

UN ACTION ON REPRISALS:

Towards Greater Impact



A Quantitative Analysis of the Scope and Impact of UN
Action on Intimidation and Reprisals Through the Lens
of the Secretary-General's Annual Reports



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Executive Summary

Human rights defenders and victims of human rights violations who engage with the United Nations (UN) can face intimidation and reprisals for doing so. How well does the UN track such cases? And what becomes of them after the UN raises an incident? These are the questions tackled in this report. It offers a quantitative analysis of the cases documented in the UN Secretary-General (SG)'s past 11 annual reports on intimidation and reprisals (published between 2010 and 2020) as well as, for a subset of those cases, of individual case developments and impact assessments provided by victims and their representatives. Such an analysis of the available data on intimidation and reprisals holds significant insights that can inform and strengthen the UN's policies and action on reprisals.

Between 2010 and 2020, the SG reports documented a total of 709 cases or situations of intimidation and reprisals. Of these, 473 were cases in which the affected individuals or organisations were named. These documented cases only represent the tip of the iceberg that is the worldwide problem of human rights defenders or victims facing intimidation or reprisals for cooperating with UN human rights entities. While the appointment of the Assistant Secretary-General (ASG) for Human Rights as the UN's 'senior official' on intimidation and reprisals led to an increase in resources directed at the topic, which directly translated into better reporting and follow-up on cases, there is still room to strengthen the UN's response.

The data analysis presented in this report shows that intimidation and reprisals happen around all points of contact between UN actors and victims of human rights violations or human rights defenders, regardless of whether such contact happens within their country, outside of it, or via remote means of communication. All UN entities dealing with human rights issues should therefore establish clear protocols on how to prevent and respond to potential intimidation and reprisals connected to their work. The data also reveals a striking lack of reporting of cases and situations in countries where civil society space is known to be closed or highly restricted.

In terms of the impact UN action has on reprisal cases, the survey data suggests that sustained attention by the UN as well as follow-up on cases by multiple actors within the UN system are more likely to positively impact victims. This finding is a strong argument for UN actors to live up to their responsibility and act consistently and in a sustained manner on reprisal cases that happen in connection to their work. They should do so in addition to sharing them with the senior official. This particularly concerns the Human Rights Council (HRC) Presidency, which in recent years has had a very poor record of publicly engaging on reprisal cases related to the HRC.

Furthermore, the data reveals that 21 out of the 47 current HRC Member States have been cited in SG reports for carrying out intimidation and reprisals in the past five years – unacceptable conduct for members of the UN's most eminent human rights body. When electing new members to the HRC, voting countries should take into account applying States' intimidation and reprisal records.



Introduction

In considering human rights situations around the world, the United Nations (UN) system is profoundly dependent on the information and testimonies provided by thousands of victims and human rights defenders who document abuse and violations. No matter where human rights investigations and reviews are conducted: individual voices from within countries of concern are central to bringing the realities on the ground to the UN's attention. They also add detail, credibility and weight to specific allegations. This important role of individuals is a key reason why some States seek to systematically prevent their population from engaging with UN bodies and mechanisms, and to reprimand and punish those who do engage. They do so through repressive tactics that range from administrative hurdles and travel restrictions to intimidation, imprisonment and even killings.

The recognition that such reprisals and intimidation are not only human rights violations in and of themselves, but that they also undermine the functioning of the core of the UN human rights system has led the UN to formulate various responses to the problem. In 1990, the UN Secretary-General (SG) was mandated by the now defunct Commission on Human Rights to submit annual reports on the topic, which included a compilation of the reported cases of intimidation and reprisals related to individuals' cooperation with the UN on human rights issues.¹ When the Human Rights Council (HRC) replaced the Commission, this mandate was continued from

¹ Commission Resolution 1990/67, p. 155f. Available at [https://undocs.org/pdf?symbol=en/E/1990/22\(supp\)](https://undocs.org/pdf?symbol=en/E/1990/22(supp)).

2010 through HRC *Resolution 12/2*.² In 2016, the UN Assistant Secretary-General (ASG) for Human Rights was designated as the UN's 'senior official' to lead the organisation's efforts on addressing intimidation and reprisals. This appointment had been requested years earlier by an HRC resolution³ but was subsequently stalled by States hostile to the position. After the eventual appointment, the UN's work on intimidation and reprisals, including the annual SG reports, saw a considerable upgrade. With the ASG appointment came dedicated staff resources within the Office of the High Commissioner for Human Rights (OHCHR) to support the ASG's work, which have allowed for more consistent engagement on intimidation and reprisal cases throughout the year.

This report examines the UN's work on intimidation and reprisals through the lens of the 11 most recent annual SG reports, which are those published between 2010 and 2020.⁴ The objective of the underlying research was twofold: (1) to identify and discuss patterns or trends regarding the types of intimidation and reprisal cases reported by the SG over the past decade; (2) to investigate the outcomes of the reported cases as well as how victims or their representatives perceived the impact of the UN's engagement. For this purpose, the author worked very closely with ISHR staff members to code the 2010-2020 SG reports into a dataset of 709 publicly reported⁵ cases or situations. Of these, 473 cases were cases in which the individual or organisation was named (referred to as 'named cases' below), and 167 were cases of unnamed individuals, groups or organisations (referred to as 'unnamed cases' below).⁶ A further 69 entries included in the dataset refer either to general situations (such as new national legislation that might undermine UN engagement), or to pre-emptive statements made by UN actors (for example in relation to a UN expert's upcoming country mission). In addition, details from sections of the SG reports that provide information following up on certain previously documented cases were added to the respective case entries in the dataset, including 124 descriptions of deteriorations or further reprisals. It should be noted that, as a principle, the coders only recorded information provided in the SG reports. These may be incomplete (for more details on the methodology, see Annex II).

Part one of this report descriptively analyses this casework data of the SG reports. It focuses on patterns that can be discerned from it, and how those have changed over time. Part two draws on an analysis of survey data, which was collected for a random sample selected from the subset of named cases. The survey on case outcomes and individuals' perceptions of the impact of UN action was conducted by ISHR among victims (representing over two thirds of respondents), their representatives or, in exceptional cases, third parties. The research team thereby obtained submissions on 68 out of a total of 100 selected cases. The report closes with a summary of the findings and a series of recommendations on how the UN can improve its reporting and impact on intimidation and reprisals.

2 See HRC *Resolution 12/2*. Available at <https://undocs.org/en/A/HRC/RES/12/2>.

3 HRC *Resolution 24/24*. Available at https://www.ishr.ch/sites/default/files/article/files/hrc_res_24-24.pdf.

4 The relevant SG reports can be accessed here: <https://www.ohchr.org/EN/Issues/Reprisals/Pages/Reporting.aspx>.

5 Note that the UN's bodies and mechanisms at times engage privately with States on reprisal cases. Since these interactions are not reported publicly, they are not within the scope of this research. In addition, the team working on reprisals at OHCHR is regularly made aware of cases which, if mentioned in SG reports, could compromise the individual's safety, or for which the affected individual chooses not to be named for other reasons. Such cases are only included in this study insofar as they were reported as an unnamed case or general situation in the SG reports.

6 Note that in the dataset, named cases always refer to only one individual or organisation, while an unnamed case can refer to several individuals if they are described as a group that experienced similar acts of intimidation or reprisals related to a similar form of engagement with the UN (e.g., 'several detainees who participated in interviews with OHCHR'). The amount of detail provided and recorded for named cases also typically differs from that of unnamed cases, which is why named cases are considered more extensively in the analysis below.



1. The UN Secretary-General's Reporting on Intimidation and Reprisals

1.1. Examining the tip of the iceberg

A key aspect to consider when analysing incident data on human rights violations – such as those coded from the SG reports – is that the documented cases almost always only represent the tip of the iceberg. In reality, the problem is usually much larger than what we can detect in the data. Human rights violations often happen in secrecy. Communication channels are deliberately interrupted and victims are intimidated.⁷ Furthermore, the UN can seem like a remote institution and not all victims know how to or even want to submit their cases. Although the UN's reporting has considerably improved in quantity over the past few years (see Figure 1), it can by no means be considered an exhaustive account of all incidents of intimidation and reprisals related to individual victims' or defenders' engagement with the UN – something that former ASG Andrew Gilmour has also acknowledged.⁸

This recognition of incompleteness has several important consequences. First, we cannot be quite sure how severe the problem really is. What we can say with

7 See also Root, 'Numbers are only human: Lessons for human rights practitioners from the quantitative literacy movement,' in: P. Alston and S. Knuckey (eds.) *The transformation of human rights fact-finding* (New York: Oxford University Press, 2016), 355-376.

8 See <https://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=25159&LangID=E>.

certainty is that the situation emerging from the data is already quite severe. Second, the reported cases cannot be considered as representative of the situation of intimidation and reprisals around the world. Even though the UN's team working on intimidation and reprisals is going to great lengths to document all cases reported to them, the resulting documentation will always constitute what statisticians call a non-random selection.⁹ This means that not all occurring incidents of intimidation or reprisals have an equal chance of eventually being documented in the SG report. Why is that? Various selection mechanisms along the different reporting channels can influence which cases end up being submitted and reported. For example, cases from remote areas are less likely to be reported than those occurring in cities. Similarly, cases from countries that receive a lot of attention by dense NGO networks are reported at a higher rate. And more egregious violations (such as imprisonment) more reliably attract international attention than more low-level types of repression (such as asset freezes).¹⁰

This form of selection bias is not particular to the UN's work on intimidation and reprisals – on the contrary. This is a typical phenomenon that concerns all types of human rights incident data reported at the international level, although the most prevalent types of selection bias depend on the data's thematic focus and origin. It is critical to bear these limitations in mind when analysing and interpreting the information that is available. They greatly influence which part of the data actually tells us something about reality, and which part only tells us more about the way the UN is reporting intimidation and reprisal cases. As we will see below, the actual picture is often a mix of both. In consequence, we need to be cautious about the conclusions we draw from the data. Otherwise, there is a considerable risk of misrepresenting the situation, for example by emphasising minor problems while neglecting more important ones.

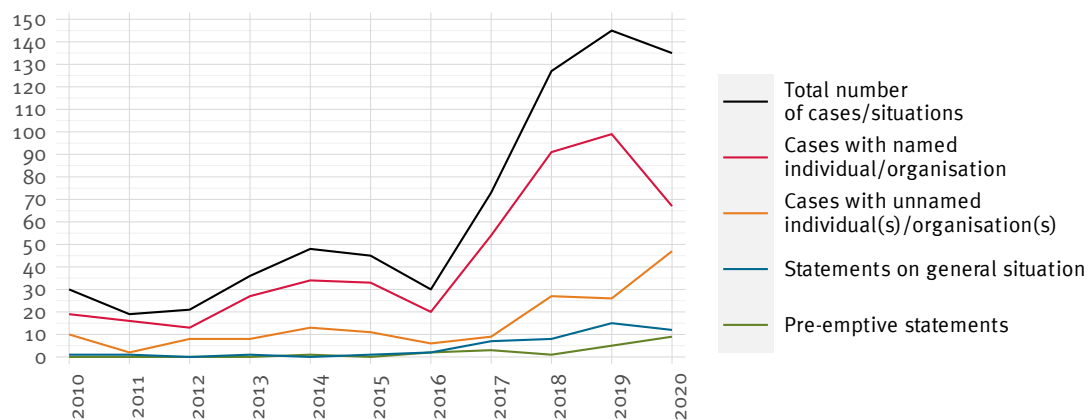


Figure 1: Total number of cases in 2010-2020 SG reports and subtypes

The sheer number of intimidation and reprisal cases identified and reported over the years illustrates well the issue of non-representativeness of the data. Up until 2016, the SG reports were compiled by staff members of OHCHR's Special Procedures branch in addition to their regular workload. After the ASG's designation as senior official on reprisals in 2016, there was an increase in resources dedicated to this topic, including staff capacity. The trend in the number of reported cases shown in Figure 1 perfectly illustrates this capacity increase: the

9 See also Landman and Gohdes, 'A matter of convenience: Challenges of non-random data in analysing human rights violations during conflicts in Peru and Sierra Leone,' in: Seybolt, Aronson and Fischhoff (eds.) *Counting civilian casualties: An introduction to recording and estimating nonmilitary deaths in conflict* (New York: Oxford University Press, 2013), 77-93.

