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September 8, 2017

UN Working Group on business
and human rights
Palais des Nations
CH-1211 Geneva 10
Switzerland

Re: Human rights defenders and civic space in the context of business activities

Dear UN Working Group,

Human Rights Watch welcomes the opportunity to provide recommendations on human rights defenders and the importance of civic space in the context of business activities and human rights. We are pleased that you have decided to give focused attention to these issues and attach our input in response to your request.

Our submission focuses on our documentation and monitoring of human rights defenders in both the business and development finance contexts. We include emblematic examples of cases of attacks on human rights defenders and the shrinking of space for civil society in Burma, Honduras, and the United Arab Emirates. These cases are followed by recommendations we have made during our ongoing engagement with companies and international financial institutions around these issues.

We also encourage you to address the role of international financial institutions (IFIs) in the context of business and human rights. IFIs affect the human rights practices of businesses in several ways. Several IFIs, including the International Finance Corporation (IFC) and regional development banks, fund businesses directly and seek to guide business practice through rules developed by the institutions. While public sector lending banks do not finance companies directly, governments typically hire private companies to provide necessary goods and services to

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implement projects financed by these institutions. Furthermore, the rules that IFIs set out are typically understood by companies as international best practice, increasing an IFI's influence beyond its actual investments.

We attach as an annex a recent submission to Michel Forst detailing how governments and powerful companies have threatened, intimidated, and misused criminal laws against outspoken community members who stand to be displaced or otherwise allegedly harmed by projects financed by the World Bank and its private sector lending arm, the International Finance Corporation. We also refer you to our 2015 report, [At Your Own Risk: Reprisals against Critics of World Bank Group Projects](#).

Thank you for your attention to these issues. Should you wish to discuss our submission or have any questions, please contact Komala Ramachandra at ramachk@hrw.org.

Sincerely,



Komala Ramachandra
Senior Researcher on Business
and Human Rights
Human Rights Watch



Jessica Evans
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Human Rights Watch Submission: Recommendations on Human Rights Defenders and Civic Space in the Context of Business Activities

I. Introduction

Human rights defenders and civil society are instrumental in highlighting the human rights responsibilities of business and of development finance institutions. In the experience of Human Rights Watch, some changes in policy or practice by these institutions have been preceded by human rights defenders exposing the problems related to these institutions. For that reason, the protection of human rights defenders is essential in advancing greater respect of human rights by such institutions.

The UN Guiding Principles on Business and Human Rights (UNGPs) are both the product and response to years of work by human rights defenders and civil society highlighting the need for human rights standards to apply to business. The UNGPs have moved the world closer to consensus around the minimum core human rights responsibilities of businesses. The Voluntary Principles on Security and Human Rights (VPs) establish a solid framework for how extractives companies should seek to grapple with complex security issues. However, this growing landscape of voluntary standards remains, quite deliberately, an accountability-free zone. Companies take up their human rights responsibilities with varying degrees of seriousness and competence, and those that choose to ignore them altogether face few, if any, consequences. Navigating complex and unfamiliar human rights contexts would be made easier for companies with meaningful government oversight and guidance.

All businesses should have adequate policies and procedures in place to identify, prevent, mitigate, and account for their impact on human rights. To meet its human rights responsibilities, a company should carefully assess potential human rights risks, monitor the impact of their activities on an ongoing basis, seek to prevent or mitigate harm, and adequately address any adverse human rights impacts it causes or to which it has contributed. This is especially important in regards to the protection of human rights defenders, who often face threats or reprisals both by governments and private actors due to their work in exposing abuses and promoting transparency and accountability around business activities. Human rights defenders are also key interlocutors for business if they intend to conduct adequate due diligence and mitigation as the UNGPs require.

Companies should also design early warning systems and other adequate responses to reprisals against human rights defenders and other critics of projects. In high-risk operating environments, in cooperation with independent civil society organizations, companies should create independent oversight mechanisms including third party monitoring and an independent grievance redress mechanism.

II. Adverse impact of business activity on human rights defenders and closing civic space in Burma, Honduras, and UAE

Lack of consultation with affected communities in Karen State, Burma

Human Rights Watch has documented land seizures in Burma's Karen State, and reprisals against human rights defenders who protested the lack of adequate consultation with communities around business activities that affected their livelihoods and lives.¹ This happened in the context of investors and companies acquiring land through questionable means, thus depriving farmers of their land and the opportunity to farm, which is the primary source of their livelihoods. Human Rights Watch found that the companies involved in land expropriation failed to provide villagers with enough notice to be able to contest the confiscation or sale of their land, despite legal requirements to do so. We also documented intimidation and criminal prosecutions of protesters and delays and outright refusals in granting of permits to protest. Those protesting for the return of their land also faced threats of police surveillance. In July 2017 the Assistance Association for Political Prisoners estimated that 39 people were in prison for politically-related offenses around exercising their civil and political rights, and observers noted that a significant number of these political prisoners were imprisoned for their work related to land issues.²

¹ See Human Rights Watch, "The Farmer Becomes the Criminal: Human Rights and Land Confiscation in Karen State," November 3, 2016, <https://www.hrw.org/report/2016/11/03/farmer-becomes-criminal/human-rights-and-land-confiscation-karen-state>.

² "July 2017 AAPP Monthly Chronology," Assistance Association for Political Prisoners (Burma), <http://aappb.org/2017/08/aapp-monthly-chronology-of-july-2017-and-current-political-prisoners-list/> (accessed September 6, 2017).

Seizure of land and lack of investigations in Honduras

In May 2014 the Inter-American Commission on Human Rights (IACHR) ordered the Honduran government to ensure protective measures for peasant movement leaders. However, in 2016, the murder of human rights defenders in the region continued. Berta Cáceres, the general coordinator of the Civic Council of Popular and Indigenous Organizations of Honduras (COPINH) and winner of the 2015 Goldman Environmental Prize for South and Central America, was murdered by gunmen in March after police did not investigate any of the 33 death threats she had reported. Her murder was suspected to be part of a conspiracy with the firm contracted to build the Agua Zarca dam that she had campaigned against. In October two land rights activists of the Unified Peasant Movement of Aguán who were subject to the IACHR's protective measures were gunned down, leading Human Rights Watch to renew its call on the government to take steps to end impunity for attacks against land and environmental rights defenders.³

Human Rights Watch has documented the Honduran government's failure to investigate abuses by soldiers, police, and security contractors linked to the operations of palm oil companies in the Bajo Aguán region.⁴ Private security guards employed by landholding firms were involved in intimidation, threats, and acts of violence such as beatings and killings against peasants. In some cases, government security forces were involved in arbitrary detentions, torture, and forced evictions. According to a report by the National Human Rights Commissioner of Honduras, between 2009 and 2012, 92 people were killed in land disputes in the Bajo Aguán region, and most were members of peasant organizations, but a lack of official investigations made it virtually impossible to hold perpetrators or their sponsors to account. We witnessed a high level of distrust that characterized peasant organizations who saw the government as incompetent and possibly collaborating with private landholding firms.

