**Committee on the Elimination of Discrimination against Women (CEDAW)**

**Guidelines to address allegations of reprisals and acts of intimidation against individuals and organizations cooperating with the Committee**

***Adopted on 23 June 2021***

At its 70th session[[1]](#footnote-1), the Committee on the Elimination of Discrimination against Women endorsed the Guidelines against Intimidation or Reprisals (“San José Guidelines”) adopted at the 27th meeting of Chairpersons of the human rights treaty bodies in June 2015). At its 72nd session[[2]](#footnote-2), it appointed Nahla Haidar as Rapporteur on reprisals and Gladys Acosta Vargas as alternate Rapporteur on reprisals, for a period of two years. At its 78th session[[3]](#footnote-3), the Committee appointed Dalia Leinarte as Rapporteur on reprisals and Leticia Bonifaz Alfonzo as alternate Rapporteur on reprisals, for a period of two years.

The Committee notes with concern the increasing number of allegations of reprisals and intimidation, against human rights defenders, including women human rights defenders, representatives of civil society organizations, and national human rights institutions for their cooperation with human rights treaty bodies, which in some cases include travel bans, issuances of arrest warrants, arbitrary detention, torture, surveillance, death threats, and defamation. The Committee therefore decided, at its 79th session[[4]](#footnote-4), to adopt the following practical guidelines to address such allegations:

1. A women human rights defender and other individuals who are victims or are at risk of acts of intimidation or reprisals for seeking to cooperate, cooperating or having cooperated with the Committee on the Elimination of Discrimination against Women may provide information to the CEDAW Rapporteur on reprisals and/or the Committee’s Secretariat, in writing to [cedaw@un.org](mailto:cedaw@ohchr.org). Upon request, the Secretariat will provide secure communication channels.

2. The Rapporteur in collaboration with the alternate Rapporteur, the Chair of the Committee and the Secretariat, in a timely manner, obtains all available information concerning the alleged acts of intimidation or reprisals and takes the necessary steps to verify and assess the information received. In this regard, the Rapporteur with the support of the Secretariat may liaise with OHCHR Desk Officers, OHCHR Field presences and the OHCHR reprisals team (civic space unit), as well as the Committee’s Country Rapporteur and, if appropriate, other relevant United Nations human rights representatives, bodies, and mechanisms. The sources and information received concerning allegations of acts of reprisals or intimidation are confidential.

3. When the information received is not considered to be sufficiently substantiated by the Rapporteur on reprisals, the alternate Rapporteur on reprisals and the Chair of the Committee or cannot be verified, the alleged victim should be informed that no further action will be taken at that stage.

4. On a case-by-case basis and taking duly into account the “do-no-harm” principle, once the allegations are verified, the Rapporteur proposes to the Chair to adopt protection measures, always with the informed consent and agreement of the persons concerned, their relatives and/or their representatives. The protection measures may include:

(a) Send a written communication signed by the Rapporteur on reprisals and the Chair of the Committee to the State party concerned bringing to its attention the allegations received and requesting information within a given deadline on the measures taken to investigate them and to protect and provide a remedy to the alleged victims;

(b) Raise the case with Permanent Representative of the State party concerned in Geneva in a private meeting with the Chair and the Rapporteur and alternate Rapporteur on reprisals of the Committee; If urgent protection needs arise, and in liaison with OHCHR Desk Officers, Field presences and the reprisals team/ Civic Space Unit, connect cases to existing civil society protection networks or national protection mechanism where they exist;

(c) In the context of the review of a periodic report, raise the case during the dialogue with the delegation of the State party concerned;

(d) As appropriate, address allegations of reprisals in lists of issues and questions in relation to State party reports; list of issues prior to reporting; concluding observations; decisions or views on individual communications; findings on inquiries; and/or in the context of the follow-up to concluding observations procedure;

(e) As appropriate and after having communicated with the State party concerned, issue a public statement or press release, if so decided by the Committee, and in liaison with relevant OHCHR desk officers, field presences, the reprisals team (civic space unit) and the Media Section;

(f) Raise the case with other human rights treaty bodies; special procedure mandate holders, the Human Rights Council, the Assistant Secretary-General for Human Rights, as well as regional human rights mechanisms, United Nations country teams, national human rights institutions and civil society organizations;

(g) As appropriate, include information on cases of intimidation or reprisals in the annual report of the Committee to the General Assembly, and share information with other UN bodies or representatives addressing intimidation and reprisals for cooperation with the United Nations in the field of human rights, in particular the senior United Nations official designated by the Secretary-General to lead the efforts within the United Nations system to address this issue.

5. The Rapporteur on reprisals, in consultation with the alternate Rapporteur, the Chair and the Secretariat, and with the consent of the persons concerned, their relatives and/or representatives, may request the assistance of OHCHR field presences, UN country teams and, when appropriate, national human rights institutions to monitor protection measures. The Committee may also decide to make relevant correspondence with the State party concerned available on the OHCHR webpage for CEDAW to facilitate follow-up by national actors.

6. The Rapporteur on reprisals in collaboration with the alternate Rapporteur, the Chair and Secretariat will assess information received from the State party concerned or any new element or information regarding a case and take appropriate action.

7. The Rapporteur on reprisals regularly reports to the Committee on protection measures taken or the discontinuance of a case.

1. From 2 to 20 July 2018 [↑](#footnote-ref-1)
2. From 18 February to 8 March 2019 [↑](#footnote-ref-2)
3. Held online from 15 to 25 February and on 4 March 2021 [↑](#footnote-ref-3)
4. Held online from 21 June to 1 July 2021 [↑](#footnote-ref-4)