10 See for example Weidmann, 'A closer look at reporting bias in conflict event data', (2016) *American Journal of Political Science* 60, 206-218.

total number of dataset entries jumps from only 30 in 2016 (the last report before the ASG's appointment) to 73 in 2017 and to 127 in 2018. The total number of cases or situations then peaks at 145 in 2019 before slightly decreasing to 135 in 2020.

This recent decrease in the total number of reported cases or situations is likely a result of the onset of the COVID-19 pandemic, which fell into the last reporting period. Many UN conferences and meetings were cancelled, which decreased

opportunities for individuals or organisations to engage. This, in turn, may have led to a decrease in the number of ensuing cases of intimidation and reprisals. An alternative or complementary explanation may be that the deadline for external submissions to the 2020 SG report fell into the initial months of the pandemic, when many organisations were scrambling to adapt their operations and may not have managed to submit all cases in time for capacity reasons.¹¹ From these examples, we can gauge that while the latest interruption of the upward trend after 2016 may *partly* reflect a 'real' trend in the overall number of reprisals, the previous surge in cases probably does not. Instead, it is more likely to be the (encouraging) result of improved capacity, internal coordination and inter-agency cooperation following the ASG's appointment as senior official.

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United Nations



1.2. Patterns among reported cases

1.2.1. GEOGRAPHIC DISTRIBUTION

A number of countries stand out as particularly frequent perpetrators of acts of intimidation and reprisals against individuals or groups who have engaged with the UN on human rights issues. These notably include Bahrain (with 64 reprisal cases or situations addressed over the last decade), Venezuela (with 42), Vietnam (with 41), China (with 37), and Egypt (with 36 such cases or situations).¹² Bahrain, Venezuela and China are also among the five countries – together with Saudi Arabia and Sri Lanka – that figure in at least eight out of the 11 SG reports considered for this research. In the SG's report for 2020, 11 countries were cited for 'patterns' of reprisals. These 11 are all among the 17 worst offenders in terms of publicly reported data over the past decade. In addition to cases that were reported, the determination of 'patterns' may reflect cases that are not publicly reported as well as the types of known cases and how they relate to each other. However, based on the reported cases alone, we can already identify a number of States whose practices and actions should be recognised as constituting a 'pattern' in the next SG report and in addition to the ones highlighted in 2020. A detailed list of all countries, the number of cases and situations addressed, and the allegations of intimidation and reprisal 'patterns' can be found in Annex I.

¹¹ The combined sharp decline in named cases and increase in unnamed cases from 2019 to 2020 could be further indication of the challenges involved in preparing the 2020 report during the COVID-19 pandemic. This may include an increased difficulty in reaching out to affected individuals to confirm that they consent to being named in the report.

¹² The counts include cases and situations described for the respective country in the main report as well as those follow-ups on cases or situations that described a deterioration or further reprisals.

REPRISALS AND HRC MEMBERSHIP

47

Total number of HRC members

14

Total number of current HRC members cited in 2020 SG report

21

Total number of current HRC members cited in 2016-2020 SG reports

29

Percentage of cases and situations in 2010-2020 SG reports that concerned then-members of HRC

REPRISAL CASES AND SITUATIONS BY REGION

31%

MENA region

18%

Latin America & the Caribbean

18%

Sub-Saharan Africa

17%

East Asia & Pacific

8%

Europe & Central Asia

7%

South Asia

As of March 2021, 14 among the 47 current members of the UN HRC were cited in the SG's 2020 report, and 21 had at least one mention in SG reports over the past five years. This is a very problematic record if we consider that the criteria for HRC membership specify that 'members elected to the HRC shall uphold the highest standards in the promotion and protection of human rights, shall fully cooperate with the HRC.'¹³ In fact, out of the total of 709 dataset entries for the period since 2010, 29 percent concern countries that were HRC members in the year in which they were cited by the SG report.

Many countries leading the list of reported intimidation and reprisal cases have never been on the HRC's formal agenda in the form of a resolution. These include Bahrain, Vietnam, China, and Egypt.¹⁴ The former ASG and senior official on reprisals, Andrew Gilmour, noted the connection between acts of intimidation and reprisals and the effectiveness of the UN's action on human rights situations: 'When people are cowed into silence, governments and inter-governmental organisations are deprived of the full picture, and that makes their actions [...] less effective.' In this regard, he encouraged everyone at the UN to speak out on behalf of victims 'even if the perpetrators are hugely powerful, such as the Chinese authorities, whose efforts to silence almost anyone from speaking out are often draconian and can extend even into UN headquarters.'¹⁵

Looking at the regional distribution of reported reprisals and intimidation, it becomes clear that the Middle East and North Africa (MENA) region¹⁶ is very disproportionately represented. More specifically, it accounts for about one third of the SG's reporting since 2010 (31 percent of all entries and 35 percent among named cases). The high number of reported incidents in this region over the past decade can likely be attributed to increased engagement between the UN and human rights defenders from the region in the wake of the Arab spring and the dramatic crackdown that ensued in many of the MENA countries. The second most frequently cited region is Latin America and the Caribbean (18 percent of all entries, 20 percent of named cases), followed by Sub-Saharan Africa (18 percent of all entries, 13 percent of named cases), East Asia and Pacific (17 percent of all entries, 18 percent of named cases), Europe and Central Asia (8 percent in both groups), and South Asia (7 percent and 6 percent respectively). None of the SG reports since 2010 included cases from Western European or Northern European countries, nor from North America, even though cases from North America had been submitted for consideration.¹⁷

These statistics allow us to spotlight countries and regions with particularly persistent problems of intimidation and reprisals. However, they cannot tell us whether the situation in a country or region is unproblematic. Individual cases documented in the SG reports cannot adequately reflect the fact that certain country situations are so severe in terms of the restrictions that are in place that human rights defenders there cannot engage with the UN to begin with.¹⁸ In addition, even in contexts where individuals engage with the UN and consequently experience intimidation and reprisals, these individuals may refrain

13 General Assembly Resolution 60/251, para 9. Available at <https://undocs.org/en/A/RES/60/251>.

14 For a list of HRC country resolutions, see URG's Human Rights Resolutions Portal. Available at www.universal-rights.org/human-rights/human-rights-resolutions-portal/.

15 Gilmour, 'Opinion: Human rights are suffering an onslaught of attacks,' *Financial Times* (9 December 2019). Available at www.ft.com/content/e339fe22-1a66-11ea-81f0-0c253907d3e0.

16 Included in this group are the following countries: Algeria, Bahrain, Egypt, Iran, Iraq, Israel, Jordan, Kuwait, Lebanon, Libya, Morocco, Oman, Palestinian Territories, Qatar, Saudi Arabia, Syria, Tunisia, United Arab Emirates, Yemen.

17 See www.ishr.ch/news/hrc42-beyond-rhetoric-states-should-step-efforts-prevent-reprisals.

18 See www.ishr.ch/sites/default/files/documents/final_ishr_intimidation_reportweb.pdf.

COUNTRIES WITH HIGHLY RESTRICTED CIVIL SOCIETY SPACES BUT FEW SG REPORT MENTIONS

Azerbaijan: 0 cases or
situations reported

Equatorial Guinea: 3

Eritrea: 5

Laos: 1

North Korea: 1

Qatar: 0

Tajikistan: 5

Turkmenistan: 4

from reporting incidents back to the UN for fear of further retaliation. Such underreporting also distorts the picture painted by the data.

When comparing the number of reported incidents of intimidation and reprisals with a measure of civil society robustness, we found that many of the countries with the lowest scores on V-Dem's Core Civil Society Index¹⁹ were hardly ever or never raised as cases of concern in the last 11 SG reports: North Korea (1 case or situation), Eritrea (5), Turkmenistan (4), Equatorial Guinea (3), Qatar (0), Laos (1), Azerbaijan (0), and Tajikistan (5). Apart from the levels of repression in a country, another element that typically affects the geographic coverage of cases is the existence of strong NGO networks – sometimes located in diaspora countries – that are familiar with the UN's reporting channels and can thus help to systematically document cases for specific countries. Where such networks do not exist, cases often go unreported. Lastly, ISHR is aware of at least three countries (Brazil, Russia and the United States) for which reprisal cases were documented and submitted to be included in the SG's reports but not included, presumably for political reasons.²⁰



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1.2.2. CASE CHARACTERISTICS

Very often, we do not learn much from SG reports about the actual work of the individuals or organisations affected by intimidation and reprisals. For example, in 43 percent of named cases reported, it was unclear what human rights issue area they were working on. For cases where it was clear, the reported issue areas predominantly concerned civil and political rights (31 percent of named cases), followed by ethnic minority rights or racism (9 percent), accountability and impunity (6 percent), and religious freedom (6 percent).²¹ In terms of gender distribution, among the 473 named cases, 59 percent were male individuals, 29 percent were female individuals, and 12 percent were organisations. Based on the limited information on issue areas that is available, we can state that at least 33 percent of the named *individuals* were women human rights defenders (WHRDs).²²

19 The index is a 'measure of a robust civil society, understood as one that enjoys autonomy from the state and in which citizens freely and actively pursue their political and civic goals, however conceived.' It is scaled from 0 (lowest) to 1 (highest). Listed here are some of the countries that scored below 0.25 on average between 2009 and 2019. See Coppedge et al., *V-Dem Codebook V10* (University of Gothenburg, 2020). Available at: www.v-dem.net/media/filer_public/28/14/28140582-43d6-4940-948f-a2df84a31893/v-dem_codebook_v10.pdf.

20 See www.ishr.ch/news/hrc42-beyond-rhetoric-states-should-step-efforts-prevent-reprisals.

21 Further recorded issue areas include: economic and social rights (4 percent); indigenous peoples' rights (4 percent); land rights and environment (3 percent); women's rights (3 percent); children's rights (2 percent); right of migrants, refugees, IDPs (2 percent); LGBTQI rights (1 percent); and corruption (less than 1 percent).

22 For the purpose of this report, we defined women human rights defenders (WHRDs) as women engaging on human rights issues or individuals of any gender engaging on women's rights – although so far only women have been documented in the latter category among the named individuals in the SG reports.

1.2.3. REPRISAL TRIGGERS: ENGAGEMENT WITH THE UN

TYPES OF ENGAGEMENT WITH THE UN AMONG SG REPORT CASES

223

Participation in UN meeting outside one's country

151

Remote submission of information

130

Meeting with UN official inside one's country

34

Case of human rights violation raised by UN

106

Other type of engagement or unclear

The primary reported type of engagement with the UN for which individuals or organisations experienced acts of intimidation and reprisals was their attempted or actual participation in UN meetings outside of their own country (representing 223 or 35 percent of all cases). Typically, these were meetings at UN headquarters such as in Geneva or New York. Intimidation and reprisals for meetings with UN officials in the field – i.e., in affected individuals' or organisations' own countries – were reported in 130 cases. In a further 151 of the reported cases, engagement with the UN was limited to individuals or organisations submitting information remotely. In 34 of all documented cases, victims of human rights abuses experienced intimidation and reprisals after the UN had raised their case in a communication or report.

