, Morocco and Denmark, demonstrated the collective value of NHRI contributions to UN mechanisms and processes.

During CSW deliberations, the Australian delegation provided compelling evidence showing how the AHRC has progressed the normative work of the CSW. The AHRC has a dedicated Sex Discrimination Commissioner, whose work has proven critical to promoting gender equality. The Commissioner has worked to eliminate discrimination and sexual harassment, particularly in the workforce. Together, the AHRC and Sex Discrimination Commissioner have conducted a comprehensive review into women's experiences of discrimination related to pregnancy, parental leave and returning to work. This work has underscored the prevalence, nature and consequences of discrimination and contributed in a substantive way to the national conversation on identifying and providing effective responses.

Australia's advocacy in New York reflects our leadership as the main sponsor of the parallel resolution on NHRIs in the Human Rights Council in Geneva. For many years, the HRC resolution has urged the General Assembly to explore the feasibility of enabling greater participation by NHRIs in New York, including before CSW. We are pleased this work is beginning to pay dividends. If elected as a [member of the HRC for the term 2018-20](#), Australia would look to boost our already strong engagement with NHRIs, including when we present the next HRC resolution in September 2016. We aim to further the promotion and protection of human rights and enhance the impact of NHRIs on the ground.

The outcome from the CSW bodes well for other UN mechanisms and processes. This includes those listed in the General Assembly resolution, the next of which is the Conference of States Parties to the Convention on the Rights of Persons with Disabilities in June. This also includes other UN mechanisms and processes, including the 14th session of the Permanent Forum on Indigenous Issues in May, which would also benefit from greater NHRI participation.

Australia strongly believes in the important contributions that can be made through the independent participation of NHRIs in UN mechanisms and processes. The outcome is a significant achievement and our permanent missions in New York and Geneva will continue to advocate enhanced NHRI participation across the UN system.

PROTECTING RURAL WOMEN HUMAN RIGHTS DEFENDERS

By Mayra Gomez, Co-Executive Director of the Global Initiative for Economic, Social and Cultural Rights

(Geneva) – Rural women across the world remain amongst the most marginalised in terms of exclusion from political and economic power. They often face numerous violations of their human rights as a result of intersectional discrimination, poverty and lack of access to essential services. Yet, many rural women are also at the front lines of human rights advocacy, fighting for a better life for themselves, their families and communities. The obstacles that they face are often formidable, and the issues they raise often put them at risk of violence and abuse.

Last month, on 4 March 2016, the UN Committee on the Elimination of Discrimination Against Women issued its new [General Recommendation No. 34 on the Rights of Rural Women](#). In it, the Committee highlights that 'Rural women human rights defenders are often at risk of violence when working, for example, to protect victims, transform local customs or secure natural resource rights.'

Rural women's activism when it comes to land rights is an especially illustrative example. Land grabbing, unfair land distribution, development projects, environmental degradation, extractive industries, and climate change have all placed increased stress on many rural communities. In many cases, increasing contestation around land has resulted in mass displacement, which has particularly detrimental impacts for rural women. Rural women have been at the forefront of many of the efforts to resist unfair demands to concede their lands, and many have met with extreme and sometime even fatal violence.

Most recently, we have seen the tragic killing in Honduras [of environmental and indigenous rights advocate Berta Cáceres](#), who on the same day that the General Recommendation was released was found shot dead inside the home where she lived in La Esperanza. But hers is the latest in what globally has been an upsurge in violence against land rights activists, many of whom are rural women. In fact, in their report '[Deadly Environment](#)', Global Witness had previously warned that such violence was surging. The cases we see around the world have a striking similarity: on 19 October 2012, indigenous anti-mining activist [Juvy Capion](#) and her two young sons were shot dead by soldiers of the 27th Infantry Battalion in the Philippines. In Thailand, on 19 November 2012, activists [Montha Chukaew and Pranee Boonrat](#) were shot and killed for their work campaigning for the right to agricultural land. In Brazil, in August 2015, community leader [Maria das Dores Salvador Priante](#), was kidnapped, tortured and murdered as a result of her land rights advocacy. The list goes on.

General Recommendation No. 34 not only highlights the problem, it also provides that States parties are obligated to '[i]mplement measures to prevent and address threats and attacks against rural women human rights defenders, with particular attention to those engaged on issues related to land and natural resources; women's health, including sexual and reproductive rights; elimination of discriminatory customs and practices; and gender-based violence.' This new standard can be used by rural women human rights defenders and others to hold governments accountable for failing to protect them from violence, harassment and abuse. It also highlights that such efforts must be in line with two of the Committee's previous General Recommendations: [No. 19 on violence against women](#) and [No. 33 on access to justice](#).

The UN Committee on the Elimination of Discrimination against Women is a body of independent experts mandated to provide guidance and assess compliance with the International Convention on the Elimination of all Forms of Discrimination against Women. A General Recommendation adopted by the Committee is recognised as an authoritative statement on the content, scope, application and implementation of rights under the Convention.

Human Rights Defender Profile

Tuisina Ymania Brown is the Technical Director of the Samoa Fa'afafine Association (SFA), a non-governmental organisation (NGO) that represents indigenous lesbian, gay, bisexual, transgender and intersex (LGBTI) citizens of Samoa. Tuisina was recently in Geneva in April 2016, to participate in the Universal Periodic Review (UPR) pre-sessions, ahead of the UPR of Samoa scheduled for May 2016, and caught up with ISHR to talk about SFA's work and her own journey as a human rights defender. We spoke to Tuisina about the start of her journey. She explained that because she was born a Fa'afafine¹ she faced many difficulties in her battle towards gender corrective surgery, and her own recognition as female. This personal mission ultimately shaped her own advocacy and position in human rights, and along the way, she has picked up the fight for the human rights of others while fighting for her own rights.

The never-ending struggle

This year was the first time Tuisina was involved in the UPR process, and more broadly, in an international forum to present and share what her organisation feel is a fair representation of the rights of Fa'afafine and Fa'afatama in Samoa. Tuisina describes her journey as an activist as 'a never-ending struggle' because new issues constantly arise:

'Actually these new issues are basically old issues masqueraded, disguised, as new issues.'

But, she acknowledges that 'as long as some Governments and people continue to discriminate, and oppress, and maim, even kill others because of their own prejudices, and ignorance bigotry, the struggle will go on'.

Religion and culture: Weapons against LGBTI rights

Tuisina tries to explain the complexity of the situation in Samoa regarding LGBTI issues: because the population is predominantly Christian, over the years the Government has tried to use religious conformity to rationalise the restriction of the human rights of Fa'afafine and Fa'afatama. It has also somewhat successfully mixed culture and religion to frame the denial of indigenous LGBTI citizens' rights.

But with the current UPR and UPR Pre-Sessions process, Samoa is again thrust under the UN spotlight and the world is watching.

Being under the UN spotlight has resulted in an increasing number of NGOs and Governments questioning Samoa's human rights record. In 2011, Samoa received 4 recommendations concerning sexual orientation and gender identity by Canada, France, Norway and the US. All four proposed were rejected by Samoa.

'With NGOs and Governments coming in and telling it as it is, this will hopefully help change the situation on the ground'

¹ A recognised identity since at least the early 20th century in Samoan society, and some theorise an integral part of traditional Samoan culture. Fa'afafine are male at birth, while Fa'afatama are female at birth. Both Fa'afafine and Fa'afatama explicitly embody masculine and feminine gender traits. Some Fa'afafine identify as gay males, while some identify as trans-gender women. Some Fa'afatama identify as lesbians, while a few identify as transgender men.

The Good

When talking about the successes that Tuisina has witnessed throughout her journey, the decriminalisation of 'female impersonation' is a victory, especially for Fa'afafine and Fa'afatama as this was a former crime with a prison sentence attached and the decriminalisation of homosexuality under the new Crimes Act 2013.

