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

The Human Rights Council,


PP1 bis. Recalling General Assembly resolution 60/251 of 15 March 2006 and Human Rights Council resolutions 5/1, on institution-building of the Council, and 5/2 on the Code of Conduct for Special Procedures Mandate Holders of the Human Rights Council, of 18 June 2007,

PP2. Recalling all previous General Assembly and Human Rights Council resolutions and decisions on this topic, (merged and streamlined PP3 and PP4 of A/HRC/RES/36/21)

PP3. Noting with appreciation all reports of the Secretary-General on cooperation with the United Nations, its representatives and mechanisms in the field of human rights, and in particular noting with concern the trends presented in the most recent report including inter alia:

- that acts of intimidation or reprisal can be more than isolated incidents, and can signal patterns;
- the growing self-censorship by victims and civil society actors who decide not to engage with the United Nations, both in the field and at Headquarters, out of fear for their safety or in contexts where human rights work is criminalised or publicly vilified;
- the use of national security arguments and counter-terrorism strategies by States as justification for blocking access to the United Nations; and
- that individuals in vulnerable situations or belonging to marginalised groups continue to be exposed to specific barriers, threats and violence in their engagement with the United Nations, (new, from the SG’s report A/HRC/42/30 with the addition of consensus language on individuals in vulnerable situations from OP9f of A/HRC/RES/39/17)

PP4. Welcoming also the positive developments and good practices identified in the most recent report of the Secretary General, in particular in relation to the development of legislative frameworks that ensure the right to access, communicate and cooperate with regional and international bodies or guaranteeing recourse to international fora, as well as the development of guidelines against acts of intimidation and reprisal by various international bodies, and welcoming further the pledges by States to reject acts of intimidation or reprisal; (new, from the Secretary-General’s report A/HRC/42/30)

PP5. Welcoming the different roles of the Secretary-General, the United Nations High Commissioner for Human Rights, the Assistant Secretary-General for Human Rights, and the President of the Human Rights Council in supporting cooperation with the United Nations, its representatives and mechanisms in the field of human rights, and in that context addressing, as appropriate, including in a public manner, acts of intimidation or reprisal against individuals and
groups who seek to cooperate, cooperate or have cooperated with the United Nations in this regard. (PP8 of A/HRC/RES/36/21, added role of the ASG)

PP6. Welcoming also the work done by the United Nations, including the Office of the United Nations High Commissioner for Human Rights, in examining, verifying and corroborating allegations of acts of intimidation or reprisal, and encouraging it to continue its work in this regard including in a gender responsive manner, and with a particular focus on individuals in vulnerable situations or belonging to marginalized groups, while underlining the primary importance of continuous constructive dialogue and cooperation with and by the State concerned, in order to strengthen States’ capacity to comply with their human rights obligations, (drawn mainly from PP15 of A/HRC/RES/36/21 with added elements from the SG’s report and consensus language on individuals in vulnerable situations from OP9f of A/HRC/RES/39/17)

PP7. Welcoming further the work done by the special procedures, and in particular their Coordination Committee, as well as the efforts by treaty bodies, to prevent and address acts of intimidation or reprisal, (streamlined PP9 of A/HRC/RES/36/21)

PP8. Noting with appreciation the role that regional mechanisms can play, where appropriate, in preventing and addressing acts of intimidation or reprisal, (PP10 of A/HRC/RES/36/21, streamlined)

PP9. Recognizing the important role that national human rights institutions can play in preventing and addressing cases of reprisal as part of supporting the cooperation between States 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, (PP12 of A/HRC/RES/36/21)

PP10. Reiterating that all States of the United Nations, and in particular the Members of the Human Rights Council, should fully cooperate with the Council and its mechanisms, and affirming that failure to take steps to prevent, investigate and ensure accountability for acts of intimidation or reprisal may be inconsistent with this commitment, (PP11 of A/HRC/RES/36/21)

PP11. Expressing serious concern at the continued reports of acts of intimidation or reprisal against individuals and groups who seek to cooperate, 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, (PP12 of A/HRC/RES/36/21)

PP12. Stressing that acts of intimidation or reprisal 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 acts of intimidation or reprisal, (PP13 of A/HRC/RES/36/21)