The distribution between the different types of engagement with the UN among the reported cases is very likely an artefact of selection biases. This concerns both the channels through which intimidation and reprisals are reported to the UN and the directness of the link that can typically be drawn to engagement with the UN. In many cases, human rights activists or victims who travel to Geneva or New York to testify in a UN meeting have direct contact with OHCHR and other organisations who support their engagement. This direct contact makes it more likely that the UN will learn about any subsequent intimidation and reprisals ensuing from individuals' engagement with the organisation than in instances where such direct contact did not occur. In addition, where travel is involved, many of the incidents of intimidation and reprisals individuals or organisations experience after their attempted or actual participation in UN meetings allow us to establish a relatively clear connection to engagement with the UN. One example for this are travel restrictions that are imposed before or after the respective trip, or when individuals are targeted with defamation campaigns specifically for their engagement with the UN. In contrast, if a government retaliates with increased harassment after an individual has drawn the UN's attention to their case, the connection may be less clear-cut – which makes documentation more difficult and victims less likely to report such cases. And even for such cases where this connection is unequivocal and direct contact exists, individuals may deliberately refrain from seeking the UN's attention a second time for fear of further retaliation.

Therefore, the frequency at which cases are reported for the different types of engagement with the UN does not tell us which is the most 'risky' in terms of the likelihood that it will draw intimidation or reprisals. However, the mere fact that a significant number of cases are reported even for types of engagement

for which intimidation and reprisals are harder to document is alarming evidence that such human rights violations occur around any point of contact that individuals have with the UN. Recognising this should prompt efforts by UN bodies and mechanisms to improve their preparedness and follow-up when engaging with victims and human rights defenders around the world. Whether they are seeking written information on abuses, inviting human rights defenders to speak at UN meetings, meeting with victims and activists during country missions, or raising the cases of people suffering human rights abuses: when preparing or following up on such vital engagements, the respective UN bodies or mechanism should always factor in the possibility that those who engage with the UN or are cited in the UN's reports and communications may be exposed to acts of retaliation.

Photo credit: UN Photo, Nektarios Markogiannis



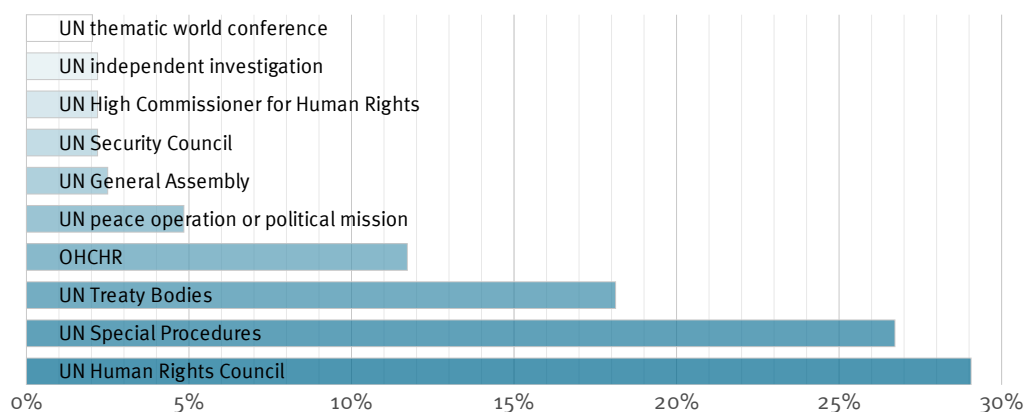


Figure 2: Reprisal triggers: UN bodies/mechanisms chosen for engagement (among all cases)

Note: Several engagement bodies or mechanisms may apply to the same case. Shown are only those for which engagement was reported in at least 2% of cases raised in the SG reports. In 11% of all reported cases, no specific body or mechanism of engagement was indicated.

Individuals or organisations engaging with the HRC²³ account for a relative majority of 29 percent of the reported reprisal cases (see Figure 2). This can be partly attributed to the reporting dynamics described above since more than half of these individuals or organisations travelled to participate in an HRC meeting or at least attempted to do so. Another form of engagement with the UN that is frequently reported as a trigger for intimidation or reprisals is engagement with UN Special Procedures (which accounts for 27 percent of all documented cases). This high percentage is not only reflective of the eminent role this mechanism plays in absorbing information from victims and human rights defenders and feeding it into the UN human rights system; it is also a result of the Special Procedures' long-standing activities on individual cases of human rights abuse and the mechanism's near-exhaustive submission of reprisal cases for documentation in the SG reports. The third most often reported trigger of intimidation and reprisals was engagement with the UN Treaty Bodies (18 percent of all cases analysed for this report), followed by engagement with OHCHR (in 12 percent of all cases) and local UN peace operations or political missions (5 percent).²⁴ While reporting patterns may to some extent reflect the frequency of intimidation or reprisals occurring in relation to engagement with those bodies and mechanisms, these patterns likely tell us more about the efforts the respective institutions have made to document cases and systematically refer them for inclusion in the SG reports.

1.2.4. INTIMIDATION AND REPRISALS: TYPES OF VIOLATIONS

Figure 3 shows the distribution of the different types of violations that individuals or groups commonly experience as part of intimidation and reprisals perpetrated against them. We can see that the violation type most often reported among cases where individuals or organisations were named is threats and intimidations (47 percent), which includes cases where a fear of reprisals was noted. The second most frequently reported violation – at 27 percent – were instances of defamation (in about half the cases, these happened online or in combination with online harassment), followed by criminal investigations (24 percent), detention (24 percent), physical attacks (20 percent, or 95 cases, of which about two thirds were cases of torture and 3 were killings), and travel restrictions (19 percent).

²³ About half of the reported engagements with the HRC were related to the Universal Periodic Review (UPR) process.

²⁴ Engagement with the UN General Assembly, the Security Council, the High Commissioner for Human Rights, HRC-mandated independent investigations, UN thematic world conferences, and other UN bodies and agencies each accounted for less than 3 percent of all reported cases.

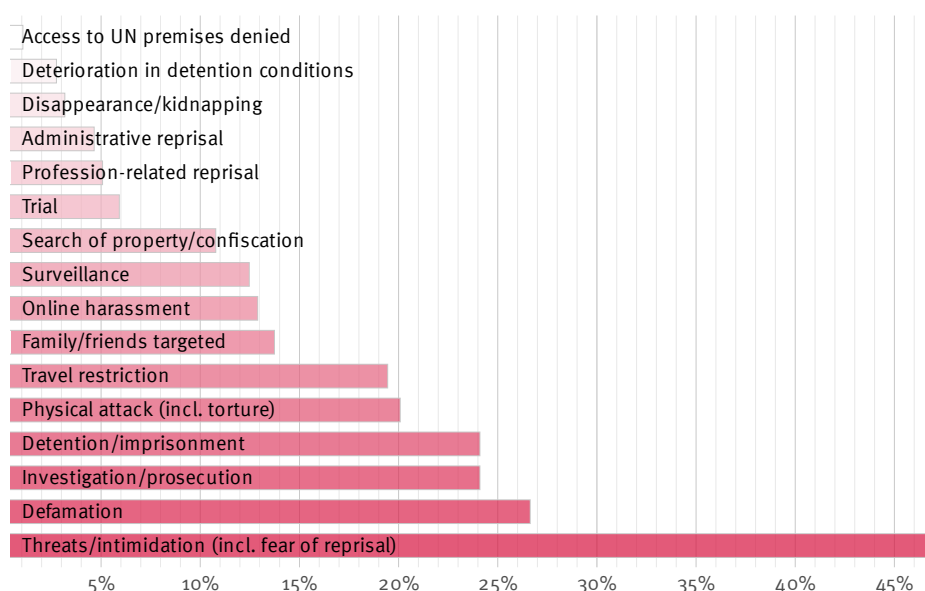


Figure 3: Reprisals:
*Reported violation types
(among named cases)*

*Note: Several violation
types often apply to the
same case.*

This distribution is noteworthy because it differs significantly from the reporting patterns identified among cases raised by the UN Special Rapporteur on human rights defenders, as researched by the author in a separate study.²⁵ Among those cases, physical integrity violations – such as detentions or physical attacks – are much more prominent, whereas threats, instances of defamation, and travel restrictions are more rarely addressed.²⁶ These patterns are unlikely to be representative of the violations human rights defenders are generally facing. Rather, they are the result of a strong reporting bias towards physical integrity violations at the international level. Such cases, especially those involving detention, are not only comparatively easy to document and attribute to State actors, but they may also be considered more grave or pressing – and thus have overall higher chances of attracting international attention. As a result, these cases are also more often reported to the UN. In addition, the severe capacity constraints of the Special Procedures’ defenders mandate mean that only a fraction of incoming cases are even addressed in its communications. This constitutes an additional filter through which violations that are considered more severe are prioritised.²⁷ Since the SG reports include nearly all submitted reprisal cases in which consent from the victims has been obtained, such distortions are less extreme; even so, the threshold for victims to report cases to the UN likely still leads to an overrepresentation of more severe types of repression.

Overall, and even though the sample cannot be considered representative due to the ‘tip of the iceberg’ problem described above, the distribution of violations illustrated in Figure 3 is an encouraging sign that the SG reports can register a broad variety of intimidation and reprisal types. This is important because a deliberate prioritisation of physical integrity violations would mean that the more subtle forms of repression – which not only are often very harmful in and of

25 In that separate investigation, the author of this report collected and analysed data on more than 12,000 cases addressed by the Special Procedures mandate on defenders between 2000 and 2016. See Spannagel, *Chasing Shadows: A Quantitative Analysis of the Scope and Impact of UN Communications on Human Rights Defenders (2000-2016)*, (Global Public Policy Institute, 2018). Available at: www.gppi.net/2018/01/24/chasing-shadows.

26 The percentages for the above-mentioned violations among the Special Rapporteur’s cases are as follows: detention at 56 percent; physical attack, incl. torture, at 26 percent (of these more than a quarter were killings); threats at 26 percent; defamation at 3 percent; and travel restrictions at 3 percent. For a complete list, see Spannagel, *Chasing Shadows* (Global Public Policy Institute, 2018) p. 7.

27 This information is based on interviews the author conducted with staff of the defenders mandate and former Special Rapporteurs.



Photo credit: Flickr, UN Women

themselves, but also very effective in discouraging further engagement with the UN – are shielded from scrutiny. It is therefore critical that the UN team working on reprisals is equipped with the necessary resources to allow for a reporting of *all* identified and submitted cases, and that it is not compelled to apply a prioritisation similar to the one that is common practice for the Special Procedures.

The SG reports thus document a high number of cases with violation types where State involvement is typically not as easy to document as, for instance, in cases of detention. Nevertheless, State actors were identified as main perpetrators in at least 77 percent of all named cases. By contrast, non-State actors were reported as sole perpetrators in less than 6 percent of named cases. In 8 percent of the

reported cases, both State and non-State perpetrators were involved. For another 9 percent of cases, the perpetrator could not be identified from the description in the SG reports.

When comparing WHRD cases to those of other named individuals, the data from the SG reports suggests that WHRDs tend to more frequently report travel restrictions, instances of surveillance, online harassment and defamation campaigns, profession-related reprisals, and threats and intimidation.²⁸ The margins are not very large, but the differences roughly match those found among the cases reported by the UN Special Rapporteur on human rights defenders. Here, WHRDs are also more frequently represented among cases of threats and defamation. At the same time, they are underrepresented in categories of physical integrity violations. One notable difference between the two datasets is that among the Special Rapporteur's cases, WHRDs figure comparatively more often in cases of violations against family/friends than among the SG's cases. However, whether these various distributions hint at an underlying difference in the violations and reprisals that WHRDs experience in comparison to their male counterparts who do not work on gender-related issues is hard to tell from this data alone. It may also be the case that WHRDs are simply more likely to report certain types of violations.

