

Open Letter on Civil Society Rights to UN Secretary-General António Guterres and to the UN High Commissioner for Human Rights Zeid Ra'ad Al Hussein

December 13, 2017

Your Excellency Secretary-General Guterres,
Your Excellency the High Commissioner for Human Rights,

We write to you because of concerns regarding the ability of civil society delegates to effectively engage with important international conferences, concerns which have been exacerbated by over sixty civil society delegates to the WTO Ministerial Conference of December 2017 (who had been accredited by the WTO) having their accreditations revoked by the host country shortly before the conference. This is not only a violation of the relevant host country agreement, it is also a human rights violation.

On December 8, 2017, two civil society delegates were denied entry at the border and deported:

Sally Burch of Agencia Latinoamericana de Información (ALAI), who is also a member of the Steering Committee of the Just Net Coalition.

Petter Slaatrem Titland, leader of the Norwegian chapter of Association for the Assessment of Financial Transactions and for Citizen Action (Attac).

In both of these cases of deportations, as well as at least in some of the other cases of revoked accreditations, the host country has thereafter reversed its decision. That however is not a full solution to the problem. Many of the civil society delegates had already cancelled their travel plans after having been informed of the host country having revoked their accreditation, or because they were denied visas.¹ Further, the belated authorization of entry for Sally and Petter does not cure the harm that was done to them and the organizations they represent. In Sally's case, she was deported back to her home country, Ecuador, and was not able to fly back to Buenos Aires in order to participate meaningfully in the WTO meeting.

In view of the important public policy issues that are being discussed at such international conferences, civil society engagement is of utmost importance. On one hand, the negotiators who shape the future of our world need to have access to the insights and perspectives of the civil society experts. On the other hand, the citizens of the world need ways to ensure that their problems and concerns are appropriately listened to and taken into consideration. In this context, the recent events are a great cause for concern, especially given that the events concerning the WTO Ministerial, while in some ways unprecedented, are not isolated, but part of a larger problem. For example, in November 2017, the participation of several civil society groups to the Global Conference on Cyberspace (GCCS) in India was delayed and, in several cases, denied.

Such denials can affect especially smaller civil society groups particularly seriously, in more ways than what is obvious. The effective and constructive participation at such conferences requires in-depth preparation which takes a long time. It is not only that the denial of participation results in the preparation being wasted. Already the *risk* that participation can be arbitrarily denied prevents civil society organisations from planning their engagement strategically. Time is also of the essence, as inefficiencies and harms are compounded when the denial occurs immediately before or during events, leaving no meaningful time to appeal the decision.

These problems concern not just civil society engagement with one international organization such as the WTO, but civil society delegates to all international conferences where important public

¹ For further details, we refer you to the Our World Is Not For Sale (OWINFS) Network, ourworldisnotforsale.net

policy decisions are made. It is therefore appropriate for representatives of the UN to address the matter, and this is the reason why we are writing to you.

We respectfully request you to make a strong public statement on the rights that civil society delegates to international conferences have on the basis of international human rights law as well as on the basis of other instruments such as host country agreements.

This kind of response to the events related to the WTO Ministerial Conference of December 2017 will on one hand be valuable for the concerned civil society delegates and their organizations in regard to having their good name and reputation restored after having been unjustly accused (by the host country) of having posted “incitements to violence and chaos” in social media.²

The larger context of these attacks on the honor and reputation of civil society delegates are the provisions in the host country agreement which permit the host country to refuse entry on national security grounds. We do not object to these provisions provided that they are only applied in exceptional cases, and with due justification, and with due process. We do however object to the abuse of these provisions to arbitrarily revoke the accreditation of (in this case, a large number of) civil society delegates who had been accredited by the WTO. In this kind of situation, unless civil society delegates have an effective remedy against such attacks on their honor and reputation, the provisions of the host country agreement—that were intended to guarantee the rights of *inter alia* the civil society delegates—only result in insult and libel being added to the injury of not being able to participate in the conference.

In addition to the established diplomatic practices with host country agreements, we would suggest that the requested statement on civil society rights could mention the following human rights aspects:

- The right to peaceful assembly/association (Article 20 of the UDHR and Article 21 of the ICCPR);
- the recommendation of the former Special Rapporteur on the rights to freedom of peaceful assembly and of association, who called on States members of multilateral institutions to: "Refrain from unduly preventing NGOs from obtaining accreditation with multilateral institutions, arbitrarily withdrawing accreditations, or deferring the examination of periodic reports of accredited organizations;" ([A/69/365](#))
- the call from the current Special Rapporteur on the freedoms of opinion and expression for “broader and simpler accreditation of organizations to participate in and monitor” at inter-governmental and international institutions. ([A/72/350](#))

We are very concerned about the future of the international discourse. Certainly the events in the context of the WTO Ministerial of December 2017 must not be allowed to set a precedent for the *arbitrary refusal or revocation of accreditation* and *libel* of civil society delegates.

Sincerely,

Just Net Coalition (international)

Electronic Frontier Foundation (USA)

Australian Fair Trade and Investment Network

² <http://www.mrecic.gov.ar/sobre-la-acreditacion-de-ongs-la-conferencia-ministerial-de-la-omc-en-buenos-aires>

Access Now (USA)
Attac (Argentina)
Agencia Latinoamericana de Información – ALAI (Ecuador)
SonTusDatos (Artículo 12, A.C.) (Mexico)
Association for Proper Internet Governance (Switzerland)
Friends of the Earth International
Trades Union Congress (TUC) - Ghana
TEDIC (Paraguay)
Fundación Vía Libre (Argentina)
IUF (International Union of Food, Agricultural, Hotel, Restaurant, Catering, Tobacco and Allied Workers' Associations)
Public Knowledge (USA)
PowerShift e.V. (Germany)
Association for Progressive Communications (APC) (international)
Ecologistas en Acción (Spain)
CGIL (Confederazione Generale Italiana del Lavoro) (Italy)
European Digital Rights (EDRi)
Usuarios Digitales del Ecuador
Columbia Global Freedom of Expression (USA)
Ecologistas en Acción (Spain)
Argentina Solidarity Campaign (UK)

Michael J. Oghia (Serbia)
Craig Fagan
William Drake (Switzerland)
Legborsi Nwiabu
Victor Agüera (UK)

Cc: Mr. Roberto Azevêdo, Director-General of the WTO

Mr. David Kaye, UN Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression

Ms. Annalisa Ciampi, UN Special Rapporteur on the rights to freedom of peaceful assembly and of association

Mr. Edison Lanza, Inter-American Commission of Human Rights' Special Rapporteur on Freedom of Expression

Aarhus Convention Secretariat