

The background of the cover features a large, white United Nations emblem on a blue field, which is part of a larger image showing several national flags blurred in the background. The emblem consists of a world map surrounded by olive branches. The text is overlaid on a dark blue rectangular box in the lower right quadrant.

# REPRISALS HANDBOOK

A HANDBOOK FOR HUMAN RIGHTS DEFENDERS  
2025 REVISION

 International Service  
for Human Rights

## ABOUT THE INTERNATIONAL SERVICE FOR HUMAN RIGHTS

The International Service for Human Rights (ISHR) is an independent non-governmental organisation dedicated to the promotion and protection of human rights. We do this by supporting human rights defenders, strengthening human rights protection systems, and leading and participating in coalitions for human rights change.

## CREDITS

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# PREFACE

## About ISHR's work on intimidation and reprisals

The International Service for Human Rights (ISHR) seeks to ensure that national, international and regional human rights systems have the policies, mechanisms and protocols in place to prevent reprisals and ensure accountability where they occur. ISHR also brings cases of alleged intimidation and reprisals to the attention of relevant officials to press for effective preventative measures and responses, including through our [#EndReprisals campaigns](#). ISHR also maintains the [#EndReprisals database](#), which documents cases of reprisals reported by the UN Secretary-General.

For more information on how to use the UN bodies and mechanisms referred to throughout this handbook, visit the [ISHR Academy](#), which provides free courses in English, Spanish and French.

## About the handbook

This handbook is aimed first and foremost at human rights defenders who engage with regional and international human rights systems. The focus is in particular on the United Nations (UN) human rights system, the African Commission on Human and Peoples' Rights (ACHPR) and the Inter-American Commission on Human Rights (IACHR).

The handbook highlights the risks that defenders can face from interacting with those systems, and suggests ways in which defenders can leverage the weight of the UN and regional human rights mechanisms to provide some degree of protection against those risks. In doing so, it does not aim to provide a fully comprehensive protection solution. In all cases, defenders should consider which option might be best, based on the context and particulars of a case.

Apart from some of the options touched on that may be available through diplomatic missions ([Chapter 5](#)) and non-governmental organisations ([Chapter 6](#)), it is important to note that the options presented in this handbook do not provide physical protection. In many cases the aim is to increase visibility and publicity, which may in turn provide some protection in particular contexts through deterrence, denunciation and prevention. These options should be resorted to in conjunction with a comprehensive risk assessment ([Chapter 2](#)) and security plan. The [ISHR Academy](#) provides a non-exhaustive list of tools in this regard.





*'Member States bear the primary responsibility for preventing and addressing reprisals. I reiterate my call to States to refrain from, prevent and ensure accountability for any acts of intimidation and reprisal for cooperation with the United Nations and to share and build upon good practices on how to prevent and address reprisals for cooperation with the United Nations.'*

Antonio Guterres, Secretary-General, Cooperation with the United Nations, its representatives and mechanisms in the field of human rights, Report of the Secretary-General (A/HRC/57/60 para. 132)



# CHAPTER 1: CONTEXT





Ilze Brands Kehris, UN Assistant Secretary-General for Human Rights, next to Secretary-General Guterres. © Photo: Manuel Elias / UN Photo

## 1.1. The nature of intimidation and reprisals

*'A global context of shrinking civic space is making it increasingly difficult to properly document, report and respond to cases of reprisals, which means that the number is likely much higher [...] We have a duty to those who put their trust in us. That is why at the UN, we are determined to live up to our collective responsibility to prevent and address intimidation and reprisals against those who cooperate with the organisation and its human rights mechanisms.'*

Ilze Brands Kehris, presenting the UNSG's report to the Council in [September 2023](#)

Preventing and addressing cases of intimidation and reprisals is part and parcel of States' obligations to ensure a safe and enabling environment for human rights defenders and other civil society actors to carry out all aspects of their work. However, human rights activists and defenders continue to experience threats, intimidation and reprisals related to their work at the local, regional, or international levels.

Whether it be by speaking to local media, taking part in a protest, publishing a research paper, or submitting information to the UN or regional human rights systems, raising one's voice in any context against the State or other powerful bodies can present risks. **This handbook focuses on reprisals suffered as a consequence of an individual's cooperation or attempted cooperation with the UN or a regional human rights body.**

Governments have no desire to be portrayed as human rights violators on a regional or international stage. Many cases of intimidation and reprisals take place in a context of systematic harassment, threats and attacks against human rights defenders. Reprisals are often carried out by powerful State agents, such as the police, military or security forces, or the judiciary, who act to protect the State from criticism. They are also often carried out by non-State agents, such as businesses, members of criminal groups, or armed groups, whose links to the State can be more or less direct, indirect, or totally absent.

Abuses come in many forms, including the use and abuse of laws to criminalise the work of human rights defenders, the initiation of arbitrary legal proceedings intended to hinder their work, defenders having their activities unreasonably restricted and their organisations unfairly scrutinised, being spied on online or offline or defamed, denied access to funding, or being subject to arbitrary arrest, physical violence, and death. In addition to being used punitively, reprisals are often used as a deterrent measure. These cases are harder to measure but the [UN](#),<sup>1</sup> the [Inter-American Commission](#)<sup>2</sup> and the [European Court of Human Rights](#)<sup>3</sup> have recognised the deterrent effect of reprisals and the obligation of States to ensure that human rights defenders can access and fully [engage with these mechanisms](#).

While reprisals often take place in defenders' home countries, they can also take place at the very moment that defenders are participating in meetings of regional or UN human rights bodies and mechanisms. For example, human rights defenders participating in sessions of the Human Rights Council (HRC) in Geneva sometimes face threats and harassment from members of their country's delegation. These incidents can be combined with press campaigns at home in which defenders are publicly denounced and threatened. Threats against human rights defenders can come from as high up as government ministers and heads of State. As defenders have increasingly engaged with the UN virtually, this has also led to intimidation and reprisals.

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1 United Nations General Assembly (UNGA), 'Cooperation with the United Nations, its representatives and mechanisms in the field of human rights', A/HRC/18/19, 21 July 2011, §69, <http://bit.ly/oA14o1>

2 IACHR, 'IACHR Deplores Reprisals Against Individuals who Come Before the Inter-American Commission', 4 November 2011, <http://bit.ly/XTAt6I>

3 Parliamentary Assembly of the Council of Europe, 'Member States' duty to cooperate with the European Court of Human Rights', res. 1571, §7, 2007, <http://assembly.coe.int/nw/xml/XRef/Xref-XML2HTML-en.asp?fileid=17576&lang=en>





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## 1.2. The extent of intimidation and reprisals<sup>4</sup>

In 2021, ISHR launched the [EndReprisals database](#), an online compilation of cases or situations of intimidation and reprisals documented by the UN Secretary-General since 2010. At the time of writing, the database contains 988 entries documented by the Secretary-General through 2023.

These include 588 cases in which a person or organisation was named (named cases), 279 cases of unnamed persons, groups or organisations, 93 general situations (e.g. new laws that could affect cooperation with the UN) and 28 preemptive public statements by UN actors (e.g. during an upcoming country mission).

Among the named cases, 56% can be identified as male and 29% as female individuals and 14% as organisations – only a few were not clearly attributable; no non-binary individuals were included. The thematic area of work is unclear in around 40% of these cases. Otherwise, the thematic areas predominantly concerned civil and political rights (30%), followed by accountability for human rights violations (11%), the rights of ethnic minorities or racism (8%), economic and social rights (6%), religious freedom (5%) or the rights of Indigenous Peoples (5%). Other topics such as women's rights, environmental rights or children's rights were represented in less than 3% of the named cases where a topic was mentioned.

<sup>4</sup> The data analysis in this section has been carried out by Janika Spannagel and published in Spannagel, Janika (2025): *Repressalien gegen Menschenrechtsverteidiger:innen im Umfeld der UNO – Monitoring und Maßnahmen*, in: Bielefeldt, H. et al. (eds.): *Engagiert für die Menschenrechte*, Frankfurt/M: Wochenschau Verlag, pp. 128-147. This analysis follows a report authored by Spannagel in 2021 analysing the 709 cases or situations of intimidation and reprisals documented by the UN Secretary-General's reports from 2010-2020, Spannagel, Janika (2021): *UN Actions on Reprisals: Towards Greater Impact*, Geneva: International Service for Human Rights, available at: <https://ishr.ch/defenders-toolbox/resources/reprisals-ishr-launches-analysis-of-709-reprisals-cases-documented-by-the-un-secretary-general/>

The top perpetrating countries are Venezuela (74 cases or situations), China and Bahrain (72 each), Vietnam (55), Guatemala (54), Egypt (51), Nicaragua (48) and Israel (45). The Middle East and North Africa (MENA) region is disproportionately represented: 29% of all cases and situations in the Secretary-General's reports between 2010 and 2023 and 32% of the cases mentioned by name. The second most common region is Asia and the Pacific 24% of all entries and 25% of individual cases mentioned by name, followed by Latin America and the Caribbean (19% and 27% respectively), Sub-Saharan Africa (19% and 13% respectively) and Eastern Europe and Central Asia (9% and 7% respectively). Entries from Western Europe, North America and Australia together account for less than 1% of cases and situations.

In terms of points of contact with the UN, intimidation and reprisals are most frequently reported in the case of (attempted) participation in UN meetings outside their own country (258 or 30% of all cases, named and unnamed). Next, with 229 cases, is the remote transmission of information (26% of all cases), followed by incidents in connection with meetings with UN representatives in the home countries of the persons or organisations concerned, with 189 cases (22% of all cases). In 41 (5%) of all documented cases, victims of human rights violations experienced intimidation and reprisals after the UN had publicly raised their case.

Engagement with the Human Rights Council accounts for the relative majority of reprisal cases at 24%, followed by engagement with UN Special Procedures (22%), treaty bodies (15%) and the Office of the High Commissioner for Human Rights (OHCHR) (12%). In recent years, cases reported in connection with UN peacekeeping operations and political missions have increased significantly and now account for 10% of cases overall. In 5% of cases, there was contact with the UN High Commissioner for Human Rights, in 2% with the UN Security Council. Other fora such as the UN General Assembly, World Conferences or Independent Investigations each account for less than 2% of published cases.

The data shows that for named cases, threats and intimidation were the most frequently reported (40%), which also included those cases in which fear of reprisals was reported. The second most common were cases of criminal investigation (28%), followed by defamation (27%), as well as imprisonment (24%), physical attacks (18%, including five cases of killing) and travel restrictions (16%). In 14% of cases, it was reported that family members or acquaintances were affected by reprisals, in 13% there was evidence of surveillance, in 12% there were reports of online harassment and in 11% of cases there were house searches or confiscation of property. Other types of interference were reported in less than 10% of cases.



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### 1.3. The legal obligation of States and the UN to address reprisals

International law provides for a right to unhindered access to and communication with international bodies on matters of human rights and fundamental freedoms. This right is derived from the human rights to freedom of expression, association, assembly and movement contained in international human rights instruments and in customary international law.<sup>5</sup>

The right to unhindered access to and communication with international bodies is also explicitly recognised in the UN Declaration on Human Rights Defenders<sup>6</sup> and is codified in specific provisions applying to certain UN human rights treaty bodies.<sup>7</sup>

The enjoyment of this right implies that those accessing or attempting to access or communicate with these bodies should not face any form of intimidation or reprisal. The Declaration on Human Rights Defenders recognises the right of human rights defenders to be protected from reprisals

<sup>5</sup> In 2012, the UN Special Rapporteur on the rights to freedom of peaceful assembly and of association called on States to ensure that these rights 'are enjoyed by everyone and any registered or unregistered entities' and that no one is subject to 'harassment, persecution, intimidation or reprisals' for exercising them.