1.3. UN public action and follow-up

1.3.1. ACTION TAKEN BY UN BODIES AND MECHANISMS PRIOR TO CASES BEING REPORTED IN SG REPORTS

For each case or situation, the SG reports usually indicate which other UN bodies or mechanisms have previously taken action. As part of the data collection process, we recorded this information for each entry. In some instances, several bodies or mechanisms had been engaged on the same case during the reporting period. In others, no prior action was reported. For each SG report since 2010, Figure 4 displays the percentage of all reported cases or situations that had

²⁸ While they are represented at 33 percent across all named individuals, WHRDs make up 44 percent of cases of individuals with reported surveillance, 43 percent of travel restrictions, 42 percent of instances of online harassment, 41 percent profession-related reprisals, 40 percent of defamation, and 36 percent of threats and intimidation cases.

previously been addressed by the respective UN actor. Until the ASG's appointment as senior official, most cases were submitted by UN Special Procedures, whose branch at OHCHR was where the annual SG reports were then compiled. These cases clearly dominate in the years until 2017, with the exception of 2012 and 2013.²⁹ Since 2017, we see a trend towards more diversification in terms of the sources of the cases reported in the SG's reports. For one, and keeping in mind the steep increase in the absolute number of cases from 2016 to 2019, we see that Treaty Bodies contributed an increasing number of cases in 2017 and 2018.³⁰ Moreover, after his appointment in 2016 the ASG came into the picture as another actor raising cases in communications that would later appear in the SG reports. Finally, a growing number of cases addressed in the SG reports had not seen any prior action or engagement by other UN actors.

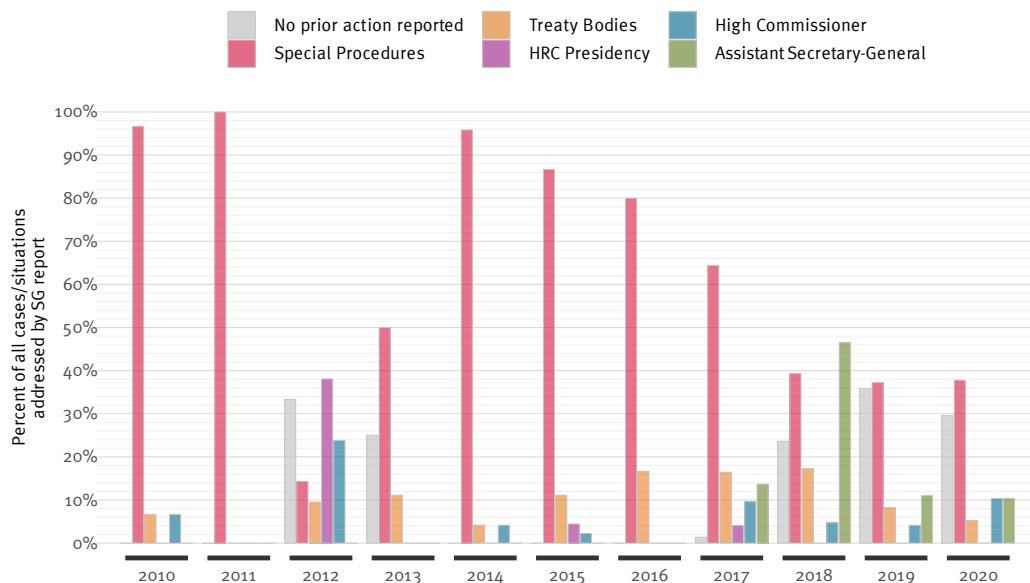


Figure 4: UN bodies/ mechanisms that reported prior to SG report (among all entries)

Note: Several UN bodies/ mechanisms may have raised the same case/ situation. Some prior reporting may have been omitted in SG reports.

Another noteworthy observation from Figure 4 relates to the actions of the HRC Presidency. We can see that the only year in which a significant number of intimidation and reprisal cases was raised by the HRC Presidency was 2012, even amounting to 38 percent of all cases reported by the SG in that year. While the overall number of cases reported in 2012 was low, it was nonetheless the year in which the HRC Presidency took action on the greatest absolute number and share of cases. Since then, the HRC Presidency appears to have been conspicuously inactive on intimidation and reprisals, despite the overall growing numbers of cases that are reported by the SG – including on individuals' or groups' engagement with the HRC – and despite the Presidency's legal obligation to address such violations.³¹

In fact, we found that the HRC Presidency took publicly reported action in only 6 percent of cases or situations where individuals or organisations had engaged with the HRC. Not only is this a particularly poor record in its own

29 The low numbers in 2012 and 2013 could either be due to inconsistencies in the SG's reporting of prior action or be the result of other actors' unusual level of activity on reprisal cases in those years.

30 The increased reporting of reprisal cases by Treaty Bodies could be the result of them working on the issue of intimidations and reprisals more actively in response to the *Guidelines against Intimidation or Reprisals* ('*San José Guidelines*') endorsed by the chairpersons of the human rights Treaty Bodies in June 2015. These are available at <https://undocs.org/HRI/MC/2015/6>.

31 See www.ishr.ch/news/human-rights-council-time-act-legal-obligation-end-reprisals.

**RATE AT WHICH
DIFFERENT UN ACTORS
ADDRESS REPRISAL
CASES LINKED TO THEIR
WORK****80%**

UN Special Procedures

54%

UN Treaty Bodies

43%UN High Commissioner on
Human Rights**6%**UN Human Rights Council
Presidency

right, it also compares badly with other UN actors. According to the cases and actions reported in the annual SG reports from 2010 to 2020 (which may be incomplete), the High Commissioner, for instance, took public action on 43 percent of the cases connected to an engagement with him or her. Insofar as the respective cases and actions were documented in the SG reports, Treaty Bodies took public action on 54 percent of ‘their’ cases, while Special Procedures sent communications on 80 percent of the cases of intimidation and reprisals related to individuals’ engagement with their mandates. While these numbers vary quite a bit, we also see that there is still ample room for improvement across all actors. Many Treaty Bodies, for instance, tend to consider their duty to respond to intimidation and reprisal cases fulfilled once they have notified the ASG. However, while coordination between different bodies and mechanisms is crucial on this topic, it should not be the sole responsibility of the ASG or even the SG reports to raise cases. Given that Treaty Bodies’ own working methods and credibility are called into question by acts of intimidation and reprisals directed against individuals or groups who cooperate with them, they should systematically engage on such cases,³² as should all UN actors notified of intimidation or reprisals that occurred in connection with their work.

**NUMBER OF COUNTRIES
ADDRESSED BY ASG
COMMUNICATIONS
ACCORDING TO SG
REPORTS**2016/2017: 7 countries
(3 named cases)2017/2018: 11 countries
(48 named cases)2018/2019: 6 countries
(15 named cases)2019/2020: 12 countries
(0 named cases)

When it comes to the ASG’s actions on cases or situations of intimidation and reprisal throughout the year, Figure 4 indicates that the reporting period 2017/2018 was a comparatively busy year. According to the 2018 SG report, then-ASG Andrew Gilmour sent communications to 11 countries in total. Of these, eight countries received communications on a total of 48 named cases. In stark contrast, the 2020 SG report did not document any specific action by the ASG on named cases for the period 2019/2020. The 12 countries that received communications from the ASG in that period were, in most cases, addressed with respect to ‘patterns’ of intimidations and reprisals identified for the respective context. The SG report does not specifically mention whether cases of named individuals or organisations were addressed in those communications. This seeming lack of action on named cases may be the result of a practice by the ASG to engage only on select individual cases of a particularly serious nature, primarily where no other UN body or mechanism is already preparing a communication. As evidenced by the impact assessments further below (see section 2.3.1), such restraint by the ASG seems counterproductive if the intent is to build pressure and make a difference on individual cases of intimidation and reprisals.

1.3.2. FOLLOW-UP IN SG REPORTS

From the 2011 report onward, the SG reports contain a section that provides follow-up information on previously documented cases. Figure 5 shows both the combined number of cases and situations (black line) as well as the number of named cases alone (red line) for which a report contains such follow-up information. First, it tells us that most of the follow-up pertains to named cases; only in recent years has there been follow-up on a significant number of unnamed cases or general situations. It should be noted here that the number of cases originally raised in each report differs over the years (see Figure 1 above), and that follow-up information on a given case can be provided in any of the later reports. The chart thus primarily demonstrates an encouraging trend, namely that there are now more extensive efforts to follow up on cases, starting with the 2018 report and further intensified in 2019 and 2020. This reflects an important shift: whereas the SG’s follow-up reporting previously relied exclusively on victims or their

32 See the *San José Guidelines*. Available at <https://undocs.org/HRI/MC/2015/6>.

representatives to provide such information, and to do so at their own initiative, there is now some proactive investigation of case developments by the UN reprisals team for a subset of cases – typically the most serious cases involving detention or threats to physical integrity.

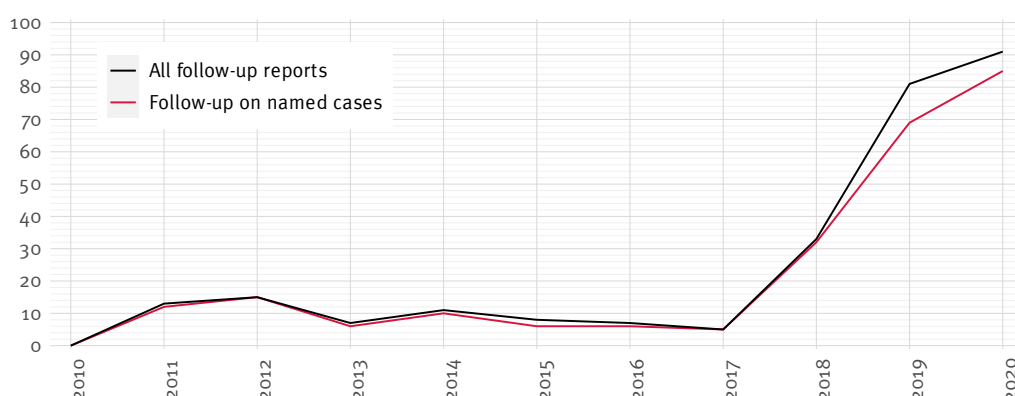


Figure 5: Number of cases/situations addressed in SG reports' follow-up sections

SHARE OF NAMED CASES IN RESPECTIVE ANNUAL REPORTS THAT SAW SUBSEQUENT FOLLOW-UP

2019
28 percent

2018
44 percent

2017
57 percent

2010–2019
38 percent

The data also suggests that recent follow-up efforts by the SG have not only consisted in raising cases once again, but that the reports follow up more consistently over time as well. In 2020, less than 40 percent of follow-ups on named cases were the first time an SG report followed up on the respective case or situation, which is down from 70 percent in 2019 and 84 percent in 2018. Given the constraints imposed on the SG's reporting efforts by limited resources, there is a trade-off involved in such efforts of repeated follow-up: despite the overall drastic increase in follow-up, it is not keeping up with the simultaneously growing caseload of new cases. Among the named cases in the 2019 report, only 28 percent saw a follow-up later on, down from 44 percent for the 2018 and 57 percent for the 2017 report. Among all 406 named cases raised in the SG reports between 2010 and 2019, only a minority – 156 (or 38 percent) – were followed up on at least once in a later report. Of those, 90 were raised again only once, while 48 were addressed again twice, and 18 three or more times.

The first follow-up on named cases usually happens after one year, although this has recently shifted slightly. The data shows that up until the 2018 SG report, named cases picked up for a first follow-up came exclusively from the previous year's report, with only one exception. In the 2019 and 2020 reports, even though around 80 percent of first-time follow-ups were still from the previous year's report, quite a few were also provided for cases from earlier reports, going as far back as 2011. For most of these cases, the reports mentioned a deterioration of the situation or additional acts of intimidation or reprisal. This raises the question of whether such follow-ups should not appear in the core section rather than the follow-up section of the SG reports. The distinction between the two sections is generally not entirely clear, nor is it consistently maintained: for some individual cases, information on new developments appears in the core section of a later report, while for others, such additional information appears as part of the follow-up section.³³

Overall, 46 percent of all follow-ups on named cases include reports on deteriorations or further acts of intimidation or reprisals pertaining to the respective case or situation. In 23 percent of follow-ups, the individual's or organisation's situation reportedly has not changed since the last mention in

³³ This is also the reason why follow-ups that reported a deterioration or further reprisals were included in the present report's count of total cases raised per country over the years.