Also the inclusion of sexual orientation in anti-discrimination provisions in employment legislation:

'It is a massive issue but it is not enough as and we are here to continue to fight for gender identity to be included also'

SFA also managed to become an official member of the newly established Samoan National Human Rights Institution, under the umbrella of the Office of the Ombudsman of Samoa, which represents an important win for SFA.

The Bad

Even though successes need to be acknowledged, some major challenges remain - such as the lack of inclusion of the rights of LGBTI people in Samoan legislation.

In August 2015 the Government released the 'State of Human Rights in Samoa' report, which contained some interesting truths, but disappointingly there was no mention of the rights of indigenous LGBTI people.

'Fa'afafine and Fa'afatama were left out, white washed, swept under and excluded from the State of Human Rights in Samoa Report of 2015'.

By participating in the UPR pre-session, Tuisina hopes she can achieve some form of impact on the permanent missions and representatives in Geneva during Samoa's UPR. Including that some recommendations are made to Samoa to address the imbalance in the human rights of Fa'afafine and Fa'afatama people.

Even though Tuisina was the only NGO representative from Samoa attending the pre-session, Tuisina believes that the time has come for the Government to consider providing some form of funding to assist the participation of human rights defenders in international fora such as the UPR.

The Personal

On a personal note, Tuisina shares her disappointment regarding the Government's approach towards gender identity. She explains that despite the gender binary approach entrenched in legislation, four genders culturally exist in Samoa – Male, Female, Fa'afafine and Fa'afatama.

Tuisina notes that legal recognition only exists for males and females, while Fa'afafine and Fa'afatama are forced to keep their gender assigned at birth - even though there is widespread cultural and familial acceptance.

'The Government classifies the citizens of Samoa under two genders, according to the binary model. But culturally there are four genders. Fa'afafine and Fa'afatamas are accepted, in addition to male and female. If we are culturally accepted, why is it so hard to include us in legislation?'

And herein lies the dichotomy at the heart of the indigenous LGBTI population's struggle - the use of religion and the bible to delegitimise indigenous LGBTI citizens of Samoa, including the inability of those citizens to change the gender on their identification documents including birth certificates.

The Future

Despite these challenges, Tuisina remains positively focused on her goals for the next few years. This includes advocating for law reform in Samoa to incorporate language on sexual orientation and gender identity into the Constitution. Tuisina also hopes to see Fa'afafine identifying people being able to change their gender on both their birth certificates and ID, and adopt children, and maybe one day, be represented in the Parliament of the Independent State of Samoa.

'If we achieve legal reform regarding sexual orientation and gender identity in my lifetime that would be a victory!'

Our Work to Support Human Rights Defenders

PRESTIGIOUS HUMAN RIGHTS DEFENDER AWARD SHINES LIGHT ON CHINA, ETHIOPIA AND SYRIA

(Geneva) – Prominent human rights defenders from China, Ethiopia and Syria have been honoured for their courageous work in the face of great personal risk, with the announcement of the Final Nominees for the Martin Ennals Award 2016.

Ilham Tohti, a scholar imprisoned for life by Chinese authorities in connection with his advocacy for minority rights, the Zone 9 bloggers, social media activists charged with terrorism related offences in Ethiopia for exercising their right to freedom of expression online, and Razan Zaitouneh, a lawyer abducted and disappeared in Syria for her work to document violations and promote accountability, were short-listed for the prestigious award by a jury comprised of representatives of leading international human rights NGOs.

'The work of each of the final nominees is representative of the courageous work of so many human rights defenders to champion the rights of victims and the vulnerable, to document and expose violations, and to promote accountability for perpetrators,' said ISHR Director and Martin Ennals Jury member Phil Lynch.

'The situation of each of the final nominees - criminalised, imprisoned, disappeared or exiled for their work - is also representative of the grave risks facing so many human rights defenders around the world. Like so many defenders, each of the final nominees has paid an unacceptable cost for challenging authoritarianism, and for speaking out for good governance, human rights and the rule of law.'

The Martin Ennals Award seeks to honour defenders' courageous work and shine a light on their precarious situation.

Zone 9 Bloggers

Kality prison in Ethiopia, which holds many journalists and political prisoners, has 8 zones. Zone 9 selected their name as a symbol for Ethiopia as a whole where political freedoms are severely restricted. They write opinion pieces and feature articles that focus on the constitution, economic, educational and cultural issues. They document human rights abuses and violations of law by both state and non-state actors. Furthermore, they shed light on the situation of political prisoners in Ethiopia. Two weeks after creating their blog, it was blocked. Two years later six of its members were arrested and charged with terrorism. Although they have now been released, three are in exile while those still in Ethiopia are banned from travel.

They stated: 'We are extremely humbled to be nominated for the Martin Ennals Award. This recognition raises our visibility enough to increase our safety, and also shows that the World is the home of the same family. It is proof that when one part of the world is silenced, the rest will speak on behalf of it. This recognition will definitely motivate us to push forward on our struggle to create a better Ethiopia where human rights are respected.'

Ilham Tohti

A renowned Uyghur intellectual in China, he has worked for two decades to foster dialogue and understanding between Uyghurs and Han Chinese. He has rejected separatism and sought reconciliation based on a respect for Uyghur culture. Beginning in 1994, he began to write about problems and abuses in Xinjiang, which led to official surveillance. From 1999 to 2003 he was barred from teaching, and arrested in 2009 after posting information on Uyghurs who had been arrested, disappeared or killed during and after protests. Ilham Tohti was arrested on 15 January 2014. He was charged with separatism and sentenced to life imprisonment after a two-day trial.

According to his daughter, 'My father Ilham Tohti has used only one weapon in his struggle for the basic rights of the Uyghurs of Xinjiang: Words. Spoken, written, distributed, and posted. This is all he has ever had at his disposal, and all that he has ever needed. And this is what China found so threatening. A person like him doesn't deserve to be in prison for even a day.'

Razan Zaitouneh

A prominent human rights lawyer, activist, and journalist in Syria, Razan has dedicated her life to defending political prisoners, documenting crimes against humanity, and helping others free themselves from oppression. This resulted in a travel ban in 2002. Following the beginning of the conflict in 2011, she founded the Violations Documentation Center (VDC), which documents the death toll and ill-treatment in Syria's prisons. With the VDC, she compiled lists of the detained, the executed, and the disappeared. On 9 December 2013, a group of masked gunmen stormed the VDC office in Douma, near Damascus, and kidnapped Razan along with her husband, Wael Hamada, and two colleagues. Their whereabouts remain unknown.

Her sister, Rana Zaitouneh said, 'Despite her absence, Razan continues to make an impact, inspiring others to stand against their oppressors in the quest for freedom. Her allegiance is to freedom from oppression and fear. And now her own freedom has been taken. Her voice has been silenced. Razan has always believed that all people are equal. She was determined that no one should be forgotten. I am resolved that she will not be forgotten.'

About the Award

The Martin Ennals Award is conferred annually to highlight the work of human rights defenders and provide protective publicity to defenders at risk. The Martin Ennals Jury comprises representatives of ten of the world's leading international human rights organisations:

- Amnesty International
- EWDE Germany
- Front Line Defenders
- Human Rights First

- Human Rights Watch
- HURIDOCS
- International Commission of Jurists
- International Federation for Human Rights (FIDH)
- International Service for Human Rights (ISHR)
- World Organisation Against Torture (OMCT)

Further information about the Martin Ennals Awards, including biographical information and videos about the Final Nominees, is available [here](#).

The Final Award will be announced at a ceremony in Geneva on 11 October 2016.

PRESIDENT OBAMA: PRESS FOR THE RELEASE OF DETAINED HUMAN RIGHTS DEFENDERS IN GULF REGION

(Geneva) – US President Barack Obama should press for the release of all detained human rights defenders across the Gulf region who are imprisoned solely due to their peaceful and legitimate human rights work when he meets with leaders of the Gulf Cooperation Council on 21 April, ISHR and 10 other leading NGOs said today.

