

Mandates of the Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence; the Working Group on Enforced or Involuntary Disappearances; the Special Rapporteur on extrajudicial, summary or arbitrary executions; the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; the Special Rapporteur on the rights to freedom of peaceful assembly and of association and the Special Rapporteur on the situation of human rights defenders

Ref.: AL LKA 7/2023

(Please use this reference in your reply)

13 September 2023

Excellency,

We have the honour to address you in our capacities as Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence; Working Group on Enforced or Involuntary Disappearances; Special Rapporteur on extrajudicial, summary or arbitrary executions; Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; Special Rapporteur on the rights to freedom of peaceful assembly and of association and Special Rapporteur on the situation of human rights defenders, pursuant to Human Rights Council resolutions 45/10, 45/3, 53/4, 52/9, 50/17 and 52/4.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning **aspects of a bill establishing a Truth and Reconciliation Commission which appears to be at odds with international standards, and the alleged insufficient consultation with victims and civil society.**

We would like to recall joint communication AL LKA 7/2020 sent on 9 November 2020, concerning the alleged regression in the transitional justice measures that Sri Lanka had adopted, or committed to implement, to address the serious human rights violations committed during the 25-year conflict, as well as the obstacles imposed on memorialization efforts led by victims' groups and the intimidation of victims and civil society. We regret that your Excellency's Government has not replied to this communication.

We would also like to recall joint communication AL LKA 1/2020 sent on 11 May 2020, concerning regressions in the field of transitional justice including the government's withdrawal from co-sponsoring Human Rights Council resolution 40/1 on 'promoting reconciliation, accountability and human rights in Sri Lanka'; the establishment of a Presidential Commission of Inquiry to look into 'alleged political victimization of public servants' (PCOI), which sought to halt legal proceedings in ongoing enforced disappearance cases and other grave human rights violations; the granting of pardon to former Army Sergeant Sunil Ratnayake, convicted for the murder of civilians in the "Mirusuvil massacre", and the allegations of surveillance, harassment and reprisals targeting human rights defenders and civil society actors. We regret that your Excellency's Government has not replied to this communication.

We would also like to recall joint communication AL LKA 1/2022 concerning the alleged assault and excessive use of force by police officers, against Tamil relatives of disappeared persons during a protest in Jaffna, which resulted in the injury of several women. We regret that no response has been received so far. Similarly, in May 2022, the Working Group on Enforced or Involuntary Disappearances issued a

General Allegation¹ expressing concern for the increasing number of allegations of relatives of disappeared persons being subjected to harassment and intimidation, including through threatening phone calls at night, surveillance and unannounced visits, by public officials and law enforcement officers. We regret the Government's failure to reply to this General Allegation.

We would also like to recall joint communication AL LKA 6/2020 sent on 6 October 2020, concerning alleged police harassment and excessive use of force against demonstrators and human rights defenders during a peaceful assembly for the International Day of the Victims of Enforced Disappearances held on 30 August 2020, in the districts of Jaffna and Batticaloa. We would be grateful to receive a reply to this communication.

According to the information received:

On 26 June 2023, during a televised interview, the President of Sri Lanka informed that legislation establishing a new a truth and reconciliation commission would be put for consideration before Parliament by August 2023. He indicated that foreign observers would be involved in the process and that the Commission would be largely based on the South African Truth and Reconciliation Commission. He also noted that once investigations are conducted by the new Commission, there will be no need for 'parallel' investigations. Civil society has expressed fear that this could mean the suspension of criminal investigations and prosecution.

With date unconfirmed, a document entitled "National Unity and Reconciliation Commission Bill 2023" (NURC bill) started circulating unofficially amongst stakeholders. The origin or status of the document was unconfirmed.

On 11 July 2023, during a presentation to civil society, the Minister of Foreign Affairs informed that the Government was designing a plan seeking advice from individual experts on transitional justice and looking at other countries' experiences (including South Africa, Nepal and Cambodia). In the same meeting, the Secretary to the President stated that "if this effort is successful, there will be no need for the country to go to the UN Human Rights Council in Geneva for another year." This point was highlighted on the President's official website. The unofficial document containing the NURC bill was not mentioned during this meeting.