<sup>6</sup> UNGA, 'United Nations Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognised Human Rights and Fundamental Freedoms', annex to UN Doc A/RES/53/144, 8 March 1999, art. 5§c and 9§4, <https://www.ohchr.org/sites/default/files/Documents/Issues/Defenders/Declaration/declaration.pdf>

<sup>7</sup> See: UNGA, 'Optional Protocol to the Convention on the Prevention of Torture', A/RES/57/199, 2002, art. 15, <https://www.ohchr.org/sites/default/files/cat-one.pdf>; UNGA, 'Optional Protocol to the Convention on the Elimination of all Forms of Discrimination Against Women', A/RES/54/4, 1999, art. 11, [https://www.ohchr.org/sites/default/files/2021-08/OP\\_CEDAW\\_en.pdf](https://www.ohchr.org/sites/default/files/2021-08/OP_CEDAW_en.pdf); UNGA, 'Optional Protocol to the International Covenant on Economic, Social and Cultural Rights', A/RES/63/117, art. 13, 2008, [https://www.ohchr.org/sites/default/files/OPProtocol\\_en.pdf](https://www.ohchr.org/sites/default/files/OPProtocol_en.pdf); and UNGA, 'Optional Protocol to the Convention on the Rights of the Child on a Communications Procedure', A/RES/66/138, art. 4, 2011, [https://www.ohchr.org/sites/default/files/CTC\\_4-11d.pdf](https://www.ohchr.org/sites/default/files/CTC_4-11d.pdf)



linked to their communication or cooperation, or attempted communication or cooperation, with the UN's human rights bodies and the obligations of States in this regard.<sup>8</sup>

The right to be free from reprisals that threaten an individual's life or physical liberty is also an aspect of the protection afforded by other international human rights, such as freedom from arbitrary arrest, detention or deprivation of liberty, torture, cruel, inhuman and degrading treatment, and arbitrary deprivation of life. Furthermore, international human rights jurisprudence establishes that States that confiscate passports, issue travel bans or prevent human rights defenders or representatives of non-governmental organisations (NGOs) from attending international meetings may contravene the right to freedom of movement under article 12 of the International Covenant on Civil and Political Rights.<sup>9</sup>

States have the primary duty to uphold the co-related rights to unhindered access to the UN and to be protected from intimidation and reprisals in connection with any cooperation or attempted cooperation with the UN. As subjects of international law, UN bodies such as the Human Rights Council and the Committee on NGOs of the Economic and Social Council (ECOSOC) are also bound by these obligations.<sup>10</sup>

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<sup>8</sup> See: UNGA, 'Declaration on Human Rights Defenders', 1998, art. 2§1, 9§1 and 12§2, <https://documents.un.org/doc/undoc/gen/n99/770/89/pdf/n9977089.pdf>; and Declaration on Human Rights Defenders +25, Articles 4 and 19.

<sup>9</sup> United Nations Human Rights Committee, 'Concluding Observations: Morocco', CCPR/CO/82/MAR, 1 December 2004, §18, <https://www.refworld.org/policy/polrec/hrc/2004/en/17842>

<sup>10</sup> Declaration on Human Rights defenders +25, article 19. See also Interpretation of the Agreement of 25 March 1951 between the WHO and Egypt (Advisory Opinion) [1980] ICJ Rep 73, pp 89–90. See also Reparations for injuries suffered in the service of the United Nations (Advisory Opinion) [1949] ICJ Rep 174, p 179. The Secretary-General has repeatedly raised the unfair and arbitrary deferral of NGO applications for consultative status by the ECOSOC Committee on NGOs in his annual reprisals reports. See for example Cooperation with the United Nations, its representatives and mechanisms in the field of human rights, Report of the Secretary-General, A/HRC/33/19, §12–15.

## CHAPTER 2: RISK ASSESSMENT<sup>11</sup>

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<sup>11</sup> We are grateful to [Front Line Defenders](#), [Freedom House](#), [OHCHR](#), [Protection International](#) whose important work in this area we have drawn upon extensively in this section.

## 2.1. A word about risk

*'[After] I was invited to the United Nations Forum on Minority Issues [...], I had to tell the UN that, as I [was] going back to my home country, I didn't know what would be my fate.'*

A defender who wishes to remain anonymous

It would be extremely detrimental to the effective functioning of regional and UN human rights systems if, as a result of the risks faced, human rights defenders avoided interacting with them. Defenders bring crucial information and perspectives regarding human rights situations on the ground and international and regional mechanisms depend on that knowledge and input to make informed decisions.

However, there are unfortunately cases where State institutions are simply unable, willfully neglectful, or deliberately obstructive when it comes to ensuring that defenders can cooperate safely with UN and regional human rights bodies and mechanisms. In those situations, defenders who dare to speak out face heightened risks.

Defenders should be fully aware that, as important as it can be to pursue international and regional human rights work, doing so could increase their exposure to significant danger. Because the UN system in particular can seem remote, there is perhaps a tendency to underestimate the risks that can be faced from engaging with it. Those seeking to engage with the UN should be aware of the importance some States place on being able to control what information is heard in international and regional fora, and therefore of the potential risks associated with that engagement. Similarly, it can be difficult for many States or experts to appreciate that defenders can face real dangers when cooperating or seeking to cooperate with international or regional human rights bodies and mechanisms.

In ISHR's experience, the activities that might pose risks include:

- receiving, participating in or facilitating training online and offline on how the UN human rights mechanisms operate
- hosting consultations or engaging in activities to prepare UN submissions or discuss issues relevant to the promotion of international human rights
- sending information to UN bodies and experts, including via insufficiently secure online platforms
- providing virtual or in-person briefings to UN experts, including Special Procedures mandate holders and UN treaty body members
- issuing open or public letters to UN officials, including the High Commissioner
- participating in diplomatic meetings prior to major UN meetings, such as the UN Human Rights Council
- making reference to or otherwise commenting on, including in the media or on social media, UN events, statements, processes or recommendations made to a specific country



- monitoring, following up and reporting back to the UN on the implementation of recommendations
- disseminating UN documents and seeking to initiate policy advocacy relative to the recommendations

### **How can I protect myself or others from further reprisals, per the text below?**

If you suffer reprisals as a result of cooperating or attempting to cooperate with the UN or regional human rights systems, you are unlikely to want to risk further reprisals through continuing that engagement.

If you are planning to report a case of reprisal through any of the avenues outlined in this handbook, you should always consider the risks involved in having a case of reprisal documented publicly. While the publicity can serve a protective function, it can also further expose you and make you, and those connected to you such as colleagues, associates or family members, more vulnerable.

Many of the suggested avenues in this handbook adopt a 'do no harm' approach and take the safety of the victim into account to the extent possible. For example, the Secretary-General's report ([see section 3.5](#)) will not include a case without the explicit permission of the affected persons. In some cases, the report will include anonymous cases. All of that being said, there are reasons to submit your case even if you prefer that it not be documented publicly, as this assists the UN in building a true picture of the extent and scope of reprisals, which in turn helps in developing an appropriate response.

## **2.2. Risk assessment: An overview**

This chapter outlines specific steps to assess and reduce the risk of intimidation and reprisals related to UN engagement.

To conduct an effective risk mitigation strategy you should:

- develop a thorough risk assessment, ideally peer-reviewed, and constantly updated
- decide on the level of risk you are willing to take (taking into account that it is virtually impossible to work in a 'zero risk' scenario)
- develop a contingency plan with measures intended to:
  - decrease your vulnerabilities
  - increase your capacities

You should always do a risk assessment before embarking on any engagement with the UN. A risk assessment allows you to think through the implications and possible consequences that might arise from engaging with the UN, according to your specific, individual context. We all have a different risk profile, related to personal characteristics, to the context we live in or come from, and relevant power dynamics. In an ideal scenario, you will not face any risk but you will be better off if you anticipate possible threats and have a plan to mitigate risks and address threats that occur.

Keep in mind that your relatives, colleagues, associates and organisations may be at risk as well: consider them potential targets, both direct and indirect, when evaluating risk.

The following 'risk equation' is a tool to help you identify, evaluate, and mitigate risks faced and is usually presented as follows:

$$\text{RISK} = \frac{\text{THREATS} \times \text{VULNERABILITIES}}{\text{CAPACITIES}}$$

A threat is a malicious or negative event that may or may not materialise against you, your relatives, your colleagues, your associates or your organisation. Threats exist irrespective of your actions (e.g. access to the UN blocked, being photographed or followed in UN premises, arbitrary detention as a result of UN engagement, etc.).

A vulnerability is any negative factor that exposes you, your relatives, colleagues, associates or your organisation to threats, or increases their likelihood or impact. A vulnerability can be related to factors you have more control over, such as your personality or personal connections, and factors you have less control over, such as the country you come from.

Conversely, a capacity is any positive factor that reduces your, your relatives', your colleagues', your associates' or your organisation's exposure to threats, or decreases their likelihood and impact.

Very often, vulnerabilities and capacities are two sides of the same coin. When you tackle your vulnerabilities, you increase your capacities.

A risk consists of the impact and likelihood of a threat taking place, which is amplified by your vulnerabilities and diminished by your capacities.

A good risk assessment allows you to consider:

- the different types of threats you may face
- the probability that these threats will occur
- the impact that these threats may have if they occur
- your vulnerabilities
- your capacity to prevent and deal with those threats

It is important to gather as much objective information as possible to conduct your risk assessment, including experiences by activists in similar situations, as well as data, and research on existing patterns of threats. If possible, discuss it with your peers, seek external views (ISHR can help you), and challenge your assumptions with the information you obtain.

## 2.2.1. Assessing potential threats

It is important to evaluate the possible threats you face. In their nature and their impact, threats can be physical, psychological, digital, informational, reputational, political, environmental, financial, related to human resources, logistical, among others. For example: digital surveillance is digital in nature, but can have a psychological impact on you. You should consider the following:

Type of perpetrator	Questions to ask yourself	Documented types of threats/reprisals (from most common to least)
<b>State and State-affiliated actors</b>	<p>Does your government have a track record of engaging in reprisals against those working on this issue, or in a generalised pattern of reprisals against those engaging with the UN? Check <a href="#">ISHR's EndReprisals Database</a>.</p> <ul style="list-style-type: none"> <li>■ How visible will your engagement be?</li> <li>■ Will your government know what you are doing?</li> <li>■ Is your government particularly sensitive to the human rights issues that you are aiming to bring to the UN?</li> <li>■ How have local/national authorities responded to previous work of rights defenders related to this issue?</li> <li>■ Who in power might feel a negative impact from your work at the UN?</li> <li>■ What resources do they have at their disposal to target you, your associates or your relatives?</li> <li>■ What is your government's position on the rights of defenders, on civil society access to the UN, and on the UN's role to address reprisals?</li> <li>■ Does your government hold a particular position of power or duty within UN human rights bodies currently (eg. President of the HRC)?</li> <li>■ How have the key stakeholders responded to previous or similar work of rights defenders or others related to these issues?</li> <li>■ Have other human rights defenders doing similar work been targeted?</li> <li>■ What have other colleagues in your country experienced when they have engaged with the UN?</li> </ul>	<p>The most common types of reprisals are (from most common to least):</p> <ul style="list-style-type: none"> <li>■ threats/intimidations</li> <li>■ defamation</li> <li>■ travel restriction</li> <li>■ physical attack</li> <li>■ surveillance</li> <li>■ detention/imprisonment</li> <li>■ charge/investigation/prosecution</li> <li>■ property damage/raid/search/confiscation</li> <li>■ family/friends/acquaintances targeted</li> <li>■ administrative reprisal</li> <li>■ online harassment</li> <li>■ access denied to UN expert/representative</li> <li>■ deterioration in detention conditions</li> <li>■ disappearance/kidnapping</li> <li>■ profession-related reprisal</li> <li>■ access to UN premises denied</li> <li>■ expulsion/denied visa</li> </ul>

Type of perpetrator	Questions to ask yourself	Documented types of threats/reprisals (from most common to least)
<b>Non-State actors, e.g. media, business, non-State armed groups</b>	<ul style="list-style-type: none"> <li>How have non-State actors including the media, private sector and other members of the community responded in similar circumstances?</li> </ul>	<ul style="list-style-type: none"> <li>defamation/defamation campaign</li> <li>threats/intimidations (incl. 'fear of reprisal')</li> <li>physical attack</li> <li>online harassment</li> <li>property damage/raid/search/confiscation</li> <li>surveillance</li> <li>family/friends/acquaintances targeted</li> <li>access denied to UN expert/representative</li> <li>disappearance/kidnapping</li> <li>travel restriction</li> </ul>

### 2.2.2. Assessing the impact of a potential threat and the probability it will occur

This table can help you map out the impact a threat may have and the probability that a threat will occur.

