**Comments by Assistant Secretary-General for Human Rights,**

**Andrew Gilmour**, **at** **OHCHR side event**

***Intimidation and reprisals for cooperation with the UN:***

***Examining trends 2016-2019***

New York, 15 October 2019

Thank you for participating today in this side event.

Last month in Geneva I presented the 2019 annual report of the Secretary-General on intimidation and reprisals for cooperation with the UN to the Human Rights Council.  This is something I feel incredibly strongly about – that people around the world are punished for cooperating with the UN, punished for cooperating with mechanisms set up by Member States.  That most of the punishment is carried out by Member States has always seemed to me strikingly wrong, and something that the whole UN system should do more about.

This was my third presentation to the Human Rights Council and I would like to draw together some patterns that have emerged since being designated by the former Secretary-General in October 2016 to lead a UN systemwide effort to address this increasingly troublesome issue.

The bad news is that we keep seeing an increase in numbers.  This year’s report of the Secretary-General mentions 48 States.  For comparison, from 2010 to 2016, before we took on this mandate, an average of 15 countries were included in the annual reports.  The 2017 report mentioned 29 States, the 2018 report 38, and this year 48.

One cautionary point, perhaps a tiny sliver of silver lining, is that we recognize that part of the increase may be due to improved outreach, awareness and collection of information, rather than the practice of reprisals on a larger scale. The UN’s ability to document allegations can be seen as a step forward, as we have enhanced our own capacities and are reaching more victims.

On the other hand, we know there is the ‘tip of the iceberg’ factor.  We know that there are many more reprisals carried out that we don’t mention – either they don’t come to our attention at all, or we are asked not to mention them due to the ‘do no harm’ principle and the lack of consent from the victim or family concerned.  There are many cases we decide not to report because we are conscious of the need to make absolutely sure that no action we take could make the lives of these brave defenders even worse as a result.

The variety of reprisals people are exposed to is very broad, from relatively minor things such as travel bans and harassment, to far more severe incidents such as torture, arrest, sexual assault and even death.  There is also a lot of online smearing, which is a relatively new phenomenon.

Secondly, we still observe a trend in denial by governments who insist almost invariably that the allegations presented to them are not reprisals – that the treatment of targeted individuals or NGOs is not related to cooperation with the UN.  States seldomly take responsibility for such actions, but rather there is almost invariably a blind, blanket and almost bovine denial.

We are accused of having “unsubstantiated” facts or of having got our facts wrong.  But the countries that say this are also those which prevent us from having access to go and examine our concerns.  As I have said at both the Human Rights Council and at the Third Committee, States cannot have it both ways.  If they feel there is a question about the facts we present, then let us in to examine and investigate.  We are meticulous about how we handle these cases and we believe there is a good reason for bringing forward these allegations.

There is another way that States dismiss the allegations presented to them.  They frequently say that the treatment of targeted individuals (often women) or NGOs is not related to cooperation with the UN, but the individuals are “terrorists” or “criminals”.  This is a frequent accusation and is often not very credible.

There are some notable exemptions.  For example, one striking example was the way the Bahamas handled some allegations by CEDAW constructively and with the protection of the alleged victim in mind.  That is why the Ambassador of the Bahamas has been invited to speak today, in the hope that we can use this attitude as an example of good practice.

One of the goals three years ago when I was appointed in order to promote an enhanced UN response to the issue of reprisals, was better understanding and more comprehensive and coordinated efforts within the UN system.  We wanted to expand this issue beyond OHCHR – because on many occasions people are punished for cooperating with other entities such as a peacekeeping mission or UNDP, or UNICEF.  We have got other parts of the UN system much more attuned so that they themselves take action.  But there is a lot more space to go – we would like to see the rest of the system much more awake to this phenomenon (and other human rights issues).

We have also been trying to raise the profile of the issue here in New York, to make it not just a “Geneva issue”.  This is in part why I was given this role and not one of our colleagues in Geneva.  There are many well-publicized cases of defenders who are targeted for going to the Human Rights Council, and we have had important cooperation from successive Presidents of the Council who are willing to take up these issues.  But among this year’s unprecedented level of allegations globally, we saw increased cases reported at Headquarters here in New York.

Intimidation of speakers at the Security Council, continued deferral of applications for ECOSOC status by the NGO Committee, and intimidation and harassment of participants at the harassment at the CSW in March, the Permanent Forum on Indigenous Issues in April, and at the High-Level Political Forum this July are just a few examples.   Intimidation and reprisals take place under our very noses, here in this very building, and we should all be more vigilant about that.

Last month we were happy that the Human Rights Council adopted a resolution on reprisals in which it, for the first time, invitedthe General Assembly to “remain seized of all work in this area” including in reflecting on the Secretary-General’s annual report.  There I would hope there is a bit of space for action.

As I bow out of the UN after 30 years in two months’ time, including of course this role, I would like leave that thought with you, so that as many of you as possible can build on whatever progress has been made in the last three years.  I would hope that you will try and make this issue more visible in New York, because visibility is an important way of dealing with this scourge of reprisals.  I said that Member States do not admit to having carried out reprisals, but the very fact that they sometimes react so violently to us merely for raising these issues is, in my view, an indication that there is indeed some effectiveness in bringing the issues to public attention.

Thank you for all your participation today.