On 18 July 2023, during a meeting with political parties representing the Tamil community in Parliament, the President of Sri Lanka informed that a bill on the NURC had been sent to the Attorney General for the certificate of constitutionality and would then be presented in Parliament, and that an "Interim Secretariat for [the] Truth Seeking Mechanism had been established and its Director General had been appointed". The official notes of this meeting were made public.

The bill on the NURC that is reportedly currently being reviewed by the Attorney General has not been officially published, shared or formally

¹ [General-allegation-Sri-Lanka-127.pdf \(ohchr.org\)](#)

consulted with relevant stakeholders, particularly the families of the disappeared and civil society organizations working in this field. The origin, status or official nature of the document that has been informally circulating with the title “National Unity and Reconciliation Commission Act, 2023” remains unknown. The latter reportedly contains the following elements:

Content of the unofficially circulated NURC bill

The bill document which has been circulating unofficially sets out the mandate of the NURC to conduct investigations and provide recommendations relating to “prolonged and grave” harm caused to persons as a result of loss of life and harm caused to persons or property during the conflict, political unrest or civil disturbances in the country. The document clarifies that the term “conflict” refers to the period between 24 July 1983 and prior to 18 May 2009.

According to section 55 of the text, the Attorney General will play a pivotal role during the investigations of the NURC and will have powers to request the NURC to make available to the Attorney-General copies of all statements and testimonies recorded and any other material collected or received by the Commission.

According to section 51, the NURC shall defer investigations into enforced disappearances if requested by the OMP “until such time when the Commission could resume such investigation without compromising the inquiries conducted by OMP.”

Section 2(v) grants powers to the NURC to: i) recommend “means of effective remedies for aggrieved persons and diverse reparation measures in respect of them, including by the referral of matters to the Office for Reparations”; ii) to recommend reparations (including restitution, financial compensation, welfare services and rehabilitation; and iii) to “direct its recommendations to the appropriate authorities, including to the Office for Reparations”.

Although mentioned during the President’s interview of 26 June 2023, the unofficial document of the NURC bill does not include reference to international observers monitoring the work of the NURC. The text also fails to include a witness protection mechanism. Witness protection guarantees are insufficiently embedded in the proposed bill.

Consultations

It is reported that the Government has organized three consultations on the proposed model for the NURC with civil society representatives, and with politicians representing the Tamil community.

On 11 July 2023, a meeting was convened by the Minister of Foreign Affairs and the Secretary to the President attended by around 50-60 civil society representatives. Reports indicate that several key stakeholders were not invited, including many representatives of the families of the disappeared and national and international civil society organizations working on transitional justice issues in the Northeast of the country. Government presentations were conducted in English. Interpretation was not provided which hampered the

participation of Tamil and Sinhala speaking participants.

On 18 July 2023, the President of Sri Lanka chaired a meeting with Tamil members of Parliament from the Northeast of the country regarding the current process and the NURC bill.

On 26 July 2023, the Foreign Minister of Sri Lanka and other officials, including the Director General of the Interim Secretariat, addressed a meeting regarding the proposed NURC with around 100 representatives of trade unions and civil society.

Perceptions on the process and security concerns

Civil society and victims' organizations have expressed skepticism in the process considering the lack of implementation of the recommendations of many previous commissions and task-forces, including the Consultation Task Force on Reconciliation Mechanisms which presented its report in 2017, the insufficient representation of affected communities and families of victims in the consultation process, and the insufficient witness protection guarantees embedded in the proposed bill.

It is also reported that victims and civil society organizations, among them human rights defenders, have been subjected to intimidation and surveillance. This intensification of vigilance by State authorities has been felt most prominently in the Northeast of the country. This has impacted on their ability to mobilize themselves on issues surrounding developments of the NURC Bill.

Insecurity remains a concern for civil society actors active in the field of transitional justice and relevant to this process. The ongoing presence of the military, the intensification of surveillance, and fear of retaliation from security forces, especially in the Northeast of the country, has prevented victims and civil society representatives to organize, meet and discuss freely regarding this process.