³ "Honduras: Investigate Killings of Land Rights Leaders," Human Rights Watch news release, October 21, 2016, <https://www.hrw.org/news/2016/10/21/honduras-investigate-killings-land-rights-leaders>, and "Honduras: Investigate Environmental Activist's Killing," Human Rights Watch news release, March 4, 2016, <https://www.hrw.org/news/2016/03/04/honduras-investigate-environmental-activists-killing>.

⁴ See Human Rights Watch, "'There Are No Investigations Here': Impunity for Killings and Other Abuses in Bajo Aguán, Honduras," February 12, 2014, <https://www.hrw.org/sites/default/files/reports/honduraso214web.pdf>.

Human Rights Watch documented how private security firms were largely employed by private landholding firms in Bajo Aguán and other rural areas. We investigated 29 killings, 13 of which suggested the involvement of private guards. The allegations of such abuses by private security providers were so serious that the World Bank's Compliance Advisor/Ombudsman (CAO), the accountability mechanism for the International Finance Corporation's (IFC) private sector lending activities, triggered an audit of IFC lending to the palm oil company Corporación Dinant. The audit concluded that the IFC had not complied with its performance standards, including security standards that draw on the VPs. In response, under much pressure from Human Rights Watch and other organizations, the IFC suspended further disbursements to Corporación Dinant.⁵

Abusive digital surveillance used against prominent human rights activist in the United Arab Emirates and elsewhere

On March 20, 2017, the United Arab Emirates (UAE) government detained Ahmed Mansoor, winner of the 2015 Martin Ennals Award for Human Rights Defenders, pending charges related to his activity on social media and in apparent violation of his freedom of expression. Upon Mansoor's arrest he was not allowed access to his family or to a lawyer. On March 28 a group of United Nations human rights experts called on the UAE government to release him immediately, describing his arrest as a "a direct attack on the legitimate work of human rights defenders in the UAE." His use of Twitter to call attention to human rights violations in the region is being called a "cybercrime," based on alleged violation of the UAE's 2012 repressive cybercrime law, which has resulted in the imprisonment of numerous activists for long prison terms and with hefty financial penalties.⁶

⁵ "World Bank Group: Inadequate Response to Killings, Land Grabs," Human Rights Watch news release, January 10, 2014, <http://www.hrw.org/news/2014/01/10/world-bank-group-inadequate-response-killings-land-grabs>.

⁶ "UAE: Free Prominent Rights Defender," Human Rights Watch News Release, April 20, 2017, <https://www.hrw.org/news/2017/04/20/uae-free-prominent-rights-defender>.

Citizen Lab, the Toronto-based research group, reported in August 2016 that Mansoor had received phishing text messages on his iPhone.⁷ If he had clicked the links, they would have secretly installed spyware that allowed full access to his phone and communications, including access to the microphone, camera, stores passwords, and location data. The software was linked to an Israeli spyware company whose technology was also reportedly found on the cell phones of Mexican journalists and anti-corruption activists.⁸ In August 2017 various NGOs called on the company to release its internal corporate governance documents, especially regarding due diligence and violations of terms of use by its customers. The company insisted that their products are solely for the investigation of terror and crime and did not address questions on how it responds to requests for surveillance, such as of human rights defenders, by its government clients.⁹ Our research has also documented how foreign telecommunications and surveillance technology firms facilitated abusive surveillance by the Ethiopian government, which targeted political opponents and civil society actors and silenced independent voices.¹⁰

III. Recommendations

The following recommendations are specifically directed at companies and are derived from our research on and documentation of human rights abuses linked to business activity, as portrayed in the above examples. Governments' obligations are not addressed in these recommendations. For businesses to best recognize and address the role of human rights defenders and civic space in their activities, they should consider several levels of responsibilities. First, businesses need to understand the operating environment in terms of the presence of and space for human rights defenders and community criticism

⁷ The Citizen Lab, "The Million Dollar Dissident," Munk School of Global Affairs at the University of Toronto, August 24, 2016, <https://citizenlab.ca/2016/08/million-dollar-dissident-iphone-zero-day-nso-group-uae/> (accessed September 6, 2017).

⁸ "Mexico: Investigate Spyware Attack," Human Rights Watch news release, June 20, 2017, <https://www.hrw.org/news/2017/06/20/mexico-investigate-spyware-attack>.

⁹ "Mexico: Govt. allegedly uses NSO Group's anti-terrorist software to spy on journalists, activists and human Rights defenders," Business & Human Rights Resource Centre, <https://business-humanrights.org/en/mexico-govt-allegedly-uses-nso-groups-anti-terrorist-software-to-spy-on-journalists-activists-and-human-rights-defenders> (accessed September 6, 2017).

¹⁰ "Ethiopia: Telecom Surveillance Chills Rights," Human Rights Watch news release, March 25, 2014, <https://www.hrw.org/news/2014/03/25/ethiopia-telecom-surveillance-chills-rights>.

of business activities. Second, businesses should ensure that their own activities and those of their affiliates/associates do not contribute to or result in abuses against human rights defenders or other community members. Finally, businesses should be ready to respond to government reprisals against critics of their activities.

Recommendations for businesses on understanding and responding to the environment for freedom of expression, assembly, association and information

- In the course of their due diligence processes, companies should consider the environment for freedom of expression, assembly, association, and information when analyzing risks related to proposed projects and before engaging in business activity. They should outline any restraints on these freedoms that would affect public participation in consultation processes or criticism of their activities. These due diligence processes should be ongoing throughout the period of business activity to capture new or assess ongoing risks and should be conducted in a transparent way, with reports made accessible to all affected people.
- Issues for businesses to consider include:
 - The legislative environment for CSOs, including an analysis of whether CSO legislation meets international human rights standards and whether there are other laws, including anti-terrorism legislation, that are used against activists, journalists, and other critics. The assessment should draw on the analysis of human rights treaty bodies and special procedures as well as independent groups that specialize in this area.¹¹
 - Any laws or practices that tend to prevent people from peacefully demonstrating or constrain their exercise of that right in violation of international law, or punish peaceful demonstrators through criminal sanctions or other means;
 - Whether there is a pattern of surveillance of government critics or independent groups;

¹¹ The work of the Human Rights Committee and the special rapporteurs on freedom of expression, freedom of assembly and association, and human rights defenders will be particularly relevant as well as that of NGOs that specialize in this area, including ICNL. Companies may wish to consider existing checklists that will assist in this analysis, such as “Checklist for CSO Laws,” International Center for Not-for-Profit Law (ICNL), 2006, <http://www.icnl.org/research/library/files/Transnational/checklisten.pdf> (accessed September 6, 2017).

