

Reprisals | UN and States can and must do more to prevent and address reprisals

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Defenders bring crucial information and perspectives regarding human rights situations on the ground and international and regional mechanisms depend on that knowledge and input to make informed decisions. However, many defenders still face unacceptable risks and are unable to cooperate safely with the UN and regional human rights bodies and mechanisms.



ISHR's two new reports to the UN Secretary-General demonstrate the need for the UN and States to do more to prevent and ensure accountability for intimidation and reprisals against those who cooperate or seek to cooperate with the UN. The reports were prepared in response to the call made by the Office of the United Nations High Commissioner for Human Rights inviting representatives of civil society to provide information on preventing and addressing acts of intimidation and reprisals related to cooperation with the United Nations.

First report

The first report is on '[Good practices in the legal and policy framework at the national level to ensure the right to participation at the international level](#)'. It puts forward arguments for a legislative response by individual States by which the right of unhindered access to and communication with international bodies, and the obligation to prevent and ensure protection from intimidation and reprisals, are clearly set out in national law.

After presenting arguments for why States ought to address this issue in their national legislation, the report highlights examples in which laws of a more general application have been used to set out the relevant rights and obligations, as well as the relevant provisions in the '[Model Law for the Recognition and Protection of Human Rights Defenders](#)'. It also provides a brief review of the evolving landscape of national human rights defender laws and policies and the extent to which these have addressed the right to unhindered access to and communication with international bodies, and the obligation to prevent and ensure protection from intimidation and reprisals.

The Special Rapporteur on Human Rights Defenders has repeatedly stressed the need to adopt legislative measures to ensure that human rights defenders enjoy a safe and enabling environment, including through legislation formally guaranteeing the rights in the Declaration on Human Rights Defenders. While most States do not have specific laws or policies on human rights defenders, several States have adopted such laws and policies in recent years (including Brazil, Burkina Faso, Colombia, Cote D'Ivoire, Guatemala, Honduras and Mexico). Others are developing or have proposed such laws and policies (including Mongolia, Nepal, Niger, Paraguay, Peru, Philippines, Sierra Leone and Uganda).

'Still, 20 years since the adoption of the Declaration on Human Rights Defenders relatively few States have moved towards fully incorporating its provisions into domestic law,' Madeleine Sinclair, Co-Director of ISHR's New York office and legal counsel, stated. 'Preventing and addressing reprisals is no exception—We hope by pointing to emerging good practice in this regard, that other States will take note and follow suit', she added.

Second report

The second report, which [outlines developments in the international and regional systems, and documents a number of cases, presents a disturbing pattern of intimidation and reprisals](#). Cases of reprisals featured in the submission range from States dangerously maligning defenders to killing them. For example, in the Philippines, human rights defenders are vilified by the government and accused of being terrorists. In Venezuela, Fernando Alban, a councilman opposing the government, was arrested, tortured and died under suspicious circumstances following a series of meetings in New York in the framework of the General Assembly. Follow up information is included on a range of cases that remain unresolved, including travel bans on Cuban defenders, and ongoing repression of Chinese human rights defenders who have dared to engage in

international advocacy. Other countries cited in the report include Bahamas, Brazil, Burundi, Cameroon, China, Colombia, Egypt, Honduras, India, Kyrgyzstan, Malaysia, Mexico, Morocco, Philippines, Russia, Saudi Arabia, Thailand, United Arab Emirates, United States and Venezuela.

The primary duty to prevent and remedy reprisals lies with States—who must do more to prevent, investigate and ensure accountability for reprisals. For the second time this September, States will have an opportunity to engage in an interactive dialogue when the Secretary-General's report is presented. 'States must use the opportunity of the interactive dialogue to hold their peers accountable', said Sinclair.

The UN itself also has a duty to step up. 'Where States fail to adequately investigate and ensure accountability, the UN must step in to ensure defenders can cooperate safely. That means UN bodies and mechanisms must recognise and act in conformity with their obligations to respect and protect the right of all persons to communicate with them and take all necessary steps to prevent, protect against, and promote accountability for any alleged acts of intimidation or reprisals', said Sinclair.

Access the submissions:

[Good practices in the legal and policy framework at the national level to ensure the right to participation at the international level, Submission to the UN Secretary-General](#)

[Ending reprisals against those who cooperate with the UN in the field of human rights, Submission to the UN Secretary-General on recent developments, cases and recommendations](#)

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