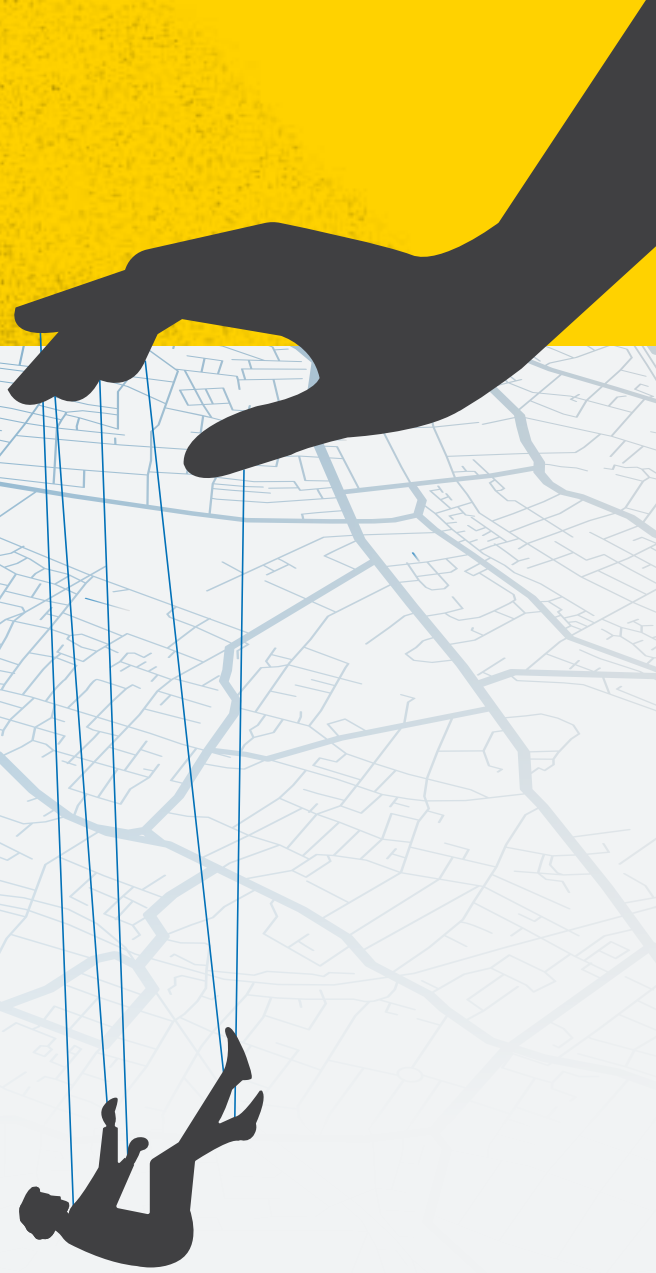
Civic Space Brief



Transnational Repression

WHAT IS TRANSNATIONAL REPRESSION?

Transnational repression is not a new phenomenon but has expanded with globalization and the advancement of digital technologies. While there is no official definition, the term transnational repression denotes **acts conducted or directed by a State, or its proxy, to deter, silence or punish dissent, criticism or human rights advocacy towards it, expressed from outside its territory**. These acts often target civil society actors abroad, such as human rights defenders (HRDs), journalists, and whistle-blowers as well as their families or associates who remain in the repressing country. Non-state actors such as private companies and technology firms, criminal networks, private militia or paramilitary groups and media organizations, can also play a role in transnational repression, at the request or with the acquiescence of the repressing State.

While States' human rights obligations transcend national borders, few States are held accountable for committing transborder human rights violations. Moreover, victims of transnational repression often face challenges in filing complaints, seeking protection or pursuing redress. There is an urgent need to address the protection gaps faced by these victims. Accountability efforts must also take into consideration the ways in which States sometimes employ non-state actors to obscure their involvement in transnational repression.

> *"There are indications [the trend of] transnational repression [against certain individuals and communities] may be becoming a global one and so I urge all States to have zero tolerance for such actions."*
>
> *Volker Turk, UN High Commissioner for Human Rights Volker Türk at 56th session of the Human Rights Council.*

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PREVALENT FORMS OF TRANSNATIONAL REPRESSION

TRANSNATIONAL REPRESSION can take various forms that are often intertwined and build on each other, resulting in a range of threats and acts, including in other countries, with involvement or by actors in those countries.



