

States must address ongoing challenges to fundamental freedoms

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Challenges to fundamental freedoms remain, both online and off, and pose dangerous threats to the work and security of defenders, ISHR said on 18 June. In this context, the Council must continue its strong support for civil society and for the independence of Special Procedures mechanisms, despite attacks on their 'credibility'.



Activists and human rights defenders can and do play a critical role in advancing human rights, accountability and transparency. And yet defenders, and in particular those working on business and human rights issues, face significant obstacles to their work. The International Service for Human Rights highlighted these issues in a [statement](#) made during the interactive dialogue with Special Rapporteurs at the Human Rights Council on 18 June.

As Special Rapporteur on freedom of peaceful assembly and association (SR) Maina Kiai noted in his opening remarks, over the reporting period the situation for NGOs and defenders has hardly improved. Rather, 'intolerance for these fundamental freedoms' - actions including interference and restrictions on NGO activities, crackdowns on peaceful protests, harassment and intimidation of defenders - is 'reflected in countries in both the global North and global South'.

SR on freedom of opinion and expression David Kaye's remarks, in turn, focused on the important protections against harassment and reprisal that encryption and anonymity technology can provide for journalists and human rights defenders. In particular, ISHR welcomes Kaye's call to the UN to improve its digital security, to allow defenders to access its staff and resources in a safe way.

Both Rapporteurs urged the further implementation of the Guiding Principles, including through national level efforts. These plans, both in substance and process, can be important tools that clarify States obligations to protect human rights in this context, and that set out expectations for corporate actions. ISHR has [argued](#) that States who pursue National Action Plans, for example, must engage defenders and civil society both domestically, and in the host countries of domestic companies.

And yet, as many NGOs also noted, national level efforts have limitations. The intricate links between corporations and States undermine confidence in national processes for accountability or remedy. It is for this reason that tandem efforts to develop a binding international treaty are underway. In line with ISHR's approach and that of many international civil society actors, SR Kiai supported this process, and called for the Working Group to address all businesses - small or large, domestic or transnational - and to be inclusive of a broad range of perspectives. The voices of communities and defenders, so often silenced in national contexts, must be heard at this multilateral forum.

The increasing retrenchment of opposition to independent voices at the national and international level was reflected in the range of civil society statements. In line with SR Kiai's oral report, ISHR drew particular attention to the [Indian government's actions](#) to de-register thousands of NGOs working on land rights and environmental issues, including Greenpeace, and to create an atmosphere of threat and intimidation. Other organizations noted Malaysia's crackdown on sharing of information and opinion via social media, impeding freedom of expression and assembly online, and the detention of nine Ethiopian bloggers for comments critical of government policies.

Some State interventions maintained an important focus on the role of defenders in ensuring natural resource exploitation can lead to inclusive growth, and on the need for States to provide the enabling environment and sufficient protections for them to do so. In this regards, ISHR welcomes the statements of Benin, outlining the importance of national frameworks to protect and support human rights defenders, and of Sierra Leone for its stated commitment to enacting regulations that aim to minimize the power differential between companies and local populations. The EU made important reference to the role of National Action Plans in implementing the Guiding Principles, while Norway emphasised that many human rights defenders and journalists risk imprisonment, mistreatment, or worse when their digital security is compromised.

Unfortunately, other State interventions contributed directly to efforts to silence the diversity of perspectives so critical to the work of the Council.

The Omani government, in its response as a country concerned, refused to acknowledge reprisals against individuals who engaged with the SR on his visit and, instead, virulent indictment of SR Kiai for 'irregularities' in his visit and 'impartiality' and 'obvious fallacies' in his report, undermine respect for the independence of the Special Procedures mechanisms. The Omani delegation further recommended that the Secretariat review selection mechanisms of Special Rapporteurs, 'improve training' for Special Procedures, and 'move away from politicisation' in the exercise of their mandates. Although the delegation of Kazakhstan, as a second country of concern, disagreed with some of the content of SR Kiai's report, they used moderate speech and addressed follow-up to his recommendations, rather than attempting to call into question his reputation or intentions.

The irony of this occurring in dialogue with rapporteurs focused on freedom of expression is not lost; the Council and its members must actively and vocally support the ability of the Special Procedures mandateholders to carry out their essential work. Such over-the-top challenges to Special Procedures risk giving weight to allegations that civil society plans to 'hijack' the Council's agenda, and create a foreboding atmosphere for civil society's engagement in the Council, and with UN human rights mechanisms.

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