



International Human Rights Instruments

Distr.: General
16 March 2023

Original: English
English, French and Spanish only

Thirty-fifth meeting of Chairs of the human rights treaty bodies

New York, 29 May–2 June 2023

Item 7 of the provisional agenda

**Implementation by the treaty bodies of the
Guidelines against Intimidation or Reprisals
(the San José Guidelines)**

Practices of the human rights treaty bodies on intimidation and reprisals and issues for further action by the Chairs

Note by the Secretariat

Summary

The present report is focused on the practices of the human rights treaty bodies on intimidation and reprisals in the period 2022–2023 and contains information on recent developments and good practices, with a view to keeping the Chairs of the human rights treaty bodies, the treaty body experts and the rapporteurs and focal points on reprisals apprised of the situation of preventing reprisals and responding to, and reporting on, allegations thereof. The year 2022 was a year of transition; in-person State party reviews were once again convened, in a post-pandemic “new normal” and a rapidly changing digital landscape.

As requested by the Chairs at the thirty-fourth meeting of Chairs of the human rights treaty bodies, the Secretariat convened a meeting, held virtually on 26 January 2023, of the rapporteurs and focal points on reprisals of the treaty bodies, in order to exchange information on responses to allegations of reprisals against those supplying information to or working with the treaty bodies, to discuss good practices and to identify the issues that needed further action by the Chairs.

* Reissued for technical reasons on 30 March 2023.



I. Introduction

1. In its resolution 68/268, the General Assembly strongly condemned all acts of intimidation and reprisals against individuals and groups for their contribution to the work of the human rights treaty bodies, and urged States to take all appropriate action to prevent and eliminate such human rights violations. The present document was drafted in preparation for the thirty-fifth meeting of Chairs of the human rights treaty bodies, to be held from 29 May to 2 June 2023, and contains updated information that is supplemental to that contained in the note by the Secretariat on the practices of the treaty bodies on intimidation and reprisals and issues for further action by the Chairs,¹ which was prepared for the thirty-fourth meeting of Chairs, which took place in 2022.

2. In 2022, the Organization was transitioning from the working conditions and methods implemented during the coronavirus disease (COVID-19) pandemic to the “new normal”. The convening of in-person State party reviews recommenced, and the treaty bodies prepared and adopted 133 concluding observations, following constructive dialogues with States parties and exchanges with United Nations agencies, national human rights institutions and non-governmental organizations. In the context of those reviews, between 1 January and 31 December 2022, the treaty bodies received 1,344 documents or reports from civil society organizations, other stakeholders, United Nations agencies and national human rights institutions. The Subcommittee on Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment undertook eight country visits in 2022.

II. Background

3. Everyone, in particular victims of human rights violations and civil society actors, has the right to have unhindered access to, and communicate with, the human rights treaty bodies, without any fear of intimidation or reprisal. Civil society organizations and victims bring information and testimonies that are indispensable to the work of the treaty bodies and that allow the latter to carry out their work on the basis of an overall view of the situations concerned and what is at stake. The first-hand testimonies and invaluable information provided to treaty body experts inform their work and make it more meaningful and impactful. States have a primary responsibility to prevent, refrain from committing and address acts of intimidation and reprisal. States also have an obligation to protect individuals against reprisals and to investigate allegations and provide effective remedies to victims thereof.

4. At the twenty-seventh meeting of Chairs of the human rights treaty bodies, the Chairs endorsed the Guidelines against Intimidation or Reprisals (San José Guidelines).² The Guidelines, which are aimed at improving the efficiency and effectiveness of treaty body action, contain six underlying general principles and provide for a range of possible operational measures to address and prevent reprisals.

5. Each treaty body has appointed a focal point or rapporteur to address the issue of reprisals (see annexes I and II). The Bureau of the Committee on Economic, Social and Cultural Rights acts as the focal point. In the San José Guidelines, the functions of focal points and rapporteurs are set out comprehensively and explicitly, as follows: (a) to ensure consistency across the treaty body system; (b) to receive and assess allegations of acts of intimidation; (c) to determine the most appropriate course of action; (d) as part of a network of focal points and rapporteurs on reprisals, to share information, facilitate supportive action and align approaches; and (e) to compile information on good practices.