IMPACT	Very high	<i>E.g. being prevented from flying to Geneva</i>			
	High			<i>E.g. being followed at the UN</i>	
	Medium		<i>E.g. smearing on social media</i>		
	Low				
		Low	Medium	High	Very high
PROBABILITY					

As a guide, when considering the impact a threat may have:

- Low:** Minor problem, managed or fixed by day-to-day processes
- Medium:** Some disruption or harm, but not critical to desired outcome
- High:** High level of disruption or harm, affecting desired outcome
- Very high:** Major detrimental consequence

When considering the probability that a threat may occur:

- **Low:** Less than 20% (unlikely to happen)
- **Medium:** 20-60% (could happen, depending on many factors)
- **High:** 60-90% (likely to happen)
- **Very high:** above 90% (will happen unless exceptional circumstances)

Often we ignore the existence of certain threats, or don't have enough information to assess their impact and likelihood. In this case, the unpredictability of actions by a possible adversary (eg. the State or a non-State actor) is a threat in and of itself: if you have the time and resources, and once you have considered measures to address other high-likelihood and high-impact risks, consider taking all possible measures against any other threat from that actor.

Risk mitigation cannot remove threats but can diminish the likelihood of them occurring and/or their negative impacts, by reducing your vulnerabilities and increasing your capacities. Your risk mitigation strategy should, at minimum, include measures to address all risks with high or very high impact, and/or high or very high probability.

### 2.2.3. Assessing your vulnerabilities and capacities

Your vulnerabilities could be digital, informational, physical, organisational, legal, political, social, psychological, logistical or financial in nature. In light of your vulnerabilities, think about what capacities would be beneficial to have and consider how to achieve or obtain them.

	Vulnerabilities	Capacities
<b>Digital</b>	E.g. Unsecure devices; lack of access to Internet / telecommunication; uneven implementation of security policies; lack of IT and digital security knowledge.	E.g. Updated IT; digital security knowledge.
<b>Informational</b>	E.g. Possession of highly sensitive information.	E.g. Ways and means to protect highly sensitive information, online and offline.
<b>Physical</b>	E.g. Medical conditions; geographical context; lack of social security and health support.	E.g. Being in good health; having access to adequate medical care.
<b>Organisational</b>	E.g. Lack of organisational policies; lack of legal status; unhealthy work environment; lack of contingency plans; lack of safety measures in the office (camera, lock...).	E.g. Safety of location; emergency contacts, including local and diplomatic; existing security plan.
<b>Legal</b>	E.g. Lack of legal knowledge; lack of access to a lawyer; irregular migration status; lack of travel documents.	E.g. Access to lawyers; knowledge of legal context.

	Vulnerabilities	Capacities
<b>Political</b>	E.g. Sensitivity of issue; nationality; political and legal context (including restrictive laws...); lack of diplomatic or other international support; lack of public visibility.	E.g. Acting discreetly through more private actions; public visibility can also be a capacity insofar as it can be protective.
<b>Social</b>	E.g. Gender, SOGIESC (sexual orientation, gender identity, gender expression and sex characteristics), race, ethnicity, religion, or other grounds for discrimination in the society or community you live in; lack of support networks; family inside the country; mistrust within family, or communities.	E.g. Access to a support network on the ground or online; knowledge of language; support from relatives and persons of trust.
<b>Psychological</b>	E.g. Anxiety; inability to manage stress or fear; Post-Traumatic Stress Disorder (PTSD) and other psychiatric/psychological conditions; lack of psychosocial support and access to therapy; unstable emotional state; disruptive life factors (family, relations, etc); identity markers (i.e. LGBTQI+).	E.g. Being able to manage stress and fear; access to periodic or regular, adequate psychosocial support; well-being practices.
<b>Logistical</b>	E.g. Lack of travel insurance (flight and accommodation); visa uncertainty.	E.g. Support with travel arrangements should it be necessary.
<b>Financial</b>	E.g. Lack of sustainable source of income; lack of contingency funds; donor dependency.	E.g. Sufficient financial resources, including to address contingencies.

## 2.3. Risk mitigation strategy

Once you have carried out your risk assessment, you should be aware of: potential threats you may face, the probability that these will occur, the impact that these could have, your particular vulnerability to those threats and your capacity to prevent them (prevention) and address them (protection) should they occur. Your risk mitigation strategy should include measures you intend to take to decrease your vulnerabilities, increase your capacities, and a plan to address the risks you've identified, depending on your context

### 2.3.1. Mitigating your risk through prevention:

- Make sure to consider: Who will you inform about your engagement? Who will you inform if something goes wrong? What action do they need to take if something does go wrong?
- Discuss the risk with relatives and associates and what to do / who to contact and who will make decisions if you are physically attacked or arrested or otherwise not able to make decisions.
- Arrange for vulnerable family members or associates to be in a safe environment.
- Consider the use of security equipment, cameras etc.



- Be aware of your rights under arrest and detention.
- Have a lawyer or other legal professional in mind so you know who you will reach out to for assistance.
- Establish sustainable relationships with international NGOs (INGOs based in Geneva or connected semi-formally to the work of different UN mechanisms (e.g. treaty body committees or Special Procedures). They can be important allies and act as intermediaries. INGOs can: send civil society reports or other information on your behalf, and receive responses/questions over open channels; host meetings or provide/rent space to organisations based outside of Geneva and New York, helping to minimise costs and reduce time spent in UN spaces where there is less control over access; help civil society organisations gain access to spaces owned or controlled by third parties, whether commercial or governmental, often at more favourable rates or with particular accommodations already agreed (e.g., different options for sign-in which respect the need for pseudonyms for some activists).
- Take measures relevant to digital security, including communicating through encrypted channels to protect yourself from surveillance. Always ask for alternative communication options if you or your partners are uncomfortable with what is proposed. Note that most of the UN is currently using Microsoft Teams, but there are minimal technical barriers to using other platforms; behavioural barriers or preferences, however, may be more challenging to overcome than for other interlocutors. Protonmail is growing in use in particular among Special Procedures staff. You should always ask whether a personal or institutional account is available. There is minimal uptake or daily use of PGP/GPG (encrypted programmes managing data) or encryption add-ons such as Mailvelope. Signal is growing in use, while WhatsApp is quite common. However, there is significant hesitation among some staff to connect over these apps, as many in the OHCHR do not have professional devices and are – understandably – reluctant to widely share their personal contact info.

### 2.3.2. Mitigating your risk through protection when threats/attacks occur:

In addition to the options described in this handbook to document your case and report it to the UN, you should be prepared to take other actions for your protection, should a threat materialise. This risk assessment tool is not intended to provide a full protection solution. We are providing these examples based on our knowledge of and experience with UN engagement.

- Consider whether private or public action will be most effective.
- Report the threat or attack to local police or relevant national authorities and file an official complaint or request an investigation. This can include local police, relevant national security or intelligence branches, and/or UN security if the incident occurs on UN premises.
- If you are facing threats online, report them to social media companies for their action.
- Have a list of national and international contacts (e.g. embassies, media contacts, community leaders, and others of influence) that can be alerted to act in response to attacks.
- Consider seeking help from national human rights commissions, ombudsmen and/or protection mechanisms if available.
- Consider networks of defenders or organisations you are a part of that you will alert, should something occur, and what helpful actions they may take on your behalf.
- Gather contact information for organisations that provide emergency assistance to human rights defenders and civil society organisations at risk, and know what information they require.



© Photo: Pierre Albouy / UN Photo

While you will always be the best placed to assess the risks you might face, remember to reach out to others—both in your country and within the international community, including ISHR. Together, we will continue to work hard to ensure defenders like you can safely and effectively engage with the UN and continue to promote and protect human rights around the world.

*'We have a duty to those who put their trust in us. That is why at the UN, we are determined to live up to our collective responsibility to prevent and address intimidation and reprisals against those who cooperate with the organisation and its human rights mechanisms.'*<sup>12</sup>

**Ilze Brands Kehris, Assistant Secretary-General for Human Rights and senior official leading the efforts within the UN system to address intimidation and reprisals against those cooperating with the UN on human rights**

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<sup>12</sup> OHCHR, 'Over 220 people and 25 organizations worldwide faced reprisals for cooperating with UN on human rights: new report', Press release, 28 September 2023, <https://www.ohchr.org/en/press-releases/2023/09/over-220-people-and-25-organizations-worldwide-faced-reprisals-cooperating>

## CHAPTER 3:

# UN RESPONSE TO INTIMIDATION AND REPRISALS<sup>13</sup>

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<sup>13</sup> <https://www.ohchr.org/en/reprisals/our-work-acts-intimidation-and-reprisals>

### 3.1. The treaty bodies

The UN has a system of expert bodies, known as ‘treaty bodies’<sup>14</sup>, which monitor the implementation of the nine core human rights conventions. Each State party to a treaty has an obligation to take steps to ensure that everyone under its jurisdiction or subject to its control can enjoy the rights set out in the treaty. There are ten treaty bodies composed of independent experts of recognised competence in human rights, who are nominated and elected for fixed renewable terms of four years by State parties. The treaty bodies perform a number of functions in accordance with the provisions of the treaties that established them. These include: **considering State parties’ periodic reports** that set out how the rights in the treaty are being implemented; **considering individual complaints** by individuals who claim that their rights under the treaty have been violated; initiating country inquiries upon receipt of reliable information containing well-founded indications of serious, grave or systematic violations of a treaty; **adopting general comments** that interpret treaty provisions; and **holding thematic discussions** related to the treaties.

In July 2015, with the endorsement of the Guidelines against Intimidation or Reprisals (the ‘San José Guidelines’)<sup>15</sup>, the treaty bodies’ Chairpersons sent a strong signal that the intimidation of individuals and groups cooperating with the treaty bodies is unacceptable.

During their annual meeting in July 2016, the Chairs further recommended the implementation of the Guidelines by all treaty bodies and reaffirmed their decision to include reprisals as a standing item on the agenda of the annual meeting of the Chairs.<sup>16</sup>

To date, nine treaty bodies out of ten have endorsed or adopted the San José Guidelines on reprisals. Only the Committee on Economic, Social and Cultural Rights (CESCR) has not adopted or endorsed the Guidelines.

The San José Guidelines emphasise the responsibility of States ‘to avoid acts constituting intimidation or reprisals and to prevent, protect against, investigate and ensure accountability and to provide effective remedies to victims of such acts or omissions’. They further acknowledge that the treaty bodies have to take action, including reactive measures when allegations of intimidation or reprisals are received as well as preventative measures to protect individuals or groups at risk.

The San José Guidelines envisage the appointment within each treaty body of a **rapporteur or focal point on intimidation or reprisals**, to coordinate proactive implementation of the policy, which includes receiving and assessing allegations, and determining the appropriate course of action.