TRENDS REPORTED IN SG REPORT FOLLOW-UPS

46%

Situation deteriorated / further reprisals

23%

Situation stayed the same

11%

Significant positive and negative developments

5%

Situation improved

14%

No substantive information provided

a SG report. For 11 percent, the reports describe both positive and negative developments, whereas an overall improvement of the situation is reported in only 5 percent of follow-ups.³⁴ When we compare the reported case developments to those provided by respondents in the survey (see section 2.2 below), the data suggests that the follow-up information provided in SG reports tends to underreport positive developments: while respondents reported improvements in 24 percent of the cases covered by the survey (both in the short and the long term), the SG reports described positive developments for only 4 percent of the same sample of cases (or for 10 percent of the 29 cases in the sample that had received follow-up attention).³⁵ Considering that the SG reports primarily serve to make allegations of intimidation and reprisals public and to denounce States engaging in this practice, the fact that they tend to underreport improvements does not come as a surprise. In addition, victims likely feel less of a need to report positive developments back to the UN, which means that reporting on such cases tends to require the proactive kind of follow-up by the SG that has only started to take place in recent years. On the other hand, highlighting positive developments and good practices is also a function of the SG's reporting, as it may incentivise States to actually improve individual and broader situations.

The data also indicates certain patterns when it comes to the types of cases that SG reports most frequently followed up on: for the period between 2010 and 2019, among the seven countries with the most named cases, China is the only one with above-average numbers of follow-up, which are unusually high at 15 out of 19 cases (or a follow-up rate of 79 percent). The other six countries

for which more than 15 named cases were reported in the same timeframe (Bahrain, Venezuela, Iran, Vietnam, Nicaragua, and Philippines) all have follow-up rates between 11 and 25 percent. This dominance of Chinese cases in the follow-up sections of SG reports could be the result of strong Chinese activist networks working from outside the country to actively supply follow-up information to the UN reprisals team. It could also have to do with the fact that reprisal cases in China are often of a particularly severe and long-lasting nature.

The connection between the severity of the original reprisal and the likelihood that there will be a follow-up is suggested in Figure 6. For each category of violation, it shows the respective percentage of named cases (reported between 2010 and 2019) that



Photo credit: Flickr, UN Geneva

34 Moreover, in 14 percent of follow-ups on named cases, no substantive information was provided on the case at all. This includes cases where a government response was cited, which itself may have made reference to the development of the situation, including an improvement. However, this information was not reported by the SG as independently confirmed follow-up information and therefore not coded as such (see additional information on how we coded follow-up trends in Annex II). The fact that substantive information was lacking in a sizeable number of follow-up cases highlights the need for more consistency and comprehensiveness of reporting in the SG reports.

35 Similarly, while 46 percent reported that the situation stayed the same in the short term and 37 percent did so for the long term, only 31 percent of follow-ups reported a continuation (13 percent in the whole survey sample). In contrast, while 25 percent of respondents described negative developments in the short term and 29 percent did so for the long term, a deterioration was reported for 41 percent of the 29 cases that saw follow-ups (18 percent for the whole survey sample). In addition, respondents and follow-up reports often assessed individual cases differently. However, more in-depth comparisons of the described developments would be required to assess whether such divergences stem from different assessments (including in our coding process) of the same developments, whether they refer to different episodes in the long-term developments of those cases, or whether some of the reported information may even be inaccurate. Such an in-depth investigation was beyond the scope of this research.

did or did not see a follow-up.³⁶ While the average follow-up rate has been 38 percent as noted above, the rate is higher for some types of violations and lower for others. In particular, the distribution suggests that SG reports more frequently follow up on severe violations, such as detention, prosecution or physical attacks. This conclusion is consistent with a stated prioritisation of such cases by the UN reprisals team.

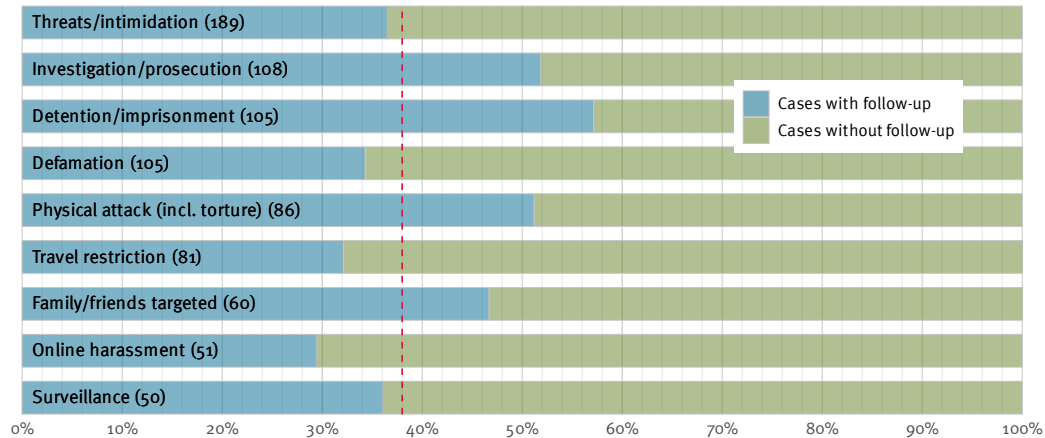


Figure 6: Patterns of follow-up by types of violations (among named cases)

Note: Several violation types often apply to the same case. The underlying data only includes cases from SG reports for the period 2010-2019. Numbers in parentheses indicate absolute number of cases for which the respective type of violation was recorded. For reasons of space and informative value, only violation types recorded for at least 50 cases are displayed. The red dotted line indicates the average number of named cases that saw follow-up (38%).

The same emphasis does not seem to apply to cases of killings, however: even though there were eight reported killings in connection with UN engagement since 2010, there was no adequate effort to follow up on any one of these cases. Of the three cases in which the individuals, all from Kenya, were named (Oscar Kamau Kingara and John Paul Oulu in 2010 and Peter Wanyama Wanyonyi in 2014), only the first two saw any follow-up at all. And even though the cases were never properly investigated, the SG reports have not followed up on them anymore since 2012.³⁷ Of the other five, unnamed cases, only one was followed up on by subsequent SG reports: a case in connection with a meeting with the UN Special Rapporteur on Myanmar that was first raised in the 2018 report and then referred to once more in the 2019 report, albeit without substantive information on the case.

³⁶ Displayed are only the most common types of reported violations. The reason for this is that the distributions in small categories are easily influenced by very few cases and can therefore be misleading.

³⁷ For a detailed account, see www.theelephant.info/features/2019/08/08/dying-for-justice-who-killed-oscar-kingara-and-george-paul-oulu/.



2. The Impact of UN Action on Intimidation and Reprisals

2.1. Overview of survey and sample

The objectives of conducting a survey on the cases of intimidation and reprisals addressed in the SG reports were twofold: to get a sense of further developments for such cases, and to gauge the impact the UN's actions may have had in bringing these outcomes about or in preventing others. The challenge that is inherent in any such endeavour is that it is typically very difficult to trace the causal link between UN reports or communications on the one hand and developments for individual situations on the ground on the other hand. For this reason, we decided to collect the views of those who are most closely involved with the cases of interest and whose assessments also should ultimately matter most: victims and their representatives. To facilitate participation, the survey was offered in three languages: English, French and Spanish. In addition, for some cases, we relied on intermediaries who interviewed the respective individuals in their own language and filled out the questionnaire on their behalf.³⁸ In the final

38 For more information on the survey's technical setup as well as security measures taken for this research, see Annex II.

sample of individuals surveyed for this research, over two thirds of all respondents stated that they were the affected individual or part of the affected organisation.³⁹



Photo credit: Flickr, COP Paris

We focused the survey on cases for which the affected individuals or organisations had been named (473 cases in the original sample of cases reported in the SG reports). Since the respondents needed to be individually identified for each case surveyed, we had to further reduce the survey sample for capacity reasons. To gain a representative overview across all named cases reported in the 2010-2020 SG reports, we took a randomised approach to case selection. Out of the 100 cases we selected, we received answered questionnaires for 68 cases. The resulting survey sample cannot be considered entirely randomised because it excludes the 32 cases of those individuals or organisations who could not be reached or were unresponsive. However, it is still reasonably large and sufficiently representative of the characteristics⁴⁰ of the larger dataset for it to allow some cautiously generalised conclusions.

Each questionnaire was unique and contained information specific to the case in question, which respondents were asked to assess (see Annex III for details). This included information on the actions the UN had taken. On this basis, we first wanted to know whether respondents had been aware of those UN actions. We found that among the 46 respondents who were affected individuals, 27 had been aware of all UN actions taken at the time, 13 had been aware of some of them, 2 had only learned about them later, and 4 had not been aware until the time of answering the survey.⁴¹ This means that, at the time the UN was taking action on their behalf, over 40 percent of reprisal victims were not fully aware of that – even for cases in recent years. This raises concerns about UN procedures, as it is unacceptable that any individual victims, let alone many of them, are unaware of UN bodies and mechanisms intervening with their governments on their behalf.

The survey's main questions inquired about respondents' assessment of the impact of UN actions in the short and long term, as well as about further developments in their case (in the short and long term) after the incidents of intimidation or reprisal had been raised by the UN. Following a multiple-choice assessment, respondents were also asked to provide qualitative answers to those questions. In most cases, these answers were quite thorough and very helpful in

39 In addition, 18 respondents indicated that they are very familiar with the case, which includes for example legal representatives of the affected individual. Three submitted the survey indicating that they have good knowledge about the case but that their information might be incomplete, and only one respondent indicated that they had only little information on the case at hand. When comparing the provided case assessments, we find a relatively equal distribution between those familiarity levels, which is generally a good sign in terms of reliability. Only those with incomplete or little information tended to give more negative assessments, which is a plausible information effect as negative incidents are likely to attract wider attention. All submissions were retained for further analysis.

40 For instance, among the 68 survey cases, 54 percent concerned male individuals, 28 percent concerned female individuals, and 18 percent concerned organisations, compared to 59 percent, 29 percent and 12 percent respectively in the complete dataset. The geographic distribution is also relatively close to that of all of the named cases in the SG reports. The MENA region (at 31 percent in the survey sample and 35 percent in the original dataset), East Asia and Pacific (at 16 percent in the survey sample and 18 percent in the dataset), Europe and Central Asia (9 percent and 8 percent in the full dataset), and South Asia (10 percent and 6 percent respectively) are all a close match. Only Sub-Saharan Africa (at 22 percent and 13 percent respectively) is overrepresented in the survey sample, to the detriment of cases from Latin American and Caribbean cases (12 percent and 20 percent respectively). The rate of cases that saw follow-ups is also higher in the survey sample than in the original dataset (48 percent among the 61 survey cases raised prior to 2020, compared to 38 percent in the complete dataset). This is likely owing to the fact that those who provided follow-ups to the UN are also more likely to be reached through a survey.

41 Across all respondents, the same answer options received 42, 18, 3, and 5 responses.

contextualising and interpreting the corresponding multiple-choice answers.⁴² The following two sections offer an evaluation of the responses on case developments and impact. In addition, they discuss patterns in the impact assessments with regard to actions taken by the UN as well as other known case characteristics.

2.2. Case developments and impact assessments

Overall, the responses relating to how the cases in question developed are mixed. For 24 percent of the cases surveyed, respondents reported a short-term improvement. Likewise, improvements in the long term were reported for 24 percent, although only seven of these cases were the same (i.e., showed improvement in both the short and the long term), as the chart in Figure 7 demonstrates. In 46 percent (short term) and 37 percent (long term) of cases, respondents said that the situation had stayed the same. A deterioration of the situation in the short term was reported in 25 percent of sample cases, while a long-term deterioration was reported in 29 percent of cases.