A. Thirty-fourth meeting of Chairs of the human rights treaty bodies

6. At the thirty-fourth meeting of Chairs of the human rights treaty bodies,³ held in New York, from 30 May to 3 June 2022, the Chairs discussed the note by the Secretariat on the practices of the human rights treaty bodies on intimidation and reprisals and issues for further

¹ HRI/MC/2022/4.

² HRI/MC/2015/6.

³ See https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/SessionDetails1.aspx?SessionID=2586&Lang=en.

action by the Chairs,⁴ which included a summary of trends and cases concerning reprisals reported since the previous meeting of Chairs. The Secretariat noted in its presentation that, during the pandemic, fewer allegations of reprisals or intimidation had been reported to the Secretariat and the treaty bodies' rapporteurs and focal points on reprisals. Various challenges and obstacles to interacting with the treaty bodies had been raised, including a lack of clarity and awareness of how to participate through online channels, a lack of access to virtual channels by victims, their relatives and lawyers, as well as civil society actors, and a lack of trust in online channels, especially when reporting on sensitive issues or from high-risk contexts. It was noted that the reduction in the number of reported cases of reprisals might reflect limited access by victims and lawyers to the treaty bodies and to international and national mechanisms owing to the pandemic.

7. A representative of the non-governmental organization International Service for Human Rights introduced its study conducted in 2021 on the previous 11 reports of the Secretary-General on cooperation with the United Nations, its representatives, and mechanisms in the field of human rights, in which the Secretary-General reviews allegations of reprisals.⁵ The Service found that engagement with the treaty bodies was the third most often reported trigger of intimidation and reprisals, that the treaty bodies took public action in 54 per cent of cases and that positive effects were observed in cases with specific action taken. The representative recommended that the treaty bodies sustain attention and that follow-up on cases be undertaken by multiple actors within the United Nations system, conduct in-depth research on States with closed or restricted civic space, contact victims when the United Nations decided to take action and improve and systemize the documentation of cases.

8. The Chairs agreed to increase efforts to raise awareness and provide public information, including by posting references to cases and communications on the respective treaty body's web page. They also agreed to emphasize, at the opening of each session or at meetings with States parties, the policy of zero tolerance of reprisals or intimidation, to include a section on reprisals in annual or biennial reports of the treaty bodies, to continue induction sessions on reprisals for new experts, to issue press releases or end-of-session announcements to prevent or address reprisals and to address individual cases. The Chairs agreed to exchange and receive information more regularly on reprisal-related developments. It was suggested that, in order to further align the treaty bodies' working methods for addressing allegations of reprisals, a meeting of all treaty body focal points and rapporteurs on reprisals should be held in the last quarter of 2022 or in early 2023.⁶

B. Conclusions of the thirty-fourth meeting of Chairs of the human rights treaty bodies

9. For their thirty-fifth meeting, the Chairs requested⁷ the Secretariat to compile the cases and trends that had been brought to the attention of the treaty bodies by mapping the practices of treaty bodies on reprisals and having each treaty body's rapporteur or focal point update the recommendations arising from the workshop on reprisals. The Secretariat was requested to organize a meeting of the rapporteurs and focal points on reprisals, who would meet to exchange information and to identify the issues that needed further action by the Chairs, by the first quarter of 2023.

III. San José Guidelines

10. The San José Guidelines set out preventive measures against acts of intimidation and reprisal, including such specific steps as allowing confidential submissions from individuals

⁴ HRI/MC/2022/4.

⁵ Janika Spannagel, "UN action on reprisals: towards greater impact", International Service for Human Rights, 2021. Available at https://ishr.ch/wp-content/uploads/2021/05/ISHR_Reprisals-Report_Web_20210503.pdf.

⁶ See A/77/228.

⁷ A/77/228, para. 58.

and groups, having closed meetings with civil society, victims or legal representatives and reminding States parties of their obligation to prevent and refrain from all acts of intimidation or reprisal against those who cooperate with the treaty bodies. Awareness-raising initiatives are another way for the treaty bodies to reaffirm the importance of cooperation with all stakeholders and to disseminate information about the San José Guidelines.

