

**PROTECTING CIVIL SOCIETY SPACE
AND PREVENTING REPRISALS
RECENT DEVELOPMENTS AND NEXT STEPS**

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Excellences, Ladies and Gentlemen,

On Monday, I attended with great emotion a parallel event with Estella de Carlotto, the courageous and inspiring president of the *Abuelas de la Plaza de Mayo*, in Argentina. At the end of the event, Estella took the floor and there was a long round of applause, and finally a standing ovation. Everybody, including myself, felt so happy to see her in this position, at the podium, in a panel composed partly of states, all acknowledging her fantastic courage and dedication. I think one of the reason we felt so happy was that we realized that 30 years ago, the grand mothers fought amongst the NGOs in this building to have their message heard, while their own state and others accused them of being at best politically biased and at worse accomplice of the terrorists.

Estella told us that she was only a normal person, that she did what she thought she ought to do, that there were many persons like her in the world. And I couldn't help thinking: when will there be a standing ovation for this lady who, while she was heard by my Working Group this week, burst into tears when she told us how she had been harassed in the airport on her way to Geneva?

Today, I have a bad news and a good news for you. The bad news is that we still live in a world where peaceful protesters, human rights defenders, independent

journalists are called traitors to the nation, foreign agents, criminals or fools, whereas the people who imprison or torture them are called officials of the State or sovereign leaders.

But the good news is that there are more and more people who find this insane. And it is not only the civil society: more and more states officials understand that the state's role is to protect its citizens, but also to create an enabling environment for them to express themselves and flourish as full-fledged citizens.

I think that the debate that we are having today, as well as the debates that took place and that are taking place in the Council, are clear indications of this trend. 20 years ago, it would have been difficult to speak of “civil society space” in this building. [The only right of NGOs was to be “consulted” (hence the “consultative” status), but certainly not to participate:] today, we all know that the system wouldn't just work without the NGOs, it would be an empty shell.

This growing role of civil society has its backlash: more violence comes with greater influence. Human Rights defenders, bloggers, peaceful protesters, youngsters who just want to have fun and “be happy” – and express their happiness – they all face a growing repression. As civil society is gaining more power, its space is shrinking in many countries, facing multiple legal obstacles and repression.

We already have tools to combat this trend. For instance the special procedures are sending urgent appeals whenever human rights defenders or, for my Working Group, families or people who are working on cases of disappearances, are threatened or subjected to reprisals. In my experience these calls are quite effective, they give a strong signal to the State concerned that the person is not isolated and that, should something happen, it will be widely known and publicized. [More than that, it helps to change the perception that the legality is always on the side of the state and that the human rights defender would thus be a delinquent: if these persons are protected, it means that their activity is legal

according to international law and that they should not be treated as delinquents by the state.]

But we need even more efficient tools. We need an authority to raise the profile of these cases, react urgently to our calls and bring it to the attention of the states concerned. This is why it is so important that the Human Rights Council's resolution 24/24 about the creation of a UN-Focal point on reprisals be endorsed by the General Assembly as soon as possible. This is why also it is so important that states consider the possibility of appointing national focal points on this issue.

But it is not only at the domestic level that we should do more to protect and enable civil society's participation. In the UN also, progresses can be made.

First, a long long time ago, NGOs used not to be allowed to name countries before the Human Rights Commission. It's hard to believe that we could come back to such a practice today. Rules of procedures in the UN must be interpreted in the light of the Universal Declaration on Human Rights and of the Declaration on Human Rights defenders. And there must be clear rulings in this Council so as to enforce freedom of expression. It is a shame that this Council whose mission is to promote and protect human rights allows for undue limitations to freedom of expression during its debates.

Second, there must be an independent and impartial mechanism to decide which civil society organisation is allowed to participate in the debate of this council, and there should be an independent and impartial assessment of their contribution to the work of this Council: in brief, the Committee of NGOs, seating in New York, must be changed.

Finally, the UN should accept that it has a responsibility in ensuring the security and well-being of those who are cooperating with its procedures. This is necessary when experts are visiting countries and after they have left; and this is also true for those persons who are coming to Geneva to testify, and who need

to be offered psychological support, and to feel that they can safely go back to their countries, without fearing any reprisals. In brief, the UN should build a protection program for the benefit of those who are cooperating with it.

In other words, excellences, Ladies and gentlemen, we need to take the necessary measures so that those who are the Estella de Carlottos of tomorrow get the protection they can rightly expect from the UN.

I thank you very much.