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**Human Rights Council**

**42nd Session**

**Oral presentation by the Assistant Secretary-General for Human Rights of the report of the Secretary-General on cooperation with the UN, its representatives and mechanisms in the field of human rights**

**Agenda Item 5**

Geneva, 19 September 2019



**Mr. President, Excellencies, colleagues,**

Thank you for the opportunity to address in an interactive dialogue the worrisome issue of intimidation and reprisals for cooperation with the UN. We greatly appreciate the Council devoting particular attention to this alarming subject, especially you, Mr. President.

This year marks the tenth anniversary of resolution 12/2, when this Council requested the UN to take urgent steps to address intimidation and reprisals. Two years ago, this Council decided to dedicate additional attention to the report of the Secretary-General to ensure the sharing of good practices, challenges, and lessons learned. It is in that spirit that I begin this dialogue.

Today’s discussion should be seen in the context of a seriously worrying global crackdown on civic space and freedoms. The Secretary-General referred to this trend in his remarks to you this February, noting that harassment and attacks were on the rise as measured in the number of human rights defenders, environmental activists, indigenous people, and journalists killed in the last three years. “We must do more to defend defenders and end reprisals against those who share their human rights stories”, he stressed. This includes victims of human rights violations who share their testimonies with the UN.

In the report before you, the Secretary-General underscored that reported allegations over the years demonstrate that intimidation and reprisals are “more than isolated incidents, but can signal patterns.” In the past year, intimidation and reprisals have manifested themselves in three broad categories: (i) acts of violence; (ii) disproportionate legal and policy restrictions; and (iii) hostile public discourse. Far too often, they are framed as justified by arguments of national security and counter-terrorism strategies.

Acts of serious cruelty have continuously been reported against those who dare to come to the UN or share information with us – incommunicado detention, torture and ill-treatment, prolonged solitary confinement, and even deaths in custody. It is not just those making complaints who are being targeted, but also their family members, legal representatives, intermediaries, witnesses and interpreters.

This year’s report includes several cases of new and ongoing incidents of enforced disappearance or detention, some which have been deemed arbitrary by UN human rights experts. Many individuals languish in prison, some on terrorism charges and others still without trial, and with reports of sexual harassment and assault in detention.

Some are deeply punished for having cooperated with us, while others report being punished for seeking remedy. There are several cases where an official UN ‘opinion’ or a ‘communication’ written on an individual’s situation seems to have had a detrimental impact on their detention conditions, or spurred retaliation against their family.

In parallel, incidents of intimidation at UN meetings, trainings and conferences, continue at an alarming rate, and right under our noses. Individuals and organizations have been harassed at UN events, unwillingly filmed or photographed, or had their statements in closed sessions secretly recorded. This has created a climate of intimidation that is clearly intended to create fear and deter others from future participation.

We are aware of organisations affiliated with governments registering or being accredited as members of civil society. This misuse of civil society status undermines the role that groups not connected to the government play. It has been reported that individuals not identified as State representatives were in fact connected to certain governments and attended closed briefings to intimidate and carry out surveillance.

But we know that intimidation happens much earlier than on UN premises. Efforts to block or discourage participation at the UN – whether by surveillance, threats, or travel restrictions – are widespread. Retaliation is frequently reported against certain individuals when they return home.

A second trend that the Secretary-General highlighted last year and which remains prevalent is that reprisals are often linked to legal, political and administrative hindrances. Selectively applied laws and policies, or new legislation that restrict the operations of civil society organizations cooperating with the UN are being used in many countries to undermine their legal status, ability to operate, and funding.

Similarly, accreditation and security procedures have been used to block people from UN meetings, with the claim that an individual’s attendance would somehow threaten a country’s security.

We see hate speech, smear campaigns, and harassment reported against representatives of civil society, national human rights institutions, and journalists, but also public officials and members of political parties. And we see how gender plays a role in terms of stigmatization, including within an individual’s own community.

In addition, the immediacy and reach of online threats pose serious challenges to those speaking up. We are very concerned at the widespread misuse of the online space through cyberbullying, including against those who have pivotal roles in UN efforts.

We hear continually of online attacks and other harassment and threats directed at independent experts with UN mandates. This has a chilling effect on those seeking to work with us and share their stories. If even high profile experts with international backing can be attacked with impunity, this sends a threatening message to others at national or community level who are not afforded the same visibility.

Turning to the summary of cases, due in part to more systematic reporting and coordinated action on reprisals, this year’s report references 48 States from each of the UN’s five regions. This includes new cases as well as new developments in cases previously reported. Some of these States are members of this Council. Some have featured in this report nearly every year since 2010.

For comparison, from 2010 to 2016, an average of 15 countries were included in the annual reports. The 2017 report mentioned 29 States, the 2018 report 38, this year 48. As in the past, a number of cases have not been included due to security risks for the victims themselves and their families.