A. Procedure when receiving an allegation of a case of reprisal when working with the treaty bodies

11. When the rapporteurs and focal points on reprisals receive allegations, they complete an initial assessment, respecting confidentiality at all times. On a case-by-case basis and respecting the principle to do no harm, once the allegations are verified, the rapporteur or focal point informs the Chair and the country rapporteur. They may then propose the adoption of protection measures, with the informed consent and agreement of the persons concerned, their relatives and/or their representatives. Protection measures may include the following:

(a) Sending a written communication, from the rapporteur or focal point on reprisals to the State party concerned, describing the allegations received and requesting information within a given deadline on the measures taken to investigate them and to protect and provide a remedy to the alleged victims;

(b) Raising the case with the permanent representative in Geneva of the State party concerned in a private meeting, if urgent protection needs arise, in liaison with the relevant units of the Office of the United Nations High Commissioner for Human Rights (OHCHR), informing civil society protection networks or national protection mechanism of the case and seeking assistance;

(c) Raising the case during the dialogue with the delegation of the State party concerned in the context of the review of its periodic report;

(d) If necessary and as appropriate, addressing allegations of reprisals in the context of the periodic reporting cycle of the State concerned, including in the list of issues prior to reporting, the list of issues the Committee's concluding observations or the follow-up to concluding observations procedure, or in decisions or views on individual communications or in the reports on inquiries conducted;

(e) As appropriate and after having communicated with the State party concerned, issuing a public statement or press release, if so decided by the treaty body and in liaison with the relevant OHCHR units;

(f) Raising the case with other human rights treaty bodies, special procedure mandate holders, the Human Rights Council, the Assistant Secretary-General for Human Rights, regional human rights mechanisms, the United Nations country team, the national human rights institution and civil society organizations;

(g) As appropriate, including information on cases of intimidation or reprisals in the treaty body's annual report to the General Assembly.

12. The rapporteur or focal point on reprisals, in consultation with the treaty body, may also decide to make relevant correspondence with the State party concerned available on the OHCHR web page to facilitate follow-up by national actors.

IV. Recent developments and good practices

A. Meeting of the treaty bodies' rapporteurs and focal points on reprisals

13. At the thirty-fourth meeting of Chairs of the human rights treaty bodies, the Secretariat was requested to organize a meeting of the rapporteurs and focal points on reprisals, in order to exchange information on how the treaty bodies responded to allegations of reprisals when supplying information to or working with the treaty bodies, and to identify the issues that needed further action by the Chairs, by the first quarter of 2023.

14. On 26 January 2023, the rapporteurs and focal points on reprisals participated in the inaugural meeting, held virtually, to discuss challenges in preventing and addressing acts of intimidation and reprisal against those who cooperate with the treaty bodies and to identify the issues that need further action by the treaty bodies' Chairs, experts and focal points and rapporteurs on reprisals. The Assistant Secretary-General for Human Rights opened the meeting with a pre-recorded video message on reprisals. The Director of the Human Rights Council and Treaty Mechanisms Division made an opening statement, highlighting four key recommendations, namely, that the rapporteurs and focal points on reprisals should work together to align their approaches, including through meetings as appropriate, that good practices in the implementation of the San José Guidelines should be identified and replicated among the treaty bodies, that focal points and rapporteurs in the various treaty bodies were encouraged to work together intersessionally and that the treaty bodies should make information about reprisals available on their web pages.

15. Experts raised challenges in responding to allegations of reprisals, such as lack of cooperation of States parties and a perceived culture of denial when reprisals were addressed.¹⁶ One expert recommended that a more coordinated approach be taken by the treaty bodies in the issuance of public statements, in cases where reprisals had been documented by different bodies, the State party was not cooperating with them and there were recurrent allegations of incidents of reprisals. In such a situation, the rapporteurs and focal points could propose that the Chairs issue joint public statements about the case.

17. Another recommendation was for rapporteurs and focal points on reprisals to take a common approach with States parties, including formal contact with the States parties to express concern about lack of cooperation when there was a clear trend or a specific allegations of reprisals. The expert from the Subcommittee on Prevention of Torture noted that any person who was deprived of liberty was also prone to intimidation or reprisals and that the Subcommittee had a strict protocol on reprisals. He recommended taking into consideration the particular mandate of the Subcommittee and the role of the national preventive mechanism and agreed with other experts that more practical procedures or protocols dedicated to reprisal cases should be developed.