The Committee against Torture (CAT) is unique in that it maintains a webpage with links to documentation relating to allegations of reprisals and responses by States parties.<sup>17</sup> Seven treaty bodies have published their own **Guidelines** or information on how to report cases on their webpage.<sup>18</sup>

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<sup>14</sup> <https://academy.ishr.ch/learn/treaty-bodies>

<sup>15</sup> Chairpersons of the human rights treaty bodies, ‘Twenty-seventh meeting of chairpersons of the human rights treaty bodies’, HRI/MC/2015/6, 30 July 2015, <https://documents.un.org/doc/undoc/gen/g15/169/76/pdf/g1516976.pdf>

<sup>16</sup> Chairpersons of the human rights treaty bodies, ‘Report of the Chairs of the human rights treaty bodies on their twenty-eighth meeting’, A/71/270, 2 August 2016, <http://undocs.org/A/71/270>

<sup>17</sup> [http://tbinternet.ohchr.org/\\_layouts/TreatyBodyExternal/TBSearch.aspx?Lang=en&TreatyID=1&DocTypeID=130](http://tbinternet.ohchr.org/_layouts/TreatyBodyExternal/TBSearch.aspx?Lang=en&TreatyID=1&DocTypeID=130)

<sup>18</sup> See: The Committee on the Elimination of Racial Discrimination, [https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=INT/CERD/RLE/9029&Lang=en](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=INT/CERD/RLE/9029&Lang=en); The Committee on the Elimination of Discrimination against Women, <https://www.ohchr.org/sites/default/files/Documents/HRBodies/CEDAW/ReprisalsGuidelines.docx>; The Committee against Torture, <http://undocs.org/CAT/C/55/2>; Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families, <https://www.ohchr.org/en/treaty-bodies/cmw/reprisals>; The Committee on the Rights of Persons with Disabilities, <https://www.ohchr.org/sites/default/files/Documents/HRBodies/CRPD/ReprisalProcedure.docx>; The Committee on Enforced Disappearances, <https://undocs.org/CED/C/8>; and the Subcommittee on Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, <http://undocs.org/en/CAT/OP/6/Rev.1>.

## MOROCCO

In November 2016, the CAT adopted a decision finding violations of articles 1 and 12-16 of the Convention Against Torture in the case of *Asfari vs. Morocco*. In July 2018, the CAT drew the State party's attention to the retaliatory measures allegedly suffered by the victim and his relatives in 2017 and 2018, and 'requested the State party to refrain from any form of punishment or reprisals against Mr. Asfari and his family, and to adopt the protective measures necessary to ensure the physical and moral integrity of the victim, his family and their representatives'. Asfari's wife, Claude Mangin, who had been banned from entering Moroccan territory, had only been able to see her husband once in nine years, the last time being in January 2019, obtained after a 30-day hunger strike in 2018. She was denied entry in July 2019. She filed an appeal with the Rabat Administrative Court and in November 2019 the court judged that she represented 'a disturbance of public order' and a 'danger to the internal and external security of the Moroccan State'. The Committee also received information that Mangin and Joseph Breham, Asfari's lawyer, had been subjected to further reprisals, including the tapping of their telephones. The CAT was of the opinion that measures taken against them constituted a further violation by Morocco of article 13 of the Convention against Torture, which states that individuals who claim to have been tortured have the right, *inter alia*, to be protected from intimidation or ill-treatment for filing a complaint or providing evidence.

### **If you have suffered an act of intimidation or reprisal when seeking to cooperate, while cooperating, or after having cooperated with the treaty bodies, you should contact:**

The relevant focal point or rapporteur on reprisals for the treaty body you are engaging with, if there is one, and/or the Chair of the treaty body (see text box below for contact information of the secretariats of each treaty body).

#### **You can also:**

- Contact the senior official on reprisals at: [ohchr-reprisals@un.org](mailto:ohchr-reprisals@un.org) (see section 3.4)  
Contact the UN Special Rapporteur on human rights defenders at:  
[hrc-sr-defenders@un.org](mailto:hrc-sr-defenders@un.org)
- Submit your case to the annual report of the Secretary-General on reprisals (see section 3.5.1). Submissions are usually solicited in mid-April of each year and should be sent to [ohchr-reprisals@un.org](mailto:ohchr-reprisals@un.org)
- Submit an individual communication to a treaty body (see text box below)
- Submit information to the Committee on the Elimination of Racial Discrimination's urgent action procedure (see text box below)

## Other options for remedies from the treaty bodies

For many of the treaty bodies you can submit an **individual communication** regarding the violation of a right under the treaty that the body monitors. However, you are only eligible to make such a complaint if your country has ratified the relevant convention, recognised the competence of the treaty body that monitors that convention, and if you have exhausted domestic remedies.<sup>19</sup> Submitting a communication to a treaty body also opens up the possibility of the treaty body issuing a request to a State to take '**interim measures**' where this is required to prevent irreparable harm to the victim. The State would be required to report back to the Committee on the steps it has taken to implement those interim measures and protect the victim.

The **Committee on the Elimination of Racial Discrimination (CERD)** also has an early warning and urgent action procedure through which it can respond to problems requiring immediate attention to limit the number of serious violations of the convention. This would be particularly relevant when reprisals take a racist tone, or when a group attempts to engage at UN or regional levels to address a racial or ethnic issue and faces reprisals as a result. This procedure does not require that domestic measures be exhausted.

For more information on how to use the treaty bodies' individual communications procedures, and the CERD's early warning and urgent action procedure, see [ISHR's 'Simple Guide to the UN Treaty Bodies'](#).<sup>20</sup>

## Contact details for the secretariats of the treaty bodies<sup>21</sup>

- [Human Rights Committee \(CCPR\) Secretariat: ohchr-ccpr@un.org](mailto:ohchr-ccpr@un.org)
- [Committee on Economic, Social and Cultural Rights \(CESCR\) Secretariat: ohchr-cescr@un.org](mailto:ohchr-cescr@un.org)
- [Committee on the Elimination of Racial Discrimination \(CERD\) Secretariat: ohchr-cerd@un.org](mailto:ohchr-cerd@un.org)
- [Committee on the Elimination of Discrimination against Women \(CEDAW\) Secretariat: ohchr-cedaw@un.org](mailto:ohchr-cedaw@un.org)
- [Committee against Torture \(CAT\) Secretariat: ohchr-cat@un.org](mailto:ohchr-cat@un.org)
- [Committee on the Rights of the Child \(CRC\) Secretariat: ohchr-crc@un.org](mailto:ohchr-crc@un.org)
- [Committee on Migrant Workers \(CMW\) Secretariat: ohchr-cmw@un.org](mailto:ohchr-cmw@un.org)
- [Committee on the Rights of Persons with Disabilities \(CRPD\) Secretariat: ohchr-crpd@un.org](mailto:ohchr-crpd@un.org)
- [Committee on Enforced Disappearances \(CED\) Secretariat: ohchr-ced@un.org](mailto:ohchr-ced@un.org)
- [Subcommittee on Prevention of Torture and other Cruel, Inhuman or Degrading Treatment or Punishment \(SPT\) Secretariat: ohchr-opcat@un.org](mailto:ohchr-opcat@un.org)

<sup>19</sup> There are exceptions to this rule, when proceedings at the national level have been unreasonably prolonged, or the remedies are unavailable or would plainly be ineffective.

<sup>20</sup> <https://ishr.ch/defenders-toolbox/resources/updated-simple-guide-to-the-un-treaty-bodies-guide-simple-sur-les-organes-de-traites-des-nations-unies/>

<sup>21</sup> <https://www.ohchr.org/en/treaty-bodies/preventing-and-addressing-acts-intimidation-and-reprisal-cooperation-treaty-bodies>



### 3.2. The Human Rights Council, including the Universal Periodic Review (UPR)

*'Regrettably, throughout the year I have received allegations of intimidations, threats and reprisals against individuals who seek to cooperate or have cooperated with the Council and its mechanisms. I raised the allegations with the countries concerned and followed up on developments. We must ensure that the space for civil society's involvement remains truly safe, open and inclusive. In this regard, I reiterate my call on all States to take the necessary measures to prevent acts of intimidation and reprisal against NGOs cooperating with the Human Rights Council.'*

Vaclav Balek, President of the Human Rights Council (2023) in an [address to the UNGA](#) (1 November, 2023)

Composed of 47 States, the [Human Rights Council](#)<sup>22</sup> is the main body within the UN system which is responsible for 'promoting universal respect for the protection of all human rights and fundamental freedoms' for everyone. The Human Rights Council is legally obliged to [take action](#) if it possesses information about a credible risk or allegation of reprisals and to protect individuals who communicate, cooperate or seek to engage with it, its independent experts (Special Procedures, see below) or the Universal Periodic Review process.<sup>23</sup> The Human Rights Council's President and Bureau have the responsibility to protect its processes and defend its integrity, particularly as it relates to [the right of civil society to participate fully and safely in its work](#).<sup>24</sup> Attacks against those that cooperate with the Human Rights Council, or its mechanisms, constitute not solely an attack on those individuals but on the institution itself.

While the President and Bureau of the Human Rights Council maintain their rhetorical commitment to ensuring no reprisals occur, visible action to prevent, respond and ensure accountability for cases of reprisals remains weak. As the Presidency changes every year, and the effectiveness of their action depends on the personal commitment of the holder of the post, the nature and quality of the response to reprisals also vary. There have been good outcomes from engaging with the President on cases of reprisals in the past. By giving high profile visibility to particular defenders, the President can shine a spotlight on them and make explicit the

<sup>22</sup> <https://academy.ishr.ch/learn/un-human-rights-council>

<sup>23</sup> Declaration on Human Rights Defenders +25, art. 19. See: Sir Nicolas Bratza and Professor Egbert Myjer, 'Memorandum of Advice from Freshfields Bruckhaus Deringer', October 2014, [https://academy.ishr.ch/upload/resources\\_and\\_tools/Submission\\_made\\_on\\_behalf\\_en.pdf](https://academy.ishr.ch/upload/resources_and_tools/Submission_made_on_behalf_en.pdf)

<sup>24</sup> Declaration on Human Rights Defenders +25, art 19. See: Sir Nicolas Bratza and Professor Egbert Myjer, 'Memorandum of Advice from Freshfields Bruckhaus Deringer', October 2014, [https://academy.ishr.ch/upload/resources\\_and\\_tools/Submission\\_made\\_on\\_behalf\\_en.pdf](https://academy.ishr.ch/upload/resources_and_tools/Submission_made_on_behalf_en.pdf)

responsibility of the government to ensure those defenders are safe, or face accountability for what it did or did not do to assure their safety. This can be a source of protection.

The Secretary-General also invites the President of the Human Rights Council to update the Council on cases brought to their attention at each session in line with the Council's September 2023 resolution.<sup>25</sup>

### When is it appropriate to engage with the President of the Human Rights Council?

Anytime the intimidation or reprisal relates to engagement with the Human Rights Council. This includes engagement with the Council's mechanisms and procedures, including the **Universal Periodic Review and the Special Procedures** (see section 3.3).