In an [open letter to the President](#), the NGOs said that, 'instead of working with human rights defenders to combat extremism and build tolerant societies, authorities in the GCC countries have jailed dozens of them, in some cases for life, simply for exercising their right and duty to promote and protect human rights.'

Among other cases highlighted in the letter, the NGOs urge President Obama to press for leaders and authorities in Gulf States to:

Release human rights defenders in Bahrain, including [Zainab](#) and Abdulhadi Al-Khawaja, Dr Abduljalil Al-Singace and Naji Fateel, and ensure their protection from any harassment, torture, and persecution in relation to their peaceful human rights activities;

Release all human rights defenders jailed in Saudi Arabia, including Raif Badawi, Walid Abu Al-Khair and members of the Saudi Civil and Political Rights Association;

Release all human rights defenders jailed in the United Arab Emirates, including Dr Mohammed Al-Roken and Dr Mohammed Al-Mansoori; netizen Osama Al-Najjar; and Dr Nasser Bin Ghaith;

Free human rights defender Saeed Jadad in Oman, and protect freedom of expression and press freedom, for example by ending the persecution of *Mowaten*; and

Allow human rights organisations to function freely and play a role in civil society in all Gulf countries.

The NGOs signing the letter are:

- Association for Women's Rights in Development (AWID)
- Cairo Institute for Human Rights Studies (CIHRS)

- CIVICUS: World Alliance for Citizen Participation
- FIDH, within the framework of the Observatory for the Protection of Human Rights Defenders
- Front Line Defenders
- Gulf Centre for Human Rights (GCHR)
- Human Rights First
- International Service for Human Rights (ISHR)
- Nazra for Feminist Studies
- Reporters Without Borders (RSF)
- World Organisation Against Torture (OMCT), within the framework of the Observatory for the Protection of Human Rights Defenders

Our Work to Strengthen Laws and Systems

National

CHINA: THREE THINGS TO KNOW ABOUT THE DRAFT NGO LAW

(Geneva) – Despite significant concerns raised by a range of stakeholders over the past year, including ISHR, Chinese lawmakers look ready to adopt [a regressive new law governing the activities of NGOs](#).

If adopted this week, the law would join a slate of restrictive legislation – the National Security Law, Counterterrorism Law and Charity Law – that together mark a [dangerous change in approach](#) to the regulation of civil society, in particular advocacy organisations. Before, there was some conditional tolerance for independent organisations, and some kinds of dissent which the Government permitted as a healthy ‘release valve’. Now, activists argue that the NGO Management Law signifies the end of this uneasy partnership and the beginning of their definition as ‘enemies of the State’.

‘It is very likely that this legislation will interfere significantly and impact negatively on the legitimate activities of civil society,’ said Sarah M. Brooks, ISHR Asia advocate. ‘And this, despite Chinese authorities receiving hundreds of public comments, and advice that the draft law is direct contradiction to international standards.’

This draft, the third and likely final, has not been publicly released. Based on coverage by official Chinese- and English-language media, however, ISHR highlights a few important takeaways:

Small improvements: Some restrictions that appeared in the last draft have been removed. For example, overseas-based NGOs can open more than one office, if their work requires it, and no longer face five-year time limits on registration. Restrictions on recruitment of volunteers have also been dropped. Xinhua has stated, ‘these changes intend to make operating in China easier for legal, friendly overseas NGOs.’ Xinhua reporting has also implied that the definition of ‘NGO’ has been narrowed to [exclude academic and professional institutions](#), but this has not been made explicit.

Ms Brooks said, ‘The draft may have been wrested back by savvier lawmakers who recognise the need for moderation; that would explain some of the positive changes in language. But the fingerprints of

the Ministry of Public Security, which according to some reporting was explicitly [tasked with this job by the State Council](#), are clearer than ever before.’

Significant controls: The trade-off for these operational-level improvements is an extraordinary concession to oversight organs, such as the Ministry of Public Security. Executives in organisations covered by the law can be ‘interviewed’ effectively at will by local enforcement officials. Those organisations that are determined to be engaged in activities that ‘harm national security, subvert state power or split the nation’ risk having their activities stopped and being added to a blacklist.

The UN Special Rapporteur on Freedom of Association and Peaceful Assembly, Maina Kiai, along with rapporteurs on freedom of expression and human rights defenders, submitted [a letter to the Chinese authorities](#) on 16 April 2015. This clearly articulated concerns about ‘the compromising effect of several provisions of this draft Law on... [civil society organisations]’ ability to conduct their activities freely and without undue interference from the State.’

This is supported by Maina Kiai’s work to elaborate [best practices in protecting the rights of civil society organisations](#), including a prohibition on requiring the submission of work plans to government officials and on state actions to sanction organisations with suspension or dissolution.

Glaring gaps: Of course, as with many other legal provisions listing such illegal activities, what constitutes such behaviour remains ill-defined, and the determination of legality is at the discretion of those same security authorities. There are no clear mechanisms for appeal or disclosure of that decision-making process. In other words, organisations seen to challenge the Party line might risk having their work undercut from one day to the next, creating an additional level of instability for organisations in an already challenging sector.

The [official response to the letter from the UN experts](#) notes that the law is ‘a specific demonstration of China’s strategic deployment of “running the country according to law”, outlines the process for public consultations, and justifies the use of public security offices based on ‘positive experience abroad’. The aim, the response argues, is to ensure that in exchange for protection of these ‘legitimate rights’, overseas NGOs must not ‘undermine the unity of the country, [harm] national security and ethnic solidarity... harm China’s national interest, social public interests and the legitimate rights of other organisations and citizens.’

So where is the outrage?

A number of countries have raised this issue directly with China, in the Human Rights Council and in bilateral dialogues and public statements. The US, Canada, UK, EU and others have noted issues with [the sweeping nature of the law](#) and called for the law to be scrapped entirely. The [UN High Commissioner for Human Rights](#) raised concerns about the impact of the law on 16 February, noting in a wide-ranging press release on the situation of human rights in China that:

‘...more and more governments around the world are using national security measures to restrict rights... and as a tool to target human rights defenders.’

Contrary to expectations, many defenders in the country have remained subdued in light of this week’s news. For them, this has become business as usual. With so much pressure already put on civil society, small edits to the law are not seen as a meaningful response to their fundamental concerns. NGO workers will still see their relationships with international NGOs cut off, and human rights activists will

see the clamp down continue on human rights lawyers like those from the 709 crackdown; leaders of house churches and other Christian communities; and labour and housing rights activists.

As one overseas NGO has noted, the authorities seem to be enforcing the law as they wish – even while still in draft form. They point to Swedish NGO worker Peter Dahlin as one of the first victims of the repressive legislation.

Another activist put it more simply: ‘From the day it enters the national legal framework, this law will allow the state to violate human rights “in accordance with law”.’

CAMBODIA: SERIOUS SHORCOMMINGS IN TRADE UNION LAW DEMAND INTERNATIONAL RESPONSE

(Geneva) – Despite coming under scrutiny each year by the Human Rights Council, Cambodia has been a case example of the use of restrictive laws to shut down civil society space and criminalise the activities of defenders, said ISHR today. The most recent blow came on 4 April, with the adoption by the National Assembly of a highly problematic trade union law. Lawmakers have indicated the Senate will vote on the law on Tuesday 19 April.

The [ILO diplomatically noted](#) that the law, as adopted, fails to cover key constituents – civil servants, teachers, and domestic workers – and ignores the extensive, tripartite and transparent consultations that would have been critical to its success.

Other stakeholders have been more blunt.

In an [open letter to brands](#) dated 22 March, the Clean Clothes Campaign and ten Cambodian unions and human rights organisations raised concerns about infringements on freedom of association. They urged major European brands to make compliance with international standards a condition for sourcing in the country. [Human Rights Watch](#) has been quoted in media reports as saying the law present ‘a further downward slide for labor rights in Cambodia.’