18. The rapporteur from the Committee on Enforced Disappearances noted that the Committee had a standard preparatory procedure to organize a private meeting with non-governmental organizations during a visit in order to receive information about their position in a particular country. Such meetings had confirmed that there was a shrinking space for human rights activists, as well as a tendency to criminalize their activities, in particular in the field of the protection of migrants from enforced disappearance. She added that that trend would be addressed in the forthcoming general comment on enforced disappearances in the context of migration. The expert highlighted another challenge, namely, the lack of visibility of the United Nations treaty body system. The expert explained that the Committee was frequently informed by family members of victims they met with who were not familiar with the procedures on reprisals and were not sure how to address their complaints to the Committee, the possible outcomes and to what extent they could be protected.

19. One rapporteur recommended several awareness-raising approaches to consider, such as organizing regional workshops with non-governmental organizations and regional United Nations offices, including the participation of the rapporteurs and focal points on reprisals. The expert also suggested seeking funding for ad hoc visits of the rapporteurs and focal points on reprisals to States parties, in order to liaise with non-governmental organizations, and the preparation of brochures or leaflets and short informative videos to share on social networks in order to raise awareness among non-governmental organizations of how the treaty bodies responded to allegations of reprisals.

20. The expert also recommended that meetings of the rapporteurs and focal points on reprisals should be organized more frequently to ensure the exchange of information on good practices and harmonized approaches among the treaty bodies.

21. Another rapporteur shared that her treaty body had received a request for assistance from a non-governmental organization because of fear of reprisals stemming from being in the same room as the State party's representatives, which had led to the non-governmental organization avoiding their physical presence in the room during the dialogue. In that

situation, the body concerned took preventive measures to guarantee the security and confidentiality of the information that had been shared, by accepting confidential printed documents, because of the lack of trust in the security of emails. She stressed the importance of maintaining the confidence of the people who asked the treaty body system to take specific action. Those stakeholders at times questioned what the body could do to protect them from reprisals and whether those actions were effective, as the implementation of treaty bodies' recommendations were mostly dependent on the will of States parties.

22. Other participants raised the possibility of double victimization, when a victim of intimidation or reprisals by a State party submitted an allegation to the mechanism and the mechanism asked the State to provide protection. There should be alternative mechanisms of cooperation to identify other avenues to provide redress, for example, by finding potential partners to support relocation, as needed.

23. A rapporteur recommended that the Secretariat combine all the proposals made and present them to the next meeting of Chairs of the human rights treaty bodies, to seek their approval on further measures to adopt. The expert added that his treaty body had received reports, not complaints, of acts of intimidation towards a group rescuing migrants at sea, and it had raised its concern with the delegation and included a reference to the reports of intimidation in the concluding observations on the report of the State party concerned.

24. Participants discussed exploring the border between reprisals and intimidation. In general, reprisals referred to forms of retaliation for ongoing or past cooperation, whereas intimidation included any act that was designed to or had the impact of discouraging cooperation. The Secretariat observed the challenges of documenting the silences, for example, when people did not trust the channels of communication, and the direct impact that those silences had on its work.

25. Experts and rapporteurs proposed the further sharing of information and experiences on several additional topics. At future meetings of the rapporteurs and focal points, States' obligations to prevent and ensure accountability for intimidation and reprisals against those who cooperated or sought to cooperate with the treaty bodies could be explored. Other items could include improving cooperation between the rapporteurs and focal points on reprisals from different bodies and peer-to-peer encouragement to other bodies' members to adopt the San José Guidelines. In addition, discussions could address the under-reporting of acts of reprisal and possible remedies, the implementation of protocols of safety and security for individuals, human rights defenders and civil society organizations interacting with the treaty bodies, in person and online, and cooperation with journalists and the media to address reprisals.

B. Web page and chart of rapporteurs and focal points on intimidation and reprisals

26. The OHCHR web page⁸ on preventing and addressing acts of intimidation and reprisal for cooperation with the treaty bodies and the chart with the rapporteurs and focal points of the treaty bodies was updated throughout the reporting period. The web page contains information on what constitutes an act of reprisal, the name and contact information of the rapporteur or focal point on reprisals for each treaty body, how to report an allegation of reprisals or submit information on reprisals and the overall procedure on reporting and addressing such allegations.