- Whether there is free access to information within the country, or whether there are significant obstacles to this including, for example, a pattern of internet blocking;
- Whether community activists or organizers, people working for CSOs, labor union leaders, journalists, or other government critics are arbitrarily detained or victims of extrajudicial killings;
- Whether there is direct or indirect discrimination against women or marginalized groups that is likely to undermine their opportunity to participate in development decisions;¹² and
- Whether there are security issues that are likely to undermine the opportunity of people or groups of people—particularly women and girls as well as sexual and gender minorities—from participating in development decisions, for instance, where homosexuality propaganda laws are in place.
- When companies find that the environment for freedom of expression, assembly, association, and information is restricted, they should implement measures to ensure respect for these rights within the scope of their operations. Companies should convey these measures to affected individuals, communities, and civil society organizations on an ongoing basis. Where the restrictive environment is the result of government practices, companies should engage the government to promote protection of these freedoms in the context of their business activities.

Recommendations for businesses on regulating their own operations and those of their private-sector affiliates/associates

- Companies should support civil society’s ability to operate openly and without undue restrictions, particularly in relation to their business activity.
- Companies should strive to cultivate space for dialogue about their business activities by outlining measures that allow people to safely participate in consultation, and that consultation is free of coercion and duress.
 - Companies should actively offer opportunities for those who may be impacted by projects to be involved in deciding the terms of participation, including the role of supporting organizations like unions or civil society groups, the scope of issues

¹² Article 2(2) of the International Covenant on Economic, Social and Cultural Rights requires that states guarantee rights regardless of race, color, sex, language, religion, political or other opinion, national or social origin, property, birth, or other status.

and questions to be addressed, their framing and sequencing, and rules of procedure.¹³

- Companies should take necessary steps to facilitate the participation of all affected individuals but especially of traditionally marginalized or often excluded groups, including women, and also allow participation of unions and civil society organizations that represent or support those affected by business activities.
- Companies should obtain free, prior, and informed consent from Indigenous peoples whose lands or territories and other resources are affected in any way by their business activities.
- Companies should take additional measures where there is a risk of violence against any participants in consultations, to ensure that they can freely participate without risk of violence, criminal charge, or other reprisal.
- Companies should proactively and periodically consult those that may be impacted by their activities to identify risks, determine their protection needs, and work with the government and other relevant parties to provide the necessary protection.
- Companies should integrate into their reports and evaluations of projects consideration of measures taken to support meaningful participation of civil society organizations and communities, to prevent reprisals, to monitor and respond to early signs of a risk of reprisals, and to respond vigorously to any reprisals that may occur.
- Companies should commit to not retaliating against project critics, to taking all reasonable measures to prevent retaliation against project critics by other parties, and should investigate all allegations of retaliation.
- Companies should be attentive to displays of concern and discontent regarding proposed and ongoing projects and work with all partners to ensure that people who are expressing their discontent are not stigmatized in any way.
- In order to incentivize staff to take all necessary measures to prevent reprisals and vigorously respond if reprisals occur, integrate the above duties into the job descriptions and performance appraisals of employees, particularly managers.
- Companies should prevent abuses by security personnel, including by:
 - Only employing private security firms that are registered with the government;

¹³ Report of the Special Rapporteur on the human right to safe drinking water and sanitation, A/69/213 (July 2014). <https://documents-dds-ny.un.org/doc/UNDOC/GEN/N14/490/o8/PDF/N1449008.pdf?OpenElement>

- Ensuring that private security firm personnel and firearm lists are kept fully up-to-date, retaining daily records of which personnel are assigned to which properties, and otherwise being in full compliance with national laws;
- Cooperating fully and promptly with police, public prosecutors, and investigators investigating crimes allegedly involving members of private security firms;
- Requiring public or private personnel providing security for the company comply with international standards and be trained effectively on these standards; and
- Investigating all use of force, holding accountable through administrative sanctions any use of excessive force, and providing detailed information about such investigations to relevant law enforcement agencies so that they can pursue criminal charges as appropriate.
- Companies should respect the right of affected individuals, communities, and civil society organizations to access and use state-based judicial and non-judicial remedy. Companies should commit to not blocking access to remedy, including through intimidation, legal action, or other forms of retaliation.
- Companies should develop project-level grievance mechanisms that are well-resourced, impartial, effective, protected against corruption, and free from political and other types of influence. Project-level grievance mechanisms should be designed in consultation with affected individuals and communities and other potential users of the mechanism.
 - They should ensure that affected individuals, communities, and civil society organizations have information about how and to whom to submit a complaint, as well as on the established timeline and stages for processing their complaint. In addition, ensure they be provided with particular material of other avenues for complaint should they be threatened or intimidated in any way. They should ensure that such mechanisms be accessible to the most marginalized of those affected, and that special efforts are made to inform marginalized groups of these mechanisms.
 - When companies' due diligence indicates they are operating in high-risk environments, they should create independent mechanisms including third party monitoring and an independent grievance redress mechanism, in cooperation with independent civil society organizations.
 - Companies should incorporate procedures early in the grievance mechanism process to identify potential or actual threats against those who have filed or are

- considering filing a complaint and put in place protection measures as agreed with the complainant.
- Companies should publicly report on complaints received, while respecting confidentiality and safety of complainants.

Recommendations for businesses on responding to government reprisals and overreach linked to their activities

- Businesses should support civil society's ability to operate openly and without undue restrictions. To start, businesses should take note of the government's use of coercion, intimidation, excessive force, or criminal proceedings to clamp down on dissent. They should use their leverage to encourage the government to respect its international obligations, to reform laws that may not be in line with international standards, and to emphasize that governments have an obligation to prevent, investigate, prosecute, punish, and remedy reprisals by non-state actors, including companies, as well as by government officials. Companies' dialogue with governments on this should include an elaboration of how they will respond to any reprisals including the potential for concrete negative consequences for cooperation should governments carry out, condone, or fail to respond appropriately to reprisals. If governments refuse to respond to companies' attempts to end government reprisals related to their business activity, the company should seek ways to cease those business activities that cause, contribute, or are related to government reprisals.
- Companies should consistently emphasize to governments that individuals and communities be free to criticize their activities and that such feedback can be an important part of enhancing the impact and effectiveness of their work, and that reprisals against critics or people otherwise involved in such activities will be publicly and vigorously opposed.
- Companies should monitor for public labeling of critics of their activities, immediately address such labeling and emphasize that all input, irrespective of how critical, is important, and ensure that people who express their discontent not be stigmatized in any way.
 - Companies should agree with governments how protests outside their offices or linked to their investments will be policed in a rights-respecting manner, and identify and respond to reports of abuses against protesters.
 - As soon as there is a reprisal of any kind, companies should work with those at risk to develop and implement all necessary protection measures that are sensitive to

gender, race, ethnicity, age, disability, gender identity or sexual orientation, or other status or classification, including whether measures should be taken for people closely associated with them or in their household. Protection measures should not hinder those at risk from continuing their work as advocates or human rights defenders. The efficacy of protection measures should be monitored periodically with the close participation of those at risk.