### How to engage with the President of the Human Rights Council?

- **Seek a meeting with the President**<sup>26</sup> if you are in Geneva and have suffered reprisals or if you are worried about the risks you face on returning home after attending a session of the Human Rights Council or one of its mechanisms and procedures.
- **Send information to the President**, asking them to take action by raising your case with the State concerned. The working languages of the Secretariat of the Human Rights Council are English and French. To the extent possible, your communication should be sent in those languages.
  - You can reach the Office of the President at: [hrcpresidency@un.org](mailto:hrcpresidency@un.org)
  - You should also copy the NGO Liaison team of the Human Rights Council Secretariat at [ohchr-hrcngo@un.org](mailto:ohchr-hrcngo@un.org)

### Additional engagement. You can also:

- Contact the UN Special Rapporteur on human rights defenders at: [hrc-sr-defenders@un.org](mailto:hrc-sr-defenders@un.org)
- Contact the Senior official on reprisals at: [ohchr-reprisals@un.org](mailto:ohchr-reprisals@un.org)
- Submit your case to the annual report of the Secretary-General on reprisals (see section 3.5.1 below). Submissions are usually solicited in May of each year and should be sent to [ohchr-reprisals@un.org](mailto:ohchr-reprisals@un.org)

<sup>25</sup> Human Rights Council, 'Cooperation with the United Nations, its representatives and mechanisms in the field of human rights', A/HRC/RES/54/24, September 2023, §13, <https://documents.un.org/doc/undoc/gen/g23/216/01/pdf/g2321601.pdf>

<sup>26</sup> <https://www.ohchr.org/en/hr-bodies/hrc/presidency>

In 2012, the President of the Council took up the case of a group of Bahraini defenders who were participating in the country's Universal Periodic Review. These defenders had come to Geneva to observe delegates from their country face questions from other States about its human rights record. However, the defenders faced threats from their own government as a result. The information about the threats was passed on to the President of the Council, who made a statement listing the names of all the defenders who had faced threats, and called on the government to ensure their safety once they returned to their country.

### 3.3. The Special Procedures

The Special Procedures of the Human Rights Council are independent human rights experts with mandates to report and advise on human rights from a thematic or country-specific perspective.<sup>27</sup> With the support of the Office of the United Nations High Commissioner for Human Rights (OHCHR), Special Procedures undertake country visits<sup>28</sup>, act on individual cases and concerns of a broader, structural nature by sending communications<sup>29</sup> to States and others in which they bring alleged violations or abuses to their attention, conduct thematic studies, convene expert consultations, contribute to the development of international human rights standards, engage in advocacy, raise public awareness, and provide advice for technical cooperation. Special Procedures report annually to the Human Rights Council. The majority of the mandates also report to the General Assembly. Their tasks are defined in the resolutions creating or extending their mandates.

Addressing acts of intimidation and reprisal is a stated priority for Special Procedures. As a result of the growing attention given to this phenomenon and the increasing instances of intimidation and reprisals observed by mandate holders, the Special Procedures agreed during their 22<sup>nd</sup> Annual Meeting in June 2015 to consolidate and enhance their response by establishing a coherent framework for action.<sup>30</sup>

The Special Procedures' toolkit for action includes: confidential and public actions, such as meeting with government officials, sending communications to States and other stakeholders, raising cases with UN representatives in the field and at headquarters, including the UN Secretary-General, the High Commissioner for Human Rights and the President of the Human Rights Council, raising cases in public statements, press releases, reports to the Human Rights Council and the General Assembly, or during their interactive dialogues with these two bodies. Special Procedures consider these options on a case-by-case basis, always with the consent of the persons concerned and in line with the principle of 'do no harm'. You should keep in mind that although all individual experts have access to the same tools, some use them more effectively and proactively than others.

<sup>27</sup> <https://academy.ishr.ch/learn/special-procedures>

<sup>28</sup> <http://www.ohchr.org/EN/HRBodies/SP/Pages/CountryandothervisitsSP.aspx>

<sup>29</sup> <http://www.ohchr.org/EN/HRBodies/SP/Pages/Communications.aspx>

<sup>30</sup> <http://www.ohchr.org/EN/HRBodies/SP/Pages/Actsofintimidationandreprisal.aspx>

The [Coordination Committee](#)<sup>31</sup> of the Special Procedures comprises six Special Procedures mandate holders and is designed to enhance coordination among mandate holders and act as a bridge between them and both the rest of the UN system and civil society. The Coordination Committee appoints a **focal point on reprisals every year**, who is responsible for keeping a comprehensive record of all cases of reprisals submitted to the Special Procedures. The Coordination Committee is meant to raise the issue of reprisals with the Human Rights Council, the High Commissioner for Human Rights, the Assistant Secretary-General for Human Rights and the Secretary-General. When necessary and in consultation with the mandate holder(s) concerned, the Coordination Committee may take additional action, including contacting the State or stakeholder concerned and issuing a press statement. The [Annual Report](#)<sup>32</sup> of the Special Procedures contains a section on reprisals that reflects the main concerns of, and actions taken by, mandate holders over the past year.

## CHINA

On 14 March 2024, UN Special Procedures experts renewed their 2014 and 2019 calls for a 'full and fair investigation' into the death of Chinese human rights defender Cao Shunli. 'Failure to properly investigate a potentially unlawful death may amount to a violation of the right to life', the experts emphasised, adding that 'Chinese authorities have regrettably intensified their persecution of human rights defenders and others who seek to work with the UN in the field of human rights'. Cao died in custody in 2014 as a result of ill-treatment and denial of adequate medical care in detention, following her attempt to travel to Geneva ahead of China's Universal Periodic Review (UPR). She remains one of the most emblematic cases of reprisals documented by the UN system.

**If you have suffered an act of intimidation or reprisal when seeking to cooperate, while cooperating, or after having cooperated with the Special Procedures, you should contact:**

The relevant thematic or country-specific mandate holder (you can also use the [online questionnaire for communications](#)).

You can also:

- Contact the UN Special Rapporteur on human rights defenders at: [hrc-sr-defenders@un.org](mailto:hrc-sr-defenders@un.org)
- Contact the senior official on reprisals at: [ohchr-reprisals@un.org](mailto:ohchr-reprisals@un.org)
- Contact the President of the Human Rights Council at: [hrcpresidency@unog.org](mailto:hrcpresidency@unog.org) and copy the NGO Liaison team of the Human Rights Council Secretariat at [ohchr-hrcngo@un.org](mailto:ohchr-hrcngo@un.org)
- Submit your case to the annual report of the Secretary-General on reprisals ([see section 3.5.1](#)). Submissions are usually solicited in mid-April of each year and should be sent to [ohchr-reprisals@un.org](mailto:ohchr-reprisals@un.org).

<sup>31</sup> <http://www.ohchr.org/EN/HRBodies/SP/CoordinationCommittee/Pages/CCSpecialProceduresIndex.aspx>

<sup>32</sup> <http://www.ohchr.org/EN/HRBodies/SP/Pages/Annualreports.aspx>

### 3.4. The Senior Official

Alarmed by the increase in the number of reported cases of intimidation and reprisal, in October 2016, then Secretary-General Ban Ki-moon designated the Assistant Secretary-General for Human Rights as senior official to lead the efforts within the UN system to address intimidation and reprisals against those cooperating with the UN on human rights. The designation was warmly welcomed by civil society as well as by a core group of countries.<sup>33</sup> The current Assistant Secretary-General for Human Rights is Ilze Brands Kehris.<sup>34</sup>

This function is complementary to existing UN mechanisms to address reprisals and does not in any way diminish the obligation of other bodies and mechanisms to develop and implement policies and take necessary actions to prevent, investigate and remedy cases of reprisals. It includes intimidation and reprisals related to the larger UN family, which includes all UN bodies and agencies, including the International Criminal Court and the World Bank. It does not include cases related to intimidation and reprisals in the context of cooperation with regional human rights mechanisms. The senior official primarily fulfils this work through outreach and engagement with victims and those who may be in a position to prevent and address reprisals. The senior official also raises awareness about the need to prevent reprisals more generally during speeches and statements and encourages other UN agencies to adopt a zero tolerance policy against reprisals.

When the Assistant Secretary-General receives allegations, they send confidential letters to, and meet bilaterally with, high-level government officials, although they do not exclude the possibility of public statements.<sup>35</sup> The letters to, and meetings with, government officials have the objective of engaging the government on an alleged case or patterns of intimidation and reprisals, and governments are encouraged to investigate and respond to the allegations.

#### VENEZUELA

In its 2023 report, the International Independent Fact-Finding Mission on Venezuela reported allegations of reprisals since 2021 against Franklin Caldera Cordero due to his cooperation with United Nations human rights representatives and mechanisms on the situation of his son, Lieutenant Franklin Caldera Ortiz. Caldera Cordero is the Coordinator of the Victims' Committee 'Familia S.O.S Libertad', an organisation he founded after the arrest of his son for allegedly participating in an attack on a military base in what was known as Operation Aurora (A/HRC/54/CRP.8, Case 28, paras. 835–845). Following the publication of the Fact-Finding Mission reports in 2021 and 2022, Caldera Cordero has been under physical surveillance and received anonymous threatening calls, including death threats against him and his family. Similar threats also took place after his participation in a meeting with the High Commissioner for Human Rights in January 2023 and following his statement at the Human Rights Council in March 2023 (A/HRC/54/CRP.8, Case 28, paras. 835–845). The Inter-American Commission for Human Rights issued precautionary measures in favour of Caldera Cordero in July 2023, noting threats against him and his relatives because of his public statements, engagement, and advocacy with United Nations representatives and mechanisms in the field of human rights.

<sup>33</sup> <https://ishr.ch/latest-updates/reprisals-high-level-un-official-should-ensure-access-victims-and-accountability-perpetrators/>

<sup>34</sup> <https://www.un.org/sg/en/content/profiles/ilze-brands-kehris>

<sup>35</sup> At the time of writing, the senior official has only been known to do this once, when he addressed cases of reprisals in Egypt and Bahrain while presenting the Reprisals Report to the Human Rights Council in September 2017. A copy of his statement can be found here: [https://extranet.ohchr.org/sites/hrc/HRCSessions/HRCDocuments/16/OTH/OTH\\_272\\_56\\_416d12d8\\_bfb7\\_4c28\\_9244\\_5bd5036fff5f.docx](https://extranet.ohchr.org/sites/hrc/HRCSessions/HRCDocuments/16/OTH/OTH_272_56_416d12d8_bfb7_4c28_9244_5bd5036fff5f.docx)

## How to submit a case to the Assistant Secretary-General?

Send an email to [ohchr-reprisals@un.org](mailto:ohchr-reprisals@un.org) with the following information:

- Describe how the situation is linked to the victim's cooperation with the UN.
- Describe the case: Who? When? Where? What? How? Alleged perpetrator(s)? Any evidence or documentation?
- Does the victim or family member/legal representative consent to have the case taken up with the State concerned/shared with UN entities for potential action (use of information in a meeting with the Member State in question, letter, public report, etc.)?
- If a complaint has been submitted to any national, regional or other international bodies, it is useful to provide details but this is not a requirement. There is no requirement to exhaust domestic remedies or any reason why cases cannot be submitted simultaneously to other UN bodies or mechanisms.

## What can you expect once you have submitted a case?

- Once you have submitted your case, you will receive an acknowledgement that the case was received and is being considered.
- If the senior official decides to act on your case, you will be notified. Should they decide not to act, you will not hear anything further.
- The senior official does not, as a matter of course, systematically provide any further updates to victims on actions taken. Cases may be referred to UN field presences for follow-up action and monitoring.
- Communications the senior official sends are confidential. These will not be shared with victims.
- The senior official may decide to act on a case themselves or to refer it to another mechanism or body for action. The senior official will usually inform the relevant UN body (with which the victim cooperated or sought to cooperate) about the allegation. Ordinarily, the relevant UN body should be the 'first responder' to any allegations of reprisals, but this does not preclude the senior official from taking action simultaneously with other mechanisms where there are patterns of violations, or severe or urgent cases.

## Is there a benefit to reporting a case to more than one body or mechanism?

Reporting a case to several different bodies or mechanisms can help to increase the visibility of the case and thereby also increase the attention given to the failings of the State. It also supports the senior official's work in ensuring there is a UN-system wide response to reprisals.



