

To: Member States of the General Assembly

As yet another General Assembly session nears its conclusion, we urge Member States to redouble their efforts to find a way forward and resolve the still unsettled deferral by the UN General Assembly of the consideration of Human Rights Council resolution 24/24.

The UN has been concerned with reprisals and intimidation against those cooperating with its human rights mechanisms and bodies for over 30 years. This September, the Secretary-General will issue his 24th annual report on this issue.

Two years ago, in September 2013, the Human Rights Council took the step of requesting the Secretary-General to designate a focal point to promote the prevention of, protection against, and accountability for reprisals and intimidation related to cooperation with the UN in the field of human rights.¹

In December 2013, the General Assembly decided to defer consideration of and action on that request, "in order to allow time for further consultations thereon".²

Time it has had. What is lacking now is principled action.

In the 20 months since the General Assembly decided it needed "time for further consultations", a number of individuals and groups have experienced intimidation and reprisals related to their cooperation with the UN human rights system. These cases underline the urgent need for a coordinated and consistent response to reprisals, to arrest this flagrant violation of human rights and corresponding attack on the UN human rights system, and reassure those considering engagement that States and the UN will not tolerate reprisals and intimidation against them.

Also during the time the General Assembly requested for further consultations, ad hoc efforts to address the issue of reprisals and intimidation have continued. The President of the Human Rights Council has continued to speak out on cases related to cooperation with that body. In June 2015, following the adoption of policies by several individual treaty bodies,³ the treaty body chairpersons collectively adopted a set of Guidelines against Intimidation or Reprisals.⁴

While we welcome these important steps, we are concerned that the prevention of, protection against, and accountability for reprisals and intimidation continues to be inadequate and to vary widely between UN human rights mechanisms. It is unacceptable that individuals and groups seeking to cooperate or cooperating with the UN human rights system may face intimidation or reprisals and it is particularly problematic that individuals and groups may find greater protection or face greater risks depending on what aspect of the system they cooperate with.

We continue to reiterate that where States fail to prevent and protect individuals and groups from reprisals and intimidation, a prompt, effective, coherent and consistent response is required from the UN.

¹ A/HRC/RES/24/24

² A/RES/68/144

³ Committee on Enforced Disappearances

(http://tbinternet.ohchr.org/Treaties/CED/Shared%20Documents/1_Global/CED_C_3_7365_E.pdf);

Committee Against Torture (<http://www.ohchr.org/EN/HRBodies/CAT/Pages/ReprisalLetters.aspx>); Human Rights

Committee (<http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=15799&LangID=E>);

⁴ http://www.ohchr.org/Documents/HRBodies/TB/AnnualMeeting/27Meeting/HRI_MC_2015_6.doc

Furthermore, we underline that any discussions regarding a solution to the deferral of Human Rights Council resolution 24/24 is not an excuse for inaction on reprisals by the General Assembly or the Human Rights Council. We therefore urge your delegation to support the adoption by the Human Rights Council at its upcoming 30th session of a follow up initiative that would reaffirm the need for a prompt and effective response to all cases of reprisals.

1. Amnesty International (AI)
2. Arc International
3. ARTICLE 19
4. Cairo Institute for Human Rights Studies (CIHRS)
5. Child Rights Connect
6. East and Horn of Africa Human Rights Defenders Project (EHAHRDP)
7. FORUM-ASIA
8. Human Rights Law Centre, Australia
9. Human Rights Watch (HRW)
10. ILGA – International Lesbian, Gay, Bisexual, Trans and Intersex Association
11. International Federation for Human Rights (FIDH)
12. International Service for Human Rights (ISHR)
13. Jacob Blaustein Institute for the Advancement of Human Rights (JBI)
14. Réseau Ouest Africain des Défenseurs des Droits Humains / West Africa Human Rights Defenders Network