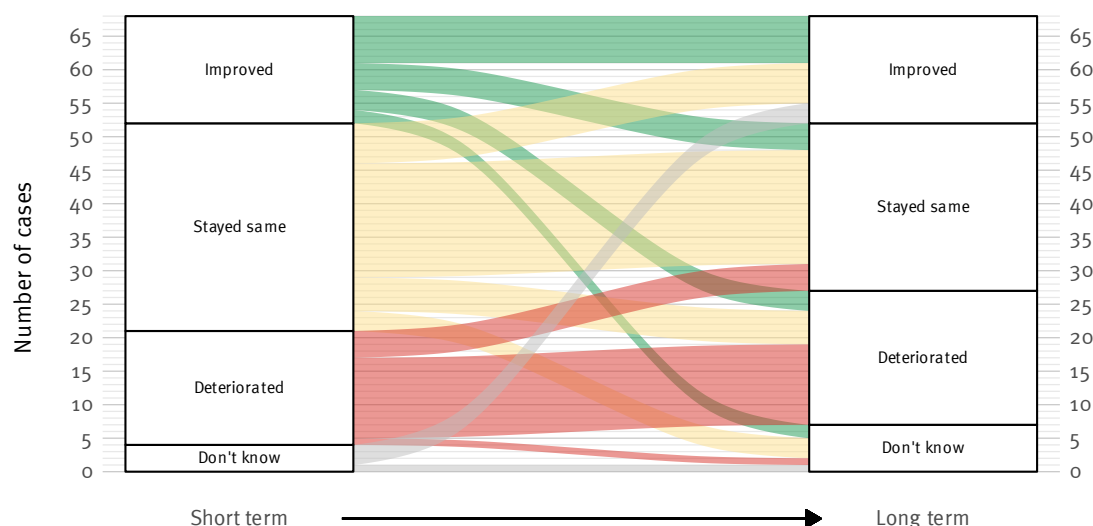


Figure 7: Developments of cases following UN actions and changes from short to long-term

For cases that either deteriorated or stayed the same, respondents tended to report the same trajectory for both the short term and the long term, although we do see a significant number of cases that changed from a stagnant situation in the short term to an improving situation in the long term. In one such case, for example, it took some time until a pending court case against the affected organisation concluded, but it was eventually decided in the organisation's favour. The respondent was certain that the ruling judge had been positively influenced by the UN's actions on the organisation's behalf. On the whole, where the picture changed between the short and the long term, these changes were negative rather than positive: seven cases that saw short-term improvements eventually remained unchanged in relation to the original situation or deteriorated again, and five unchanged short-term situations evolved into a long-term deterioration.

⁴² In a few instances, we adjusted the multiple choice answers where there was a clear mismatch with the qualitative information respondents had submitted. For instance, in two cases it was clear from the text description that a negative short-term impact assessment referred to the individual's original engagement with the UN – and not the action the UN had taken in response to the reported reprisals.

Despite this relatively bleak outlook regarding the development of cases raised by the SG reports, the picture painted by respondents' assessments of UN action is more positive overall: in 38 percent of cases, the survey respondents indicated that they felt the UN's actions had positively impacted the situation in the short term, and 32 percent felt this way regarding the long term (see Figure 8). This divergence between case developments and impact assessments does, however, indicate that in many cases where individuals felt the UN had had a positive impact, this did not improve the situation *overall*. An example for this are instances in which reprisal victims felt supported and encouraged by the UN's attention, even though the situation itself was not resolved or improved. Specifically, only half of all respondents who attributed a positive impact to UN actions in the short term also reported a short-term improvement in the overall situation. This congruence is slightly larger in the long term: 59 percent of positive impact assessments correspond with reported case improvements.

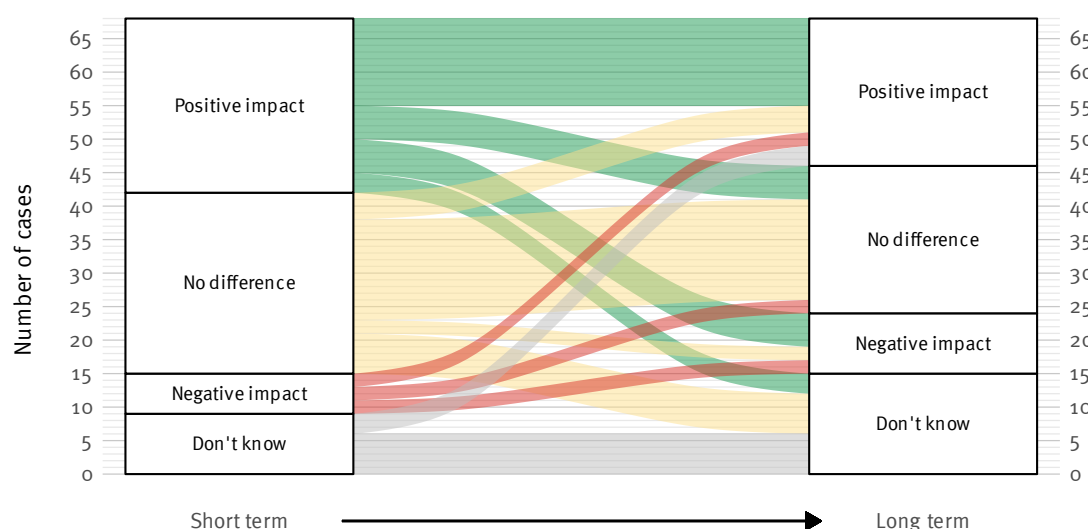


Figure 8: Assessments of the impact of UN actions and changes from short to long term

Compared to the high number of cases that were reported as having deteriorated, significantly fewer cases (6 in the short and 9 in the long term) were assessed as having been negatively impacted by the UN's attention. This is nevertheless a troubling finding, even though it is not entirely surprising considering that we know that the UN's act of raising a case can lead to retaliation. The SG reports themselves document 34 cases in which UN action on human rights abuses had led to intimidation and reprisals against the affected individual (see section 1.2.3 above). On the whole, we see that the UN's impact tends to be better in the short term than in the long term. This is indicated by the fact that the number of positive impact assessments decreases over time, while negative impact assessments grow more numerous over time. UN action reportedly made no difference in the short term in 40 percent of the cases surveyed, and no difference in the long term for 32 percent of cases. The share of cases for which respondents were uncertain about the UN's impact increased from 13 percent to 22 percent between the two time periods.

Another interesting aspect highlighted by Figure 8 is that assessments vary significantly between the short and the long term, as only about half of all cases remain in the same category for the two time periods. It is especially noteworthy that in five cases, the respective situations were positively impacted by UN action at first but then negatively impacted by it in the long run. In two cases, the UN's impact was negative in the short term but turned positive in the long term. In the latter two cases, the qualitative answers provided by the respondents reveal that the State initially increased the pressure on the activists who sought to engage

with the UN, but that their travel bans were eventually lifted. In the first group, a victim described how ‘even though the physical attacks stopped, other forms of harassment continued and even increased; they were just less obvious.’ Another activist surveyed noted that ‘in the short term, the international condemnation fuelled the local campaign and helped counter the vilification against us,’ but she also reported a negative long-term impact after an additional UN report prompted another defamation campaign against her. Yet another human rights defender described a brief period of reprieve from harassment after the UN issued a communication on the case in question, but ‘as time went by, the harassment actions began again and intensified, to the point that I was forced to go into exile for my personal safety and that of my family.’

2.3. Patterns in impact assessments

After studying the varying assessments of the UN’s short-term and long-term impact, the key question that ensues is whether we can find any differences between the cases that may explain why some are impacted positively while others report no impact at all or are even negatively impacted by UN action. In order to provide reliable answers to this question, we would need to apply an inferential statistical design to a larger sample of cases than could be compiled for this research.⁴³ That said, the descriptive analysis of certain patterns emerging from the impact assessments provide very interesting preliminary insights that should be considered in future actions on intimidation and reprisals. The following two sub-sections discuss patterns regarding both UN actions taken on the cases and specific case characteristics, such as individuals’ gender and reported types of violations.

2.3.1. IMPACT ASSESSMENTS AND UN ACTION

As we have seen above, the number and types of UN bodies and mechanisms that raise a given case can differ substantially between cases. Some reprisal cases are raised only once in an SG report, whereas others receive broad attention by various UN actors before and after appearing in one or even several SG reports. When comparing individuals’ impact assessments across the different UN bodies or mechanisms that raised a case, we find an above-average share of positive impact assessments for cases addressed by the ASG, the Treaty Bodies and/or the Special Procedures (both in the short and in the long term). By contrast, for cases with no reported UN action prior to being documented by an SG report, the rate of positive impact assessments is below average. In addition, many more of these cases are linked to negative impact assessments in the long term.

This finding led us to take a closer look at the overall number of times the different cases were taken up by UN actors. For five out of the six sample cases that were raised four or five times by UN actors before they first appeared in an SG report, the respective respondents reported a positive short-term impact by the UN’s actions on their behalf. Furthermore, 43 percent of all respondents whose cases were raised once by a different body or mechanism before being

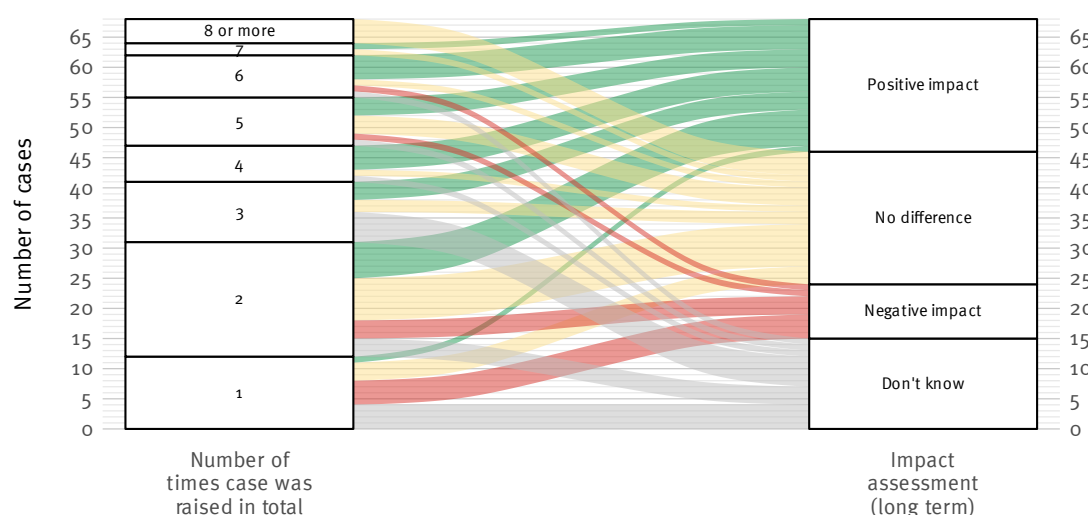
43 Even though a regression analysis could theoretically be conducted with the 68 sample cases, the number of potential explanatory variables is likely too high to offer many statistically significant findings (and the data collection on some of these variables of interest will also require additional efforts). If similar data could be collected for several hundred cases, such an analysis would likely be more fruitful and allow us to compare the effect that different variables have on how individuals assess the UN’s impact as well as case outcomes. For reference, see Spannagel, *The Effectiveness of Individual Casework on Human Rights Defenders: An Empirical Study of the UN Special Procedure Cases 2004–2015*, Human Rights Defender Hub Working Paper Series (University of York, 2019). Available at www.hrdhub.org/workingpaper7.

reported by the SG said that there was a positive short-term impact, as opposed to 31 percent whose cases had not previously been raised by a different body or mechanism. Similar patterns, but reversed, can be found when considering negative assessments of the UN's impact. Specifically, we found that assessments of a negative short-term impact of UN action decreased overall with the number of actions taken by the UN: for cases only raised in an SG report without prior mention, 13 percent of respondents reported a negative impact; for those that had been raised once before, 9 percent said the UN's short-term impact was negative; and for those raised twice or more times prior to the respective SG report, 6 percent of respondents felt there was a negative short-term impact.

