21st session of the UN Human Rights Council

Panel discussion on the issue of intimidation or reprisal against individuals and groups who cooperate or have cooperated with the UN, its representatives and mechanisms in the field of human rights

Statement by
Ms. Navi Pillay
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Geneva, 13 September 2012
12h00 – 15h00 Room XX
Madame President,  
Distinguished Members of the Human Rights Council,  
Excellencies,  
Colleagues and Friends,  

It is an honour to open this panel on reprisals and intimidation against those who cooperate with the United Nations in the field of human rights. As demonstrated by the leadership of the Secretary-General, the whole UN takes reprisals very seriously.

I welcome this panel and the focus by the Council on this issue. At the same time, I regret that it is necessary for the Council to have this discussion.

Reprisals should not happen.

We all agree that the United Nations cannot work without the cooperation of the people it is supposed to serve. Several key documents call for and praised this cooperation. For example, the 2005 World Summit Outcome reaffirmed the importance of civil society in the work of the UN.

Since its inception, the Human Rights Council has been mandated to work in close cooperation not only with Governments, but also with regional organizations, national human rights institutions and civil society.

The mandates of special procedures are also very clear. They should work with civil society and receive information from all credible sources, including victims of violations.

The Universal Periodic Review cannot respect its founding principles of involvement of all stakeholders without ensuring a broad consultation process at the national level involving the participation of civil society.

Commission of inquiries are also tasked to collect information from all reliable sources. Testimonies of victims and other actors are vital for their work.

Some human rights treaties ask States parties to take all appropriate measures to ensure that individuals under their jurisdiction are not subjected to ill-treatment or intimidation as a consequence of communicating with the relevant treaty’s monitoring body of the said instrument.

Yet, despite this unequivocal and unanimous recognition of the need and also the right of CSO’s participation, reprisals and intimidation against individuals continue to be reported. This year’s report of the Secretary-General records several cases of reprisals and intimidation in various forms.

People may be threatened or harassed by Government officials, including through public statements by high-level authorities. Associations and NGOs may see their activities monitored or restricted. Smear campaigns against those who cooperate with the UN may be organized. Threats may be made via phone calls, text messages or even direct contacts. People may also be arrested, beaten or tortured and even killed.
Excellencies, 
Colleagues and friends.

The Secretary-General's report also demonstrates that responses by States have been far from sufficient. The Secretary-General deeply regrets lack of accountability in relation to the majority of reported cases of reprisals. I strongly encourage States mentioned in the report to study the allegations put forward, conduct the necessary investigations and report back to the Human Rights Council on the outcome. This will allow the Council to ensure proper consideration and follow-up of the report of the Secretary-General.

I welcome the fact that the Council unanimously rejected any acts of intimidation or reprisal against individuals and groups who cooperate, or have cooperated, with the UN in the field of human rights.

But this Council should do more. We need more coherent and solid strategies to put an end to reprisals. These strategies should draw on all available sources and actors. In that context, I am very happy to see that you will benefit today from the presence of representatives of various actors that have played a key role in combating reprisals.

The Council's President has raised concerns about reprisals against people cooperating with the Council, on several occasions.

Hungary has played a leading role by introducing important resolutions and decisions on reprisals.

Special procedures have systematically condemned reprisals. Through their visits, reports or public statements, they have given visibility to cases of reprisals and helped to curb this phenomenon.

Human rights treaty bodies have also developed specific responses to reprisals and their members have discussed this issue in the context of the treaty body strengthening process.

Civil society plays a key role in alerting us to cases of reprisals and calling for the necessary action to be taken. It has also developed protection schemes for persons at risk.

National human rights institutions have regularly condemned reprisals and intimidation for cooperation with the UN in the field of human rights. These institutions are human rights defenders, and can also provide protection to human rights defenders.

Excellencies,

Reprisals are not only unacceptable: they are also ineffective in the long term. Preventing people from expressing their will or their dissent freely, does not succeed. Ultimately, freedom will always prevail. And information will always find its way to the outside world.
We should respect the principle of freedom of expression and protect those people who want to give information, who want to share knowledge and testimonies with us. They are essential to ensure that our common work is linked to the reality on the ground. Failing to do so will affect our own credibility.

As the Secretary-General has said, this panel should be a catalyst for robust action by all of us, throughout the United Nations system, to put an end to reprisals.

You have my full support in your deliberations today.

Thank you