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

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

***Intimidation and reprisals against those engaging with the UN on human rights: Examining trends and patterns***

New York, 24 October 2018

Thank you for participating today in this side event.

Last month in Geneva I presented the annual report of the Secretary-General on reprisals to the Human Rights Council and, for the first time, there was an interactive dialogue with Member States and civil society. In October 2016 I was designated by the former Secretary-General to lead a UN systemwide effort to address this increasingly troublesome issue.

This year’s report includes allegations documented in a total of 38 countries, some of whom have featured in the annual report on reprisals nearly every year since it was instituted in 2010. This was an increase over last year, where there were 32 states mentioned, and over the previous years when there was an average of 15.

One of the things we have been trying to do is to raise the profile of the issue here in New York so it is not just about Geneva —hence this event.

This is only part of the picture. We are conscious that there are gaps in information, including because of the serious risk that human rights defenders, journalists and others face for sharing information, and that the cases we receive may be just the tip of the iceberg. We know that many cases go unreported, plus even for some reported cases we have not included them because we have not received consent from the victims or their families. We are also aware that we are likely to receive information from countries where there is a relatively vibrant civil society who have been able to engage with the UN (and then suffered reprisals). This could have slightly distorted the report as it means there is more coverage of those countries than of others which may be even more closed and repressive and where it was impossible for the UN to engage with civil society at all.

While the majority of cases show that incidents are usually perpetrated by State officials, or at the very least are condoned by the government, the Secretary-General notes in the report that “violations by non-state actors must be taken seriously.”

Among the large scope of reprisals, we have monitored three disturbing trends. First, as the Secretary-General has lamented in the report “States have frequently invoked counter-terrorism as the reason an organization or individual should be denied access to the UN.” The report highlights that some NGOs and human rights defenders, activists and experts have been labelled as “terrorists” by their governments, whether they are officially charged with terrorism, blamed for cooperation with foreign entities, or accused of damaging the reputation or security of the state. Others have been accused of criminality. We see this as part of a dangerous global trend, beyond this reprisals mandate, to denigrate and discredit human rights defenders.

A second trend is that reprisals are often disguised in legal, political and administrative obstacles. The Secretary-General notes in the report that measures such as selectively applied laws and policies, or new legislation that restrict the operations of organizations cooperating with the UN, are being used in many countries to undermine the legal legitimacy and ability of NGOs to acquire funding, especially from foreign donors. This undermines their capacity to engage with the UN, and of course contributes to the further shrinking of civic space.

The third trend that we are seeing is the use of accreditation and security procedures to hinder people from speaking out at UN headquarters and elsewhere. There have been attempts by some diplomats to block the participation of certain civil society representatives in UN events, meetings or conferences, including attempts to thwart the accreditation of NGOs, especially those doing human rights work, through various manoeuvres. An emblematic case is that of Mr. Dolkun Isa, who has encountered this issue at multiple UN meetings.

I will mention some of the trends we have seen here in New York. The Security Council has in recent years started to bring civil society representatives to their meetings to brief on country and thematic situations. This is very welcome. But regrettably, we have several reported cases where individuals have been harassed, threatened, and slandered online for speaking out at the Security Council. This is happening right under our noses in the diplomatic hallways at headquarters. A good example of that is just last week, Mr. Hagai El-Ad of the Israeli organization B’Tselem was slandered and threatened after his Council briefing on the situation in the Middle East – both in the Council chamber itself by his country’s ambassador, and later on line.

We have also seen individuals threatened for speaking to Council members during their field visits, and several Member States have spoken out against this. During a Security Council visit to Rakhine State in Myanmar, it was reported that Rohingya villages were threatened with reprisals if they talked with the Security Council delegation.  This also happened in South Sudan during the Council’s visit two years ago.

I have engaged with the Chair of the NGO Committee in New York, which makes recommendations to ECOSOC on consultative status that confers access to the UN. We have received concerns about the large number of deferrals and perceived lack of transparency in decisions on consultative status. Continuous deferral of applications has in some cases amounted to de facto rejections and has targeted civil society organizations that work on human rights-related issues, such as the International Dahlit Solidarity Network whose application has been deferred in the Committee for 10 years. In light of this trend, the Secretary-General in the report called on “the Committee to apply the criteria for assessing organizations in a fair and transparent manner.” In a related case, the Alkarama Foundation’s application for consultative status was denied by ECOSOC, as a reprisal for their human rights work with the UN.

During my interactive dialogue in the Human Rights Council in Geneva last month, there were substantive and thoughtful comments and questions from over 40 Member States. These seemed to me to fall in three categories:

1. There were those, a large number, who were unequivocally supportive of the mandate and asked questions as to what more could be done to help.
2. The second category was composed of States who said that they were supportive of the mandate, but complained about the fact that their countries appeared in the report, and protested in varying degrees about that; and
3. There was a third and rather hostile category of a couple of Member States who seemed equally opposed to the mandate itself and to the way we carry it out.

Several States have been very supportive of the issue. Last year during the GA, strongly encouraged by Norway, States adopted -by consensus- a significant resolution in advance of the 20th anniversary of the UN declaration on human rights defenders, which we will commemorate in December in New York with a high-level panel. This resolution condemned all acts of intimidation and reprisal by State and non-State actors and strongly called upon all States to give effect to the right of everyone, individually and in association with others, to unhindered access to and communication with the UN.

In Geneva the African Group, in a statement delivered by Togo, helpfully asked how we could in the future draw attention to best practices in how this issue is being dealt with. We welcome ideas in this regard – from governments, civil society and colleagues in the UN.

One frustration in our efforts, however, has been the recurring and almost systematic responses from governments – although we very much appreciate that they take the time to respond to our letters, and to meet with us – that the allegations do not constitute a “reprisal.” We frequently here the accusation ‘he’s a terrorist’, ‘she’s a criminal.’ No one ever fesses up to the fact that an act of reprisal was carried out as a result of some interaction with the UN.

If we don’t tackle these allegations seriously by addressing the crucial elements of intimidation, and the repercussions that people face when speaking out at the UN, we are unlikely to make much progress. When States start to react swiftly to the allegations, ensuring prompt and impartial investigations, access to justice and effective remedies, then I think we will be moving forward. Until then, we continue to raise allegations both diplomatically and also in the media.

The Secretary-General rightly notes in the report that “at a time when space for civil society is shrinking in various spheres, it is essential that the United Nations encourage engagement with civil society.” And it is in this spirit that we carry out the mandate with the commitment that we do, and also why I now turn to our partners at Amnesty International and the International Service for Human Rights for their comments.