On 30 March, the Office of the UN High Commissioner for Human Rights in Phnom Penh released its own [analysis of the draft law](#), emphasising issues with ‘vague or unclear’ provisions and the authoritative role given to the Ministry in charge of labour. The analysis noted that its late publication stems from ‘[the OHCHR’s] own exclusion from the consultation process.’

The UN Special Rapporteur on Cambodia traveled to the country from 21-31 March, and at the end of her mission released a lengthy statement highlighting the need for [more work to combat discrimination against women](#) and indigenous peoples. Regrettably, the report merely said that the imminent law was ‘causing concern’, rather than clearly spelling out its lack of compliance with international human rights standards. This missed an opportunity for important intervention at a critical time.

Says Sarah M Brooks, ISHR’s Asia advocate, ‘Cambodia’s willingness to overlook, or even downplay, international concerns has been present for years. The Law on Associations and NGOs, adopted last year, was indicative of that. The [continued downward trajectory](#) and sidelining of civil society in the policymaking process raise real concerns about the situation for human rights defenders in Cambodia.’

‘The involvement of defenders and civil society in the drafting and implementation of legislation is critical; instead, in Cambodia, they face [intimidation and harassment](#), including from judicial

authorities. In this context, we would have liked to see a UN full-court press to prevent passage of this law without further consultation’.

NGOs and media have also reported that demonstrations against the passage of the law were [dispersed with force](#) by public authorities on Monday, resulting in injuries to some protestors. Given [UN expert concerns about similar violence in the context of demonstrations](#) in the past, a public and unequivocal reminder to the Cambodian Government about their obligation to respect the right to peaceful assembly may have helped.

If the UN has been hesitant to react publicly to the law’s passage, the private sector has largely reinforced the calls of global unions and civil society. The Ethical Trade Initiative, a multi-stakeholder group, [responded promptly to the adoption of the law](#), noting that it ‘falls short’ on range of key issues, including on the right to strike.

‘In past years, international brands spoke out against repressive action to disperse striking workers, and called for a sustainable solution,’ says Ms Brooks. ‘Now again we see some [global brands](#), including [H&M](#), emphasising the importance of legislation that aligns with international standards and that is drafted in a transparent and consultative manner.’

Corporations and human rights defenders alike have a shared interest in an operating environment which respects the rights to freedom of expression, association, assembly and public participation, which promotes transparency and access to information, and which upholds the rule of law.

‘There is great potential for the private sector to have a positive impact on the legal environment for civil society in Cambodia, and we call on more multinational corporations to follow this lead.’

International

COMMISSION ON THE STATUS OF WOMEN: PROGRESS URGENTLY NEEDED TO RECOGNISE WOMEN HUMAN RIGHTS DEFENDERS AND SEXUAL ORIENTATION AND GENDER IDENTITY

(New York) – Despite mounting evidence of targeted violence against women human rights defenders, particularly those working on development issues, the Commission on the Status of Women (CSW) failed at ensuring their adequate protection, ISHR has said.

Just days before the CSW met in New York, the murder of Honduran activist, [Berta Caceres](#), made evident the high risks involved in protecting land and environment rights while confronting corporations.

The CSW is the principal global intergovernmental body exclusively dedicated to the promotion of gender equality and women’s rights. Its 60th session this year focused on women’s empowerment and its link to sustainable development.

Better recognition and protection essential for women human rights defenders

In their [Agreed Conclusions](#), States acknowledged the major contribution of women human rights defenders and the importance of States engaging with them in the implementation of Agenda 2030 (the Sustainable Development Goals) and the Beijing Platform for Action.

‘The role and contribution of WHRDs around the world in human rights and development policies and programmes must be a guarantee by all States,’ said Ms Pooja Patel, programme manager at ISHR. ‘It is disappointing that the Agreed Conclusions did not go further to call for a safe and enabling environment explicitly for women defenders, and that the text was adopted without any acknowledgement of the particular risks faced by women human rights defenders,’ she added.

The UN General Assembly resolution [68/181](#), adopted in 2013, outlines a series of steps for States to better protect women defenders. This was echoed by CSW in 2014, however, negotiations in subsequent years have seen such references taken out.

Noelene Nabulivou, Political Adviser, DIVA for Equality Fiji; DAWN Associate, who spoke on [a panel on the role of women human rights defenders](#) held during CSW noted, ‘The 60th Commission on the Status of Women missed another opportunity to adequately support and defend women human rights defenders, despite increased public calls and momentum this year,’

She added that ‘these Agreed Conclusions insufficiently engage with current realities of corporatisation of development, where transnational corporations and international financial institutions create dangerous and extractive maldevelopment conditions, while too many governments look away, or actively participate. Women human rights defenders are targeted, imprisoned and killed for their work every day. Soft language and fence sitting do not help. Governments must publicly stand with those at the dangerous front-lines of gender equality, women's human rights, and economic, ecological and social justice, and clearly reject those rolling back decades-long gains. Where there is violation of the human rights of WHRDs there must be clear political response - from south, north and all between.’

In her [closing remarks to CSW](#), Executive Director of UN Women, Phumzile Mlambo-Ngcuka, noted how the UN body was appreciative of ‘the understanding of the challenges faced by women human rights defenders’ reflected in the text.

By contrast, ISHR's Pooja Patel said, ‘Disappointingly, UN Women’s zero draft of the Agreed Conclusions, which provided the basis for CSW to start negotiations, did not contain any reference to the legitimacy and value of the work of women defenders. This is puzzling, given that the body has been encouraged by General Assembly resolution 68/181 “to address the situation of human rights defenders, including women human rights defenders, in their work”,’ said Ms Patel.

‘We strongly encourage UN Women to ensure that the protection needs of women human rights defenders are considered a priority in their work with States in the multilateral as well as bilateral sense.’

Sexual Orientation and Gender Identity

The Agreed Conclusions also fails to recognise acts of violence and discrimination against individuals based on their sexual orientation and gender identity. States opposed even an expression of ‘grave concern at acts of violence and discrimination, in all regions of the world, committed against individuals because of their sexual orientation and gender identity’, which would have brought the text in line with standards at the Human Rights Council.

Several States including Canada, Colombia, Finland, Mexico and US did express concern at the exclusion of this language but this was not enough to meet push back from others including the Holy See.

'All women have the right to live free from violence and discrimination, including on the basis of one's sexual orientation and gender identity or expression,' said Ms Patel.

National Human Rights Institutions

Meanwhile, positive outcomes related to the participation of national human rights institutions provided new opportunities for engagement of stakeholders. CSW encouraged its Secretariat to consider how to enhance the participation of A-status NHRIs in its proceedings, as soon as its next session. At its 70th session in 2015, the [General Assembly adopted a landmark resolution on NHRIs](#) encouraging a number of UN mechanisms and processes, including the CSW, to ensure enhanced participation of NHRIs in their proceedings.

Commenting on this outcome, Pip Dargan, Gender Focal Point, for the Asia-Pacific Forum for National Human Rights Institutions noted that this was 'a significant step' and that NHRIs 'look forward to further discussions with States and UN Women in the lead up to CSW 61 on measures to enable that participation'.

COUNTER-TERRORISM: EGYPTIAN-LED RESOLUTION SENDS WRONG MESSAGE AT WRONG TIME

(Geneva) – A new counter-terrorism resolution adopted by the Human Rights Council is not a green light for states to widen the scope of law and policies to target and shut down civil society space in the name of preventing terrorist activity. States must ensure full consideration and respect for international human rights laws when adopting measures to combat terrorist groups and engage with NGOs and human rights defenders who have a key role in preventing violent extremism.

Introduced by Egypt, and co-sponsored by states including Algeria and Saudi Arabia – states often leading the hostile global crackdown on civil society space and human rights defenders – UN resolution [A/HRC/31/L.13/Rev.1](#) 'The effects of terrorism on the enjoyment of all human rights' was **adopted** on the final sitting day of the 31st session of the Council, with 28 states voting in favor and 14 voting against, with 5 states abstaining.

