



General Assembly
ORAL REVISIONS

Distr.: Limited
25 September 2013

Original: English

Human Rights Council

Twenty-fourth session

Agenda item 5

Human rights bodies and mechanisms

Albania*, Argentina, Armenia*, Australia*, Austria, Belgium*, Bosnia and Herzegovina*, Botswana, Bulgaria*, Chile, Costa Rica, Croatia*, Cyprus*, Czech Republic, Denmark*, Estonia, Finland*, France*, Georgia*, Germany, Greece*, Guatemala, Honduras*, Hungary*, Iceland*, Ireland, Italy, Latvia*, Libya, Liechtenstein*, Lithuania*, Luxembourg*, Maldives, Malta*, Mexico*, Montenegro, Netherlands*, New Zealand*, Norway*, Peru, Poland, Portugal*, Republic of Korea, Romania, Serbia*, Sierra Leone, Slovakia*, Slovenia*, Spain, Sweden*, Switzerland, Thailand, the former Yugoslav Republic of Macedonia*, Tunisia*, Turkey*, United States of America, Uruguay*: draft resolution

24/... Cooperation with the United Nations, its representatives and mechanisms in the field of human rights

The Human Rights Council,

Guided by the purposes and principles of the Charter of the United Nations,

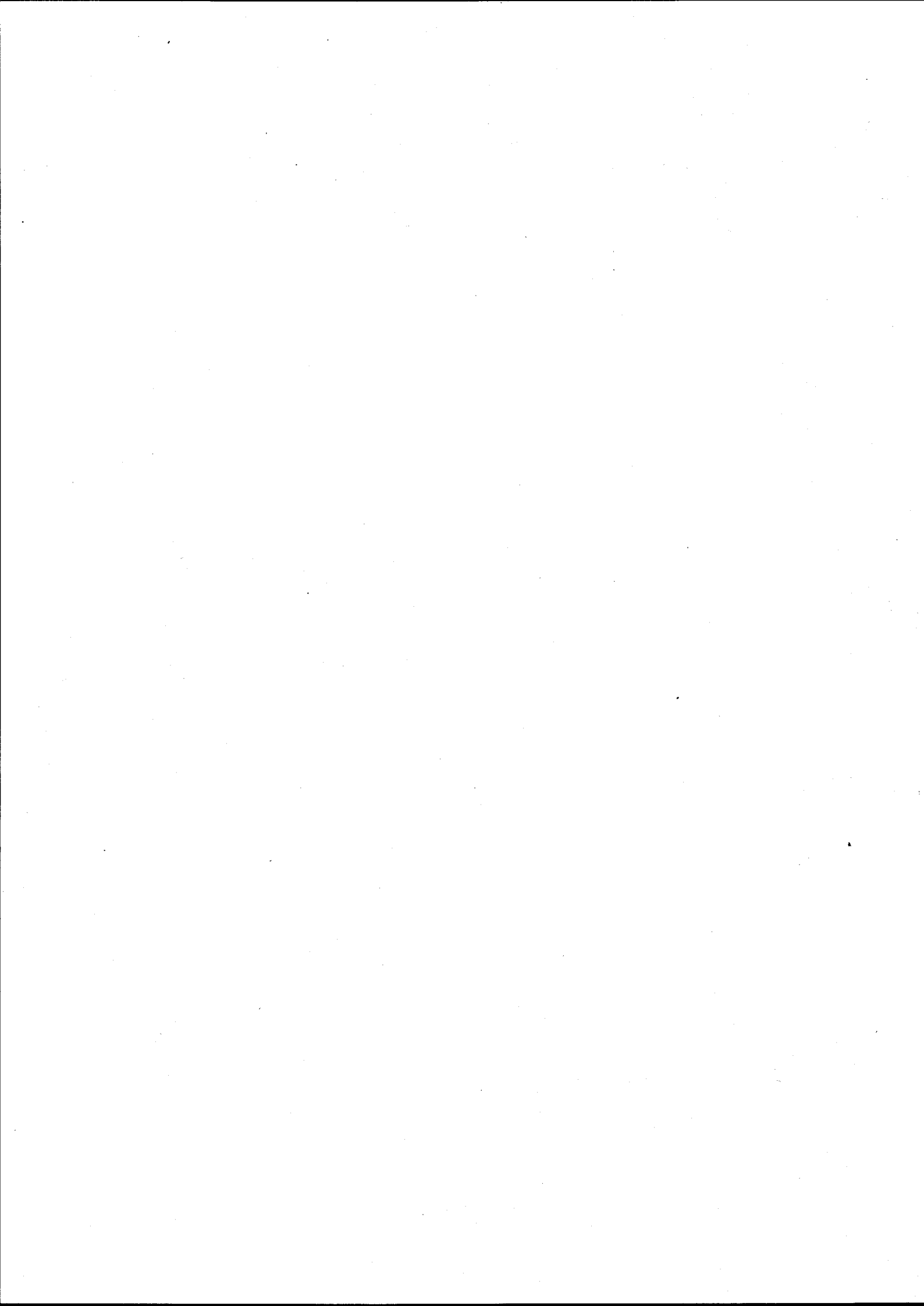
Recalling General Assembly resolution 65/281 of 17 June 2011, in which the Assembly adopted the text entitled "Outcome of the review of the work and functioning of the Human Rights Council", and in particular paragraph 30 of the outcome document, in which the Human Rights Council strongly rejects any act of intimidation or reprisal against individuals and groups who cooperate or have cooperated with the United Nations, its representatives and mechanisms in the field of human rights, and urges States to prevent and ensure adequate protection against such acts,