27. New rapporteurs and focal points were appointed by several treaty bodies (see annex I).

⁸ See <https://www.ohchr.org/en/treaty-bodies/preventing-and-addressing-acts-intimidation-and-reprisal-cooperation-treaty-bodies>.

C. Induction sessions

28. In 2022, two induction sessions for newly elected treaty body experts were held, one in February for 11 treaty body experts, and one in November for 34 experts. The sessions covered, among many other topics, the San José Guidelines and included an interactive session and a video message from the Assistant Secretary-General for Human Rights, as the United Nations senior official designated to lead system-wide efforts to address reprisals. The induction sessions are considered a good practice, and the Secretariat aims to organize them on an annual basis for all newly elected treaty body experts.

V. Updates on allegations of reprisals

A. Committee against Torture

29. Between February 2022 and January 2023, the Committee against Torture reviewed the reports of 16 States parties, submitted under article 19 of the Convention, held 15 interactive dialogues, both in person and in a hybrid format, and adopted two lists of issues and 14 lists of issues prior to reporting. The Committee has not received any allegations of reprisals in the context of reporting or reviews of States parties' compliance with their obligations under articles 19 and 20 of the Convention. However, the Committee put several preventive and protective measures in place during the reporting period. For example, it allowed stakeholders to submit alternative reports on a confidential basis and organized additional private meetings between the civil society actors concerned and Committee members, held in person and virtually, following any signalled fear of intimidation, threats or reprisals because of their participation in the private briefings with the Committee or the content of their interventions or the alternative reports that they submitted.

30. With regard to preventive or protection measures signalled to States parties, and in the wider context of preventing reprisals and acts of intimidation in the future, the Committee raised its concerns about the harassment of and threats against human rights defenders and journalists because of their activities in protecting human rights or documenting cases of torture and ill-treatment, and it made recommendations⁹ on several occasions.

31. A specific reference to the Committee's guidelines and procedure on addressing allegations of intimidation and reprisals against individuals and organizations who cooperate, seek to cooperate or cooperated with it in the context of its monitoring procedures was added to the Committee's dedicated web page¹⁰ containing information for civil society, non-governmental organizations and national human rights institutions, including information on stakeholder participation in the reviews of the reports of States parties. The Committee refers to that web page in all its correspondence with stakeholders.

B. Committee on Enforced Disappearances

32. Since March 2022, the rapporteur on reprisals of the Committee on Enforced Disappearances has received allegations of reprisals in two cases. In the first case, it was not possible to establish the correlation between the cooperation or attempted cooperation of the concerned individual with the Committee and the alleged act of reprisal. While the rapporteur did not activate the usual procedure to address reprisals for cooperation with the Committee, in view of the gravity of the situation and to support the victim's fight against enforced disappearances, she requested a meeting with the permanent mission of the State party concerned. During the meeting, the rapporteur expressed the Committee's concern regarding the incidents and requested support for the individual, protection against further threats and

⁹ See [CAT/C/PSE/CO/1](#), paras. 34–35 (State of Palestine); [CAT/C/CUB/CO/3](#), paras. 40–41 (Cuba); [CAT/C/TCD/CO/2](#), paras. 43–44 (Chad); [CAT/C/SLV/CO/3](#), paras. 36–37 (El Salvador); and [CAT/C/MWI/CO/1](#), paras. 39–40 (Malawi).

¹⁰ See <https://www.ohchr.org/en/treaty-bodies/cat/information-civil-society-ngos-and-nhris>.

regular follow-up on the case. The rapporteur remains in contact with the individual concerned and the authorities.

33. In the second case, the rapporteur requested the alleged victim to submit additional information to clarify some unclear aspects of the allegations and explained the procedure and possible forms of action to be taken by the Committee. The information provided did not allow the rapporteur to verify the allegations, and the alleged victim expressed concern that the protection measures that could be requested by the Committee would be carried out by the State party.