- Companies should publicly denounce instances of reprisal linked in any way to their activities or the sector they are working in, using messaging that emphasizes the important role that human rights defenders play in improving the work of businesses. These public statements should maintain confidentiality of the individuals facing reprisals if requested by those at risk after considering whether public identification may increase risk and to mitigate future risks.
- Companies should raise specific incidents of reprisals with senior government officials and actively seek an appropriate response, including the unconditional release of critics detained on trumped-up or fabricated charges.
- Businesses should ensure the existence of safe, accessible, and effective channels for community complaints so that complaints may be raised directly with the company. The design of complaint systems should reflect input from affected individuals and groups, and independent expert advice. Businesses should conduct sustained public outreach to those affected by their activities about all forms of remedy.
- Companies should promote and protect the rights to privacy and freedom of expression, online and offline, even in countries with poor rule of law.
 - Telecommunications operators and Internet companies should refuse to acquiesce to government requests to shut down mobile or Internet networks that civil society actors rely on to access information and communicate.
 - Companies that sell surveillance technologies, including spyware firms and telecommunications vendors, should scrutinize the end user and end uses for potential human rights harm, as well as local laws governing surveillance, before concluding such sales, and refrain from doing business in countries where abuse of surveillance technology is foreseeable. If companies become aware of abuses of their technology in existing markets, they should immediately cease all support for their products.

Annex: Human Rights Watch August 2017 submission to Michel Forst regarding the Situation of Human Rights Defenders Working on Business and International Financial Institutions

1. Human Rights Obligations of International Financial Institutions (IFIs)

Human Rights Watch believes it is important for UN experts to ground their work on IFIs in the human rights standards applicable to these institutions. With the exception of the European banks, IFIs often argue that they are bound only by their own internal standards, rather than international human rights standards. It is essential that UN human rights experts counter this.

As an international organization, the World Bank derives human rights obligations from customary international law and general principles of law.¹⁴ As a UN specialized agency, it

¹⁴ ILC, “Draft Articles on the Responsibility of International Organizations,” Report of the International Law Commission, Sixty-third session, UNGAOR 66th session, U.N. Doc. A/66/10, http://legal.un.org/ilc/texts/instruments/english/commentaries/9_11_2011 (accessed May 31, 2017), commentary to art. 4 (b), para. 2, p. 14. International Law Association, “Final Report of the International Law Association Committee on Accountability of International Organizations,” 2004, p. 22: “Human rights obligations, which are increasingly becoming an expression of the common constitutional traditions of States, can become binding upon IO-s in different ways: through the terms of their constituent instruments; as customary international law; or as general principles of law or if an IO is authorized to become a party to a human rights treaty. The consistent practice of IO-s points to a recognition of this. Moreover, certain human rights obligations may have attained the status of peremptory norms,” <file:///C:/Users/panayod/Downloads/Final%20Conference%20Report%20Berlin%202004..pdf> (Final Conference Report Berlin, accessed May 31, 2017). International Law Commission, “Yearbook of the International Law Commission, Report of the Commission to the General Assembly on the work of its fifty-third session,” Vol. II pt. 2, U.N. Doc. A/CN.4/SER.A/2001/Add.1, 2001, article 26 para. 5: “Peremptory norms that are clearly accepted and recognized include the prohibitions of aggression, genocide, slavery, racial discrimination, crimes against humanity and torture, and the right to self-determination,” http://legal.un.org/ilc/publications/yearbooks/english/ilc_2001_v2_p2.pdf (accessed May 31, 2017). See also the Furundzija case before the International Criminal Tribunal for the former Yugoslavia, where the prohibition of torture was recognized *jus cogens*: Prosecutor v. Anto Furundzija, ICTY, The Judgement of the Trial Chamber, JL/PIU/372-E, December 10, 1998, <http://www.icty.org/sid/7609> (accessed May 31, 2017); See also the related concept of *erga omnes* obligations (owed by all States to the international community) in the Barcelona Traction case (Belgium v. Spain), ICJ Rep. 1970, paras. 33 and 34, <http://www.icj-cij.org/docket/files/50/5387.pdf> (accessed May 31, 2017); See also the East Timor case (Portugal v. Australia), judgment of 30 June

has an obligation to respect and promote human rights and fundamental freedoms for all without distinction as to race, sex, language, or religion.¹⁵ In addition to the World Bank bearing human rights obligations in its own legal capacity, each of its member countries has similar and additional specific human rights obligations that derive, for example, from treaties to which they are a party. As UN member states, they are also obliged under article 103 of the UN Charter to comply with the Charter over other international agreements in the event of a conflict between the two.¹⁶ The International Bill of Rights, which refers to the combination of the Universal Declaration of Human Rights (UDHR), the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social, and Cultural Rights (ICESCR), is recognized as the key source used to interpret the rights provisions in the UN Charter.¹⁷ Moreover, both states¹⁸ and IFIs¹⁹ have obligations to

1995, ICJ Rep, 1995, p. 90, <http://www.icj-cij.org/docket/files/84/6949.pdf> (accessed May 31, 2017).

¹⁵ Charter of the United Nations, June 26, 1945, 59 Stat.1031, T.S. 993, 3 Bevans 1153, entered into force Oct. 24, 1945, art. 55, 56. The World Bank is a specialized agency of the UN as a result of an agreement between the Bank and the UN's Economic and Social Council (ECOSOC) in 1946: Agreement between the UN and the IBRD, entered into force, 1946, 16 U.N.T.S. 346.

¹⁶ Charter of the United Nations, *Supra* note 44, art. 103: "in the event of a conflict between the obligations of the Members of the United Nations under the present Charter and their obligations under any other international agreement, their obligations under the present Charter shall prevail."

¹⁷ The UN special rapporteur on the right to food has stated that "[t]he growing consensus is that most, if not all of the rights enumerated in the [UDHR] have acquired a customary status in international law." Olivier De Schutter, *International Human Rights Law: Cases, Materials, Commentary*, (Cambridge: Cambridge University Press, 2010), p. 50; See also "Tilburg Guiding Principles on World Bank, IMF and Human Rights," 2002, <http://www1.umn.edu/humanrts/instree/Tilburgprinciples.html>, (accessed May 31, 2017): "The Universal Declaration of Human Rights of 1948 is a 'common standard of achievement for all peoples and all nations' (Preamble of the Declaration). At the beginning of the new Millennium, the Declaration goes far beyond being merely a moral or political obligation, as large parts of it belong to international customary law, while some rights have developed into *jus cogens* standards."

¹⁸ Art. 2(3)(a) ICCPR. Art. 9 of the Declaration on Human Rights Defenders further underscores that everyone performing activities in defense of human rights has the right to benefit from an effective remedy and to be protected in the event of violations. See UN General Assembly, Report of the Special Rapporteur on the situation of human rights defenders, Margaret Sekaggya, A/65/223, August 4, 2010, <http://www2.ohchr.org/english/issues/defenders/docs/A-65-223.pdf> (accessed May 31, 2017), para. 44.