Recalling also Human Rights Council resolutions 12/2 of 1 October 2009 and 22/6 of 21 March 2013, and Council decision 18/118 of 29 September 2011,

Taking note with appreciation of the reports of the Secretary-General on this question,

Welcoming the holding, on 13 September 2012, of the panel discussion on the issue of intimidation or reprisal against individuals and groups who cooperate or have cooperated

* Non-member State of the Human Rights Council.



with the United Nations, its representatives and mechanisms in the field of human rights, and taking note with appreciation of the summary thereof,¹

Welcoming also the different roles played by the Secretary-General, the United Nations High Commissioner for Human Rights and the President of the Human Rights Council in addressing, including in a public manner, acts of intimidation or reprisals against individuals and groups who cooperate or have cooperated with the United Nations, its representatives and mechanisms in the field of human rights,

Welcoming further the work done by special procedures and the increased attention given by treaty bodies to preventing and addressing intimidation and reprisals,

Expressing concern at the continued reports of intimidation and reprisals against individuals and groups who seek to cooperate or have cooperated with the United Nations, its representatives and mechanisms in the field of human rights, and at the seriousness of reported reprisals, including violations of the right of the victim to life, liberty and security of person, and violations of obligations under international law prohibiting torture and cruel, inhuman or degrading treatment,

Acknowledging that acts of intimidation or reprisals carried out or tolerated by the State undermine and often violate human rights, and underscoring that States should investigate any alleged act of intimidation or reprisal, ensure accountability and effective remedies and take steps to prevent further intimidation and reprisals,

Recalling the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles), and underlining the role that national human rights institutions can play in preventing and addressing cases of reprisal as part of supporting cooperation between their Governments and the United Nations in the promotion of human rights, including by contributing to follow-up actions, as appropriate, to recommendations made by international human rights mechanisms,

1. *Reaffirms* the right of everyone, individually and in association with others, to unhindered access to and communication with international bodies, in particular the United Nations, its representatives and mechanisms in the field of human rights, including the Human Rights Council, its special procedures, the universal periodic review mechanism and treaty bodies, as well as regional human rights mechanisms, bearing in mind that free and unhindered access to and communication with individuals and civil society are indeed indispensable to enable the United Nations and its mechanisms to fulfil their mandates;

2. *Strongly calls upon* all States to review legislation, policies and practices that have the effect of undermining unhindered access to and communication with international bodies as set forth in paragraph 1 above and to avoid adopting any such new legislation;

3. *Urges* all States to prevent and refrain from all acts of intimidation or reprisal against those who:

(a) Seek to cooperate or have cooperated with the United Nations, its representatives and mechanisms in the field of human rights, or who have provided testimony or information to them;

(b) Avail or have availed themselves of procedures established under the auspices of the United Nations for the protection of human rights and fundamental freedoms, and all those who have provided legal or other assistance to them for this purpose;

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¹ A/HRC/22/34.



