



Human Rights Council**Fifty-fourth session**

11 September–13 October 2023

Agenda item 5

Human rights bodies and mechanisms**Resolution adopted by the Human Rights Council
on 12 October 2023****54/24. 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 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 Procedure Mandate Holders of the Human Rights Council, of 18 June 2007,*Recalling also* all previous General Assembly and Human Rights Council resolutions and decisions on this topic,*Reiterating* that the promotion and protection of human rights should be based on the principles of cooperation and genuine dialogue, and be aimed at strengthening the capacity of Member States to comply with their human rights obligations for the benefit of all people,*Taking note with appreciation* of all reports of the Secretary-General on cooperation with the United Nations, its representatives and mechanisms in the field of human rights, while noting with concern that the number of reported acts of intimidation and reprisals by States and non-State actors remains high and across regions, and the trends presented in his most recent reports, including, inter alia, an increase in self-censorship and online and offline surveillance; enactment and application of laws and regulations concerning civil society, counter-terrorism and national security, with the aim or effect of deterring or hindering cooperation with the United Nations; the dissolution and deregistration of civil society organizations, including en masse, which have imposed additional obstacles to civil society engagement with the United Nations; and recognizing that human rights defenders, activists and journalists, as well as victims of human rights violations, witnesses and their relatives, legal representatives and trade unionists, are at heightened risk of being victims of intimidation or reprisals,*Noting* that an analysis of United Nations data on alleged cases of intimidation and reprisals may be used to improve policies and practices on addressing 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,*Noting with concern* reports of the gender dimension and the specificity and severity of acts of reprisal against women, in particular for cooperation with the Security Council and

peace operations mandated by the Council, as well as the targeting of representatives of Indigenous Peoples during their participation in United Nations meetings or when interacting with the United Nations at the country level,

Welcoming the positive developments and good practices identified by the Secretary-General in his most recent report,¹ in particular with regard to the nomination by United Nations entities of dedicated focal points; the adoption of reprisals-related protocols or guidance that include a clear allocation of responsibilities and step-by-step processes to document or verify allegations, activate a response based on a predictable toolbox and allow room for flexibility and creativity to respond on a case-by-case basis; and a strong focus on prevention, based on a zero-tolerance approach to reprisals and clear messaging from the leadership of United Nations entities, and on awareness-raising with United Nations staff, Member States and the civil society interlocutors concerned; and stressing the importance of sharing and building on good practices on how to prevent and address reprisals for cooperation with the United Nations,

Welcoming also the call of the Secretary-General on the international community to ensure that concerted action is taken to protect, support and ensure the meaningful and safe engagement of individuals and groups, including women human rights defenders and peacebuilders, with the United Nations, its representatives and mechanisms in the field of human rights,

Welcoming further 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,

Stressing the important role of the United Nations in preventing and addressing acts of intimidation or reprisal, guided by the principle of “do no harm” and a victim- and survivor-oriented approach, and recognizing that considerable progress has been made in shedding light on and addressing the issue, including through initiatives on civic space under the Secretary-General’s Call to Action for Human Rights,

Welcoming the increased commitment to and support for this issue of States Members of the United Nations, and noting the ongoing initiatives within the United Nations system, including by its field presences, to develop good practices, improve prevention, including in the digital sphere, and ensure better documentation, reporting and protection practices,

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, 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 the State’s capacity to comply with its human rights obligations, and encouraging States to share concerns, challenges and good practices on this issue in relevant debates of the Human Rights Council,

Welcoming further the work done by the special procedures, and in particular the Coordination Committee of Special Procedures, and the efforts by treaty bodies to prevent and address acts of intimidation or reprisal,

Welcoming the role that regional mechanisms and national human rights institutions can play in preventing and addressing cases of intimidation or reprisal as part of supporting cooperation between States and the United Nations in the promotion of human rights, including by contributing to follow-up actions, as appropriate, and to recommendations made by international human rights mechanisms, while noting with concern that national human

¹ A/HRC/54/61.

rights institutions and their members and staff can themselves increasingly be victims of acts of intimidation or reprisal,