The resolution has been [critiqued by leading NGOs such as ARTICLE 19](#) as 'providing potential justification for abusive "counter-terrorism" measures'. The resolution 'fails to meet the needs of the victims of terrorism, and instead instrumentalises their suffering to distract international scrutiny from the deteriorating human rights situation in Egypt and elsewhere,' ARTICLE 19 said in a statement.

Sending the wrong message...

Several states challenged the text, scope, and ambit of the resolution, in the context of statements confirming that they would vote against the resolution.

The Netherlands (on behalf of the European Union) said that the resolution failed to recognise the distinction between how a state deals with the threat of terrorism as a party to international human rights laws and terrorists acting as individuals who ought be punished according to the criminal law. This statement also critiqued the resolution's focus on the right to life and security of person, saying

that such a narrow focus does not accurately reflect the importance of respecting all human rights when states combat terrorism.

South Africa pointed out that the resolution fails to adequately identify the difference between foreign fighters and terrorists, on the one hand, and local freedom or national liberation groups engaged in a legitimate and just struggle for self-determination, democracy and the rule of law, on the other – illustrating that even today, historic anti-apartheid groups are still listed as terrorist groups and this same fate must not befall future groups engaged in a similar struggle.

Mexico identified the remit of the Council to protect and promote all human rights, meaning the new resolution sat outside its remit, calling on a combined effort of all states parties: ‘although the fight against terrorism is paramount for all states today, we need to find convergence and not divergence as a means to respond to terrorism.’

Ecuador, although supporting the aims of the text in the main, disassociated with aspects that it believed could condone or justify harm to innocent victims, as collateral damage in the fight against terrorism, undermining individual’s fundamental human rights.

Belgium delivered its important statement only minutes before a Council vote on the proposed resolution, sincerely thanking the international community for its support and solidarity following the [22 March terror attacks](#) that killed at least 32 innocent people and injured 340 more from over 49 nationalities. However – it also sent a powerful message urging states not to support the resolution:

‘[w]e cannot be guided by fear, quite the opposite; our responsibility is to pursue a framework that preserves our values. We are convinced that the fight against terrorism, even in the most tragic moments must be undertaken with full respect for human rights and fundamental freedoms ... We have just been victims of a terrorist attack, but we call for you to vote against this text ... this sends the wrong message of the way in which we should tackle the issues facing us at the moment.

This poignant reminder fell largely on deaf ears of member states as the resolution passed.

...At the wrong time

Terrorism must, in all its forms, be denounced, dealt with and prevented. It brings untold horror, disaster and tragedy. It knows no moral or civil borders or boundaries. It operates without a care or concern for the countless numbers of innocent lives harmed and taken along the way.

But reactive counter-terrorism steps such as this resolution can also send the wrong message at the wrong time. Aggressive counter-terrorism responses can, although fleetingly appealing, erode public confidence in, and the legitimacy of, governments and public authorities, who advance policies and measures that either inadvertently restrict, or are incorrectly used to undermine the democratic institutions and rule of law – our foundational pillars of strength, at a time they need to be reinforced and used to strike back at the heart of terrorism itself.

A vibrant and healthy civil society combats radicalism and violent ideology and allows pluralistic views to be the subject of debate and public discourse. Where public debate spills over into polarising political voices espousing hate and discrimination, appropriate democratic safeguards must protect underlying values of tolerance and diversity and denounce such abuses of these rights.

Often at the forefront of advancing divergent views, and all too often the first to be wrongly punished for taking a brave and bold position – human rights defenders are a critical component and key tool for states to combat terrorism in all its vicious forms.

The invaluable role of human rights defenders and civil society organisations in countering terrorism

The fundamental role of civil society [and human rights defenders working towards economic, social and cultural rights](#) was, on the same day, confirmed in a separate and historic and warmly welcomed resolution passed by the UN Human Rights Council – a resolution denounced by Egypt as part of a small group of vexatious states who sought to delegitimise the work of defenders and weaken protections for reprisals against them.

[Hostile acts against civil society by the Egyptian Government](#), the main co-sponsor of the counter-terrorism resolution, do not instill international confidence that the space for the legitimate and important activities of civil society will be maintained under counter-terrorism measures and policies that inaccurately cloak human rights abuses with a veil of necessity, safety and security.

Such is the way with the counter-terrorism narrative; it often leads to unwarranted investigation and misdirected scrutiny of credible and legitimate civil society organisations. The UN High Commissioner for Human Rights has [recently called out](#) the increased crackdown on civil society organisations by the Egyptian Government, leading to the closure of at least 20 NGOs on just one day because of alleged links to declared terrorist organisations, going on to say that:

'Egyptian civil society activists should be lauded for their dedicated efforts to promote human rights under such difficult circumstances. Laws that impose undue restrictions on NGO registration and funding – as well as freedom of expression and association – must be amended to create a more tolerant atmosphere.'

A time for human rights defenders and States to unite and lead the fight against global terrorism

States must acknowledge and foster the role of NGOs and civil society organisations and human rights defenders because they both have a stake in the same underlying values promoting good governance, accountability, transparency and facilitating public discourse and discussion on key human rights related issues as a way to ensuring social order, harmony and peace. Their respective roles are interrelated and mutually reinforcing as core working components of a democratic society.

Because of this, the international human rights community must closely appraise each and every time states invoke the mantra of counter-terrorism as a means to justify the ends of security, liberty and peace – and, more importantly, call out activities that 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](#).

ISHR maintains its [previously stated and strong position on this issue](#) and calls on all states to ensure that when considering adopting any anti-terror related laws, all international human rights law standards are primary consideration together with ensuring consultation and engagement with civil society as a part of its process.

CIVIL SOCIETY PARTICIPATES IN HISTORIC INFORMAL DIALOGUES WITH CANDIDATES FOR POST OF UN SECRETARY-GENERAL

(New York) - For the first time in the history of the UN, candidates to the role of UN Secretary General have participated in informal dialogues with Member States ahead of the election. In a significant move, the President of the General Assembly ensured that civil society representatives were also part of this process, acknowledging that civil society are indispensable to transparent, accountable UN processes.

To date, nine candidates have put themselves forward for what the President of the General Assembly Mr Mogens Lykketoft called 'the most difficult interview for the most difficult job in the world'. The majority are from Eastern Europe, a region that has never before had a Secretary General. Four of the nine declared candidates are women, with a number of States and civil society organisations calling for the appointment of the first ever female Secretary General to be appointed. The dialogues mark a significant change in a process that has previously been cloaked in secrecy, including in regard to those standing for the position.

Process of choosing civil society questions

In designing this landmark process, the President of the GA foregrounded the participation of civil society, requesting that the UN's Non-Governmental Liaison Service to facilitate a process enabling civil society to submit questions to be asked to candidates. Over [1000 questions were submitted from over 70 countries](#). A Civil Society Committee then shortlisted 30 questions from which two or three were posed to each candidate.

'ISHR was privileged to be part of the Civil Society Committee convened to select a small number of questions from the many provided by people all over the world. The questions chosen covered a wide range of concerns related to the mandate and functioning of the UN, and included several related to safeguarding the space for civil society globally and at the UN,' said ISHR's New York Office Co-Director Eleanor Openshaw.

For example Indian human rights defender [Celine Paramunda](#) asked candidates about how they would combat the impunity of corporations and individuals who violate the rights of human rights defenders globally. [Jane Alver from YWCA Australia](#) asked how candidates would ensure that civil society participation is valued and not further eroded.

'The inclusion of questions from civil society in this landmark process is a significant acknowledgment of the vital, relevant and indispensable part they play in multilateral fora,' said Ms Openshaw.

During the dialogues, several States, including Japan and the UK, welcomed the inclusion of civil society in the process. The UK's Ambassador to the UN, Matthew Rycroft, included questions coming through on twitter among the questions he posed to candidates.