C. Committee on the Elimination of Racial Discrimination

34. At its 108th session, the Committee on the Elimination of Racial Discrimination received allegations regarding a series of intimidating messages posted on the Twitter accounts of two trade unions of police officers against Assa Traoré, following her cooperation with the Committee in the context of the review of the combined twenty-second and twenty-third periodic reports of France. The Committee sent a letter to the State party to request that the State party take the measures necessary to prevent and to punish acts of intimidation against Ms. Traoré and ensure the protection of her rights and freedoms. The State party responded to the Committee and reiterated its determination to prevent and respond to all forms of intimidation and reprisal against any person that cooperated with a United Nations human rights mechanism. The State party also informed the Committee that an investigation regarding the allegations had been initiated. Both the Committee's letter and the reply from the State party are accessible on the Committee's web page.¹¹

35. In addition, the Committee also expressed its concern regarding the case in its concluding observations on the above-mentioned report.¹² The Committee recommended that the State party take immediate and effective measures to guarantee the safety of Ms. Traoré and to take disciplinary measures, carry out the necessary investigations and, if necessary, initiate criminal proceedings against the State agents associated with those messages of intimidation and threats.

VI. Petitions, individual communications and urgent actions

36. Allegations of reprisals were also addressed in the context of registering new communications, interim measures requests, the processing of urgent action letters and the adoption of decisions, as well as in the context of follow-up procedures.

37. In several cases recently registered by the Committee against Torture, the Human Rights Committee, the Committee on the Elimination of Discrimination against Women and the Committee on the Rights of Persons with Disabilities, wherein the counsel for the author or complainant had alleged a potential risk of reprisals, the treaty body addressed them by granting interim measures seeking protection following the registration of the communication or reiterating the request for interim measures granted previously.

38. In *A.D. v. Cyprus*,¹³ involving allegations of reprisals and letters requesting protection measures, the Committee against Torture adopted its inadmissibility decision thereon at its seventy-fifth session, due to a lack of substantiation and non-exhaustion. It involved allegations of reprisals against the complainant, of which the Committee's rapporteur on reprisals informed the State party in her letter dated 8 September 2021.¹⁴ The State party has yet to respond.

¹¹ See https://tbinternet.ohchr.org/_layouts/15/TreatyBodyExternal/TBSearch.aspx?Lang=en&DocTypeID=130.

¹² [CERD/C/FRA/CO/22-23](#), paras. 27–28.

¹³ [A.D. v. Cyprus \(CAT/C/75/D/1065/2021\)](#).

¹⁴ *Ibid.*, para. 1.5.

VII. Report of the Secretary-General on cooperation with the United Nations, its representatives and mechanisms in the field of human rights

39. On 29 September 2022, the Human Rights Council held an interactive dialogue¹⁵ with the Assistant Secretary-General for Human Rights on the annual report of the Secretary-General on reprisals.¹⁶ The Assistant Secretary-General underlined the global relevance of the report and its findings within the United Nations system, and she highlighted good practices in supporting safe participation within United Nations bodies and spaces, in particular for women peacebuilders.

40. The Assistant Secretary-General drew attention to several global trends that had emerged in the context of the report. She noted the growing evidence of monitoring and surveillance of those cooperating or trying to cooperate with the United Nations, including online monitoring, cyberattacks and challenges regarding accessibility, privacy and confidentiality, which had affected civil society interaction with the United Nations and had increased their vulnerability to reprisals. She also referred to the use of restrictive legislation, on the basis of countering terrorism or national security, against those who cooperated with the United Nations, including laws that had been used to deter or punish, or which had the effect of deterring or punishing, individuals and organizations for their cooperation with the United Nations and laws governing activities of civil society. She highlighted the fact that such restrictions and fears of criminal liability had affected the ability and willingness of civil society actors to cooperate with the United Nations. She further highlighted self-censorship, or the choice not to cooperate with the United Nations or to do so under conditions of anonymity, due to fear of retaliation. She noted concerns that the chilling effect of increased surveillance and monitoring, as well as criminal liability, or the fear thereof, was silencing voices among those who cooperated with the United Nations.

VIII. Annual or biennial reports of the treaty bodies

41. As at the time of reporting, the Committee on the Elimination of Racial Discrimination, the Committee on the Elimination of Discrimination against Women, the Committee against Torture, the Subcommittee on Prevention of Torture and the Human Rights Committee had included sections in their annual or biennial reports on reprisals and the appointment of rapporteurs or focal points, as was proposed as a good practice in the San José Guidelines.