## 3.5. The Secretary-General's report and interactive dialogue at the Human Rights Council

### 3.5.1. The Secretary-General's 'Reprisals Report'

Human Rights Council [resolution 12/2](#)<sup>36</sup> invites the Secretary-General to submit an annual report to the Council containing a compilation and analysis of any available information, from all appropriate sources, on alleged reprisals, as well as recommendations on how to address the issue of intimidation and reprisals. This report, entitled 'Cooperation with the United Nations, its representatives and mechanisms in the field of human rights', is known as the 'Reprisals Report', and has been produced annually since 1991. In the most recent report at the time of writing (2024), the Secretary-General reported that the number of reported acts of intimidation and reprisal by State and non-State actors against individuals or groups seeking to cooperate or having cooperated with the United Nations remained high during the reporting period. While the number of Member States included in the present report decreased compared with the reports of previous years, the decrease does not necessarily indicate a positive development.

Regrettably, the number of victims has increased and some Member States with verified allegations could not be included in the report due to the severe protection concerns of the victims.<sup>37</sup>

Consistent with the mandate given to the Secretary-General, the Reprisals Report may include cases of intimidation and reprisals related to cooperation with the whole of the UN in the field of human rights. It may therefore include cases in relation to engagement with *all* UN organs, entities or agencies, *anywhere* in the world including: UN headquarters, country offices and peacekeeping missions, the General Assembly, the Human Rights Council, the Security Council, the Economic and Social Council (ECOSOC), the International Criminal Court, the International Labour Organization, the World Bank/International Monetary Fund, as well as UN meetings and conferences on trade, development and environment issues. The report now also reflects the activities of the Assistant Secretary-General for Human Rights.

The report is not comprehensive. Not all cases are reported to OHCHR, either due to lack of awareness of the Report's existence, or fear of further reprisals. For example, the Secretary-General reported in 2024 that self-censorship and the choice not to cooperate with the UN, as well as the choice to do so under conditions of anonymity due to fear of reprisals, continued. The Secretary-General acknowledged that the choice not to cooperate poses methodological challenges for the documentation of allegations and is likely underidentified and underreported and that in several new instances, individuals and groups declined to communicate or meet with or submit information to the UN and, in other cases, they requested closed-door or confidential spaces in order to cooperate.<sup>38</sup>

Some cases are notably left out of the report without explanation. ISHR has documented several such omissions including cases implicating certain [influential countries](#), [UN agencies](#), as well

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<sup>36</sup> Human Rights Council, 'Cooperation with the United Nations, its representatives and mechanisms in the field of human rights', A/HRC/RES/12/2, 12 October 2009, [http://ap.ohchr.org/documents/E/HRC/resolutions/A\\_HRC\\_RES\\_12\\_2.pdf](http://ap.ohchr.org/documents/E/HRC/resolutions/A_HRC_RES_12_2.pdf)

<sup>37</sup> Human Rights Council, 'Cooperation with the United Nations, its representatives and mechanisms in the field of human rights', A/HRC/57/60, 12 October 2024, §112, <https://documents.un.org/doc/undoc/gen/g24/140/78/pdf/g2414078.pdf>

<sup>38</sup> Human Rights Council, 'Cooperation with the United Nations, its representatives and mechanisms in the field of human rights', A/HRC/57/60, 12 October 2024, §119, <https://documents.un.org/doc/undoc/gen/g24/140/78/pdf/g2414078.pdf>

as cases against UN experts, which ISHR maintains clearly fall under the definition of reprisals against those who cooperate with the United Nations.

The Report is not intended as a protection mechanism, but as a basis to document and report cases and call for accountability. It can serve a deterrent function and to urge States to take steps to resolve cases. This aspect of the Report was strengthened somewhat through a dedicated interactive dialogue in the Human Rights Council that has taken place since 2018 (see 3.5.2).

### How to submit a case to the Secretary-General's Reprisals Report?

Contact [ohchr-reprisals@un.org](mailto:ohchr-reprisals@un.org) with the information below. While submissions can be sent at any time, submissions for the Reprisals Report are usually solicited by mid-April of each year to be included in the Report to be presented to the September session of the Human Rights Council:

- Describe how the situation is linked to the victim's cooperation with the UN.
- Describe the case: Who? When? Where? What? How? Alleged perpetrator(s)? Any evidence or documentation?
- Has there been any government response to the allegations?
- Has the situation been referred to in any UN documents? (provide citations)
- Does the victim or family member/legal representative consent to have the information included in the report? Note that this is necessary even if consent was given for prior action, such as a letter.
- Does the information being submitted entail follow-up/updates/developments to an ongoing case or a case that was reflected in a previous UN report?

### 3.5.2. The Interactive Dialogue in the Human Rights Council

*'The Human Rights Council and the whole UN system must continue sending a clear message of no tolerance for intimidation and reprisals and must take action to address the issue resolutely. We need to better support, empower, and protect those who engage with us, often in response to mandates established by Member States.'*

Oral presentation by Assistant Secretary-General for Human Rights Ilze Brands Kehris of the 2022 report of the Secretary-General on cooperation with the United Nations, its representatives and mechanisms in the field of human rights.

The Human Rights Council's discussion of cases in the Reprisals Report has become more systematic with the creation of a dedicated interactive dialogue during the September session when the Report is presented.<sup>39</sup> This dialogue has taken place annually since 2018. Furthermore, there is a small but gradually increasing number of States willing to raise individual cases in this context, as well as during item 5 debates at the annual March session of the Human Rights Council and during the General Assembly's Third Committee. However, most States are still not using the information contained in the report to effectively hold other States accountable.

When approaching State representatives in the UN context it is important to exercise caution, keeping in mind the role of some governments in perpetrating or condoning reprisals. Make sure you are aware of which States are likely to be sympathetic to your cause.

### 3.5.3. Submitting follow-up information on previously reported cases

As mentioned above, the Reprisals Report may include follow-up information on cases included in previous reports. When making the call for submissions for the Report, OHCHR requests follow-up information, including whether additional reprisals took place and whether States have taken measures in relation to cases included in previous reports.

OHCHR does not seek out follow up information in a systematic way itself. Unfortunately, it is common for a case to be included in the report for one or more years and not in subsequent years, despite not being resolved. Therefore, submitting follow-up information directly to OHCHR is the most effective way of improving the quality of the information OHCHR provides in the Reprisals Report.

#### Submitting follow-up information:

If you are familiar with a reported case and have additional information to share with OHCHR either on the case itself, or on steps taken or not taken by the government and other bodies to resolve the case, you can submit this to OHCHR at: [ohchr-reprisals@un.org](mailto:ohchr-reprisals@un.org). You should reference the case you are referring to by report number and paragraph number.

<sup>39</sup> Human Rights Council, 'Cooperation with the United Nations, its representatives and mechanisms in the field of human rights', A/HRC/RES/36/21, 29 September 2017, <http://undocs.org/A/HRC/RES/36/21>: In September 2017, Human Rights Council resolution 36/21 decided that the presentation of the Secretary-General's report will be followed by an interactive dialogue with a view to ensuring adequate attention to the report and to sharing good practices, challenges and lessons learned.



## **CHAPTER 4: RESPONSE OF REGIONAL HUMAN RIGHTS BODIES TO INTIMIDATION AND REPRISALS**



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## 4.1. The Inter-American Commission on Human Rights

Regarding **hearings**, the rules of procedure of the Inter-American Commission on Human Rights (IACHR) set out that States 'shall grant the necessary guarantees to all the persons who attend a hearing or who in the course of a hearing provide information, testimony or evidence of any type to the Commission', and that 'States may not prosecute witnesses or experts, or carry out reprisals against them or their family members because of their statements or expert opinions given before the Commission.'<sup>40</sup>

Furthermore, regarding '**On-Site Observations**', the rules of procedure set out that '[i]n extending an invitation for an on-site observation or in giving its consent thereto, the State shall furnish to the Special Commission all necessary facilities for carrying out its mission. In particular, it shall commit itself not to take any reprisals of any kind against any persons or entities cooperating with or providing information or testimony to the Special Commission.'

More generally, the General Assembly of the Organization of American States has urged member States 'to persist in their efforts to provide Human Rights Defenders with the necessary guarantees and facilities to continue freely carrying out their work of promoting and protecting human rights, at the national and regional levels, in accordance with internationally recognized principles and agreements.'<sup>41</sup>

<sup>40</sup> IACHR, 'Rules of Procedure', 1 August 2013, art. 63, <http://www.oas.org/en/iachr/mandate/basics/rulesiachr.asp>

<sup>41</sup> Organization of American States General Assembly, 'Human rights defenders in the Americas, support for the individuals, groups, and organizations of civil society working to promote and protect human rights in the Americas', AG/RES.1671 (XXIX-O/99) Res. 2, 7 June 1999, <http://www.oas.org/juridico/english/ga-res99/eres1671.htm>

There is therefore recognition by the Inter-American system that human rights defenders are at risk when they engage with regional mechanisms, and that States have an obligation to protect them in those cases.

The IACHR does not have a mechanism explicitly dedicated to monitoring and responding to reprisals, but has the capacity to send 'requests for information' to States regarding allegations of reprisals, to adopt 'precautionary measures' to prevent irreparable harm to someone, and to issue 'press releases'. Each of these is discussed briefly below.

#### 4.1.1. Requests for information

Under article 41 of the American Convention on Human Rights and article 18 of the IACHR Statute, the Commission can request information from a member State on the measures adopted by them in matters of human rights.<sup>42</sup> This is a confidential procedure in which the Commission can raise allegations of human rights violations with member States and require States to respond within a timeframe – usually 15 days.

Requests for information sent to States do not need the approval of the entire Commission. They are handled by the IACHR Rapporteur on human rights defenders,<sup>43</sup> and require further approval by the relevant country Rapporteur and the President of the Commission. Thus, action can be taken relatively quickly – usually within a week.

#### 4.1.2. Precautionary measures<sup>44</sup>

The IACHR has the capacity to request States to adopt 'precautionary measures' to prevent irreparable harm to a person.<sup>45</sup> These precautionary measures have been requested in cases where human rights defenders are facing reprisals.<sup>46</sup> If deemed necessary, the IACHR can also submit a request for 'provisional measures' to the Inter-American Court according to the conditions established in Article 76 of its Rules of Procedure.

The mechanism for precautionary measures is established in article 25 of the Rules of Procedure of the IACHR.<sup>47</sup> In serious and urgent situations, the Commission may, on its own initiative or at the request of a party, 'request that a State adopt precautionary measures. Such measures, whether related to a petition or not, shall concern serious and urgent situations presenting a risk of irreparable harm to persons or to the subject matter of a pending petition or case before the organs of the Inter-American system.' The measures may be of a collective nature to prevent irreparable harm to persons due to their association with an organisation, a group, or a community with identified or identifiable members.

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<sup>42</sup> See: American Convention on Human Rights, November 1969, <https://www.cidh.oas.org/basicos/english/basic3.american%20convention.htm>; OAS General Assembly, Statute of the Inter-American Commission on Human Rights, October 1979, <http://www.oas.org/en/iachr/mandate/basics/statuteiachr.asp>

<sup>43</sup> <http://www.oas.org/en/iachr/defenders/default.asp>

<sup>44</sup> [https://www.oas.org/en/IACHR/decisions/MC/MedidasCautelares\\_folleto\\_EN.pdf](https://www.oas.org/en/IACHR/decisions/MC/MedidasCautelares_folleto_EN.pdf)

<sup>45</sup> IACHR, 'Resolution 8/18', 21 February 2018, <http://www.oas.org/en/iachr/decisions/precautionary.asp>

<sup>46</sup> See: [https://www.oas.org/en/iachr/decisions/mc/2024/res\\_26-24\\_mc\\_438-15\\_ve\\_en.pdf](https://www.oas.org/en/iachr/decisions/mc/2024/res_26-24_mc_438-15_ve_en.pdf); <https://www.oas.org/es/cidh/decisiones/pdf/2015/MC71-15-es.pdf>

<sup>47</sup> IACHR, 'Rules of Procedure', 1 August 2013, art. 25, <http://www.oas.org/en/iachr/mandate/basics/rulesiachr.asp>



Precautionary measures require that the persons affected have approached the pertinent national authorities first, but only if this is possible. In the case of human rights defenders facing threats from the State or its authorities for their work, attempts to pursue the case domestically are likely to invite further harassment. In such cases this condition would be waived.