Visions of candidates

The majority of the candidates spoke of the importance of the participation of civil society in the UN. Both the head of the UN Development Programme, Helen Clark, and former UN High Commissioner for Refugees, Antonio Guterres, spoke of the need for the UN to develop strategic partnerships with civil society. Irina Bokova, the Director-General of UNESCO, spoke of the need to forge 'new partnerships for innovative action' with civil society to build 'a new multilateralism for the 21st century.' Both Dr Srgjan Kerim, former Foreign Minister of Macedonia, and Vuk Jeremic, former Foreign Minister

of Serbia, spoke of their support for civil society during their respective tenures as Presidents of the General Assembly. Mr Jeremic added his opinion that a standard process was required to enable participation at the UN – implying acknowledgement of the current ad hoc, time consuming process of negotiating modalities for civil society participation at UN meetings. Former Slovenian President Danilo Türk noted that, if elected as Secretary General, he would hold a consultation to define new ways of developing civil society participation ‘that go beyond what we have today’.

What were the key elements discussed in the debates?

Civil society participation was an issue highlighted by a number of States in their questioning of candidates. The Nordic group of states asked all candidates a question on safeguarding civil society space at the UN. Chile asked candidates how they would coordinate a more effective response by the UN to violence against journalists.

The dialogues served as a platform for questioning and reflecting upon the purpose of the UN in the 21st Century, including questions on UN reform, Security Council reform, climate change, the Sustainable Development Goals, the use of Article 99 of the UN Charter (a rarely used provision enabling the Secretary General to refer issues to the Security Council), the implementation of Resolution 1325 on women and peace and security, and the managerial skills required of a Secretary General.

Gender inequality was frequently cited as a problem by States, including in regard to UN top positions. 56 States from across all regions spoke as the ‘Group of Friends in Favour of a Woman Candidate for Secretary General of the UN.’

Only one candidate, former Croatian Deputy Prime Minister Dr Vesna Pusic, highlighted the importance of protecting the rights of LGBTI people. ‘Culture is not cast in stone’ she said, responding to objections voiced by Saudi Arabia and Algeria to what they called ‘the imposition of social norms’. It is important ‘to bring issues to the fore’ to prompt respectful human rights debate, said Dr Pusic.

Participation of civil society should be widened and deepened at UN

Reflecting on the process, ISHR’s Eleanor Openshaw noted, ‘The commitment of the President of the General Assembly to including civil society in this process must be acknowledged. We would like to see him continue to deepen his commitment, by encouraging member states to abide by UN values, principles of transparency and procedural fairness in regard to accreditation for NGOs and establishing modalities of participation in UN meetings. We would like to see him encouraging the deepest participation of NGOs and NHRIs in General Assembly processes.’

The process for the election of the Secretary General will still involve the Security Council recommending a single candidate to the General Assembly to endorse. The Security Council will begin its selection by the end of July 2016, and a new SG will need to be in place by the end of the year.

‘We hope the new Secretary General will use her or his good offices to defend the space for civil society to operate and advocate for a deepening of their participation in UN spaces,’ said Ms Openshaw for ISHR.

UNITED STATES: WELCOME SUPPORT FOR CIVIL SOCIETY AT UN BUT TOO FEW ALLIES

(New York) - The US has shown strong leadership and support for civil society space and the participation of non-governmental organisations at the United Nations, but had a disappointing lack of allies at the UN's Economic and Social Council (ECOSOC), ISHR said today.

Of the 54 members of ECOSOC, only the US spoke out today in favour of the importance of civil society participation in the UN and to reject the politicised nature of ECOSOC's NGO Committee, which is responsible for assessing NGO applications to access the UN.

The ECOSOC Coordination and Management Committee met this morning to consider the draft decisions and report of its subsidiary body, the NGO Committee. These draft decisions included the [closure of the application of the Khmers Kampuchea- Krom Federation](#), an NGO denied to the right to speak in favour of its application by the NGO Committee in January 2016. It also included deferrals of applications for accreditation by human rights organisations, including the International Dalit Solidarity Network ([IDSN](#)) whose case has been before the Committee since 2008.

In a powerful statement, US Representative on the Economic and Social Council of the United Nations, Ambassador Mandelson noted the US was 'alarmed at the increasing trend for restricting civic space' across the world now mirrored within the UN.

For the US, she said, civil society are 'constructive critics' of States. Partnership with civil society was 'not just a tool but an ethos' grounded in the belief that the 'best outcomes' are reached through such engagement.

Ambassador Mendelson noted that the 'unacceptable restriction' placed on NGOs by the NGO Committee should be 'of grave concern to ECOSOC', not least given the importance of the role of civil society in pushing for the implementation of Agenda 2030 and the Sustainable Development Goals.

Some Committee members work to 'subvert the purpose of the Committee' and use their membership of the Committee to further restrict space for civil society, but 'attempted silencing won't work', she concluded. The NGO Committee's membership includes Azerbaijan, Burundi, China, Cuba, India, Iran, Nicaragua, Pakistan, Russia, South Africa, Sudan and Venezuela, among others. ISHR has repeatedly called for States that support a vibrant and independent civil society to prioritise seeking election to the Committee.

'It was deeply disappointing that no other State was prepared to speak out about the practice of the NGO Committee at ECOSOC,' said Eleanor Openshaw for ISHR.

'States need to acknowledge that the practice of the Committee is reflective of growing restrictions on civil society globally. Restrictions at the national level make access to the UN all the more important for civil society. States must be prepared to prioritise human rights interests and to publicly and unequivocally challenge any attempts to curb NGO access and participation'.

ECOSOC MUST DEFEND NGOS' RIGHTS TO FREEDOM OF EXPRESSION AND ASSOCIATION

(New York) - The ECOSOC should reject the decision of its subsidiary body, the UN Committee on NGOs, to summarily reject an application by an NGO for access to the UN, without affording that NGO due process and in violation of the rights to freedom of expression and association.

ECOSOC will meet on Tuesday to consider the draft decisions of its subsidiary body, the NGO Committee. At that meeting, it will have the opportunity to reject the decision to close the application

for consultative status of the NGO Khmers Kampuchea-Krom Federation (KKF). It must do so if the process of granting NGOs the rights to access and participate in UN meetings is to have any credibility at all.

During its January session, the NGO Committee took the [unprecedented step of denying the applicant NGO the right to speak](#) and respond to adverse assertions at the regular Q&A session held with Committee members, and then voted to close the NGO's application for ECOSOC accreditation. This accreditation is required for an NGO to be permitted to access and participate in many UN meetings.

These votes came after a joint statement where Cuba, Nicaragua and Venezuela requested that the application by KKF be summarily closed. They based their objection on concerns expressed by Viet Nam when KKF's application was first considered in 2012. At the time Viet Nam described KKF as 'unqualified for a consultative status with ECOSOC', alleging that it carried out 'politically motivated acts (...) undermining the national unity of the State of Viet Nam'.

'The NGO Committee allowed an NGO to be stigmatised, then silenced and then denied them the right to apply for access to the UN without any due process whatsoever,' ISHR's Eleanor Openshaw noted. 'This unacceptable act must be rejected by ECOSOC who should confirm the right of NGOs to freedom of expression and association in the process of applying for accreditation'.

'Beyond rejecting the NGO Committee's draft decision, ECOSOC must acknowledge that the NGO Committee operates in an unacceptably politicised and discriminatory fashion and take steps to institute procedural changes to ensure the NGO Committee acts impartially when considering the applications of NGOs,' added Ms Openshaw.

Key Developments in the Promotion and Protection of Human Rights

HONDURAS MURDERS: UN EXPERT URGES INDEPENDENT INVESTIGATION INTO KILLINGS OF RIGHTS DEFENDERS

The UN Special Rapporteur on the situation of human rights defenders, Michel Forst urged Honduras to set up an independent investigation into the murders of Berta Cáceres and Nelson Garcia in March...[more](#)

EGYPT: MASS ARRESTS IN 'RUTHLESSLY EFFICIENT' BID TO BLOCK PEACEFUL PROTEST

Security forces arbitrarily arrested at least 238 people on 25 April to prevent demonstrators from gathering in Cairo and elsewhere. The proposed protests were in response to the Government ceding two islands in the Red Sea to Saudi Arabia – a move condemned by civil society groups as unconstitutional and lacking transparency...[more](#).

