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HUMAN RIGHTS COUNCIL

Twelfth session

Agenda item 2

**ANNUAL REPORT OF THE UNITED NATIONS HIGH COMMISSIONER
FOR HUMAN RIGHTS AND REPORTS OF THE OFFICE OF THE HIGH
COMMISSIONER AND THE SECRETARY-GENERAL**

**Australia*, Austria*, Belgium, Bosnia and Herzegovina, Bulgaria*, Canada*,
Costa Rica*, Croatia*, Czech Republic*, Denmark*, Estonia*, France,
Germany*, Greece*, Hungary, Ireland*, Italy, Latvia*, Liechtenstein*,
Lithuania*, Luxembourg*, Malta*, Netherlands, Norway, Peru*, Poland*,
Portugal*, Romania*, Slovenia, Spain*, Sweden*, Switzerland*, Turkey*,
United Kingdom of Great Britain and Northern Ireland, United States
of America, Ukraine: draft resolution**

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

The Human Rights Council,

Expressing its 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,

Deeply concerned at the seriousness of reported reprisals and the fact that victims suffer violations of their human rights, including the rights to life, liberty and security of the person, as well as the right to freedom from torture and cruel, inhuman or degrading treatment,

* Non-Member State of the Human Rights Council.

Deeply concerned also at reports of incidents in which individuals have been hampered in their efforts to avail themselves of procedures established under the auspices of the United Nations for the protection of human rights and fundamental freedoms,

Recalling all relevant Commission on Human Rights resolutions, the last being resolution 2005/9, of 14 April 2005,

Recalling Council decision 2/102 of 6 October 2006,

Welcoming the reports of the Secretary-General on this question (E/CN.4/2006/30, A/HRC/4/58, A/HRC/7/45 and A/HRC/10/36),

1. *Urges* Governments 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;

(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;

2. *Condemns* all acts of intimidation or reprisal by Governments and non-State actors 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;

3. *Calls upon* States to ensure adequate protection from intimidation or reprisals for individuals and members of groups who seek to cooperate or have cooperated with the United Nations, its representatives and mechanisms in the field of human rights, and reaffirms the duty of all States to end impunity for such actions by bringing the perpetrators, including accomplices, to justice in accordance with international standards and by providing an effective remedy for their victims;

4. *Welcomes* efforts by States to investigate allegations of intimidation or reprisals and to bring perpetrators to justice, and encourages Governments to support such efforts;

5. *Also welcomes* the measures taken by States to keep the Council informed of the above-mentioned efforts;

6. *Requests* all representatives and mechanisms of the United Nations in the field of human rights to continue to take urgent steps, in conformity with their mandates, to help prevent the occurrence of such intimidation and reprisals and the hampering of access to the United Nations, its representatives and mechanisms in any way;

7. *Also requests* those representatives and mechanisms to continue to include in their respective reports to the Council or the General Assembly references to allegations of intimidation or reprisal and of hampering of access to the United Nations, its representatives and mechanisms in the field of human rights, as well as an account of action taken by them in this regard;

8. *Requests* the Secretary-General to draw the attention of such representatives and mechanisms to the present resolution;

9. *Invites* the Secretary-General to submit a report to the Council at its fourteenth session and annually thereafter, in accordance with its programme of work, containing a compilation and analysis of any available information, from all appropriate sources, on alleged reprisals against the persons referred to in paragraph 1 above, as well as recommendations on how to address the issues of intimidation and reprisals.
