

Perspective des requérant.es

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Maldives / Cté DH



Maldives



Asia



22 February 2021



News

Reprisals | UN Human Rights Committee finds the Maldives violated freedom of expression of members of the national human rights institution

The UN Human Rights Committee has ruled that the Supreme Court of the Maldives violated the freedom of expression of two former members of the Human Rights Commission of the Maldives (HRCM) when it carried out reprisals against the HRCM for engaging with the UN.

Maroc / CAT

Le Monde **Afrique** • MAROC



Une plainte collective pour tortures déposée contre le Maroc à l'ONU

Déjà condamné à quatre reprises, le royaume est poursuivi par quatre militants sahraouis.

Par Madjid Zerrouky

Publié le 10 juin 2022 à 11h00 • ⌚ Lecture 4 min.

Burundi / CAT



Burundi



Afrique



19 March 2020



Nouvelles

Burundi | ISHR dépose une plainte devant l'ONU, une brèche ouverte

ISHR a déposé une plainte contre le Burundi auprès du Comité de l'ONU contre la torture (sigle anglais : CAT). La plainte réclame justice et réparations pour quatre avocats burundais qui avaient été radiés ou suspendus du barreau, et menacés par les autorités, après avoir communiqué au CAT des informations sur l'état des droits humains dans le pays.

Thailande / CEDAW



Suisse / CAT

Flor Agustina est chilienne et membre du peuple indigène Mapuche. Résidant à Genève, elle est une activiste de longue date et s'engage contre les agressions dont sa communauté est victime au Chili. Le 19 novembre 2008, elle a déposé une demande d'asile auprès des autorités de migration en Suisse et a documenté les persécutions politiques auxquelles sa famille est confrontée au Chili. Le 18 août 2010, sa demande d'asile a été rejetée et son expulsion avant le 30 septembre 2010 ordonnée.

La décision du Comité des Nations unies contre la torture est remarquable dans la mesure où il a reconnu, dans la décision d'expulsion de la plaignante, une violation de l'article 3 de la Convention contre la torture, bien que, par le passé, Flor Agustina n'ait pas été victime de torture ou d'autres traitements cruels, inhumains ou dégradants. Ce sont surtout les membres de sa famille chilienne qui sont directement et personnellement concernés. Le Comité rappelle que le sens et le but de la Convention contre la torture sont précisément de prévenir la torture, et non pas seulement de dénoncer les violations de la Convention.



Venezuela / Cté DESC



La question à 1000 \$

Impact of the individual complaints procedure and follow-up challenges

16. The impact of the work of the treaty bodies is a regular theme in human rights discourse extending to the work of the individual complaints procedures. Several studies have appeared indicating a rather low implementation rate of treaty body decisions (somewhere between 12 – 21% for the HRCttee). I have found here a rate of around 24 % with respect to the combined good responses from all of the treaty bodies to date²⁵. This is

Kate Fox Principi: *Implementation of decisions under treaty body complaints procedures – Do states comply?*

Et en Suisse?



In Switzerland²³⁹, the basic law dealing with non-refoulement cases is the federal law on asylum “Le Loi sur l’Asile (Act 142.31)” federal statute on asylum law (www.admin.ch > Droit federal > Recueil systématique > Rechercher “142.31”), in particular its art. 2 et seq., 44 et seq., 49 et seq. and 58 et seq. This law establishes the concept of refugee, asylum and the provision of resident permits in non-refoulement cases as well as “temporary admission”. The State Secretary for Migration reviews decisions of the CAT. In a number of cases, the state provided the authors with “temporary admission” the implementation of which is governed by chapter 11 of the Federal Act on Foreign Nationals of 16 December 2005. “Under the terms of art. 83 (3), Federal Foreign Nationals Act, enforcement is not lawful when sending the foreign national to his/her state of origin or a third state runs contrary to the commitments of Switzerland in international law”.

According to the state, despite its name, “temporary admission” could only be lifted if there were a radical political change in the country of origin. If provisional admission were lifted, the foreign national would have internal means of appeal (art. 112, Federal Foreign Nationals Act). Furthermore, the status ceases to apply if the person concerned leaves Switzerland permanently or obtains a residency permit (art. 84 (4), Federal Foreign Nationals Act). On the latter point, a provisionally admitted foreign national may submit a request for a residence permit after living in Switzerland for five years. The permit is granted based on a person’s level of integration and family situation (art. 84 (5), Federal Foreign Nationals Act). Lastly, under certain conditions, the spouse and underage children may benefit from family reunification (art. 85 (7), Federal Foreign Nationals Act)