OP1. 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 this is indispensable to enable the United Nations and its mechanisms to fulfil their mandates; (OP1 of A/HRC/RES/36/21, minor streamlining)

OP2. Condemns all acts of intimidation or reprisal, both online and offline, by State and non-State actors against individuals and groups who seek to cooperate, cooperate or have cooperated with the United Nations, its representatives and mechanisms in the field of human rights; (OP2 from A/HRC/RES/36/21; added “online and offline” from OP14 of A/HRC/RES/40/11)
OP3. Welcomes the efforts made by States to investigate allegations of acts of intimidation or reprisal, and to bring perpetrators to justice, and encourages States to continue such efforts; (OP7 of A/HRC/RES/36/21)

OP4. Urges all States to prevent and refrain from all acts of intimidation or reprisal, both online and offline, against those who:

(a) Seek to cooperate, 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;

(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; (OP3 from A/HRC/RES/36/21; added “online and offline” from OP14c of A/HRC/RES/40/11 in opening elements)

OP5. Urges States to take all appropriate measures to prevent the occurrence of acts of intimidation or reprisal, whether online or offline, including, where necessary, by adopting and implementing specific legislation and policies to promote a safe and enabling environment for engagement with the United Nations on human rights, 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; (OP4 from A/HRC/RES/36/21 with added reference to “online and offline” from OP14c of A/HRC/RES/40/11 and “safe and enabling environment” from PP8 and OPs 2, 11 and 14c)

OP6. Also urges States to ensure accountability for any act 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, and to provide access to effective remedies for victims in accordance with their international human rights obligations and commitments; and to prevent any recurrence; (revised OP5 of A/HRC/RES/36/21)

OP7. Calls upon States to combat impunity by conducting prompt, impartial and independent investigations and pursuing accountability for all acts of intimidation or reprisal by State and non-State actors against any individual or group who seek to cooperate, cooperate or have cooperated with the United Nations, its representatives and mechanisms in the field of human rights, and by condemning publicly all such acts, underlining that these can never be justified; (reworked OP10 of A/HRC/RES/40/11)

OP8. Encourages States to provide information, as appropriate, to the Human Rights Council on all measures taken by them 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; (OP7 of A/HRC/RES/36/21)

OP9 Stresses that information provided by all stakeholders, including civil society, to the United Nations and its representatives and mechanisms in the field of human rights should be credible and reliable, and must be thoroughly checked and corroborated; (OP8 of A/HRC/RES/36/21)

OP10 Invites the Secretary-General to continue to provide adequate resources to the OHCHR to prevent and address allegations of acts of intimidation or reprisal in the most effective and gender responsive manner, including by ensuring a safe and enabling environment for all those who seek to cooperate with the UN on human rights, including the Human Rights Council, special
procedures, treaty bodies, and other human rights mechanisms or UN fora; (new, with reference to “safe and enabling environment” from PP8 and OPs 2, 11 and 14c of A/HRC/RES/40/11)

OP11. **Encourages** the Assistant Secretary-General for Human Rights to continue efforts to develop and implement at the UN level, a more comprehensive system for preventing and addressing allegations of acts of intimidation or reprisal, including by improving and coordinating the response by all UN actors and in this regard, calls upon all States and relevant stakeholders to contribute to the fulfilment of these efforts; *(revised OP9 of A/HRC/RES/36/21)*

OP12. **Encourages also** Presidents of the Human Rights Council to continue, in consultation with concerned States, to use their good office to address as appropriate, allegations of acts of intimidation or reprisal against those who seek to cooperate, cooperate or have cooperated with the Council, and to provide information on cases brought to their attention at each session of the Council; *(revised OP11 of A/HRC/RES/36/21)*

OP13. **Encourages further** the United Nations human rights mechanisms to continue to include in their reports to the Human Rights Council and to the General Assembly respectively, a reference to credible allegations of 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, while providing an appropriate opportunity to the State concerned to respond to the allegations transmitted to them, and to reflect the State’s response in their reports; *(OP12 of A/HRC/RES/36/21, modified slightly)*

OP14. **Requests** the Secretary-General to ensure that his report on cooperation with the United Nations, its representatives and mechanisms in the field of human rights is also presented annually to the General Assembly. *(new)*