Of course, UN actions do not necessarily end with an SG report. Not only can further SG reports provide updates on a case in the follow-up sections, but other bodies or mechanisms may also take up a case again.⁴⁴ In fact, in 49 percent of all follow-ups on named cases (across the dataset of 473), there was further action by other UN actors – in the majority of these cases even by multiple bodies or mechanisms. When we add up all the different UN actions reported for each case – both prior to and after the respective SG report, plus any follow-ups in subsequent SG reports – and compare them to the long-term impact assessments provided by survey respondents, a relatively clear picture emerges (see Figure 9): a positive long-term impact tends to be reported more frequently for reprisal cases that are raised more often by the UN. For cases that were raised only once in an SG report without prior or further action, a positive impact was indicated only 8 percent of the time. In contrast, a positive impact was reported for 38 percent of cases raised more than once – a share that seems to roughly grow with the number of times a case is raised, with exception of cases that were raised eight or more times in total. For those cases raised eight or more times, UN actions reportedly made no difference, which could be due to the fact that cases being raised that often are typically high-profile cases on which repressive States usually do not back down easily.

Figure 9: Assessments of the impact of UN action in the long term and total number of times case was raised by UN bodies/mechanisms

Note: Total number of mentions include SG report & follow-ups as well as other UN actors' prior & further action reported therein.



⁴⁴ Note that our dataset only contains information on such further action insofar as that action was reported as part of the follow-up information on cases. It may therefore be incomplete, especially for those cases where no follow-up has so far been provided. Since follow-up in the SG reports is likely to be partially driven by other actors' further actions on a case, the information should be reliable enough for a preliminary comparison.



Photo credit: Flickr, UN Women

Moreover, similar to the short-term period, we find that for seven out of the nine cases with negative long-term impact assessments only one or two actions by the UN had been reported. When comparing long-term impact assessments and follow-ups in later SG reports (i.e., disregarding any actions by other UN bodies or mechanisms), we also find a higher share of cases with a negative impact among one-time mentions (18 percent) than for cases that saw one or more follow-ups by subsequent SG reports (7 percent). These quantitative patterns align with several qualitative responses provided through the surveys. A respondent who noted that UN action had had a negative short-term impact also stated that the ‘UN needs to undertake more serious efforts to protect human rights defenders by communicating on a regular basis with the state as follow-up.’ Another

respondent expressed that ‘it was good in the beginning to highlight my case, then the UN bodies didn’t follow my case closely and they didn’t give long-term support.’ A surveyed activist insisted that ‘UN interventions are important – however, these interventions should remain consistent and continuous until the threat issue is resolved.’

As a whole, these descriptive findings clearly suggest that multiple UN actions over time matter greatly. This includes follow-up action and reporting in the SG reports. At least with regard to the sample cases analysed for this research, we can assert that in situations in which the UN has taken more frequent action, cases were impacted more positively and less negatively by that UN action. It seems plausible to assume that the same applies to reprisal cases at large.

2.3.2. IMPACT ASSESSMENTS AND CASE CHARACTERISTICS

When it comes to other case characteristics, one interesting question relates to government responsiveness. Is the impact of UN action assessed more positively in cases where the respective government responded to any of the UN actions taken? Based on the information available from the 2010-2020 SG reports as well as the survey sample, the answer seems to be no. In only 44 percent of the sample cases had a government response been registered either in the original SG report or in a follow-up (this roughly matches the broader dataset of named cases, where the rate is 49 percent). However, the distribution of impact assessments – both in the short and long term – is roughly the same for the group of cases that saw a government response as it is for the group without such a response. The only difference appears to be that respondents tended to be more confident about giving a long-term impact assessment when theirs was a case in which the respective government issued a response; in fact, they indicated more often that UN actions made no difference. This likely has to do with the fact that governments, rather than engaging constructively to resolve a given case, very often respond by denying the allegations, refuting a link to UN engagement, and portraying human rights defenders as terrorists or criminals.⁴⁵

There are no discernible patterns regarding the regime type of countries in which the cases in question happened. Neither when looking at the short term nor at the long term do any relevant differences emerge between autocracies

45 See Gilmour, *Intimidation and reprisals for cooperation with the UN: Examining trends 2016-2019* (15 October 2019). Available at www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=25159&LangID=E.



and democracies when it comes to how the UN's impact was assessed.⁴⁶ The only interesting finding here relates to how cases developed: among the 20 cases in closed autocracies, we found a particularly large share of long-term deteriorations (45 percent).

With regard to gender, too, the impact assessments do not diverge drastically. However, we do see an overall larger share of positive short-term impact reports among cases of female individuals (47 percent vs. 38 percent for male affected individuals). At the same time, we found a clearly larger share of negative long-term impact reports among female individuals (26 percent vs. 8 percent for male individuals). Whether this difference can be linked to gender-specific dynamics in reprisal cases or whether it may be influenced by other background variables that differ for these cases is hard to tell based on our data and would thus require further investigation.

Lastly, we can also compare impact assessments as they relate to different types of violations that were reported as part of the original case of reprisal. Since several types of violations often apply to the same case, it is generally hard to disentangle which specific violation an impact assessment actually refers to. That said, one interesting observation relates to the fact that defamation cases demonstrate a share of positive assessments of the impact of UN action that is clearly above average, especially in the short term (9 out of 14, or 64 percent). A possible explanation for this finding would be that attention by the UN is particularly effective in countering smear campaigns, because it helps to validate individuals' work and delegitimises attempts to discredit their engagement with UN entities.

Some of the qualitative survey answers support this interpretation. One victim of reprisals stated that the UN's attention helped encourage many other institutions and persons to express their support, and that many started to recognise her as a human rights defender as a result of it. Someone from a country rarely addressed in reprisal reports explained: 'The government at the time used every means possible to defame and discredit and victimise me. But the fact that my case was raised in the UN SG report made a huge difference and people had to take it seriously.' Another activist described charges against them being dropped as a short-term result, and highlighted that 'in the long term, these UN actions have reaffirmed the legitimacy of my human rights work.'

⁴⁶ We used V-Dem's Regimes of the World indicator, which distinguishes between closed autocracies, electoral autocracies, electoral democracies, and liberal democracies. Each case was attributed its country's score on V-Dem's scale for the year of the applicable SG report. Among the survey sample cases, 20 happened in closed autocracies, 38 in electoral autocracies, 8 in electoral democracies, and 2 in liberal democracies.

Conclusions and Recommendations

The insights and recommendations below follow from the data analysis presented in this report.

Intimidation and reprisals happen at all points of contact between UN actors and victims or human rights defenders. Whether the latter participate in meetings at UN headquarters, meet with UN officials and experts in the field, merely submit information to the UN without any direct contact, or have their case of human rights abuse addressed by a UN body or mechanism: scores of acts of intimidation and reprisals have been documented for all these and still other scenarios. This insight urgently requires the attention of all UN entities that engage with individuals or groups on human rights issues. It demands clear protocols for preparedness and risk assessment, prevention, and systematic follow-up to different types of engagements with victims and human rights defenders – be they at headquarters, in the field or through remote means of communication.

The increase in resources and capacity that resulted from the ASG's appointment as the UN's senior official on intimidation and reprisals in 2016 made an enormous difference in the UN's efforts to document and follow up on cases. At the same time, given that the resources are still limited, the drastically increased numbers in documented reprisal cases since 2017 also suggest that a large number of intimidation and reprisal cases likely still goes unreported every year. With increased resources, further efforts to raise awareness, and improved coordination between different UN entities, cases could be documented more comprehensively and addressed in appropriate ways.

Sustained attention and follow-up on cases by multiple actors within the UN system is more likely to result in positive impact for the victim. The fact that a case has already been addressed by a UN body or mechanism should be a reason *for* further action or action by another body or mechanism, not a reason against it. Documentation in an SG report is important, but not enough. All UN actors have the responsibility to address acts of intimidation and reprisals linked to UN engagement, in particular regarding incidents occurring in connection to their own work. They should do so *in addition* to submitting such cases to the senior official. The HRC Presidency in particular should assume its responsibility and take action on intimidation and reprisals linked to victims' or defenders' engagement with the HRC and the Universal Periodic Review process. Moreover, the finding that sustained attention matters also indicates that the UN's efforts on reprisals would be more effective if SG reports were issued in shorter intervals instead of just annually, and if cases were made accessible through a regularly updated public database, similar to the one that already exists for Special Procedure communications.

Documentation of cases in SG reports is more impactful when there is systematic follow-up on cases in later reports. While follow-up has dramatically increased in the past three SG reports, the share of cases among all named cases that have seen such follow-up at least once is still only 38 percent. Ideally, cases should be tracked consistently over time, but more resources are urgently needed to ensure such systematic follow-up. This is especially pressing as the number of reported cases is generally on the rise as a result of increased documentation capacity. Follow-up also provides an opportunity to uncover instances where the documentation of reprisal cases had a negative impact on the affected individual's or organisation's situation. In such instances, an intervention by the ASG

should be considered – if deemed helpful and consented to by the individuals concerned. Systematic follow-up will also allow for the identification of more situations with positive developments, which should also be reported to build awareness of best practices and to incentivise States to improve their practices.

The fact that a variety instead of only the most severe violations are documented is highly commendable. This practice should be maintained and reinforced, including when researching how cases have further developed as part of follow-ups, to ensure that ‘softer’ types of repression are not shielded from scrutiny. That said, follow-up on – fortunately rare – cases of killings should be made a priority to ensure accountability and counter impunity.

More research and action are needed on countries with closed or highly restricted civil society spaces and hardly any documentation of reprisal cases. It is very likely that in those places, civil society actors are intimidated and deterred from even attempting to engage with the UN, or that a climate of fear prevents individuals or organisations from reporting acts of intimidation and reprisals. Where individual cases are absent for such reasons, the UN has a responsibility to highlight such situations and hold the respective countries to account through improved documentation and increased reporting, including by systematically denouncing patterns of intimidation and reprisals as well as climates of fear that are conducive to self-censorship.

When electing members to the HRC, voting countries should consider whether candidate States have a record of carrying out intimidation and reprisals. The fact that almost half of all current HRC members have engaged in documented acts of intimidation and reprisals over the past five years is unacceptable. In addition, evidence of consistent patterns of intimidation and reprisals should be considered as an aggravating factor and, taken together with the domestic situation in the respective country, prompt more robust HRC action.

A significant number of victims of intimidation and reprisals are not aware of the actions the UN has taken on their behalf. Whenever a UN body or mechanism intervenes with regard to the case of an individual or organisation, it must under all circumstances notify and obtain informed consent from the affected person or their representatives.

Analysis of the UN’s reprisals data holds very significant insights that can inform and improve UN policies and practices on intimidation and reprisals. However, there is also still room to improve and systematise the way cases are documented, both in the SG reports and as part of the UN’s internal record-keeping. Specifically, a digitised system that records case details on every reprisal case reported to the UN, including those not documented in the SG reports for fear of further reprisals, is recommended. Such a system would greatly improve the reprisal team’s ability to systematically follow up on cases and to track, analyse and evaluate the data in order to improve the UN’s responses. Such records should also include information on non-public interventions to allow for an evaluation of their effectiveness. The reprisals office should be provided with the resources that are necessary in this regard.

Many cases show no significant improvement over a long period of time. These cases warrant more research and analysis on why the UN’s approach has not been effective and what could be changed. For example, public statements on individual cases by the SG and ASG could be a useful addition to the UN’s toolbox of action on reprisal cases. This remains a largely untested tool. Once implemented, the effectiveness of such public statements as it compares to that of other approaches could in turn be evaluated.

Affected individuals often consider UN action helpful, even when their overall situations have not been improved by it. Interventions by the UN remain important and worthwhile. The solidarity and legitimisation defenders often experience when they are able to tell their story or are recognised in a UN report can be very significant. However, discrepancies between individuals' perception of the UN's impact and *de facto* lacks of improvement should be further studied and better understood.