- In *Gbadjavi v. Switzerland* (396/2009), adopted on 1 June 2012, on 19 July 2012, the Federal Office for Migration granted the complainant refugee status and a residence permit in Switzerland, avoiding expulsion to Togo. (AR/68/44)
- In *Khalsa-Singh et al. v. Switzerland* (336/2008), adopted on 26 May 2011, the Federal Office for Migration granted the complainant an “F” residence permit in Switzerland. In *R.D. et al. v. Switzerland* (558/2013), adopted on 13 May 2016, the complainants were granted residence permits. (CAT/C/59/3)
- In the following cases against Switzerland the CAT regarded as satisfactory information from the State party that the authors in all of these article 3 (non-refoulement) cases were granted residence permits, asylum status or “temporary/provisional admission”: *Mutombo v. Switzerland* (13/1993), return to “Zaire”, adopted on 27 April 1994; *Alan v. Switzerland* (21/1995) return to Turkey, adopted on 8 May 1996; *Aemei v. Switzerland* (34/1995), return to Iran, adopted on 29 May 1997; *V.L. v. Switzerland* (262/2005), return to Belarus, adopted on 20 November 2006; *El Rgeig v. Switzerland* (280/2005), return to Libyan Arab Jamahiriya, adopted on 15 November 2006; and *Iya v. Switzerland* (299/2006), return to DRC, adopted on 16 November 2007. (A/65/44 and A/66/44)
- In *Faragollah Abolghasem Faragollah et al. v. Switzerland* (381/2009), adopted on 21 November 2011, return to Islamic Republic of Iran, and *Harinder Singh Khalsa et al. v. Switzerland* (336/2008), adopted on 26 May 2011, return to India, the authors were granted temporary/provisional admission (CAT/C/CAT/CHE/7).
- In *A.K. v. Switzerland* (544/2013), adopted on 8 May 2015, the complainants who risked deportation to Turkey were granted refugee status. (CAT/C/56/2)
- In *Combey Brice Magloire Gbadjavi v. Switzerland* (396/2009), adopted on 1 June 2012, return to Togo, the Federal Office for Migration reviewed the author’s case and having recognised him as a refugee granted him asylum by decision of 19 July 2012. (A/68/44 and CAT/C/CHE/7)
- In the following cases, where the CAT found potential violations of article 3 (non-refoulement) if the authors were returned to their country of origin the Committee regarded as satisfactory the State party’s response to grant them residence permits/ or where the Committee had found irregularities in the asylum procedure the opportunity to reapply for protection: *the Khademi et al. v. Switzerland* (473/2011), adopted on 14 November 2014; *Tahmuresi v. Switzerland* (489/2012), adopted on 26 November 2014; *Azizi v. Switzerland* (492/2012), adopted on 27 November 2014; *Fadel v. Switzerland* (450/2011),

Menaces & représailles contre les requérant.es

27 June 2017

Re. Treaty Body protection measures in cases of reprisals and intimidations against Treaty Body petitioners

Dear OHCHR Petitions Unit & Treaty Body chairs,

The purpose of this letter is to encourage Treaty Bodies to proactively request that State parties adopt protection measures in cases of reprisals against Treaty Body petitioners, and seek follow-up to those measures by OHCHR field presences.

Interventions de tiers



<https://ishr.ch/defenders-toolbox/resources/guide-for-tpis-before-untbs/>

Pro bono anyone?

International Service for Human Rights

The powers of UN treaty bodies to refer to themselves instances of intimidation or reprisal by States against individuals in connection with the use of individual communication procedures

Pas d'avenir sans réforme

26 November 2018 News

Treaty Bodies | Backlog in individual complaints must be addressed now

Le manque d'efficacité de l'ONU compromet l'examen des requêtes émanant de particuliers

Les organes conventionnels de l'ONU reçoivent des milliers de plaintes émanant de particuliers mais le secrétariat qui les examine ne dispose pas des moyens nécessaires pour travailler efficacement.

News 17.02.2020

Experts call for further action to improve the UN treaty body individual communication mechanisms

COUNTRY	
 Canada	
Document type	Symbol/Title
Non-Paper	Letter addressed to High Commissioner Bachelet supported by 42 States urging immediate action on individual communications

02 April 2020 Opinion

Organes de traités | L'ONU ne traite pas efficacement les plaintes des victimes de violations des droits humains

Coming soon: Russia!



Urgent Need to Reinforce UN Treaty Bodies

Joint Statement by Civil Society Organisations

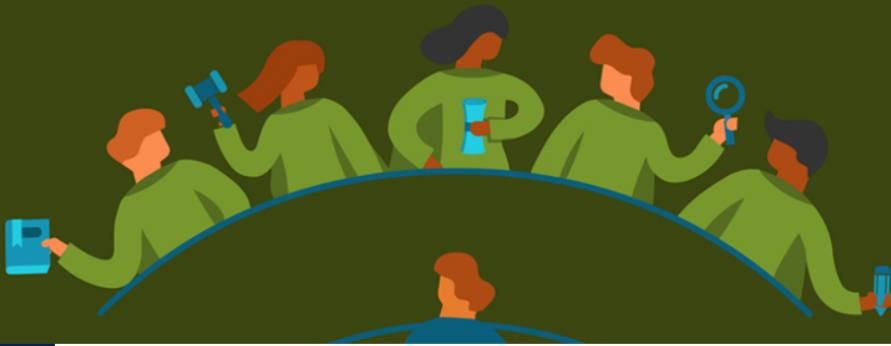
↓ [Перейти](#)

to: Mr Volker Türk,

United Nations

High Commissioner for Human Rights

Ressources en ligne: ISHR academy



Organes de traités

Découvrez comment fonctionnent les Organes de traités de l'ONU et comment vous pouvez les utiliser pour accroître l'impact de votre action de plaidoyer

3.8 Soumettre une communication individuelle

Cette section donne des informations sur comment soumettre une communication individuelle à un organe de traité.

<https://academy.ishr.ch/learn/treaty-bodies>