IX. Developments in the General Assembly and the Economic and Social Council

42. On 14 October 2022, the Assistant Secretary-General for Human Rights presented the annual report¹⁷ of the Secretary-General to the Third Committee¹⁸ of the General Assembly, for the first time, as requested by the Human Rights Council in its resolution 48/17. She noted that it was a welcome development, signalling the global relevance of the report to the United Nations. The Assistant Secretary-General underscored that it was vital that the United Nations system continued to show zero tolerance of intimidation or reprisals.

43. On 19 October 2022, Ireland delivered a cross-regional statement¹⁹ on reprisals at a meeting of the Third Committee, on behalf of 80 Member States and the European Union, condemning all acts of intimidation or reprisal against those who cooperated with the United Nations. Member States expressed concerns about the global trends identified by the

¹⁵ See <https://www.ohchr.org/en/news/2022/09/human-rights-council-holds-interactive-dialogue-its-advisory-committee-and-starts>.

¹⁶ [A/HRC/51/47](#).

¹⁷ Ibid. See also [A/77/262](#) and [A/77/262/Corr.1](#).

¹⁸ See <https://media.un.org/en/asset/k15/k15mf165xr>.

¹⁹ See <https://www.dfa.ie/pmun/newyork/news-and-speeches/speeches/2022/joint-statement-on-reprisals---unga-77-third-committee.html>.

Secretary-General. They noted that those restrictions had not only deterred victims and civil society from cooperating with the United Nations, but had also had a profound effect on the impact of United Nations operations on the ground. Member States underlined that it was essential that the issue of reprisals be addressed in a coordinated manner and welcomed the opportunity to discuss it in New York, in the Third Committee, as well as in Geneva.

X. Issues for further action by the Chairs and follow up

44. The treaty bodies could further improve awareness-raising and the provision of public information on reprisals, including by posting references to cases and communications, when public, on a web page dedicated to allegations of reprisals, as some treaty bodies already do; by emphasizing, at the opening of each session or at meetings with States parties, that treaty bodies have an approach of zero tolerance of reprisals or intimidation; and by including a section dedicated to intimidation and reprisals in annual or biennial reports of the treaty bodies, in cases where one does not yet exist.

45. Holding induction sessions for new experts with specific discussions about reprisals, and how the treaty bodies can respond to them, is a good practice and should be continued and strengthened in the future. Other improvements could include using press releases or end-of-session announcements of the concluding observations on the reports of States parties more strategically and consistently addressing individual cases through formal communications or meetings with the permanent representatives of the States parties concerned.

46. The treaty bodies should continue to align their working methods to prevent and address intimidation and reprisals, including with regard to the role of focal points and rapporteurs, specific policies or guidelines on reprisals and the disclosure of allegations of reprisals and responses received from States with the consent of those concerned. The Chairs could introduce a practice of regular exchanges on good practices on intimidation or reprisals, including intersessionally, with the focal points and rapporteurs on reprisals, in the form of coordination meetings held virtually. The Chairs should be regularly informed of any developments regarding reprisals.

47. More regular communication among the focal points or rapporteurs on reprisals and the holding of annual meetings of them, together with the focal points in the Secretariat, held virtually, could also be envisaged.

48. Coordination among the treaty body focal points and rapporteurs on reprisals should be strengthened, including in reaching out to the Office of the Assistant Secretary-General for Human Rights for a coordinated and strategic response to individual allegations and cases.

49. Coordination and communication could be strengthened among human rights mechanisms, in particular between rapporteurs and focal points of the treaty bodies and the special procedures of the Human Rights Council, such as the Special Rapporteur on the situation of human rights defenders and the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression.

50. Other measures could include increased coordination with United Nations field presences on addressing reprisals. The treaty bodies could undertake further efforts to prevent acts of intimidation or reprisals by coordinating with the field presences in, or desk officers for, States of concern, including before the review of that State's report submitted in the context of the periodic reporting cycle. They could also seek cooperation and assistance with follow-up on individual cases from United Nations human rights field presences, when acts of intimidation or reprisals have been committed and/or are publicly reported, such as in the report of the Secretary-General. Protective measures could be strengthened, including by holding confidential meetings with non-governmental organizations and human rights defenders and by providing secure online and offline channels for receiving information.