The findings in this study open further avenues for inquiry to better understand reprisals, reporting patterns, and the impact of UN responses.

For instance, it would be useful to more systematically understand the channels victims of reprisals are using to submit their cases to the UN in order to identify potential gaps in the UN's documentation and reporting. The preliminary finding that defamation cases may be impacted most positively by UN attention also calls for further investigation, as do potential gender-specific dynamics in reprisal cases. Furthermore, it would be interesting to consider the impact that individual States can have on the development of reprisal cases, for example by raising them in UN fora or bilaterally with the State perpetrating the abuse. Lastly, a bigger sample of cases would allow for the application of inferential statistical methods to better compare the effect that different variables have on impact assessments and case outcomes.



Photo credit: Flickr,
United Nations

Annex I: List of Countries and Case Numbers

Country	Total number of reprisal cases & situations reported ⁴⁷	Total number of named reprisal cases reported ⁴⁸	Total number of SG reports that mention the country since 2010 ⁴⁹	Cited with 'pattern' of reprisals in 2020 report
Bahrain	64	54	8	Yes
Venezuela	42	29	8	Yes
Vietnam	41	35	5	
China	37	30	9	Yes
Egypt	36	23	5	Yes
Nicaragua	31	26	2	
Saudi Arabia	29	27	9	Yes
Burundi	28	20	6	Yes
Iran	28	25	7	
Philippines	28	21	4	
Israel	24	17	7	Yes
Sri Lanka	24	12	8	Yes
Myanmar (Burma)	20	6	6	Yes
Cuba	19	13	5	Yes
Guatemala	19	17	4	
Cameroon	18	15	4	
India	18	15	7	Yes
South Sudan	18	0	5	
United Arab Emirates	18	16	7	
Uzbekistan	15	12	7	
Congo (Kinshasa)	14	2	5	
Russia	14	9	6	
Syria	14	9	3	
Kenya	13	8	3	
Morocco	12	12	7	
Sudan	12	9	4	
Thailand	12	11	4	
Iraq	11	11	3	
Honduras	10	8	5	
Mexico	10	10	3	
Algeria	9	5	7	
Hungary	9	4	2	
Yemen	9	7	3	
Colombia	8	5	6	

47 Including follow-up on reported deterioration or further reprisals.

48 Including follow-up on reported deterioration or further reprisals.

49 Reports are also counted if a mention only occurred in a follow-up section with reported deterioration or further reprisals.

Country	Total number of reprisal cases & situations reported ⁴⁷	Total number of named reprisal cases reported ⁴⁸	Total number of SG reports that mention the country since 2010 ⁴⁹	Cited with 'pattern' of reprisals in 2020 report
Mauritania	8	7	3	
Bangladesh	6	4	3	
Mali	6	0	2	
Pakistan	6	2	4	
Poland	6	3	2	
Rwanda	6	4	3	
Eritrea	5	0	3	
Libya	5	0	1	
Tajikistan	5	2	4	
Kazakhstan	4	1	4	
Malawi	4	3	2	
Oman	4	4	2	
Palestinian Territories	4	0	2	
Turkey	4	4	3	
Turkmenistan	4	3	3	
Belarus	3	3	2	
Cambodia	3	0	1	
Equatorial Guinea	3	2	1	
Malaysia	3	3	2	
Maldives	3	2	3	
Benin	2	0	1	
Gambia	2	0	1	
Japan	2	2	2	
Kuwait	2	2	2	
Kyrgyzstan	2	2	1	
Andorra	1	1	1	
Australia	1	0	1	
Bahamas	1	1	1	
Bolivia	1	0	1	
Comoros	1	0	1	
Cyprus	1	1	1	
Djibouti	1	1	1	
Guyana	1	0	1	
Laos	1	1	1	
Lebanon	1	1	1	
Malta	1	1	1	
North Korea	1	0	1	
Somalia	1	1	1	
Trinidad & Tobago	1	1	1	
Tunisia	1	1	1	
Uganda	1	1	1	

Annex II: Methodological Notes

These methodological notes serve to provide additional details on how the data was collected, and to create transparency about decisions made during the coding process. The data collection was implemented using a Python-based, free and open source web framework called *django*. All data analysis was done in R.

To establish our dataset of acts of intimidation and reprisals raised by the SG, we coded cases and situations from every annual SG report from 2010 to 2020. In a first step, we focused on what is now contained in Annex I of the SG reports – ‘Comprehensive information on alleged cases of reprisals and intimidation for cooperation with the United Nations on human rights’ – and what was previously the ‘Summary of cases’ section in earlier reports.

Separate dataset entries were created for:

- Each ‘case’ – defined as a named individual or organisation (record types 1 and 2), an unnamed individual or organisation, or an unnamed group of individuals or organisations (record type 3);
- Each ‘situation’ – referring either to a general situation (record type 4, for example a draft legislation of concern, or the overall situation faced by human rights defenders seeking to engage with the HRC) or a pre-emptive UN statement discouraging intimidation and reprisals (record type 5, for example ahead of a UN expert’s country mission, or an upcoming Treaty Body session).

Where a group of individuals or organisations was described, separate entries were made for each named individual or organisation. An unnamed case, in contrast, can refer to several individuals or organisations if they are described as a group that experienced similar acts of intimidation or reprisals related to similar forms of engagement with the UN (e.g. ‘several detainees who participated in interviews with OHCHR’).



Photo credit: UNPhoto, Anne-Laure Lechat, PREFACE Inside ECOSOC

In recording information about cases, we followed the ‘who did what to whom’ framework typical for coding incident-based human rights data. It breaks down narrative reports to extract information on the victim, the perpetrator, and the violation (here: intimidation or reprisal) that occurred. In addition to such information, we also recorded any information provided about engagement with the UN prior to the instance of intimidation or reprisal as well as on actions taken by the UN prior to the SG report. Since unnamed cases were often vague, and descriptions of ‘situations’ did not necessarily include much detail, the type of record determined how much information would be collected for each entry out of a total of 27 items of interest, most of which were single- or multi-select drop-down categories:

- **Entry information:** SG report year; location in report; country; UN body/mechanism(s) that have previously raised the case/situation; date(s) of prior UN actions; record type.

- **Person/organisation identity:** name; gender; foreign national (yes/no); minor (yes/no); activity description; civil servant/member of security forces/judiciary (yes/no); issue area.
- **Reprisal trigger:** description; engagement entity; engagement date(s); engagement type(s).
- **Reprisal information:** description; date(s); location(s); violation type(s); perpetrator type(s); reprisal based on new legislation (yes/no); general comment about country's environment for UN engagement made (yes/no).
- **Further information:** further case developments (within original report); date(s) of government response; substance of government response.

As a principle, we only recorded information provided in the SG reports. We did, however, make a few exceptions where the provided information seemed contradictory or alluding to something that was not clearly stated. In such cases, we looked up the referenced communication or report cited for the case – if such references were provided – to clarify the information.

A total of four people contributed to the coding process. In order to ensure inter-rater reliability – i.e., to safeguard that the coding of cases follows consistent rules – each coder was provided with a research protocol including detailed instructions. In addition, a frequently used entry-specific comment function allowed for clarification of any uncertainties, and the author of this report closely supervised the entire coding process. Cases that posed certain coding difficulties were individually discussed and resolved between the two team leaders.

In a second step, we proceeded to coding information from what is now contained in Annex II of SG reports ('Information on alleged cases included in follow-up to previous reports') and what, in earlier reports, was a follow-up section within the main report. The information provided here was added to the cases and situations in the dataset we had previously coded, thus allowing us to track cases across the various reports. For each follow-up to a case, the following information was recorded separately:

- **Follow-up information:** SG report year; description; overall trend described in follow-up; further UN action: UN entity & date(s); further government response reported (yes/no).

Some follow-up descriptions provided additional information on the original case that had not previously been given (including, in some rare instances, the name of the affected individual or organisation). In such cases, we modified the original entry but added a corresponding note. Moreover, there were some isolated instances in the reports where the follow-up section raised a case that had in fact not been addressed in a previous SG report. We added such cases as new entries to the dataset.

Since the overall trend of a case is not categorised by the SG reports, this determination was made based on the description provided and choosing one of the following categories: improvement; stayed same; deterioration/further reprisals; significant positive and negative developments; no substantive information provided by SG report. The determination was usually relatively clear, except for cases of intimidation and threats, where we coded additional, concrete threats as 'deterioration/further reprisals', and a continuation of a diffuse threat situation as 'stayed same'. If a person was not released from prison at the end of their sentence, the description was coded as 'deterioration/further reprisal';

accordingly, a release after a served sentence was coded as the situation staying the same. Where follow-up information did not provide any details on the case itself (but instead, for example, only an acknowledgement that a government response was received), it was coded as 'no substantive information provided' (even if the quoted government response declared a development).

The third step concerned the survey on case developments and impact. An initial sample of 100 cases was selected through random draws from the subset containing all named cases of individuals and organisations (record types 1 and 2). On this basis, ISHR did extensive research to identify and contact these 100 victims or their representatives. For each case, the survey questionnaire was associated with an individual URL link, allowing to embed some information on the specific case next to the standardised questions (see Annex III). The respective URL was sent to the identified respondent for a given case. In terms of technical setup and security, the survey was created using the same web framework (*django*) that we used to create the larger database. Unauthorised access to the questionnaires was prevented by appending a randomised unique identifier to a root URL. In addition, IP addresses trying to access several non-existing links would be temporarily blocked. Each link was deactivated once the case information was submitted by a respondent. The responses were only stored and accessible in the database itself, which uses *django*'s authentication methods and standard protocols for elevated website security.



Photo credit: Lorena Russi

Annex III: Survey Questionnaire

Case information

- Country
- Defender's / organisation's name
- Reprisals raised by UN
- Date of reported incidents
- UN bodies/mechanisms that raised the case publicly
- Dates when the UN raised the case

Questionnaire

3. Familiarity

How familiar are you with the case of [name] since the incidents raised by the UN?

- ☐ I am the concerned individual / part of the concerned organisation.
- ☐ I am very familiar with the case.
- ☐ I have information but it might be incomplete.
- ☐ I only have little information.
- ☐ I do not have any information.

Note: Even if you only have little or incomplete information, please try to answer all questions based on the knowledge you have. Skip to 'submit' if you do not have any information.

4. Awareness of UN actions

Were you aware of the fact that the case of [name] was raised by the UN bodies/mechanisms listed above?

- ☐ Yes, I was aware of all UN actions at the time.
- ☐ Yes, I was aware of some of the UN's actions at the time.
- ☐ I became aware of the UN's actions / some of the UN's actions later on.
- ☐ I did not know about the UN's actions until now.
- ☐ I am not sure / cannot remember.

5. Your assessment of the impact of UN actions

What impact do you think the UN raising the case of [name] had on the further development of the situation?

In the short term:

- ☐ It impacted the situation positively in the short term.
- ☐ It impacted the situation negatively in the short term.
- ☐ It made no difference in the short term.
- ☐ I do not know.

In the long term:

- ☐ It impacted the situation positively in the long term.
- ☐ It impacted the situation negatively in the long term.
- ☐ It made no difference in the long term.
- ☐ I do not know.

6. Further details on your assessment of UN impact

Please explain in as much detail as possible what makes you come to your conclusions on question (3), including how confident you are in your assessment:

7. Development of the situation

How would you describe the development of the situation of [name] after the incidents were raised by the UN?

In the short term:

- ☐ The situation improved.
- ☐ The situation stayed the same overall.
- ☐ The situation deteriorated.
- ☐ I do not know.

In the long term:

- ☐ The situation improved.
- ☐ The situation stayed the same overall.
- ☐ The situation deteriorated.
- ☐ I do not know.

8. Further details on situation development

Please explain in as much detail as possible what makes you come to your conclusions on question (5):

9. Comments

Any additional comments/feedback you have:

- ☐ I want to be informed about the outcome of this study.

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