(c) Submit or have submitted communications under procedures established by human rights instruments, and all those who have provided legal or other assistance to them for this purpose;

(d) Are relatives of victims of human rights violations or of those who have provided legal or other assistance to victims;

4. *Urges* States to take all appropriate measures to prevent the occurrence of intimidation or reprisals, including, where necessary, by adopting and consequently implementing specific legislation and policies and by issuing appropriate guidance to national authorities in order to effectively protect those who seek to cooperate, cooperate or have cooperated with the United Nations, its representatives and mechanisms in the field of human rights from any act of intimidation or reprisal;

5. *Also urges* States to ensure accountability for any acts of intimidation or reprisal against those who seek to cooperate, cooperate or have cooperated with the United Nations, its representatives and mechanisms in the field of human rights by ensuring impartial, prompt and thorough investigations of any alleged acts of intimidation or reprisal in order to bring the perpetrators to justice; to provide access to effective remedies for victims in accordance with their international human rights obligations and commitments; and to prevent any recurrence;

6. *Encourages* States to provide information, as appropriate, to the Human Rights Council on all measures taken to prevent and address acts of intimidation or reprisal against those who seek to cooperate, cooperate or have cooperated with the United Nations, its representatives and mechanisms in the field of human rights, including on cases mentioned in the reports of the Secretary-General;

8. *Requests the Secretary-General, in cooperation with the United Nations High Commissioner for Human Rights, to designate, within the existing structures, a United Nations-wide senior focal point to engage with all stakeholders, in particular Member States, to promote the prevention of, protection against and accountability for reprisals and intimidation related to cooperation with the United Nations, its representatives and mechanisms, in the field of human rights, and to encourage a prompt and effective unified response to such acts by sensitizing the United Nations system as a whole by facilitating cooperation and coordination among all stakeholders, with the overall objective of supporting and promoting cooperation with the United Nations in the field of human rights, including cooperation with civil society;*

9. *Encourages* States to address acts of intimidation and reprisals against individuals and groups who cooperate or have cooperated with the United Nations, its representatives and mechanisms in the field of human rights by considering, inter alia, the establishment of a national focal point;

10. *Invites* the Secretary-General to include, in his next annual report on cooperation with the United Nations, its representatives and mechanisms in the field of human rights, information on the activities of the United Nations-wide senior focal point, the different measures hampering cooperation with United Nations human rights mechanisms, and best practices of international, regional and national human rights bodies and institutions that address cases of intimidation or reprisals against those cooperating with them;

11. *Encourages* all stakeholders, including international and regional organizations, Member States, national human rights institutions, civil society and academic institutions, to contribute to the future consideration of this issue by the Human Rights Council;

Deleted: 7. *Urges* States, when electing members to the Human Rights Council, to take into account that Council members should uphold the highest standards in the promotion and protection of human rights and fully cooperate with the Council, in accordance with General Assembly resolution 60/251 of 15 March 2006,¶

Deleted: by, inter alia, convening expert workshops on the issue of legislation, policies and practices that effectively protect those who seek to, cooperate or have cooperated with the United Nations, its representatives and mechanisms in the field of human rights from acts of intimidation or reprisals



12. *Requests* all representatives and mechanisms of the United Nations to continue to include in their respective reports to the Human Rights Council or to the General Assembly a reference to credible allegations of intimidation or reprisal against those who seek to cooperate, cooperate or have cooperated with the United Nations, its representatives and mechanisms in the field of human rights, as well as an account of action they have taken in this regard.

