

30 March 2017

Best practices and challenges faced by civil society in respect of involvement with United Nations bodies

This briefing paper will consider some of the main challenges human rights defenders (HRDs) face in their interaction with United Nations bodies. It will also highlight and suggest some best practices in this context. It is divided into five areas: reprisals, ECOSOC accreditation, the Universal Period Review, restrictions by UN security personnel, and UN field presences.

1. Reprisals

HRDs in many countries continue to face reprisals because of their use of UN mechanisms to document human rights violations in their own countries. While the October 2016 creation of a special mandate to combat reprisals is welcome, it remains to be seen how effective the mandate holder will be in dissuading states from targeting HRDs who cooperate with the international human rights system. The High Commissioner for Human Rights, the President of the Human Rights Council and special procedures mandate holders have all repeatedly denounced reprisals against HRDs in recent years but reports of reprisals have only increased. The nature and intensity of reprisals differ, but all are designed to obstruct or prevent civil society giving its input into consideration of the human rights situation in their country.

Reprisals are most often seen in preventing HRDs from leaving their home country to go to Geneva to participate in a UN event or in the questioning and intimidation of HRDs on their return from Geneva. Two representative cases are outlined below:

Our Rights Group, Sudan

In March 2016, four members of the [Our Rights Group](#), a Sudanese civil society coalition, were prevented from traveling from Sudan to Geneva, where they were due to participate in meetings related to the Universal Periodic Review (UPR) of Sudan's human rights record, a process that is explicitly supposed to include contributions from independent civil society. The human rights defenders were informed by security agents at Khartoum International Airport that they had been placed under a travel ban, and their passports were confiscated. They were not informed for how long their travel bans would be in place. In addition to stopping the four HRDs from contributing to Sudan's UPR, these actions also meant that they could not avail of other general training and advocacy opportunities outside of Sudan while their travel ban remained in place, demonstrating some of the knock-on effects that reprisals can have.

Ebtisam Al-Saegh, Bahrain

In March 2017 [Ebtisam Al-Saegh](#) was detained for seven hours at Bahrain International Airport upon her return from the 34th session of the UN Human Rights Council (HRC). The human rights defender was thoroughly searched, interrogated for five hours and her passport was confiscated. During interrogation, she was questioned about her work at the UN and about a previous trip to Lebanon to attend a conference. She was asked about her meeting with the High Commissioner for Human Rights and whether he would be visiting Bahrain and, if so, who would be part of the team that he would bring with him. She was questioned further about other human rights defenders who were also present at the HRC. After the questioning, the interrogator seized her passport and

warned her that in the future there could be a possibility that she would be taken away from her children and that her children could also face prosecution. Following the interrogation, each of Ebtisam Al-Saegh's bags were searched and all material concerning the human rights situation in Bahrain was confiscated except for a Universal Periodic Review report prepared by the Bahrain government.

Reprisals have also taken place in Geneva where governments who have failed to stop HRDs from attending sessions have attempted to intimidate them out of sharing their testimony. China is notorious in this regard. In March 2017 a Chinese diplomat attempted to [prevent](#) a Tibetan activist from videoing a side event at the 34th session of the HRC on the human rights situation in China. In 2015 the Reuters news agency did a feature length [report](#) on the numerous ways in which Chinese diplomats try to silence HRDs through intimidation in Geneva. China has also been active in targeting HRDs who meet with those UN Special Rapporteurs who are permitted to visit the country. In 2016 Special Rapporteur for the Elimination of Extreme Poverty, Philip Alston, [expressed](#) concern that the disappearance of human rights lawyer Jiang Tianyong was as a result of his meeting with the lawyer on a country visit in August. As of late March 2017, Jiang Tianyong remained disappeared.

2. ECOSOC accreditation

The Economic and Social Council (ECOSOC) is the main entry point into the UN for NGOs and for NGOs to have access to the various human rights mechanisms, including the HRC, they must first gain consultative status with ECOSOC. Consultative status is decided upon by the ECOSOC NGO Committee which, over the past number of years, has increasingly blocked accreditation for organisations working on human rights. It does this through continually deferring accreditation by asking dozens of similar and arbitrary questions regarding the nature of the NGO's work before often eventually rejecting the application.

On 3 February 2017, **Christian Solidarity Worldwide** (CSW), an NGO which works for religious freedom around the world, had its application for consultative status finally [rejected](#), having first applied in 2009. In the past eight years, over 80 questions had been asked about CSW's work, which the organisation consistently responded to in a timely fashion.

In 2016, the **Committee to Protect Journalists** (CPJ), was also [denied](#) consultative status after 10 committee members voted against, six for and three abstained¹. The organisation's original application in 2012 had been deferred seven times.

The **International Dalit Solidarity Network** (IDSN) has had its application [deferred](#) for ten years since it first applied for consultative status in 2007. In that time, it has received 80 questions, all from India, and many of which "contained similar content, or were responded to in the application or in previous replies."