The measures called for from the States concerned include taking steps to 'guarantee the life and physical integrity' of the human rights defender, and 'to inform on the actions taken to investigate the facts that led to the adoption of precautionary measures.'

As with the treaty bodies' system of 'interim measures', precautionary measures under the IACHR impose duties on the State to protect human rights defenders. The State cannot avoid the burden of care by claiming it had no knowledge of the danger the defender was under. It makes it clear that if harm comes to that person, it will be the State, and specifically how far the State attempted to implement the precautionary measures, that will be under scrutiny. This could be sufficient to motivate the State to either halt its own harassment or persecution of the defender, or to intervene in cases where the threats or harassment are coming from non-State actors.

The protection offered by precautionary measures can be more robust than a request for information. However, the procedure has more stringent requirements to prove that the situation is 'serious and urgent' and that they present a risk of irreparable harm. Precautionary measures can also take longer than requests for information, as the Commission as a whole must approve them.

The IACHR adopted a resolution in 2020 on the Strengthening of the Monitoring of Precautionary Measures in Force<sup>48</sup> and approved a Methodology for Monitoring Precautionary Measures in Force.<sup>49</sup> The IACHR also maintains a map of precautionary measures in place<sup>50</sup> and documents precautionary measures in its annual report.<sup>51</sup>

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48 <https://www.oas.org/en/iachr/decisions/pdf/Resolution-2-20-en.pdf>

49 <https://www.oas.org/en/iachr/decisions/MC/MC-vigentes-EN.pdf>

50 <https://www.oas.org/es/CIDH/jsForm/?File=/es/cidh/decisiones/mc/mapa.asp>

51 <https://oas.org/en/iachr/reports/ia.asp>

## CONFIDENTIALITY

### **Can the IACHR keep the identity of the proposed beneficiary of precautionary measures or a request for information confidential?**

In general, when the Commission addresses the State in relation to a request for precautionary measures, it must communicate the identity of the proposed beneficiary, since the State must know to whom it is to provide protection or information on. If there is a concern in this regard, the situation can be communicated to the Commission for its consideration but practically, it is difficult to imagine a scenario where confidentiality can truly be maintained.

In certain cases, the Commission may opt to protect a proposed beneficiary's identity in the documents that are made public, for example, by replacing the full name with their initials. The request to protect the identity of the proposed beneficiary should be made to the Commission with a statement of the reasons.

### **Can the Commission keep the name of the applicant for precautionary measures or a request for information confidential?**

Yes. Provided that the applicant expressly requests it, the Commission can keep their name confidential. However, if the applicant and the proposed beneficiary are the same person, the Commission generally informs the State of the person's identity. If there is any problem in this regard, the situation can be communicated to the Commission for its consideration.

### **Follow-up: What happens next?**

The extent of follow-up with beneficiaries varies, depending on whether you are requesting precautionary measures or asking the Commission to initiate a request for information.

In the case of precautionary measures, the Commission will keep proposed beneficiaries informed at all stages of the process. Because the request for information procedure is confidential, proposed beneficiaries should not expect to be kept informed beyond an acknowledgment that their case was received. However, proposed beneficiaries can contact the Commission's Special Rapporteur on human rights defenders who can provide basic information such as whether a request for information was sent, and whether it was answered by the State. Some defenders have used freedom of information requests domestically to obtain access to requests for information sent by the IACHR and the concerned State's response. This is potentially a way around the fact that the procedure is otherwise confidential. For example, this has been used successfully in Mexico through the '*Comisión para la Transparencia*'.

## 4.1.3. Press Releases

The IACHR also frequently addresses the issue of reprisals in its end of session reports and press releases.<sup>52</sup> These reports and press releases may contribute to shining light on the State's activities and making it harder for authorities to act with impunity against human rights defenders. In addition to situations of risk faced by human rights defenders for the defense of

<sup>52</sup> IACHR, 'Report on the 161st Session of the IACHR', Annex to Press Release 35/17, [https://www.oas.org/en/iachr/media\\_center/docs/report-161.doc](https://www.oas.org/en/iachr/media_center/docs/report-161.doc)

human rights in general, press releases are frequently used in situations in which defenders experience reprisals related to their participation in sessions of the IACHR. Press releases can be particularly useful for countries that do not react to requests for information and precautionary measures.

Several civil society organisations and defenders attending IACHR hearings have also adopted the practice of making specific requests at the end of a hearing, exhorting the concerned State not to take any reprisals against those who have collaborated with the IACHR. The Commissioners that are present in the hearings generally respond to these requests by reminding the concerned State of its obligations under article 63 of the Rules of Procedure of the IACHR. In some circumstances, Commissioners have also expressed their concern regarding statements made by the State representatives during the hearings.

In the report of its 161<sup>st</sup> session in March 2017, the IACHR expressed concern about alleged reprisals, threats, and stigmatising statements made against individuals and organisations in Honduras, Nicaragua and Venezuela for having participated in hearings and other activities during the IACHR's session. The IACHR noted that the situation had previously been raised regarding these same countries, and the fact that it was happening again was disturbing. The IACHR reiterated article 63 of the Rules of Procedure and stated that it is absolutely unacceptable for a State to take any type of action motivated by the participation or activities of individuals or organisations that engage the bodies of the Inter-American human rights system in the exercise of their rights under the American Convention on Human Rights.

**If you have sought to cooperate, are cooperating or have cooperated with the Inter-American system on human rights and have suffered an act of intimidation or reprisal, you can:**

- Contact the IACHR Special Rapporteur on human rights defenders at [cidhmonitoreo@oas.org](mailto:cidhmonitoreo@oas.org) to ask:
  - that the Commission initiate a **request for information** from a State; *and*
  - that the Commission issue a **press release** expressing concern.
- Contact the Commission at [cidhmonitoreo@oas.org](mailto:cidhmonitoreo@oas.org) to request **precautionary measures**. You can also copy the Special Rapporteur on human rights defenders at [cidhdefensores@oas.org](mailto:cidhdefensores@oas.org).
- Make a specific request at the end of a hearing regarding reprisals against those who have collaborated with the IACHR and request that Commissioners remind the concerned State of its obligations under article 63 of the Rules of Procedure.
- Also bear in mind that if you fear reprisals in the context of a hearing at the IACHR, you can request that the hearing be held behind closed doors.
- These options can all be requested concurrently.



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## 4.2. The African Commission on Human and Peoples' Rights

### 4.2.1. The Focal Point on reprisals

The African Commission on Human and Peoples' Rights (ACHPR) created a monitoring mechanism by extending the mandate of the Special Rapporteur on human rights defenders to include the role of Focal Point on reprisals following the 'grave concern' expressed by the Commission in the face of frequent and serious reprisals against civil society activists, particularly human rights defenders.<sup>53</sup> This ought to provide the basis for a systematised response, but has yet to be fully operational despite being in existence since May 2014.

The **Special Rapporteur on human rights defenders and Focal Point on reprisals** is mandated to: gather information on and effectively address cases of reprisals against civil society stakeholders; document and maintain a database on cases of reprisals brought to its attention; provide guidance to the Commission on urgent measures to be adopted to deal with specific cases of reprisals; present reports on cases of reprisals at each ordinary session of the Commission as part of activity reports of the Special Rapporteur; and ensure follow-up of registered cases.

<sup>53</sup> ACHPR, 'Resolution on extending the scope of the mandate of the Special Rapporteur on Human Rights Defenders in Africa', ACHPR/Res.273 (LV) 14, 12 May 2014, <https://achpr.au.int/en/adopted-resolutions/273-resolution-extending-scope-mandate-special-rapporteur-hu>

In order to operationalise this new mandate and contribute effectively to the prevention and fight against reprisals, the Special Rapporteur published a 'Fact Sheet' in 2019, which provides information on the Focal Point's mandate, how to submit cases, and working methods.<sup>54</sup> At the time of writing, the Focal Point on reprisals has yet to present a first report to the Commission.

#### 4.2.2. Communications, including provisional measures

The ACHPR can receive **communications** from individuals and NGOs alleging violations of human rights. Communications must be in writing, and addressed to the ACHPR's Secretary or Chairperson. There is no form or special format, but a communication should contain the name(s) of the complainant(s), their nationalities, occupations or professions, addresses and signatures. If the communication is from an NGO, it should include the address of the institution and the names and signatures of its legal representatives. Communications should describe the violation of human and/or peoples' rights that took place and indicate the date, time, and place where it occurred. It should also identify the State concerned. The communication should also include the victim's names (even if they want to remain anonymous, in which case, this should be stated), and if possible, the names of any authority familiar with the facts of the case. Communications should also provide information indicating that all domestic legal remedies have been exhausted. If all remedies were not exhausted, the communication should indicate the reasons why it was not possible to do so. Communications should also indicate whether the communication has been or is being considered before any other international human rights body.<sup>55</sup>

In the context of communications, the ACHPR also has a system of '**provisional measures**' that it can request of a State 'to prevent irreparable harm to the victim or victims of the alleged violation as urgently as the situation demands'.<sup>56</sup> The State party is expected to report back on its implementation of those measures within 15 days.

#### If you have sought to cooperate, are cooperating or have cooperated with the African system on human rights and have suffered an act of intimidation or reprisal, you should:

- Contact the ACHPR Special Rapporteur on human rights defenders and Focal Point on reprisals. The current mandate holder is Prof. Rémy Ngoy Lumbu. Correspondence should be sent to [au-banjul@africa-union.org](mailto:au-banjul@africa-union.org) copying [africancommission@yahoo.com](mailto:africancommission@yahoo.com) and [BagonaA@africa-union.org](mailto:BagonaA@africa-union.org)

You can also:

- Submit a **communication** to the ACHPR at [au-banjul@africa-union.org](mailto:au-banjul@africa-union.org), and ask for **provisional measures** if the situation demands it.

<sup>54</sup> <https://achpr.au.int/en/documents/2023-11-23/fact-sheet-no-1-reprisals-africa>

<sup>55</sup> ACHPR, 'Information Sheet no.3, Communication Procedure', 13 April 2021, <https://achpr.au.int/en/communications-procedure>

<sup>56</sup> ACHPR, 'Rules of Procedure of the African Commission on Human and Peoples' Rights', Rule 100, 2020, <https://achpr.au.int/en/rules-procedure>



## CHAPTER 5: SUPPORT FROM STATES



The steps taken by international and regional bodies in response to reprisals, either through establishing mechanisms or making use of existing mechanisms to address reprisals, illustrate that the UN and regional systems are attempting to meet their obligations to ensure that defenders who engage or attempt to engage with them have some form of protection. However, these mechanisms may not provide sufficient protection. There are other sources of protection, including at the national level, that defenders may access in an effort to protect themselves against reprisals when engaging at the regional and UN levels.

## 5.1. Support through diplomatic missions at the national level

The diplomatic community at the national level can be an important source of protection, albeit limited in most cases. Some States have developed specific guidelines for their missions on the protection of human rights defenders in the countries in which their missions operate. Therefore, those missions would be particularly responsive to human rights defenders who have faced or are facing reprisals as a result of their engagement with regional or UN human rights systems. That being said, it is important to keep in mind that defenders seen going to and from embassies may be putting themselves more at risk.