This year we made particular effort to compile alleged cases in advance and to provide States an opportunity to examine, investigate and share their views with us on the written allegations. Responses received have been summarized in the report. We are very grateful to those States who responded.

But even with this increased reporting, the Secretary-General remains particular concerned at the growing body of evidence of self-censorship. Some individuals decide not to engage with us out of fear for their safety, or in contexts where human rights work is criminalized or publicly vilified.

The past year shows an unprecedented level of allegations relating to cooperation with the UN human rights mechanisms, notably those mandated by this Council, as well as those with human rights components of peace operations or OHCHR field presences. But we are also seeing increased cases reported at Headquarters in New York: with intimidation of speakers at the Security Council, the ECOSOC, and the High-Level Political Forum this July.

Yet again, we are concerned at the use of accreditation procedures to block access to the Organization. DESA has reported a continual deferral rate of roughly 50% of civil society organizations trying to acquire consultative status with ECOSOC. Human rights NGOs are disproportionately affected. Such deferrals are increasingly seen, including by Member States, as attempts to hamper access to the UN and as a manifestation of shrinking civil society space.

In April, I addressed the widespread intimidation of and reprisals against indigenous peoples at the Permanent Forum on Indigenous Issues in New York, in particular against those defending their traditional land and natural resources. Regrettably, intimidation was reported at that Forum, in the corridors and even in the plenary, and also after the Expert Mechanism on the Rights of Indigenous Peoples in July in Geneva.

On a positive note, the report also highlights some of the State responses to prevent and address these trends, as well as efforts at accountability or legislative reform. It is encouraging that some Governments addressed the allegations presented to them, including in the form of an investigation of a reported incident, an offer of support and protection, or an apology to those affected. The report also highlights some welcome developments in legal proceedings.

During the interactive dialogue on the 2018 report last year, it was suggested that the UN collect information on good practices to address and prevent reprisals. In February 2019, OHCHR issued a questionnaire and, on the basis of a limited number of replies received, the report highlights some of these practices to make reprisals a priority in multilateral fora and to increase accountability at the national level.

This session is my last as the senior UN official designated to lead efforts to end intimidation and reprisals for cooperation with the UN on human rights. Therefore, I want to offer some brief thoughts on what has been accomplished in the last 3 years and to highlight some challenges.

First, we keep seeing an increase in reported cases year after year. Somewhat dispiritingly, this year’s report references cases in what amounts to one fourth of all UN Member States. On the other hand, we recognize that some of the increase is due to improved collection of information. Thus, 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.

The content of the report depends on the information received and therefore the picture reflected in it is incomplete. We are aware that we receive more information in contexts where the security situation allows it, and where there is an active civil society network. Conversely, we may have few or even no cases to report in countries that are the most closed to civil society activities. Nevertheless, despite these limitations, at this point we had hoped that the numbers would be going down, and not up. Beyond the 48 States mentioned in the report, we continue to monitor cases in about a dozen more.

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 NGOs is not related to cooperation with the UN. If we are to move toward good practices and prevention measures, we must address this issue. One of the best signals of a State’s commitment to human rights is the seriousness with which it examines allegations of reprisals. On the other hand, the verbal violence with which we may be attacked for daring to report an alleged violation is often a reflection of the physical or psychological violence that was employed against the victim in question.

Which brings me to a related trend. Many individuals who have shared information with us, or come to our meetings, have been officially charged with “terrorism,” blamed for “cooperation with foreign entities,” or accused of “damaging the reputation or security of the State.” Others are dismissed as being mere “criminals.” In some cases organizations’ foreign funding has been cut or significantly reduced, undermining their ability to research and collect information, travel and advocate for human rights issues at the UN. The justification for such action is usually framed as being in implementation of a national law or a policy to respect security.

A healthy dose of skepticism on our part in the face of such justifications is, I would hope, understandable. The absence of any accountability, and the systematic refusal of Governments to admit that, yes, some state agent may indeed have carried out an act of reprisal, is a perpetually frustrating element of this mandate.

Finally, 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 to address cases and policy issues. Within the UN system, I am pleased that there have been notable initiatives to develop guidance, sensitize staff members, and improve reporting. In addition to OHCHR, there are several UN organizations addressing the issue with improved policy and protection initiatives, such as ILO, UN Women, the World Bank Group, UNDP and UN peace operations, leading to enhanced sensitization. On the ground and at Headquarters, we will continue to improve our ways of documenting, analysing and reporting on cases and trends.

After three decades serving in the UN, I am more convinced than ever that putting an end to reprisals should be a priority and core responsibility of the Organization: its Member States, inter-governmental bodies, agencies and staff. While the UN will continue to strengthen its system-wide response, the real onus is of course on the Member States. It is, after all, you who mandated various UN entities to collect information on human rights. And I would respectfully suggest it is you who need to ensure that brave human rights defenders are not cruelly targeted for cooperating with those same bodies you established.

Thank you again for considering this issue and – to many of you – for providing me with unstinting support in my efforts. My colleagues and I greatly appreciate that.