We express concern that the NURC bill reportedly before the Attorney General, has not been shared with victims and civil society. We welcome the consultation processes convened to inform about the process in place to establish the NURC, but regret that some families of victims, particularly victims of enforced disappearances, and most organizations working on transitional justice issues in the Northeast of the country, have reportedly not been invited to participate in the consultations. In this regard, we recall that international standards establish the duty of States to ensure the effective consultation and participation of victims and affected persons and communities in the design and implementation of transitional justice processes.

Furthermore, in regard to the reported intensification of surveillance and intimidation of victims and civil society, especially in the Northeast of the country, and the negative impact that this is having on their capacity to organize, meet and discuss freely regarding the NURC design and implementation process, we would like to emphasize that victims and civil society play a crucial role in societies coming out of conflict and that a continued adversarial relation with human rights defenders and victim groups can jeopardize any domestic initiatives for reconciliation and deprive

them of any credibility.

In addition, we express concern about the lack of clarity regarding the origin and status of the unofficially circulated text of the NURC bill and aspects of its provisions that may hamper the transitional justice process in the country. In particular, we note with concern that the period over which investigations may be conducted by the NURC (24 July 1983 and 18 May 2009), appears to exclude reported instances of serious human rights violations related to the conflict (including torture, enforced disappearances, and killings of internally displaced persons held in “rehabilitation camps”) that occurred prior and after this period. In addition, the prominent role afforded to the Attorney General under section 55 of the text raises concern in view of the national and international reports indicating a lack of independence of the institution. Moreover, the preeminence that section 51 of the text affords to the OMP over the NURC in the investigation of enforced disappearances, raises concerns in light of the reported failure of the OMP to deliver on its mandate, as reported for example by the Auditor General, and with regards to the apparent duplication of efforts requested from victims who may be called to provide evidence and testimonies to both processes. Furthermore, we are concerned that the unofficially circulated text of the NURC fails to clarify how the coordination between the NURC and the Office for Reparations, foreseen in section 2 (v), will be implemented and how the apparent overlap of their respective mandates will be avoided. Finally, we note with concern the insufficient witness protection guarantees embedded in the text and the lack of reference to the role that international observers may play in monitoring the work of the NURC.

In connection with the above alleged facts and concerns, we would like to remind your Excellency’s Government of its obligations to ensure the right to access to justice, truth and reparations, as guaranteed by various international human rights instruments. We recall that international standards establish the duty of States to adopt effective measures to ensure the security, physical and psychological well-being, and, where requested, the privacy of victims and witnesses who participate in transitional justice process.

In connection with the above alleged facts and concerns, please refer to the **Annex on Reference to international human rights law** attached to this letter which cites international human rights instruments and standards relevant to these allegations.

As it is our responsibility, under the mandates provided to us by the Human Rights Council, to seek to clarify all cases brought to our attention, we would be grateful for your observations on the following matters:

1. Please provide any additional information and/or comment(s) you may have on the above-mentioned allegations.
2. Please inform about the current status of the bill on the NURC and whether the document has been shared with victims and members of civil society, including those particularly affected by the conflict. If shared, please clarify when and which stakeholders.
3. Please provide information about the measures adopted by your Excellency’s Government to ensure the safe and effective consultation

and participation of victims and members of civil society, including those particularly affected by the conflict, in discussions regarding the design and implementation of the NURC.

4. Please provide information about the measures adopted by your Excellency's Government to ensure the security and physical and psychological well-being of victims, witnesses and civil society representatives who participate in transitional justice process, and to guarantee that they are allowed to organize, meet and discuss freely regarding the NURC design and implementation process without intimidation, harassment or fear of retaliation.
5. Please indicate what measures have been taken to ensure that human rights defenders, including civil society and activists, can operate in an enabling environment and can carry out their legitimate activities without fear of harassment, stigmatization or criminalization of any kind.

We would appreciate receiving a response within 60 days. Passed this delay, this communication and any response received from your Excellency's Government will be made public via the communications reporting [website](#). They will also subsequently be made available in the usual report to be presented to the Human Rights Council.