Annex I

Rapporteur or focal point on reprisals, by treaty body

<i>Treaty body</i>	<i>Rapporteur or focal point</i>	<i>Email address</i>
Human Rights Committee	Tania María Abdo Rocholl	ohchr-ccpr@un.org
Committee on Economic, Social and Cultural Rights	Bureau of the Committee	ohchr-cescr@un.org
Committee against Torture	Ana Racu	ohchr-cat@un.org
Committee on the Elimination of Racial Discrimination	Silvio Albuquerque	ohchr-cerd@un.org
Committee on Elimination of Discrimination against Women	Dalia Leinarte Leticia Bonifaz Alfonzo (alternate)	ohchr-cedaw@un.org
Subcommittee on Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment	Jakub Julian Czepek	ohchr-opcat@un.org
Committee on the Rights of the Child	Gehad Madi	ohchr-crc@un.org
Committee on the Rights of Migrant Workers and Members of Their Families	Myriam Poussi and Pablo César García Sáenz	ohchr-cmw@un.org
Committee on the Rights of Persons with Disabilities	Robert Martin Rosemary Kayess	ohchr-crpd@un.org
Committee on Enforced Disappearances	Milica Kolaković-Bojović	ohchr-ced@un.org

Annex II

Policies and practices for addressing cases of reprisals, by treaty body

Treaty body	Policy or guidelines on reprisals	Rapporteur or focal point on reprisals appointed	Functions of the rapporteur or focal point on reprisals defined in a specific document	Letters of allegation, and responses from States, publicly posted on the Committee's web page	Endorsed or adopted the Guidelines against Intimidation or Reprisals (San José Guidelines)
Committee on the Elimination of Racial Discrimination	Yes	Yes	Yes ^a	Yes ^b	Yes August 2014
Human Rights Committee	No	Yes	No	No	Yes ^c June 2016
Committee on Economic, Social and Cultural Rights	No	Yes ^d	No	No	No ^e
Committee on the Elimination of Discrimination against Women	Yes	Yes	Yes	No	Yes July 2018
Committee against Torture	Yes	Yes	Yes ^f	Yes	Yes ^g September 2015
Committee on the Rights of the Child	No ^h	Yes	No	No	Yes May 2016
Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families	Yes	Yes	Yes ⁱ	Yes	Yes April 2016
Committee on the Rights of Persons with Disabilities	Yes	Yes	Yes	None reported to date	Yes September 2015
Committee on Enforced Disappearances	Yes	Yes	Yes	No Disclosed in annual reports	Yes September 2015
Subcommittee on Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment	Yes ^j	Yes	Yes	Allegations of reprisals disclosed when visit reports are made public	Yes ^k November 2015

^a See https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=INT%2FCERD%2FRLE%2F9029&Lang=en.

^b Not systematically, but on a case-by-case basis, keeping the principle to do no harm in mind.

^c See <https://www.ungeneva.org/en/news-media/press/taxonomy/term/175/47582/human-rights-committee-discusses-methods-work>.

^d The Bureau of the Committee acts as the focal point.

^e See [E/C.12/2016/2](https://www.ohchr.org/EN/HRBodies/CMW/Pages/Reprisals.aspx).

^f [CAT/C/55/2](https://www.ohchr.org/EN/HRBodies/CMW/Pages/Reprisals.aspx).

^g Adopted a statement on reprisals in 2013, in which the Committee indicated that, in handling allegations of reprisals, the Committee would follow the San José Guidelines ([CAT/C/55/2](https://www.ohchr.org/EN/HRBodies/CMW/Pages/Reprisals.aspx), para. 2).

^h Endorsed the San José Guidelines.

ⁱ See www.ohchr.org/EN/HRBodies/CMW/Pages/Reprisals.aspx.

^j [CAT/OP/6/Rev.1](https://www.ohchr.org/EN/HRBodies/CMW/Pages/Reprisals.aspx).

^k Endorsed the San José Guidelines at its twenty-seventh session.