Reiterating that all States Members of the United Nations, in particular the members of the Human Rights Council, should fully cooperate with the Council and its mechanisms, and affirming the obligation to take steps to prevent, investigate and ensure accountability for acts of intimidation or reprisal consistent with this commitment,

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, both online and offline, 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 other cruel, inhuman or degrading treatment or punishment,

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,

Recognizing existing challenges, both online and offline, for civil society space, including human rights defenders and other individuals and groups engaging with the United Nations in the field of human rights, including lack of diversity of participation; attacks, reprisals and acts of intimidation, including smear campaigns and use of hate speech; shortcomings in access and accreditation processes; the use of legal and administrative measures to restrict civil society activity; restrictions on access to resources; restrictions on access to lawyers; restrictions on the rights to freedom of peaceful assembly and association, and freedom of expression; and a greater impact of the digital divide,

Noting the hybrid and online formats of interaction with the United Nations, including as a result of the coronavirus disease (COVID-19) pandemic, and recalling in this regard the call by the Secretary-General to ensure that participation in the work of the United Nations remains meaningful, effective, easily accessible and free from acts of intimidation or reprisal of any sort,²

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 the treaty bodies, as well as regional human rights mechanisms, both online and offline, bearing in mind that this is indispensable to enable the United Nations and its mechanisms to fulfil their mandates;

2. *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;

3. *Welcomes* the efforts made by States to investigate allegations of acts of intimidation or reprisal against those who seek to cooperate, cooperate or have cooperated with the United Nations, to bring perpetrators to justice and to establish protection mechanisms for victims, survivors, witnesses and human rights defenders, and encourages States to continue such efforts;

4. *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;

² A/HRC/45/36.

(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 pursuant to 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;

5. *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 and 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;

6. *Calls upon* States to combat impunity by conducting prompt, impartial and independent investigations and ensuring accountability for all acts of intimidation or reprisal by State and non-State actors against any individual or group that seeks to cooperate, cooperates or has cooperated with the United Nations, its representatives and mechanisms in the field of human rights, both online and offline, and by condemning publicly all such acts, underlining that these can never be justified, to provide, in accordance with their international human rights obligations and commitments, access to effective remedies for victims, and to prevent any recurrence;

7. *Urges* States to ensure that legislation, policies and practices do not hinder the access, either online or offline, of individuals and groups to international bodies, in particular the United Nations, its representatives and mechanisms in the field of human rights;

8. *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, and also encourages all States to engage in continuous and constructive dialogue with the Office of the United Nations High Commissioner for Human Rights in this regard;

9. *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;

10. *Invites* the Secretary-General to continue to provide the Office of the High Commissioner with adequate resources 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, both online and offline, for all those who seek to cooperate with the United Nations on human rights, including the Human Rights Council, its special procedures, the treaty bodies and other human rights mechanisms or United Nations forums;

11. *Encourages* the Assistant Secretary-General for Human Rights to strengthen efforts to develop and implement at the United Nations level a more comprehensive system for preventing and addressing allegations of acts of intimidation or reprisal, including by information-gathering and data analysis, and by improving and coordinating the response by all United Nations actors;

12. *Encourages* all United Nations entities to strengthen efforts to prevent and address acts of intimidation or reprisal, including through zero-tolerance messaging and awareness-raising among staff, Member States and civil society interlocutors, adopting dedicated protocols or guidelines, and ensuring that dedicated civil society focal points are adequately resourced to proactively promote an enabling space where civil society actors can safely contribute, at the country and global levels, to United Nations meetings, networks,

processes and arrangements, and calls upon all States and relevant stakeholders to contribute to these efforts;

13. *Welcomes* the steps taken by the President of the Human Rights Council, and encourages the President to continue, in consultation with the States concerned, to use his or her good offices 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 his or her attention at each session of the Council;

14. *Encourages* the United Nations human rights mechanisms to continue to include in their reports to the Human Rights Council and to the General Assembly a regularly updated 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 it, and to reflect the State's response in their reports;

15. *Invites* the Secretary-General to submit the report he presents annually to the Human Rights Council on cooperation with the United Nations, its representatives and mechanisms in the field of human rights also to the General Assembly, starting from its seventy-seventh session.

*48th meeting
12 October 2023*

[Adopted without a vote.]