While awaiting a reply, we urge that all necessary interim measures be taken to prevent any irreparable damage to the life and personal integrity of human rights defenders and, especially, relatives of disappeared persons and their representatives, and to ensure that the NURC or any other truth and reconciliation commission to be established is credible and independent and that victims, their families and civil society are able to fully participate in its design, implementation and processes.

Please accept, Excellency, the assurances of our highest consideration.

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Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence

Aua Baldé

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Special Rapporteur on the rights to freedom of peaceful assembly and of association

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Special Rapporteur on the situation of human rights defenders

Annex

Reference to international human rights law

In connection with the above alleged facts and concerns, and without prejudice to the accuracy of these allegations, we would like to draw the attention of your Excellency's Government to article 2 of the Covenant on Civil and Political Rights, ratified by Sri Lanka in 1997, which establishes that States must undertake measures to ensure that persons whose rights or freedoms are violated shall have an effective remedy. Similarly, we would like to recall article 24 (paragraphs 1, 2, 3, 4, 5 and 7) of the International Convention for the Protection of All Persons from Enforced Disappearance, ratified by Sri Lanka on 25 May 2016, which enshrines the State's obligation to search for the disappeared, and to protect the rights of victims to truth, reparations, and to freedom of association.

In addition, we wish to bring to your Excellency's attention that victims of serious human rights violations and their relatives have the inalienable right to know the truth about past events concerning the commission of heinous crimes and about the circumstances and reasons that led, through massive or systematic violations, to the commission of these crimes, as set forth by the Updated Set of Principles for the Protection and Promotion of Human Rights through Action to Combat Impunity of February 2005. Furthermore, in its General Comment on the Right to Truth in Relation to Enforced Disappearances, the Working Group on Enforced or Involuntary Disappearances pointed out the "existence of the right to truth as an autonomous right." This right is "both a collective and an individual right." According to this right, "[e]ach victim has the right to know the truth about violations that affected him or her, but the truth also has to be told at the level of society as a 'vital safeguard against the recurrence of violations' (...)." The Working Group observed that the right to know the truth "is an absolute right, not subject to any limitation or derogation".

The right to truth requires States, in the aftermath of atrocities, to establish mechanisms and procedures empowered to seek information, establish the facts and effectively reveal the truth about what happened, thereby contributing to the fight against impunity, the strengthening of the rule of law and, ultimately, to reconciliation. Truth-seeking mechanisms, in particular state-sanctioned truth commissions, can be important instruments for redressing gross and systematic violations of human rights and serious violations of humanitarian law when implemented in a comprehensive manner. Truth commissions can and must give voice to victims and affirm their status as rights holders, contribute to social inclusion, help set reform priorities and provide essential information for the implementation of other transitional justice measures. A/HRC/24/42, para. 91.

Moreover, the 1992 United Nations Declaration on the Protection of All Persons from Enforced Disappearances² establishes that "all acts of enforced disappearance shall be offences under criminal law punishable by appropriate penalties which shall take into account their extreme seriousness (article 4), no order or instruction of any public authority, civilian, military or other, may be invoked to justify an enforced disappearance (article 6). Furthermore, no circumstances whatsoever, whether a threat of war, a state of war, internal political instability or any

² [Declaration on the Protection of all Persons from Enforced Disappearance](#)

other public emergency, may be invoked to justify enforced disappearances (article 7), and the right to a prompt and effective judicial remedy must be guaranteed as a means of determining the whereabouts or state of health of persons deprived of their liberty and identifying the authority ordering or carrying out the deprivation of liberty is required to prevent enforced disappearances under all circumstances (article 9).

The Declaration further sets out the necessary protection relating to the rights to be held in an officially recognized place of detention, and to be brought before a judicial authority promptly after detention; to accurate information on the detention of persons and their place of detention being made available to their family, counsel or other persons with a legitimate interest; and to the maintenance in every place of detention of official up-to-date registers of all detained persons (articles 10 and 12). The Declaration further stipulates that any person having knowledge or a legitimate interest who alleges that a person has been subjected to enforced disappearance has the right to complain to a competent and independent State authority and to have that complaint promptly, thoroughly and impartially investigated by that authority; and that steps shall be taken to ensure that all involved in the investigation, including the complainant, relatives, counsel, witnesses and those conducting the investigation, are protected against ill-treatment, intimidation or reprisal (article 13). The Declaration also establishes that States should take any lawful and appropriate action to bring to justice persons presumed to be responsible for acts of enforced disappearance (article 14), and that the persons responsible for these acts shall be tried only by ordinary courts and not by other special tribunal, notably military courts (article 16); not benefit from any amnesty law (article 18); and the victims or family relatives have the right to obtain redress, including adequate compensation (article 19).