¹⁹ UN General Assembly, Report of the Special Rapporteur on the situation of human rights defenders, Margaret Sekaggya, A/68/262, August 5, 2013. See also, Report of the Special Representative of the Secretary General on Human Rights Defenders, Hina Jilani, A/58/380, September 18, 2003, <http://www.refworld.org/pdfid/403b132c7.pdf> (accessed May 31, 2017), para. 73; UN Human Rights Council, Report of the Special Rapporteur on the situation of human rights

provide effective remedies for human rights violations to which they contribute or for which they are responsible.

Contrary to the arguments of some, certain international human rights standards do apply to IFIs. IFIs should not only refrain from directly violating those rights protected under international law, but also factor them into decision making and address them if they arise.

2. IFIs Do Not Work to Prevent or Respond to Reprisals Against Critics

Human Rights Watch research has revealed that IFIs have done little to prevent or respond to reprisals against critics of projects that they finance. Our 2015 report [At Your Own Risk: Reprisals against Critics of World Bank Group Projects](#), documents cases of individuals and communities in Cambodia, Ethiopia, India, Uganda, Uzbekistan, and elsewhere that have faced reprisals from governments and powerful companies for criticizing projects financed by the World Bank and the IFC. These reprisals take a variety of forms. We documented cases where project critics and concerned community members have been the target of threats, intimidation tactics, and baseless criminal charges, as well as situations where security forces have responded violently to peaceful protests, physically assaulting community members and arbitrarily arresting them. Some women have faced sexual harassment or gender-based threats, attacks, or insults when they speak out. In other cases, critics or their family members have been threatened with the loss of their jobs or livelihoods. In many countries, these reprisals often occur within a broader effort to demonize critics as unpatriotic or “anti-development.”²⁰

Despite the grave risks that people living in communities affected by World Bank and IFC-financed projects take to speak out about the problems that they see with such projects or the harm that they face, the World Bank and IFC have done little to secure a safe environment in which people can speak freely without risk of reprisals. Bank and IFC officials failed to respond meaningfully to these breaches, doing little to support or compensate victims or to deter future attacks, despite the Group’s stated commitment to the principles of participation and accountability. In some cases, the World Bank Group has failed even to take appropriate action when people have suffered reprisals specifically because they were involved in bringing human rights concerns to the attention of Group officials.

defenders, Margaret Sekaggya, A/65/223, August 4, 2010, para. 44. Special rapporteurs and the Special Representative have emphasized that failure to take these actions leads to further attacks against human rights defenders and further violations of their rights.

²⁰ Human Rights Watch, *At Your Own Risk: Reprisals against Critics of World Bank Group Projects*, June 22, 2015, p. 3, https://www.hrw.org/sites/default/files/report_pdf/worldbanko615_4up.pdf.

In repressive environments, the World Bank Group has often closed its eyes to the risk of abuse rather than engage in difficult conversations with partner governments.²¹

In the past, the World Bank Group has occasionally responded swiftly and publicly to certain high-profile incidents of reprisals. Former World Bank Group President James Wolfensohn intervened at the highest level of government, and publicly reported on his interventions when an Inspection Panel complainant and opposition leader was arrested in Chad in 2001. A World Bank official also spoke publicly against the Cambodian government's violent crackdown on protestors in 2002, highlighting how such actions run contrary to any commitment to participation and accountability.²²

Although even at the time they were sporadic, such efforts by the Bank to respond to reprisals appear to have been replaced by, at best, quiet conversations behind closed doors with questionable utility. At worst, the prevailing response seems in some cases to have been one of complete apathy.

The World Bank should consistently emphasize to member countries that criticism of World Bank Group-financed activities is welcomed and seen as an important part of improving the impacts of development efforts—and that reprisals against critics or people otherwise involved in such activities will be publicly and vigorously opposed. Please see attached our recommendations to the World Bank Group, which apply equally to other development finance institutions.²³

3. Cultivate Space for Public Dialogue

In recent years, a growing number of governments have embarked upon broad and sometimes brutal campaigns to shut down the space for civil society activity, in some cases going so far as to criminalize independent human rights work. These abusive measures can prevent people from participating in decisions about development, from publicly opposing development initiatives that may harm their livelihoods or violate their rights, and from complaining about development initiatives that are ineffective, harmful, or have otherwise gone wrong. These broader trends toward repression have profound impacts for IFI-supported projects in countries like Ethiopia and Uzbekistan. Not only do many community members and activists face an increasing risk of reprisal for speaking out against IFI-financed projects that enjoy government support, independent groups who could otherwise help communities articulate their concerns and perspectives about development projects face similar challenges. IFIs have not taken meaningful steps toward

²¹ Ibid, p. 4.

²² Ibid.

²³ Ibid.

creating an enabling environment for participation and accountability when it finances projects in countries that are closing or have effectively closed civil society space or routinely punish dissent.²⁴

IFIs should consider whether there is an enabling environment for public participation and accountability in developing their country strategies and partnerships. They should seize all available opportunities to support governments to open space for engagement and to confront governments that are actively working to close that space down. IFIs should consistently raise concerns with governments, both privately and publicly, when authorities use repressive tactics or introduce problematic laws; ensure opportunities for effective participation at the project level; and put additional monitoring in place to be able to detect problems, particularly in countries with a history of crackdowns on protests. In fact, IFIs have a role to play in ensuring that law enforcement is properly trained to strictly observe international standards on the use of force and provide protection to peaceful protestors during assemblies. While this is primarily a duty for states, IFIs should, at a minimum, emphasize to governments that peaceful protests about projects they finance are legitimate and should be permitted to take place outside the institution's building, and ask governments to ensure that any law enforcement officials policing such protests are appropriately trained, supervised, and held to account for use of force that does not comply with international standards.²⁵

4. IFI Accountability Mechanisms

In response to our report, several IFI accountability mechanisms have been in the process of developing guidelines to prevent, monitor, and respond to reprisals. For example, on March 30, 2016, the Inspection Panel published Guidelines to Reduce Retaliation Risks and Respond to Retaliation During the Panel Process.²⁶ We encourage other accountability mechanisms and the institutions themselves to build on this positive development. We urge them to use every avenue available to respond to reprisals directly so as to ensure that the security of complainants and others is restored and maintained, as is their ability to continue their work as human rights defenders. This should include publicly denouncing reprisals and intervening in specific cases to push governments or companies to halt or refrain from serious abuses.

²⁴ *Ibid.*, p. 3.

²⁵ *Ibid.*, ps. 39-40.

²⁶ World Bank Inspection Panel, "Guidelines to Reduce Retaliation Risks and Respond to Retaliation during the Panel Process," March 30, 2016, <http://ewebapps.worldbank.org/apps/ip/PanelMandateDocuments/2016%20Retaliation%20Guidelines.pdf> (accessed June 12, 2017).

