

21st session of the Human Rights Council
Panel discussion on the issue of intimidation or reprisal against individuals and groups who cooperate or have cooperated with the UN, its representatives and mechanisms in the field of human rights

CONCEPT NOTE

Date and Venue

Thursday 13 September 2012, 12:00-15:00, Room XX, Palais des Nations, Geneva, 21st session of the Human Rights Council

Mandate

The Human Rights Council, through decision 18/118, decided to convene, at its twenty-first session, a panel discussion under agenda item 5 on the issue of intimidation or reprisal against individuals and groups who cooperate or have cooperated with the United Nations, its representatives and mechanisms in the field of human rights.

Focus and objectives

The panel will provide a multi-stakeholder perspective on the issue of reprisals and intimidation, illustrating how various bodies and mechanisms have witnessed reprisals and responses to these. Through exchange of views and experience, the aim of the panel discussion is to:

- Draw the attention of the international community to the issue of alleged reprisals and intimidation against persons who seek to cooperate or have cooperated with the United Nations, its representatives and mechanisms in the field of human rights.
- Share experiences and perspectives on ways to address this disturbing practice and assess responses to it.
- Contribute to the development of a consolidated and coherent approach by the Human Rights Council and the UN in general by discussing concrete steps that States, the UN, the Council and its mechanisms could take to strengthen the response to reprisals, both in preventing reprisals and responding appropriately to cases which have already occurred.

Opening statements:

Mr. Ban Ki-moon, United Nations Secretary-General, will provide a video message.

Ms. Navi Pillay, High Commissioner for Human Rights

Moderator:

Ms. Mehr Khan Williams, Chair of the Board of the International Service for Human Rights

Panelists:

Mr. Szabolcs Takács, Deputy State Secretary for Global Affairs, Ministry of Foreign Affairs of Hungary

Mr. Michel Forst, Chair of the Coordination Committee of Special Procedures

Mr. Claudio Grossman, Chair of the United Nations Committee against Torture

Mr. Hassan Shire Sheikahmed, Executive Director of the East and Horn of Africa Human Rights Defenders Project

Format

In their presentation panelists will respond to specific questions as to their experience related to reprisals, in particular measures taken to prevent them or to address them when they occurred. The

following interactive discussion will be divided into two segments of 60 minutes each (45 minutes for comments and questions from the floor from States, NHRIs and NGOs, followed by 15 minutes for comments and replies by panelists). Questions and comments will be taken from the floor after the presentation of the panelists limited to a maximum of two minutes. States, NHRIs and NGOs are encouraged to intervene in an inter-active way in the debate, through questions and comments taking into account and reflecting on the interventions of panelists and other participants. The interactive discussion will be followed by concluding remarks from the moderator.

Outcome

This panel should contribute to strategies aiming at stopping reprisals for cooperating with the UN in the field of human rights. The Office for the High Commissioner for Human Rights shall, as called for pursuant to the Council's decision, prepare a report on the outcome of the panel discussion in the form of a summary.

Background

The cooperation of individuals and groups with the UN in the field of human rights in a free and safe manner is key to ensuring an efficient and results-oriented approach to the promotion and protection of human rights, and in delivering outcomes that are informed by the reality of the human rights situations on the ground. The importance of this cooperation has been affirmed in several documents and the continued occurrence of intimidation and reprisals due to cooperation with the UN on human rights issues is of deep concern. In the 2005 World Summit Outcome, Heads of State and Government reaffirmed the importance of civil society in the work of the UN. Pursuant to General Assembly resolution 60/251, the Council is mandated to work in close cooperation in the field of human rights with Governments, regional organizations, national human rights institutions and civil society.

In several its resolutions establishing or renewing the mandate of special procedures, the importance of these mechanisms working with individuals from civil society and receiving information from all credible sources, including victims of violations, has been highlighted. According to its modalities, the UPR should ensure the participation of all relevant stakeholders, including NGOs and national human rights institutions. In General Assembly resolutions on various international instruments and their related monitoring bodies, working with civil society, in particular NGOs, has been highlighted as important and encouraged.

The outcome of the review of the Human Rights Council contains a strong rejection of any acts of intimidation or reprisal against individuals and groups who cooperate or have cooperated with the UN, its representatives and mechanisms in the field of human rights, and urges States to prevent and ensure adequate protection against such acts.

Since the 1990s, at the initiative of Hungary, the then Commission on Human Rights, followed by the Human Rights Council, have adopted resolutions on the issue of reprisals. Human Rights Council resolution 12/2 urges Governments to prevent and refrain from all acts of intimidation or reprisal against those who:

- (a) Seek to cooperate or have cooperated with the UN, its representatives and mechanisms in the field of human rights, or who have provided testimony or information to them;
- (b) Avail or have availed themselves of procedures established under the auspices of the United Nations for the protection of human rights and fundamental freedoms, and all those who have provided legal or other assistance to them for this purpose;
- (c) Submit or have submitted communications under procedures established by human rights instruments, and all those who have provided legal or other assistance to them for this purpose;
- (d) Are relatives of victims of human rights violations or of those who have provided legal or other assistance to victims.

Reprisals has progressively received growing attention and has been addressed by various actors and bodies, in particular the Secretary-General of the UN, the High Commissioner and the Deputy High Commissioner for Human Rights, the Human Rights Council and its President, UN treaty bodies and special procedures and last but not least by representatives of the national human rights institutions and civil society.

The Secretary-General has been invited by resolution 12/2 to present annually a report “containing a compilation and analysis of any available information, from all appropriate sources, on alleged reprisals and intimidation against persons who seek to cooperate or have cooperated with the UN, its representatives and mechanisms in the field of human rights”. The two most recent reports highlight cases from a variety of States where reprisals against those who cooperated with the Secretary-General, the Security Council, OHCHR, the UN Voluntary Fund for Indigenous Populations, the Human Rights Council, Special Procedures, Treaty Bodies and the UPR were reported. The Secretary-General has called for more decisive action with regard to reprisals. On 21 October 2011, he participated in a High-Level Panel Discussion on stopping reprisals during the 66th session of the General Assembly. During the event, he reiterated his public condemnation of such acts and urged that any allegation of reprisal or intimidation should be investigated.

The Office of the United Nations High Commissioner for Human Rights takes this issue very seriously, as demonstrated by several interventions made by the High Commissioner and the Deputy High Commissioner where they underscored that guaranteeing the safety and security of those who cooperate with human rights mechanisms is imperative.

The President of the Human Rights Council also raised concerns over reprisals against human rights defenders on several occasions.

Special procedures mandate holders, both of the United Nations and regional human rights bodies have systematically condemned reprisals. They have established specific procedures to address and give visibility to cases of reprisals to help curb this phenomenon, with some mandate-holders dedicating part of their reports to this issue. In some resolutions on mandates of special procedures, the Human Rights Council makes specific reference to the issue of reprisals.

Human Rights Treaty bodies have also developed specific responses to reprisals. Some instruments contain specific articles asking States parties to take all appropriate measures to ensure that individuals under their jurisdiction are not subjected to ill-treatment or intimidation as a consequence of communicating with the monitoring body of the said instrument. The prevention of and response to reprisals are also discussed in the context of the treaty body strengthening process.

Civil society has continuously highlighted this phenomenon and the need to address it with determination, including through the holding of side events, oral interventions in the context of the Human Rights Council and public statements. In addition, civil society has developed protection schemes for persons at risk of reprisals.

National human rights institutions have also regularly condemned reprisals and intimidation for cooperation with the UN in the field of human rights.