At present the **Canada**,<sup>57</sup> **Finland**,<sup>58</sup> the **European Union (EU)**,<sup>59</sup> **Ireland**,<sup>60</sup> **Norway**,<sup>61</sup> **Switzerland**,<sup>62</sup> the **United Kingdom (UK)**<sup>63</sup> and the **United States (USA)**<sup>64</sup> have developed guidelines for their diplomats on the protection of human rights defenders in the countries in which their missions operate, and the responses their embassies and consulates should provide.

Defenders who approach the American, EU, Swiss, Irish, Finnish, Norwegian, UK, or Canadian missions should therefore find that they can speak to people who are prepared to take their concerns seriously and respond to them. As part of a risk assessment and mitigation strategy, it would be useful to establish contact with relevant diplomats before reprisals arise so that if it is necessary to ask for help, diplomats will already be familiar with defenders and their work.

It is important to note that embassies can be limited in what they can do if their actions would put their own staff at risk. Furthermore, some smaller embassies do not have enough staff to dedicate resources in this area.

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57 Voices at risk: Canada's guidelines on supporting human rights defenders, [http://international.gc.ca/world-monde/issues\\_development-enjeux\\_developpement/human\\_rights-droits\\_homme/rights\\_defenders\\_guide\\_defenseurs\\_droits.aspx?lang=eng](http://international.gc.ca/world-monde/issues_development-enjeux_developpement/human_rights-droits_homme/rights_defenders_guide_defenseurs_droits.aspx?lang=eng)

58 Ministry for Foreign Affairs of Finland, 'Protecting and Supporting Human Rights Defenders - Public Guidelines of the Foreign Ministry of Finland on the implementation of the European Union Guidelines on Human Rights Defenders', 27 November 2014, [https://um.fi/documents/35732/48132/protecting\\_and\\_supporting\\_human\\_rights\\_defenders\\_public\\_guidelines\\_of](https://um.fi/documents/35732/48132/protecting_and_supporting_human_rights_defenders_public_guidelines_of)

59 EU Guidelines on Human Rights Defenders, available at: [https://eeas.europa.eu/sites/eeas/files/eu\\_guidelines\\_hrd\\_en.pdf](https://eeas.europa.eu/sites/eeas/files/eu_guidelines_hrd_en.pdf)

60 Irish Department of Foreign Affairs, 'Guidelines for Irish Embassies and Missions on Human Rights Defenders', 2010, [https://www.humanrights.ch/cms/upload/pdf/150415\\_irish\\_hrd\\_guidelines\\_en.pdf](https://www.humanrights.ch/cms/upload/pdf/150415_irish_hrd_guidelines_en.pdf)

61 Norwegian guidelines for support to human rights defenders, <https://www.regjeringen.no/contentassets/3b4a9f25aae749aea555677ae81bf7a9/en-gb/pdfs/guidelines-on-supporting-human-rights-defenders.pdf>

62 Federal Department of Foreign Affairs, 'Swiss Guidelines on Human Rights Defenders', 2019, [https://www.eda.admin.ch/content/dam/eda/en/documents/publications/MenschenrechtehumanitaerePolitikundMigration/Leitlinien-zum-Schutz-von-HRD\\_EN.pdf](https://www.eda.admin.ch/content/dam/eda/en/documents/publications/MenschenrechtehumanitaerePolitikundMigration/Leitlinien-zum-Schutz-von-HRD_EN.pdf)

63 [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/819299/UK-Support-for-Human-Rights-Defenders.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/819299/UK-Support-for-Human-Rights-Defenders.pdf)

64 <https://common.usembassy.gov/wp-content/uploads/sites/11/2022/08/Guidelines-for-U.S.-Diplomatic-Mission-Support-to-Civil-Society-and-Human-Rights-Defenders.pdf>

**The US'** guidelines emphasise its diplomatic efforts, both in bilateral and multilateral settings, aimed at promoting the work of human rights defenders and civil society. This includes engagement with the UN and its mechanisms to address the situation of human rights defenders under threat, monitoring of civic space through the Human Rights Officers appointed in their diplomatic missions, which have at their disposal various tools to maintain contact and take action on specific cases.

**Canada's** guidelines outline that support for human rights defenders is a priority issue for diplomatic missions, including through diplomatic engagement, making public statements and using social media, attending trials and hearings and visiting detained human rights defenders, liaising with organisations providing emergency assistance, and providing asylum through the UN High Commission for Refugees under its Urgent Protection Program.

The **EU** guidelines on human rights defenders provide practical suggestions for enhancing EU action supporting human rights defenders. The EU guidelines provide for interventions for human rights defenders at risk and suggest practical means to support and assist them. Measures that EU missions can take include: coordinating closely and sharing information on human rights defenders, including those at risk; maintaining suitable contacts with human rights defenders; providing visible recognition to human rights defenders through the use of appropriate publicity, visits or invitations; and attending and observing trials of human rights defenders.

**Finland's** guidelines have been prepared on the basis of the EU guidelines and are intended to encourage Finnish diplomatic missions to take an active role in promoting an enabling environment for defenders. Support and protection for defenders at risk include public or private diplomacy and assistance with relocation within the country or to another country.

**Ireland's** 'Guidelines for Irish Embassies and Missions on Human Rights Defenders' provide an overview of Ireland's work in support of human rights defenders and suggest practical steps for embassies in supporting human rights defenders, including: direct contact with human rights defenders and/or their families; confidential diplomatic action; using informal channels; national or EU démarches; dialogue with domestic human rights institutions; public statements; highlighting the case locally among EU partners or at the relevant Brussels-based geographic working group; and granting temporary respite in Ireland under the humanitarian visa scheme.

**Norway's** guidelines set out a range of measures including formal enquiries, official meetings, démarches, official statements, observation of court cases, prison visits and visits to persons under house arrest, and use of the media. The guidelines also outline measures to be taken in situations where there is an acute need for protection, including financial and practical assistance to enable a person to access to short-term protection in a safe house or refuge, to move to another part of the country, to another country in the region, or even to Norway in extremely serious cases.

**Switzerland's** guidelines outline several potential protection measures, including direct protection such as temporary protection at the embassy, assistance with relocation within the country or abroad, assistance with return to/entry into home country from meetings abroad (e.g. after they have taken part in a UN conference in Geneva), conveying confidential information via diplomatic channels, contact with the competent authorities, diplomatic démarches, and public statements.

The **UK** guidelines set out how, through its network of diplomatic posts and government departments, the UK supports human rights defenders and consults them on a wide range of thematic issues as appropriate. The guidelines also set out how the UK fulfils its commitment to human rights defenders by working to strengthen and raise global standards relevant to defenders and their work.

## 5.2. Other support from States

It can also be helpful to convince States that are responsive to concerns about reprisals to raise cases bilaterally or in multilateral spaces and push States to ensure the safety of human rights defenders. For example, States might be persuaded to raise cases of reprisals in their statements at the Human Rights Council, in the context of the Universal Periodic Review, or at the General Assembly.

In recent years, ISHR as part of its #EndReprisals campaign has called on States to publicly condemn reprisals and intimidation against those who engage with the UN, and raise specific cases of victims at the Human Rights Council in Geneva and the General Assembly in New York. On 27 September 2024, 11 States raised individual cases of intimidation and reprisals in 10 different countries and territories at the Human Rights Council's 57<sup>th</sup> session and on 17 October 2024, at the Third Committee of the General Assembly's 79th session, specific cases and situations of intimidation and reprisals were raised for the first time by three States.<sup>65</sup>

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<sup>65</sup> <https://ishr.ch/campaign/endreprisals2023/>; <https://ishr.ch/campaign/endreprisals2024>



## CHAPTER 6: SUPPORT FROM NGOs



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NGOs can also be an important source of support and protection, whether administrative, material, financial, logistical, or practical. This could include urgent monitoring, reporting and advocacy support, appeals to relevant authorities, protective publicity, practical help with temporary relocation or assistance with medical or legal expenses, rapid practical support, emergency subsistence, legal advice, physical security, digital security, communications, capacity building in security, secure transportation and social assistance, including family support.

ISHR aims to highlight cases of reprisals and communicate those cases to the international and regional human rights systems, provide protective publicity to human rights defenders at risk, and work towards ensuring that national, international and regional human rights systems have the mechanisms to prevent reprisals and ensure accountability where they occur.

Some options available for human rights defenders facing imminent threats or who have experienced targeted violence include the following organisations. This list is by no means exhaustive, nor is the inclusion of an organisation here an endorsement of any kind:

- Access Now: Help Line  
(<https://www.accessnow.org/help-es/>)
- Africa Human Rights Defenders: Shelter City  
(<https://www.ahrnfoundation.org/sheltercity.php>)
- Agir Ensemble pour les Droits de L'Homme: Emergency Fund  
(<https://agir-ensemble-droits-humains.org/fr/notre-fonds-durgence/>)
- Canadian Journalists for Free Expression (CJFE): Journalists in Distress Fund  
(<https://cjfe.org/journalists-in-distress-fund/>)
- The Digital Defenders Partnership: Emergency Grants (<https://www.digitaldefenders.org/>)
- Defend Defenders  
(<https://www.defenddefenders.org/protection/>)
- Euro-Mediterranean Foundation of Support for Human Rights Defenders  
(<https://emhrf.org/urgent-grants/>)
- Forum-Asia: Protection Plan for Human Rights Defenders at Risk  
(<https://forum-asia.org/protection-plan-for-human-rights-defenders-at-risk/>)
- Free Press Unlimited: Reporters Respond  
(<https://www.freepressunlimited.org/en/projects/reporters-respond-emergency-funding-for-the-media>)
- Freedom House: Lifeline Embattled CSO Assistance Fund  
(<https://www.csolifeline.org/emergency-assistance>)
- Front Line Defenders Security Grants  
(<https://www.frontlinedefenders.org/en/programme/protection-grants>)
- The Fund for Global Human Rights  
(<https://globalhumanrights.org/who-we-are/our-approach/>)
- Institut für Auslandsbeziehungen: Elisabeth-Selber-Initiative  
(<https://www.ifa.de/en/funding/elisabeth-selbert-initiative/>)
- International Federation for Human Rights: Grant for human rights defenders at risk  
(<https://www.fidh.org/en/issues/human-rights-defenders/financial-support/grant-application-for-human-rights-defenders-at-risk>)
- International Federation of Journalists: Safety Fund  
(<https://www.ifj.org/safety-fund>)
- International Lesbian, Gay, Bisexual, Trans and Intersex Association (ILGA):  
(<https://ilga.org/>)
- International Media Support: Safety Fund  
(<https://www.mediasupport.org/about/safety-fund/>)



- International Women's Media Foundation: Emergency Fund  
(<https://www.iwmf.org/programs/emergency-fund/>)
- La Maison des Journalistes  
(<http://www.maisondesjournalistes.org/about-la-maison-des-journalistes/>)
- Madre: Grantmaking  
(<https://www.madre.org/about/our-approach/>)
- Outright International  
(<https://outrightinternational.org/>)
- Pan-African Human Rights Defenders Network: Hub Cities  
(<https://africandefenders.org/what-we-do/hub-cities/>)
- ProtectDefenders.eu: Supporting Defenders  
(<https://protectdefenders.eu/protecting-defenders/>)
- Reporters Without Borders: Assistance Desk  
(<https://rsf.org/en/individual-support>)
- Rory Peck Trust: Assistance Grants  
(<https://rorypecktrust.org/how-we-help/financial-support/>)
- Urgent Action Fund for Women's Human Rights  
(<https://urgentactionfund.org/our-grants/>)

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