In 2014, the Special Rapporteur on the rights to freedom of assembly and peaceful association, Maina Kiai, [noted](#) that "out of the 48 organisations which have had their accreditations repeatedly deferred, 46 work on human rights issues, such as children and women's rights, minorities and country situations".

Front Line Defenders echoes the Special Rapporteur's [calls](#) to "reform the Committee on Non-Governmental Organizations to prevent Member States from blocking accreditation applications with perpetual questioning and to unilaterally vetoing applications."

3. Universal Periodic Review

Civil society involvement in the UPR process is officially encouraged by the UN yet the amount of involvement is largely dependent on the civil society space in the country under review. Ireland is

¹ The countries that voted against were Azerbaijan, Burundi, China, Cuba, Nicaragua, Pakistan, Russia, South Africa, Sudan and Venezuela. India, Iran and Turkey abstained.

to be commended in this regard for its wide-ranging consultation with various civil society actors in advance of its UPR in 2011 and 2016. The setting up of a website to inform and receive submissions was a welcome initiative as was advertising in the national media to draw attention to the process. Ireland's example should be followed by other countries as best practice.

Obstacles facing independent civil society submissions remain and result from a combination of repressive environments or lack of capacity amongst NGOs. This combination was in evidence during Laos' UPR in 2015 where there was an extremely [limited](#) number of submissions from non-government aligned NGOs. Elsewhere, governments take steps to obstruct independent NGOs' ability to submit information for the review, something which has been witnessed in Malaysia and Venezuela. In the run-up to its 2013 UPR, the Malaysian government repeatedly refused to meet a coalition of 54 Malaysian NGOs which had drawn significant domestic attention to the process. In January 2014 the coalition was banned by the government and was deemed an illegal organisation for propagating rights that 'deviate from the Islamic faith'. In advance of its UPR in 2011, the Venezuelan government rallied scores of mass organisations to submit reports on the human rights situation in country, thus heavily diluting the process. States also regularly make use of GONGOs or government-organised non nongovernmental organisations to submit alternative reports portraying an extremely biased view of the human rights situation in a given country.

The issue of reprisals also comes up in relation to the UPR. In 2016 Epimack Kwokwo was [expelled](#) from Rwanda following months of harassment after he participated in Rwanda's UPR in 2015. The HRD was told that the civil society report prepared for the UPR 'framed Rwanda in a bad light' by highlighting ongoing human rights challenges. Such harassment of civil society can have the knock-on effect of NGOs adopting less critical positions in their preparation of material to submit.

4. Restrictions by UN security personnel

UN security personnel have at times prevented human rights defenders attending UN meetings from carrying human rights reports or evidence of human rights violations into UN premises. It must be said that such incidents are not very frequent and do not appear to be the result of a policy. However, these instances raise concern and could potentially lead to the establishment of a negative practice.

The most recent instance occurred in March 2017, when HRDs from an Asian country were prevented from bringing their materials to a side event they had organised on the margins of the 34th session of the HRC. UN security officers at the Pregny gate of *Palais des Nations* reportedly stated that the materials were "too country specific" and "violent".

Similarly, in March 2016, an NGO delegation from the Philippines was prevented from bringing photographic evidence of human rights violations to events related to the HRC session held in *Palais des Nations*. The incident was reported to the then President of the HRC.²

5. UN Field Presences in country

While recognising the limitations of what UN Field Presences in country can do in terms of supporting HRDs, there are a number of steps country offices can take to contribute to the protection and support of HRDs at risk. Front Line Defenders commissioned a [report](#) on what HRDs could expect of field presences and included in that report were a number of suggested best practices, including the following:

- creation of diplomatic space by UN officials to raise human rights issues, including the detention of HRDs, issue statements and invite government to include HRDs in joint human rights fact-finding missions

2 <http://www.chrp.org.uk/2016/karapatan-letter-to-president-of-the-united-nations-human-rights-council/>

- give recognition to HRDs by visiting them in their homes or in detention, holding regular informal meetings with HRDs and, where appropriate, naming HRDs as reliable information sources in speeches, public statements and dialogues with government.
- increase access of HRDs to the authorities by inviting them to informal or formal meetings with government offices, ensuring the senior visiting UN officials meet HRDs and introducing HRDs to international NGOs and other relevant organisations, such as national human rights commissions.
- provide advice and information about international standards, the procedures of international institutions and human rights mechanisms, the content of specific human rights and other forms of legal advice. When HRDs are in need of protection, UN officials may be able to advise them about their options even when the officials involved, or the UN itself, are not able to provide direct assistance.

In the experience of Front Line Defenders, HRDs do not make sufficient use of UN Field Presences as a way to add to their protection and this practice should be encouraged more by the UN.