In addition, in its study on standards and public policies for an effective investigation of enforced disappearances (A/HRC/39/46), the Working Group further reiterated that the 1992 Declaration prohibits amnesties or similar measures that might benefit persons who have or are alleged to have committed enforced disappearances (para. 59). In this regard, investigations related to enforced disappearance should be carried out until the fate of the disappeared is clarified and that this should be done within a reasonable time frame (para. 61). It also highlighted the importance for enforced disappearances to be criminalized as an autonomous crime as it allows the investigative authorities to understand the specific nature of the crime and the different investigative skills required, which are different from other crimes usually associated with enforced disappearances (para. 68).

It its General Comment on the right to truth³, the Working Group on Enforced Disappearances highlighted the procedural safeguards for victims of enforced disappearances. Namely, the State's obligation to investigate until the fate and the whereabouts of the person have been clarified; the obligation to have the results of these investigations communicated to the interested parties; the obligation to provide full access to archives; and the obligation to provide full protection to witnesses, relatives, judges and other participants in any investigation.

We recall that the Guiding Principles for the Search for the Disappeared⁴ of the Committee on Enforced Disappearances establish that the search for the disappeared should be undertaken with the assumption that the person is alive (principle 1); should respect the right to participation of the family of the disappeared

³ [A/HRC/16/48 \(undocs.org\)](https://undocs.org/A/HRC/16/48)

⁴ [Guiding principles for the search for disappeared persons | OHCHR](#)

(principle 5); and the search should be considered a continuing obligation (principle 7). In addition to the international human rights and humanitarian obligations set out in common article 3 of the 1949 Geneva Conventions, its two Additional Protocols require parties to the armed conflict to conduct search operations for the disappeared from the opposing side. Similarly, the 1992 Declaration also requires official investigations to continue until the fate and whereabouts of the disappeared person are established (article 13.6).

Concerning the need to ensure effective participation of victims and civil society, we would like to recall that the Updated Set of principles emphasize the meaningful role of victims and other sectors of civil society in transitional justice processes and the importance of broad public consultations in decisions related to the establishment and composition of truth commissions, the design, implementation and assessment of reparation programmes, as well as in the establishment of institutional reforms aimed at preventing a recurrence of violations (see principles 6, 32 and 35). We would also like to recall that Human Rights Council resolution 12/11 on Human rights and transitional justice reaffirms the important role played by victims' associations, human rights defenders and other actors of civil society in the realization of transitional justice goals and in the reconstruction of the society, as well as in the promotion of the rule of law and accountability (para. 14). This resolution stresses the importance of a comprehensive process of national consultation, particularly with those affected by human rights violations, in contributing to a holistic transitional justice strategy that takes into account the particular circumstances of every situation and is in conformity with human rights. It further underlines that truth-seeking processes have to be designed founded on broad national consultations with the inclusion of victims and civil society, including nongovernmental organizations (op. 5 and 12).

In this regard, we would also like to recall the Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law, which stipulates that victims should be treated with humanity and respect for their dignity and human rights, and appropriate measures should be taken to ensure their safety, physical and psychological well-being and privacy, as well as those of their families. The State should ensure that its domestic laws, to the extent possible, provide that a victim who has suffered violence or trauma should benefit from special consideration and care to avoid his or her re-traumatization in the course of legal and administrative procedures designed to provide justice and reparation (section VI, principle 10). Measures must be taken to minimize the inconvenience to victims and their representatives, protect them against unlawful interference with their privacy as appropriate and ensure their safety from intimidation and retaliation, as well as that of their families and witnesses, before, during and after judicial, administrative, or other proceedings that affect the interests of victims (article 12). In his report A/HRC/34/62, the Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence called on all Member States and all relevant parties to a conflict to guarantee the security of those who have not only already been victimized, but who are willing to make the extraordinary effort, almost invariably at high cost to themselves and their families, to contribute to the success of transitional justice measures (para. 98).