BURUNDI: ONE YEAR ON, CIVILIANS PAY THE PRICE OF ENTRENCHED HUMAN RIGHTS CRISIS

One year on from the crisis in Burundi, the human rights environment continues to deteriorate, without accountability. Over the last year, the Government has continued to crack down on protesters, opposition politicians, journalists, human rights defenders and others perceived to be critical of the ruling party...[more](#)

BANGLADESH: AUTHORITIES FAIL TO CURB BRUTAL KILLING SPREE AS LGBTI EDITOR HACKED TO DEATH

The editor of an LGBTI publication and his friend have been hacked to death late April in Bangladesh while four activists and their associates have been murdered over this month. The continued hostile legal environment and threats faced by the Bangladeshi LGBTI community has forced many activists into exile.[...more](#)

SAUDI ARABIA: COUNTER-TERROR COURT SENTENCES HUMAN RIGHTS ACTIVIST IN RELENTLESS ONSLAUGHT AGAINST CIVIL SOCIETY

Human rights activist Issa al-Hamid has been sentenced to nine years in prison and a travel ban. Issa al-Hamid was convicted by Saudi Arabia's Specialized Criminal Court, a secretive counter-terror court increasingly used by the authorities to sentence human rights defenders to lengthy prison terms, often following unfair trials, under the guise of fighting 'terrorism' [...more](#)

KYRGYZSTAN: UN CALLS FOR IMMEDIATE RELEASE OF HUMAN RIGHTS DEFENDER AZIMJAN ASKAROV

In a recent media bulletin, the Human Rights Committee called for the immediate release of Azimjan Askarov, a human rights defender who was sentenced to life imprisonment in 2010. The Committee confirmed Askarov was tortured, subject to inhuman conditions in pre-trial detention and did not receive minimum international fair trial standards.[...more](#)

TURKEY: ARBITRARY DETENTION AND JUDICIAL HARASSMENT AGAINST ACADEMICS AND RESEARCHERS ESRA MUNGAN GÜRSOY, MERAL CAMCI, KIVANÇ ERSOY AND MUZAFFER KAYA

Four human rights defenders will appear before the Istanbul 13th Heavy Penal Court on charges of 'terrorist propaganda' after denouncing human rights violations in a press statement and petition titled: 'We will not be a Party to This Crime'. The petition was supported by more than 1000 academics throughout Turkey and abroad.[...more](#)

Opportunities for NGO Engagement

HUMAN RIGHTS COUNCIL

The organisational meeting for the 32nd regular session of the Human Rights Council will be held on 30 May 2016 at Palais des Nations, Room XX. Information and updates will be published [here](#).

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

The Office of the High Commissioner for Human Rights has recently published an updated information bulletin [concerning how NGOs can participate](#) in the 32nd session of the Human Rights Council from 13 June 2016 to 1 July 2016. Written statements and parallel event room requests are now open, with a deadline of 30 May 2016.

The annual meeting of Special Rapporteurs/Representatives, Independent Experts and Chairpersons or Working Groups of the Special Procedures of the Human Rights Council will meet for their 23rd session [from 6 June 2016 to 10 June 2016](#) at Palais des Nations, Room XXV.

UNIVERSAL PERIODIC REVIEW

The following States will be reviewed at the 25th session of the UPR which will be held [on 2-13 May 2016](#): Suriname, Greece, Samoa, Saint Vincent and the Grenadines, Sudan, Hungary, Papua New Guinea, Tajikistan, United Republic of Tanzania, Antigua and Barbuda, Swaziland, Trinidad and Tobago, Thailand and Ireland. Guidelines for submissions are found [here](#) and are due on [21 September](#). Information about the UPR mechanism can be found [here](#).

The tentative timetable for the 26th session of the UPR which will be held from 31 October to 11 November 2016 is now available [here](#). States to be reviewed include: Togo, Venezuela, Zimbabwe, Lithuania, Uganda, Timor-Leste, Republic of Moldova, Haiti, South Sudan. Information about the UPR mechanism can be found [here](#).

TREATY BODIES

The meeting of Chairpersons of the Treaty Bodies will hold its 28th session on from 30 May to 3 June 2016 in New York. More information can be found [here](#), which includes the annotated agenda and draft programme of work.

The 57th session of the Committee against Torture will be held [from 18 April to 13 May 2016](#). The provisional agenda and programme of work is available [here](#). The Committee will analyse the following States reports: France, Tunisia, Saudi Arabia, Turkey, Philippines, and Israel. It will also discuss on a draft revised General Comment on article 3 of the Convention. It will consider a list of issues from Sri Lanka and Turkmenistan, as well as a list of issues prior to reporting from Cyprus, Lithuania, United Kingdom, and Uruguay.

The 117th session of the Human Rights Committee will be held [on 20 June 2016 to 15 July 2016](#). The Committee will consider the following State reports during the session: Argentina, Burkina Faso, Denmark, Ecuador, Ghana, Kazakhstan, Kuwait. The Committee will also consider and adopt a list of issues for the following countries: Italy, Serbia, Thailand, Turkmenistan, Belgium, Lithuania and Norway. Further information from the secretariat is available [here](#).

The 64th session of the Committee on the Elimination of All Forms of Discrimination Against Women will be held on [from 4 to 22 July 2016](#). The Committee will consider the following State reports during the session: Albania, France, Mali, Myanmar, Philippines, Trinidad and Tobago, Turkey, Uruguay. The proposed programme of work is available [here](#). The report of the pre-sessional working group is available [here](#).

The Committee on the Elimination of All Forms of Discrimination Against Women will also hold its 66th pre-sessional Working Group [from 25 to 29 July 2016](#) at Palais des Nations, room XVIII and will consider the following State reports: El Salvador, Germany, Jordan, Federated States of Micronesia, Rwanda, Sri Lanka, Ukraine. It will also consider the list of issues prior to reporting for Israel.

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

WORKING GROUPS

The Working Group on the issue of human rights and transnational corporations and other business Enterprises will hold its 14th session [from 2 May 2016 to 6 May 2016](#) at Palais des Nations, room XII.

The Working Group on enforced or involuntary disappearances will hold its 109th session [from 9 to 18 May 2016](#) at Palais des Nations, Room XVI.

The Working Group on the issue of discrimination against women in law and practice will hold its 16th session from [from 18 to 22 June 2016](#) in New York.

COUNTRY VISITS BY SPECIAL PROCEDURES

Mauritania	Special Rapporteur on extreme poverty and human rights, from 2 May 2016 to 11 May 2016 .
Angola	Special Rapporteur on the human rights of migrants, from 3 to 10 May 2016 .
Costa Rica	Independent Expert on the enjoyment of all human rights by older persons, from 9 May 2016 to 18 May 2016 .
Brazil	Special Rapporteur on trafficking in persons, especially women and children, from 10 May 2016 to 19 May 2016 .
Azerbaijan	Working Group on Arbitrary Detention (Country Visit) from 16 May 2016 to 25 May 2016 .
Argentina	Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, from 16 May 2016 to 23 May 2016 .
Hungary	Working Group on the issue of discrimination against women in law and in practice, from 17 May 2016 to 27 May 2016 .

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

Conferences and events

ISHR HUMAN RIGHTS DEFENDER ADVOCACY PROGRAMME 2016

ISHR's [Human Rights Defender Advocacy Programme](#) equips defenders with the knowledge and skills to make strategic use of the international human rights system. The training will take place between 8 and 22 June 2016 and provides defenders with opportunities to put their advocacy skills directly into action at the 32nd session of the UN Human Rights Council and the 23rd Annual Meeting of UN Special Procedures. The call for applicants is now closed.