Accountability mechanisms should also work with the institutions to develop an early warning system to identify threats or other security issues, particularly for those who have filed or are considering filing a complaint or are otherwise critical of a project. They should systematically analyze the risk of reprisals and other security risks linked to every complaint received, proactively discuss those risks with complainants, and promptly implement protection measures. The CAO has acknowledged that “the ‘culture of intimidation and reprisals within a given context should form part of any pre-project assessment of the appropriateness for engagement.’”²⁷

5. IFIs Should Support Governments in Realizing their Obligations to Regulate Business

IFIs should also assist governments in fulfilling their obligations to regulate the practices of companies to ensure that they do not violate human rights.²⁸ They are well positioned to help advance rights at the national level by using their influence over member states and corporate clients. For example, in 2012, the IFC put forth “Performance Standards on Environmental and Social Sustainability” that outline how its clients should manage social and environmental risks.²⁹ The requirements cover consultation, risk identification and management, and grievance mechanisms, as well as security, with provisions adapted from the Voluntary Principles on Security and Human Rights.³⁰

Despite these positive developments, more needs to be done. For example, the IFC’s Performance Standards do not address the challenges presented in environments where freedom of expression, assembly, and association are not respected or where community members and others face significant risks for being critical of proposed or ongoing projects. Moreover, the recognition of governments’ human rights obligations is absent from IFI advice on company regulation. The IFC could support improved government

²⁷ Email from CAO to Human Rights Watch, “Response to HRW,” June 2, 2015, on file with Human Rights Watch.

²⁸ OHCHR, “Guiding Principles on Business and Human Rights,” 2011, p. 3, http://www.ohchr.org/Documents/Publications/GuidingPrinciplesBusinessHR_EN.pdf (accessed June 12, 2017).

²⁹ IFC, “Performance Standards on Environmental and Social Sustainability,” January 1, 2012, http://www.ifc.org/wps/wcm/connect/115482804a0255db96fbffd1a5d13d27/PS_English_2012_FullDocument.pdf?MOD=AJPERES (accessed June 1, 2017).

³⁰ “Established in 2000, the Voluntary Principles on Security and Human Rights are a set of principles designed to guide companies in maintaining the safety and security of their operations within an operating framework that encourages respect for human rights:” “Voluntary Principles on Security and Human Rights,” 2000, <http://www.voluntaryprinciples.org/whatare-the-voluntary-principles/> (accessed June 1, 2017).

regulation by including country-by-country analysis of governments' realization of this obligation in its annual "Doing Business" report.

All businesses should have adequate policies and procedures in place to identify, prevent, mitigate, and account for their impact on human rights. To meet its human rights responsibilities, a company should carefully assess potential human rights risks, including in its supply chain, monitor the impact of its activities on an ongoing basis, seek to prevent or mitigate harm, and adequately address any adverse human rights impacts it causes or contributes to. Moreover, companies should not issue threats or take actions that might deter affected communities from voicing their concerns about a project or penalize them for doing so. Company management, employees, and contractors should recognize individuals' right to expression and development, as well as their own potential to gain from such engagement.

Emblematic Example: Reprisals against Human Rights Defenders, Forced Laborers, and Complainants in Uzbekistan, Linked to its Cotton Industry³¹

Although it developed safeguards for forced and child labor when investing in a project benefiting Uzbekistan's cotton industry, the World Bank and IFC refused to adopt safeguards to allow independent monitors unfettered access to project sites or to prohibit retaliation against monitors, forced laborers, or whistleblowers. Civil society organizations repeatedly told Bank staff that these were critical measures, but staff advised that their legal advisors had told them such covenants were not possible.³²

The Uzbek government severely restricts a range of civil and political rights. It regularly impedes independent civil society groups and retaliates against human rights defenders. This makes independent monitoring of labor practices extremely challenging and dangerous.³³

In the absence of safeguards, officials threatened to file charges against human rights defenders, put their jobs at risk, and made other threats against them. In some cases the authorities confiscated their research materials or arbitrarily prevented them from traveling in connection with their monitoring work.³⁴ For example:

- In December 2015 Dmitry Tikhonov, a journalist and human rights defender who has worked to document labor and other human rights abuses connected to cotton production in Uzbekistan for several years, was forced to flee Uzbekistan after his home office was burned and he faced disorderly conduct and other spurious

³¹ For more detailed information, see Human Rights Watch, *"We Can't Refuse to Pick Cotton": Forced and Child Labor Linked to World Bank Group Investments in Uzbekistan*, June 27, 2017, https://www.hrw.org/sites/default/files/report_pdf/uzbekistan0617_web_3.pdf, and *At Your Own Risk*, ps. 32-34, and 108-113.

³² "World Bank: Reconsider Uzbekistan Projects," Human Rights Watch and the Cotton Campaign news release, June 9, 2014, <http://www.hrw.org/news/2014/06/09/world-bank-reconsider-uzbekistan-projects>; several meetings between Human Rights Watch and other Cotton Campaign representatives and World Bank representatives, Washington DC, June-December 2014.

³³ Human Rights Watch, *World Report 2016* (New York: Human Rights Watch, 2016) Uzbekistan chapter, <https://www.hrw.org/world-report/2016/country-chapters/uzbekistan>; Human Rights Watch, *World Report 2017* (New York: Human Rights Watch, 2017) Uzbekistan chapter, <https://www.hrw.org/world-report/2017/country-chapters/uzbekistan>. See also, Human Rights Watch, "Until the Very End": Politically Motivated Imprisonment in Uzbekistan," September 25, 2014, <http://www.hrw.org/reports/2014/09/25/until-very-end>.

³⁴ Human Rights Watch and the Uzbek-German Forum have withheld identifying information in some cases due to concerns that publishing detailed accounts of this harassment would further expose monitors to risk of reprisals.

- charges connected to his monitoring.³⁵ He now resides outside the country, unable to continue his human rights work.
- On January 11, 2016, an Uzbek court sentenced Uktam Pardaev, a human rights defender who for years has advocated on behalf of victims of corruption and monitored the use of child and forced labor in the cotton sector, to a suspended prison term and three years' probation for insult, fraud, and taking a bribe, all of which he denies.³⁶ He had been in detention since his arrest on November 16, 2015.³⁷ Pardaev says police told him that he must adhere to a curfew, travel restrictions, and refrain from human rights work.³⁸ Pardaev risks prison if he violates the probation conditions.
 - In August 2015 police "invited" an undercover monitor working for the Uzbek-German Forum for Human Rights to the local prosecutor's office, where the monitor says he was questioned by an SNB agent about attending a training abroad.³⁹ The SNB agent told him that they had the right to arrest him for 15 days.
 - In October 2016 SNB officers in Karakalpakstan detained an independent monitor who was researching labor abuses in cotton fields benefiting from the World Bank irrigation project. They questioned him for three hours, allegedly releasing him only after seizing the money he was carrying to cover his travel expenses.⁴⁰
 - On November 10, 2016, police in Tashkent detained German journalist Edda Schlager and seized some of her materials, including those containing confidential

³⁵ "Asian Development Bank: Heed Local Voices," Human Rights Watch news release, May 1, 2016, <https://www.hrw.org/news/2016/05/01/asian-development-bank-heed-local-voices>. See also, "Uzbekistan: Activists Beaten, Detained," Human Rights Watch news release, September 24, 2015, <https://www.hrw.org/news/2015/09/24/uzbekistan-activists-beaten-detained>; "Uzbekistan: Human Rights Defender's House Burned Down as Government Silences Him with Charges," Cotton Campaign, October 29, 2015, <http://www.cottoncampaign.org/home-of-human-rights-defender-burned-down-as-government-silences-him-with-charges.html>; Dmitry Tikhonov, "How The Government Created a Case Against Me," Uzbek-German Forum, March 3, 2016, <http://uzbekgermanforum.org/part-1-how-the-government-of-uzbekistan-created-a-case-against-me/>.