Acts of violence and intimidation outside the country, such as overt surveillance, kidnappings, assassinations, assaults, searches by foreign state agencies, arbitrary arrests, enforced disappearances and renditions;



Harassment through extradition requests, unlawful arrests or deportations based on bilateral or regional cooperation, often involving economic or judicial cooperation agreements or the abuse of INTERPOL red notices, as well as the misuse of 'terrorist' labelling and formal designation (watchlists and sanctions lists), criminal prosecutions in absentia, Strategic Lawsuits Against Public Participation (SLAPPs) against exiles;



Abuses of (security) laws with extra-territorial provisions as the basis for arrest warrants;



Impediments to mobility, such as arbitrary refusal of consular services or passport renewal, revocation of nationality and denial of re-entry to the origin country;



Digital threats or attacks, such as hacking, use of malware, phishing, online harassment and surveillance, smear campaigns, doxxing, the blocking of websites or disruption of internet access, and cyber-attacks against individuals and organizations;



Proxy punishment of in-country relatives or associates, which can include causing loss of livelihood, threatening, imprisoning, torturing or even killing family members, close associates or colleagues.

COMMON EFFECTS ON PERSONS TARGETED

- Constant fear of being attacked, or seeing relatives targeted, regardless of location;
- Adverse impacts on physical, mental and psychosocial wellbeing;
- Self-isolation from families/ communities;
- Loss of livelihood, assets and properties;
- Lack of access to employment, education or healthcare;
- Difficulties in accessing truth and justice;
- Operational barriers such as to travel, opening bank accounts, accessing financial, social and security services, registering organizations or receiving foreign funding, etc.;
- Self-censorship and sometimes giving up human rights work and advocacy altogether.



Outspoken nationals or former nationals, members of diaspora communities and those living in exile are particularly affected and vulnerable given that they often have limited networks, insufficient support or protection and difficulty in proving subtler forms of transnational repression. The impacts of transnational repression are intersectional in nature, as women and other groups experience them differently and have specific needs for support. Transnational repression has a ripple effect on their broader communities owing to its chilling effect.

ADDRESSING TRANSNATIONAL REPRESSION AND PROTECTING THOSE TARGETED

In accordance with international human rights, **all States must respect and protect human rights, and refrain from committing, enabling, or condoning acts of transnational repression**. States and other relevant actors, including civil society, businesses and the international community are encouraged to take the following actions:

Awareness and Training

- **Recognize threats** related to transnational repression and **raise public awareness**
- Ensure that relevant **national authorities**, including law enforcement agencies, prosecutors, judges, intelligence services, diplomats, and officials working with refugees and asylum seekers, **know how to detect and deal with** different forms of transnational repression;
- **Document** systematically incidents of transnational repression for better analysis of risks, trends and methods of mitigation;
- Support HRDs and others in exile, including by **equipping them with tools and training** to better protect themselves against digital threats and unlawful surveillance that may amount to transnational repression.

Holistic Protection for persons at risk or targeted

- **Review protection policies and programmes** so that HRDs and others who seek refuge or are in exile benefit from support and holistic protection, including through **documentation/legal assistance, humanitarian visas, effective resettlement programmes, psychosocial or livelihood support, counselling, and peer support** and tailor measures to different needs, including those of women and different communities;
- Ensure that protection policies and programmes are **victim-centered, gender-sensitive, intersectional, inclusive and non-discriminatory**;
- **Establish an in-government focal point** to act as first point of contact, record cases, make referrals and coordinate measures by government agencies to address specific protection risks and gaps.

Accountability and Legal Recourse

- **Conduct systematic investigations** into threats, attacks - including gender-specific ones -, online surveillance and other techniques of transnational repression to ensure that perpetrators are held accountable and **establish effective mechanisms** of remedy and reparation for victims;
- **Ensure that extradition procedures are transparent, efficient, take into account international human rights and refugee law safeguards** and guarantee compliance with the prohibition of *refoulement* and respect for fair trial;
- **Apply additional vetting** regarding Interpol red notices/diffusions;
- **Take into account countries' transnational repression record** when considering bilateral security agreements, extradition treaties, foreign aid, and information-sharing practices; and avoid giving diplomatic visas to personnel known to have engaged in acts of transnational repression.

Digital Security and Technology Measures

- **Apply a moratorium on the export of surveillance "spyware" tools** and protect end-to-end encryption;
- Stress the responsibility of technology companies to **conduct thorough human rights and gender due diligence** in relation to their operations and the products they launch to minimize protection risks, in line with the **Guiding Principles on Business and Human Rights**;
- Encourage tech companies to address digital transnational repression, through the use of their products, platforms, and services, **by strengthening privacy and data protection, and increasing transparency regarding how they respond to government requests** to remove content or access user information.

> *There is no international legal gap, but there is a dangerous protection gap.*
>
> *Report of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression (A/HRC/56/53)*