EXPERT WORKSHOP ON THE RIGHT TO PARTICIPATE IN PUBLIC AFFAIRS

The Office of the High Commissioner for Human rights is organizing [an expert workshop on the right to participate in public affairs](#) on 18th May from 10am to 1pm and from 3pm to 6pm, at the Palais des Nations, room VII. The workshop will have three sessions: Session 1: The right to participate in public affairs and existing guidance, Session 2: Current challenges to the implementation of the right to participate in public affairs, Session 3: Innovations and trends on the right to participate in public affairs.

CALL FOR APPLICATIONS – OHCHR MINORITIES FELLOWSHIP PROGRAMME

The Office of the High Commissioner for Human rights has opened the call for applications for its [Minorities Fellowship Programme 2016](#). The deadline for applications is 22 May 2016. The Programme aims to give persons belonging to national or ethnic, religious and linguistic minorities an opportunity to gain knowledge of the UN system and mechanisms dealing with international human rights in general and minority rights in particular.

CONSULTATION – COOPERATION BETWEEN UN HUMAN RIGHTS TREATY BODIES AND CIVIL SOCIETY

The Office of the High Commissioner for Human Rights will hold a [consultation of the treaty body Chairpersons with civil society representatives](#) on 2 June 2016 from 10am to 11am in room 6, UN Headquarters, New York. The objective of the consultation is to exchange views on: enhancing the cooperation between the UN human rights treaty bodies and civil society organizations, particularly in the context of the human rights challenges related to the current conflicts around the globe, and Implementation of GA resolution 68/268 on strengthening and enhancing the effective functioning of the human rights treaty body system.

New Resources

ISHR UNIVERSAL PERIODIC REVIEW BRIEFING PAPERS

ISHR has launched a number of briefing papers on the situation of human rights defenders. Their purpose is to assist States and other stakeholders to formulate questions and recommendations in the upcoming 25th session of the Universal Periodic Review to be held on 2-13 May, including:

- [Thailand](#) – the Government should remove legal restrictions on the rights to freedom of expression, and freedom of association
- [Ireland](#) – the Government should demonstrate leadership by initiating the drafting of Human Rights Council resolution and statement on country situations where defenders and other civil society actors are restricted or at risk.
- [Tajikistan](#) – the Government should protect defenders and journalists from being subject to violence, threats and harassment by officials, and intimidation and arbitrary arrest.
- [Hungary](#) – the Government should promote and protect the right to safe and unhindered communication with international organisations and prevent and promote accountability for acts of intimidation or reprisal.

‘THEY SET THE CLASSROOMS ON FIRE’ – ATTACKS ON EDUCATION IN NORTHEAST NIGERIA

Human Rights Watch has released a report entitled [‘They Set the Classrooms on Fire’: Attacks on Education in Northeast Nigeria](#). It documents Boko Haram’s increasingly brutal assaults on schools, students and teachers since 2009. Between 2009 and 2015, more than 910 schools were destroyed, while at least 1,500 more were forced to close, 611 teachers were killed, and more than 2,000 civilians were abducted.

PROTECTING SURVIVORS AND WITNESSES – AN ONLINE TACTICAL DIALOGUE

New Tactics in Human Rights has just published its April online conversation and tactical dialogue on human rights defenders: '[Protecting Survivors and Witnesses](#)'. The conversation discusses strategies to protect witnesses and survivors of human rights violations. Through practical experience and success stories, protection mechanisms are evaluated, challenges discussed and the role of civil society explored.

UN TREATY BODIES: GUIDE TO THE CRC'S GENERAL COMMENT ON BUSINESS AND CHILDREN'S RIGHTS

The International Commission of Jurists, together with CRIN has released [the practical guide on how to use the United Nations Committee on the Rights of the Child's 16th General Comment](#). The guide provides advice on how to work towards implementation of the Committee's recommendations, providing examples of successful NGOs interventions, as well as advice on litigation, monitoring, advocacy and activism.

WHAT IS PERMISSIBLE AND WHAT IS NOT WHEN COUNTERING TERRORISM? UN EXPERTS WELCOME NEW AFRICA GUIDELINES

A group of UN Independent Experts welcomed the new Principles and Guidelines on Human Rights while Countering Terrorism in Africa launched this year by the African Commission on Human and Peoples' Rights. The Principles and Guidelines are based on international human rights law, as well as decisions, standards and resolutions of the Security Council, the UN Human Rights Council and the African Commission... [more](#)

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

BELARUS: CONTRAVENES INTERNATIONAL COVENANT FOR ARBITRARY ARREST OF PARTICIPANT IN UNAUTHORISED POLITICAL MEETING

Bakur v. Belarus (1902/2009)

Background

At 3pm on 19 August 2007, the author, Mr Yuriy Bakur, participated in a public meeting of the political party the Belarusian Popular Front (**BNF**) in Brest. The meeting was held in the same building as BNF's offices. The purpose of the meeting was to interview a well-known journalist, publicist and civil activist, Pavel Severints, and to discuss his new book. At around 4pm, police officers entered the premises, stopping the meeting and apprehending 28 persons, including the author. The author was subsequently charged with the administrative offence of participating in an unauthorised meeting. The author was released later that day at 11pm, without being provided with any documents proving his detention. Other participants in the meeting were released immediately without charge.

On 31 August 2007, the author's case was heard by the Moscow District Court in Brest. On 4 September 2007, the court ordered him to pay a fine of 93,000 Belarus rubles for breach of the Law on Mass Events of 30 December 1997.

On 13 September 2007, the author appealed the decision before the Brest Regional Court, which upheld the decision of the first instance court on 4 October 2007.

On 3 April 2008, the author appealed to the President of the Supreme Court under the supervisory review procedure. The author's appeal was rejected on 21 May 2008.

On 9 July 2008, the author filed this communication with the Committee under the Optional Protocol to the Covenant. He claimed that Belarus had breached his rights to: (i) freedom from cruel and inhuman treatment, (ii) freedom from arbitrary detention, (iii) a fair trial, (iv) freedom of expression, and (v) peaceful assembly (under articles 7, 9, 14, 19, and 21 of the Covenant, respectively).

The Committee's decision

With respect to admissibility, the Committee found that the author's claims under articles 7 and 14 of the Covenant were inadmissible for lack of sufficient substantiation. However, the Committee found that the author had sufficiently substantiated his remaining claims under articles 9, 19 and 21 and declared those claims to be admissible.

On the merits, the Committee noted that Belarus had not refuted the author's claim that his arrest and detention had not been recorded. The Committee recalled that an arrest or detention may nonetheless be arbitrary despite being authorised by domestic law. The Committee observed that Belarus had failed to demonstrate that the grounds for the author's apprehension, namely participation in a meeting held by a political party in private premises, were lawful, necessary and proportionate for the purposes of article 9 of the Covenant.

The Committee recalled that articles 19 and 21 of the Covenant allowed certain restrictions to the rights to freedom of expression and peaceful assembly, but only as provided by law and necessary: (i) for respect of the rights or reputation of others; or (ii) for the protection of national security, public order or public health or morals. Any restrictions on the exercise of the rights under article 19 must also conform to the strict test of necessity and proportionality and must be directly related to the specific need on which they are predicated. The Committee observed that Belarus had failed to demonstrate that apprehending and fining the author, even if based on law, was necessary for one of the legitimate purposes under article 19 of the Covenant. Similarly, when a State party imposes restrictions with the aim of reconciling an individual's right to assembly under article 21, it should be guided by the objective of facilitating the right, rather than imposing unnecessary or disproportionate limitations on it. Belarus had failed to justify why an authorisation was needed to hold a meeting in a private space rented by the political party.

In view of the above, the Committee concluded that Belarus had violated articles 9, 19(2) and 21 of the Covenant in its treatment of the author.

In accordance with article 2(3) of the Covenant, the Committee found that Belarus was under an obligation to provide the author with an effective remedy, including by providing the author with adequate compensation and reimbursing the amount of the fine and any legal costs incurred by the author. Belarus was also under the obligation to take steps to prevent similar violations in the future, including by reviewing its legislation and in particular the Law on Mass Events of 30 December 1997.

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

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