³⁶ "Uzbekistan: Rights Defender's Work Impeded," Human Rights Watch news release, February 9, 2016, <https://www.hrw.org/news/2016/02/09/uzbekistan-rights-defenders-work-impeded>.

³⁷ "Uzbekistan: Human Rights Defender Arrested," Human Rights Watch news release, November 25, 2015, <https://www.hrw.org/news/2015/11/25/uzbekistan-rights-defender-arrested>.

³⁸ "Uzbekistan: Rights Defender's Work Impeded," Human Rights Watch.

³⁹ Human Rights Watch interview with independent monitor, place and date withheld.

⁴⁰ Incident report from independent monitor, October 2016. Human Rights Watch interview with monitor, place and date withheld.

- interview information. They deported her the next day and banned her from returning to Uzbekistan for three years.⁴¹
- On November 29, 2016, officials detained, interrogated, and deported Yekaterina Sazhneva, a journalist for the Russian newspaper *Moskovsky Komsomolets*, the day after she met with human rights defender Elena Urlaeva, and banned her from returning to Uzbekistan for three years.⁴²

Elena Urlaeva, the head of the Tashkent-based Human Rights Alliance of Uzbekistan and a longtime human rights defender, was arbitrarily detained three times during September 2015 while she was monitoring the cotton sector. Two arrests were with journalist and activist Malohat Eshankulova.⁴³ On March 9, 2016, Urlaeva was admitted to the Tashkent City Psychiatric Clinic after ill-treatment by the police during the harvest.⁴⁴ The hospital refused to release Urlaeva as planned on May 2, citing “official orders” rather than a medical reason,⁴⁵ but finally released her on June 1, following international pressure.⁴⁶

⁴¹ Aleksei Voloseevich, “ИЗ УЗБЕКИСТАНА ДЕПОРТИРОВАЛИ НЕМЕЦКУЮ ЖУРНАЛИСТКУ ЭДДУ ШЛАГЕР [German Journalist Edda Schlager Deported from Uzbekistan],” AsiaTerra, November 13, 2016, <http://www.asiaterra.info/obshchestvo/iz-uzbekistana-deportirovali-nemetskuyu-zhurnalistku-eddu-shlager> (accessed May 25, 2017). See translation of the interview in English and additional information shared by Edda Schlager, “German Journalist Deported from Uzbekistan,” Uzbek-German Forum, November 16, 2017, <http://uzbekgermanforum.org/german-journalist-edda-schlager-deported-from-uzbekistan/> (accessed May 25, 2017).

⁴² “Российская журналистка Сажнева выслана из Узбекистана [Russian Journalist Sazhneva Deported from Uzbekistan],” Radio Svoboda, November 29, 2016, <http://www.svoboda.org/a/28146805.html> (accessed May 25, 2017).

⁴³ See, “Uzbekistan: Activists Beaten, Detained,” Human Rights Watch. “В Сырдарьинской области медики собирают хлопок, журналист и правозащитница подверглись задержанию [In Syrdarya region medical workers are picking cotton, journalist and human rights defender detained],” Human Rights Alliance of Uzbekistan, September 25, 2015, on file with the Uzbek-German Forum; “УЗБЕКСКИЕ ПРАВОЗАЩИТНИЦЫ ПОДВЕРГЛИСЬ СЕКСУАЛЬНОМУ НАСИЛИЮ ВО ВРЕМЯ МОНИТОРИНГА ХЛОПКОВОЙ КАМПАНИИ [Uzbek Human Rights Defenders Subjected to Sexual Violence While Monitoring the Cotton Harvest],” AsiaTerra, October 1, 2015, <http://www.asiaterra.info/news/uzbekskie-pravozashchitnitsy-podverglis-seksualnomu-nasiliyu> (accessed May 25, 2017).

⁴⁴ On May 31, 2015, during the spring planting and weeding season, police arrested and sexually violated Urlaeva. See “Uzbekistan: Brutal Police Attack on Activist,” Human Rights Watch news release, June 4, 2015, <https://www.hrw.org/news/2015/06/04/uzbekistan-brutal-police-attack-activist>.

⁴⁵ Email from relative of Elena Urlaeva [name withheld] to the Uzbek-German Forum, April 28, 2016.

⁴⁶ The Cotton Campaign publicly called for her release: “Uzbekistan Government detains Human Rights Defender Elena Urlaeva in a Psychiatric Hospital,” Cotton Campaign, May 19, 2016, <http://www.cottoncampaign.org/uzbekistan-government-detains-human-rights-defender-elena->

After her release Urlaeva said that she has remained under constant police surveillance and that police have prevented people from approaching her for assistance.⁴⁷

In 2016 only Urlaeva and Eshankulova conducted monitoring openly and allege that they suffered frequent harassment, including arbitrary arrest, violence, and destruction of their monitoring information. Urlaeva also reported that she often observed cars parked outside her home, was followed, and that officers from the counterterrorism department visited her home on several occasions to ask about her activities.⁴⁸ On October 6, 2016, police in Bukhara, Tashkent region, arrested Urlaeva, photographer and translator Timur Karpov, and two French journalists when they visited a cotton field. Police wiped Karpov's phone, which he says he unlocked under physical threat. Police destroyed all information on Urlaeva's phone and detained her for 10 hours. She reported that she was beaten in the presence of police by two women and kicked by a uniformed officer while in custody.⁴⁹ On October 9, 2016, police in Alat district, Bukhara region, arrested Urlaeva and Eshankulova after they interviewed students picking cotton. Police allegedly strip searched them, detained them for several hours, and destroyed all of their notes and data on their phones and cameras.⁵⁰ On October 22 police in Akdarya district, Samarkand region, arrested

[urlaeva-in-a-psychiatric-hospital.html](#) (accessed May 30, 2017). After her release, Urlaeva reported that hospital staff had prompted aggressive patients to attack her and filmed her defending herself, apparently to use as proof that she was mentally unstable. Email from Elena Urlaeva to the to the Uzbek-German Forum, June 9, 2016. See also "ЕЛЕНА УРЛАЕВА СООБЩИЛА ОБ ИЗБИЕНИЯХ В «ПСИХУШКЕ» [Elena Urlaeva Reports Being Beaten in the Psych Hospital]," AsiaTerra, June 9, 2016, <http://www.asiaterra.info/news/elena-urlaeva-soobshchila-ob-izbieniyakh-v-psikhushke> (accessed May 25, 2017).