In addition, we wish to recall the right of victims to receive adequate, effective and prompt reparation for the harm suffered, and to have access to relevant

information on reparation mechanisms, as established in the Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law. Full and effective reparation must include the following forms: restitution, compensation, rehabilitation, satisfaction and guarantees of non-repetition (paragraphs 10, 11, 15 and 18).

Furthermore, we wish to note that reconciliation is not to be conceived in terms of an outcome that can be pursued in the absence of initiatives that promote justice, truth, reparations, and guarantees of non-recurrence, among other interventions (A/HRC/21/46). Reconciliation at the social level is not a matter of one-to-one encounters – even less if those are unrequested – but of establishing institutions that are trustworthy and that genuinely embody the idea that victims as well as all others are rights holders (A/HRC/24/42, para. 49). Reconciliation is therefore understood as the reconstruction of trust between the State – the guarantor of individual rights – and society, and consequently, among members of society. This trust can only be achieved when the State upholds its legal and institutional obligations and develops a comprehensive transitional justice process in consultation and full cooperation with victims.

We would also like to recall the findings and recommendations of the former Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence, following his country visit to Sri Lanka contained in report A/HRC/45/45/add.1, in particular his recommendation addressed to the Government to develop a comprehensive transitional justice strategy that includes a clear timeline for the establishment of the different transitional justice mechanisms and allows the public to engage in consultations in the development of the strategy (section A, para.86.a).

We also recall that articles 19 and 21 of the ICCPR protect the right to freedom of opinion and expression and to freedom of peaceful assembly respectively. States not only have a negative obligation to abstain from unduly interfering with the rights of peaceful assembly and of association but also have a positive obligation to facilitate and protect these rights in accordance with international human rights standards. This means ensuring that the rights to freedom of expression and to freedom of peaceful assembly and of association are enjoyed by everyone, without discrimination on the basis of race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status (article 2 (1) of the International Covenant on Civil and Political Rights).

In addition, we refer to the report of the Special Rapporteur on the rights to freedom of peaceful assembly and of association A/HRC/20/27, which clearly stated that “States should facilitate and protect peaceful assemblies, including through negotiation and mediation. Wherever possible, law enforcement authorities should not resort to force during peaceful assemblies and ensure that, “where force is absolutely necessary, no one is subject to excessive or indiscriminate use of force” (para. 89).

We would also like to refer your Excellency's Government to the fundamental principles set forth in the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms, also known as the UN Declaration on Human Rights Defenders. In particular, we would like to refer to articles 1 and 2 of the

Declaration which state that everyone has the right to promote and to strive for the protection and realization of human rights and fundamental freedoms at the national and international levels and that each State has a prime responsibility and duty to protect, promote and implement all human rights and fundamental freedoms.

Furthermore, we would like to bring to the attention of your Excellency's Government the following provisions of the UN Declaration on Human Rights Defenders:

- Article 5 (b), which provides for the right to form, join and participate in non-governmental organizations, associations or groups;
- Article 5 (c), which provides for the right to communicate with non-governmental or intergovernmental organizations;
- article 6 point a), which provides for the right to know, seek, obtain, receive and hold information about all human rights and fundamental freedoms;
- article 6 points b) and c), which provides for the right to freely publish, impart or disseminate information and knowledge on all human rights and fundamental freedoms, and to study, discuss and hold opinions on the observance of these rights;
- article 9, paragraph 1, which provides for the right to benefit from an effective remedy and to be protected in the event of the violation of those rights;
- and article 12, paragraphs 2 and 3, which provides that the State shall take all necessary measures to ensure the protection of everyone against any violence, threats, retaliation, de facto or de jure adverse discrimination, pressure or any other arbitrary action as a consequence of his or her legitimate exercise of the rights referred to in the Declaration.