⁴⁷ "Сотрудники милиции не допускают граждан к правозащитнице Елене Урлаевой. Узбекистан [Police do not allow citizens contact with human rights defender Elena Urlaeva. Uzbekistan]," Human Rights Alliance of Uzbekistan, June 30, 2016, on file with the Uzbek-German Forum.

⁴⁸ Letter from Elena Urlaeva to the Uzbek-German Forum, September 22, 2016.

⁴⁹ Telephone call from Timur Karpov to the Uzbek-German Forum, October 6, 2016. Karpov called from the police station. Karpov recorded an interview describing his experience, October 7, 2016, <https://www.youtube.com/watch?v=xe3jhmp8llk> (accessed May 25, 2017). "Elena Urlaeva Speaks About Detention and Assaults In Police Station," Uzbek-German Forum, October 10, 2016, <http://harvestreport.uzbekgermanforum.org/elena-urlaeva-speaks-about-detention-and-assaults-in-police-station/> (accessed May 25, 2017).

⁵⁰ "We Were Subjected to a Full Investigation," Uzbek-German Forum, October 13, 2016, <http://harvestreport.uzbekgermanforum.org/we-were-subjected-to-a-full-investigation/> (accessed May 25, 2017); "Узбекистан: «Бесстрашные» правозащитники продолжают мониторинг хлопковых полей несмотря на нападения и унижения [Uzbekistan: 'Fearless' Human Rights Defenders Continue Monitoring Cotton Fields Despite Attacks and Humiliation]," Fergana.ru, October 24, 2016, <http://www.fergananews.com/news/25516> (accessed May 25, 2017).

Urlaeva and Eshankulova when they interviewed doctors picking cotton. Police in Bukhara arrested Urlaeva again on November 5 when she visited the district Department of Education. She said that after she left the department, a man she did not know forced her into a car, took her phone and handed her to the police. She alleged that police held her for six hours, searched her, and erased her phone.⁵¹

On March 1, 2017, police detained Urlaeva once again. After reportedly insulting and assaulting Urlaeva, police reportedly summoned orderlies from a psychiatric hospital who forcibly committed her. A doctor told Urlaeva's relative that there was a court order for the commitment but did not show it to Urlaeva or her relative.⁵² She said that on March 4 doctors began treatment against her will.⁵³ In a video, Urlaeva said she believed authorities detained her in the hospital to prevent her from meeting with representatives of the ILO, World Bank, and International Trade Union Confederation, scheduled for March 2.⁵⁴ The hospital released Urlaeva on March 23, following significant international pressure.⁵⁵

Bank staff have expressed concerns about reprisals to civil society and indicated that they have shared these concerns with the government.⁵⁶ On occasion, however, Bank staff have

⁵¹ "ТАШКЕНТСКАЯ ПРАВООЗАЩИТНИЦА ЕЛЕНА УРЛАЕВА БЫЛА ЗАДЕРЖАНА ПРИ ВЪЕЗДЕ В ГОРОД БУКУ [Tashkent Human Rights Defender Elena Urlaeva Was Arrested on Arrival to Bukhara]," AsiaTerra, November 7, 2016, <http://www.asiaterra.info/news/tashkentskaya-pravozashchitnitsa-elena-urlaeva-byla-zaderzhana-pri-v-ezde-v-gorod-buku> (accessed May 25, 2017).

⁵² Scott Corben and Anna Pujol-Mazzini, "Uzbek Campaigner Against Forced Labor Sent to Psychiatric Ward," Thomson Reuters Foundation March 3, 2017, <http://news.trust.org/item/20170303173746-ytkqx/> (accessed May 25, 2017); and phone call from relative to Uzbek-German Forum, March 2, 2017.

⁵³ Phone call from Urlaeva's relative to Uzbek-German Forum, March 4, 2017. "Узбекистан: Оградить правозащитницу Елену Урлаеву от применения карательной психиатрии! [Protect Human Rights Activist Elena Urlaeva from the Use of Punitive Psychiatry]," Fergana.ru, March 9, 2017, <http://www.fergananews.com/articles/9310> (accessed May 30, 2017).

⁵⁴ Video available at "Правозащитница Елена Урлаева рассказала о причинах её задержания и помещения в психбольницу [Rights Defender Elena Urlaeva Told the Reason for Her Detention and Psychiatric Commitment]," Fergana.ru, March 3, 2017, <http://www.fergananews.com/news/26097> (accessed May 25, 2017).

⁵⁵ "Uzbek Human Rights Activist Elena Urlaeva Released," Tula Connell, Solidarity Center, March 24, 2017, <https://www.solidaritycenter.org/uzbek-human-rights-activist-elena-urlaeva-released/> (accessed June 3, 2017).

⁵⁶ See also "Uzbekistan: Raise Key Issues at ILO/Government Roundtable," Cotton Campaign letter to Bank management signed by 45 organizations, July 29, 2016, http://www.cottoncampaign.org/uploads/3/9/4/7/39474145/160729_cc_letter_worldbank.pdf

declined to raise such concerns.⁵⁷ Government reprisals continue and the Bank has not escalated its response, refusing to publicly condemn reprisals or sanction the government in any way.⁵⁸

(accessed May 26, 2017). Response letter from Nina Bhatt, the World Bank’s practice manager, social development, Europe and Central Asia Region, August 4 2016: “The important issues that you outlined in your letter, however, remain on the agenda of our broader dialogue with Uzbekistan and we will continue discussing them with our counterparts in the government at the appropriate level,” http://www.cottoncampaign.org/uploads/3/9/4/7/39474145/wb_response_to_cc.pdf (accessed May 26, 2017). Letter from Junghun Cho, World Bank country manager for Uzbekistan to Umida Niyazova, director of the Uzbek-German Forum, July 18, 2016, <http://uzbekgermanforum.org/uncomfortable-activists-responses-from-the-world-bank/> (accessed June 7, 2017). World Bank, Implementation Status & Results Report: South Karakalpakstan Water Resources Management Improvement Project, October 27, 2015, <http://documents.worldbank.org/curated/en/782741468316487705/pdf/ISR-DisclosableP127764-10-27-2015-1446004115727.pdf> (accessed May 26, 2017), p. 2; World Bank, Implementation Status & Results Report: South Karakalpakstan Water Resources Management Improvement Project, June 3, 2016, p. 2.

⁵⁷ Nina Bhatt, the World Bank’s practice manager, social development, Europe and Central Asia Region, said that the World Bank would not raise concerns about reprisals at its 2016 roundtable with the government and ILO as this was a “technical level meeting with clearly defined objectives,” focused on Third Party Monitoring and the Feedback Mechanism. Bhatt’s response letter available at <https://www.hrw.org/news/2016/08/04/response-letter-nina-bhatt-human-rights-watch-andcotton-campaign>.

⁵⁸ Ibid.